
Report on Court Interpretation Services

Ministry of Attorney General

**Internal Audit & Advisory Services
Office of the Comptroller General
Ministry of Finance
Province of British Columbia**

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Abbreviations

CSB or the branch	Court Services Branch
Directory	Interpreters Directory
FMAS	Financial Management and Administration Section
IAAS	Internal Audit & Advisory Services
Manual	Interpreters Manual
the ministry	Ministry of Attorney General
RMB	Risk Management Branch
Service provider	Third party service provider
SP&CP	Strategic Planning & Corporate Program
CSA	Corporate Supply Arrangement

Executive Summary

The Court Services Branch (CSB or the branch) of the Ministry of Attorney General (the ministry) provides registry and trial support for the Provincial Court, Supreme Court, and Court of Appeal. Under Section 14 of the *Canadian Charter of Rights and Freedom*, the branch also provides interpreters for the Provincial and Supreme Court.

The ministry requested that Internal Audit & Advisory Services (IAAS) conduct a review of the interpretation services in the CBS. The purpose of the engagement was to assess the branch's responsibilities, processes and performance in providing spoken and visual language interpretation services. Our fieldwork was conducted from November 2008 to January 2009.

Overall Conclusion

Overall, we found the branch's established processes and outlined responsibilities facilitate the proficient delivery of spoken and visual language interpretation services. Opportunities exist to further improve the efficiency and effectiveness in the delivery of interpretation services and have been outlined in our report.

Roles and Responsibilities

We found staff have a clear understanding concerning their roles and responsibilities in providing interpretation services. However, more clearly defining contract management roles regarding communication, application processing, and occurrence resolution would assist in further improving effectiveness.

Policies and Procedures

We found policies and procedures are comprehensive, and registry staff to be generally compliant with the policy manual. Upon review of the policy manual, we believe continued emphasis on reducing repetition and aligning the manual with other key documents would assist in further improving staff performance.

Operational Support Processes

Throughout the review, we found that the branch has established controls to manage risks associated with providing interpretation services; however, we found that these controls were not always followed. We identified opportunities for the branch to address gaps and increase the effectiveness of service delivery by ensuring consistent application of criminal records reviews, verification of non-accredited qualifications, and increased reporting of disputed interpretation occurrences.

Business
Processes

Lastly, opportunities exist to improve the efficiency of interpretation services through the establishment of a routine monitoring process to promote continuous improvement. We have also identified opportunities to further improve the contracting, scheduling, and payment of interpretation services through alternate service delivery options. Potential solutions will involve further cost/benefit analysis before an informed business decision can be made by the branch.

Throughout this engagement, we have noted continuous commitment by CSB staff to implement improvements that support increased effectiveness and efficiency of interpretation services. The recommendations made in this report are intended to support this continuing improvement. We wish to express our appreciation to CSB staff for their cooperation and assistance throughout this review.

Stuart Newton
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Introduction

The Court Services Branch (CSB or the branch) of the Ministry of Attorney General (the ministry) provides registry and trial support for the Provincial Court, Supreme Court, and Court of Appeal. The branch also provides the general infrastructure support and value-added service to all justice participants including the judiciary, accused, litigants, Crown Counsel, corrections, victims, police, and individuals.

Section 14 of the *Canadian Charter of Rights and Freedom* states “a party or witness in any proceeding who does not understand or speak the language in which the proceeding is conducted or who is deaf, has the right to the assistance of an interpreter.”

The branch provides spoken language interpreters for criminal cases in the Provincial and Supreme Court; family cases, traffic and municipal bylaw cases in Provincial Court; and upon court order, in any court. The branch also provides visual language interpreters, which include sign language interpreters and real-time captioners, for every type of court proceeding in British Columbia, including the Supreme Court and Small Claims cases.

Local court registry staff are responsible for scheduling interpreters for upcoming court dates and processing interpreter payments. Both court accredited and non-accredited contractors are used, with preference given to accredited interpreters when possible. In addition, registry staff are responsible for preparing Occurrence Reports when an incident relating to interpretation services provided by a contractor occurs. CSB headquarters is responsible for contracting the interpreters, providing policy, and as appropriate, responding to occurrence reports.

As of August 1, 2008, the branch had 219 contracts to provide either visual or spoken language interpretation in approximately 50 different languages. In fiscal 2007-2008, CSB spent approximately \$850,000 on interpretation services.

Purpose

The purpose of the review was to conduct an assessment of the branch’s responsibilities, processes and performance in providing spoken and visual language interpretation services.

Scope and Objectives

The scope of the review included an examination of spoken and visual language interpretation processes, specifically Court Services Headquarters' contracting and quality assurance processes, and the court registries scheduling, occurrence reporting, and payment processes.

Specific review objectives were to assess whether:

- staff roles and responsibilities are clearly defined and communicated;
- staff comply with key policies and procedures;
- processes are efficient and effective; and
- controls are sufficient to manage operational risks.

Opportunities for operational efficiency including improvements of processes and procedures within the scope areas examined were brought to the attention of branch management.

Our review did not include an assessment of:

- document translation service processes; and
- the quality of interpretation provided by the contractors.

Comments and Recommendations

Overall Conclusions

Overall, we found the branch's established processes and outlined responsibilities facilitate the proficient delivery of spoken and visual language interpretation services.

Opportunities exist to further improve the efficiency and effectiveness in the delivery of interpretation services and have been outlined in our report. In concluding on our objectives, the following observations have been noted:

- Staff have a clear understanding concerning their roles and responsibilities in providing interpretation services. However, more clearly defining contract management roles concerning communication, application processing, and occurrence resolution would assist in further improving effectiveness.
- Policies and procedures are comprehensive and registry staff are generally compliant with the policy manual. A continuing and increased emphasis on reducing repetition in the manual and aligning policy with other key documents would assist in further improving staff performance.
- The branch has established controls to manage risks associated with providing interpretation services; however, we found that these controls were not always followed. We identified some opportunities for the branch to address gaps and increase the effectiveness of service delivery by ensuring consistent application of criminal records reviews, verification of non-accredited qualifications, and increased reporting of disputed interpretation occurrences.
- Opportunities exist to improve the efficiency and effectiveness of interpretation services through the establishment of a routine monitoring process to increase accountability and promote continuous improvement by critically reviewing results, managing risks and taking corrective action. We have also identified opportunities to further improve the contracting, scheduling, and payment of interpretation services through alternate service delivery options (Appendix A). Potential solutions will involve further cost/benefit analysis before an informed business decision can be made by the branch.

Lastly, throughout this engagement, we have noted continuous commitment by CSB staff to implement improvements to support increased effectiveness and efficiency of interpretation services.

Rather than report out by objective, we categorized our findings and recommendations into four main themes: policy, contract management, results management, and service delivery.

1.0 Policy

As part of our engagement, we reviewed the existing Interpreter's Manual (the manual) to determine whether documented policy provided clear direction to staff in the delivery of interpretation services. In discussions with registry and headquarter staff, we also reviewed the main steps in the provision of interpretation services and assessed whether registry staff complied with policy.

1.1 Policy Manual Improvement

Overall, we found the manual to be very comprehensive. Additionally, staff are informed in a timely manner as policy changes occur. However, increased emphasis on reducing repetition in the manual, and aligning policy with other key documents, would increase efficiencies and improve consistent application of interpretation service processes. These benefits can be accomplished by:

- Reducing repetition in the manual and reorganizing the sections into a more user friendly format. For example, we found three separate sections discuss scheduling. As reviewed with headquarter staff, these sections would be better organized into one chapter so interpreter clerks can follow policy more efficiently.
- Updating terminology and better aligning the manual with other key documents to ensure consistent application of policy. For example, occurrence classifications (i.e. Critical, Minor, and Major) in Appendix E, although consistent with the Occurrence Reports used by the registries, are not aligned with the classifications (i.e. Grave, Serious, and Reportable) used in Section 9 of the manual.
- Adding clarity to policy where the current direction is vague will help ensure consistent application of the processes. For example, some registry staff find policy concerning travel reimbursement confusing.

- Updating the manual to ensure it captures all key procedures would allow for increased uniformity and enable the manual to be utilized as an effective training tool. For example, the manual does not reflect the expanded procedures currently conducted by interpreter clerks to facilitate prompt cancellation of interpretation services to avoid paying a 48 hour cancellation penalty.

We also identified opportunities to increase accountability and transparency of the contracting and occurrence resolution processes at CSB headquarters by clearly documenting the existing procedures in the manual.

Strategic Planning & Corporate Programs (SP&CP) had previously identified the need to update the manual and was doing so when we began our review. To assist SP&CP, we have provided them with detailed analysis where clarification, streamlining, and further alignment with policy will improve the current manual. By addressing the areas identified, the policy manual can be used to facilitate consistent practices in contracting, scheduling, payment, and occurrence reporting, as well as for training purposes. Concise and supported policy will result in increased efficiencies and effectiveness for staff involved in interpretation services.

Recommendations

(1) We recommend the branch:

- **review the manual to ensure consistent procedures by reducing repetition and aligning policy with other key documents; and**
 - **document interpretation service contracting and occurrence resolution policies and procedures, for headquarters staff, in the manual.**
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1.2 Compliance with Policy

Based on our interviews, we found registry staff are generally compliant with documented processes in the manual. For example, we found staff clearly understood and followed procedures when booking interpreters, and when using Corporate Supply Arrangement (CSA) agencies and non-contracted interpreters.

However, we did identify an opportunity to further increase compliance and improve accountability regarding payment of invoices. While conducting our fieldwork, we were informed that a registry paid a CSA agency based on internal documents rather than waiting for the agency's invoice. By reminding staff of the proper payment process, registries can reduce discrepancies between an agency's invoice and internal invoices. This will also help to avoid the cost of issuing additional cheques to compensate for any discrepancies.

Recommendation

(2) We recommend the branch periodically review with registry staff of the proper payment process when paying CSA agencies.

2.0 Contract Management

Courtroom interpretation services are typically provided by contracted interpreters. With over 200 interpreter contracts, it is vital that CSB have an effective contract management process.

In reviewing the effectiveness of the contracting process, we examined a random sample of ten contract files from the Interpreters Directory (the directory) and reviewed them for valid contracts and completeness. We supplemented our review by conducting interviews with headquarters staff involved in contract management.

2.1 Contracts

In reviewing CSB's contract management process we noted that all interpreters listed on the directory have current contracts. By contracting with their interpreters, the branch has a method to communicate service expectations, as well as legal recourse should services rendered not meet their expectations.

However, when the search for a contracted interpreter is exhausted or a request for a rare language cannot be fulfilled by any contracted interpreter, registries may be required to use an interpreter who does not have a contract with the branch. In these cases, entering into work arrangements without a contract may lead to a risk of disputes between parties surrounding a failure to: understand and agree to work requirements; identify scope and responsibilities; and to define, agree and specify payment terms.

The branch informed us that they recognize the risks associated with obtaining services from non-contracted interpreters and they are currently exploring the possibility of implementing one day contracts for those ad hoc requests.

In consultation with the Procurement Governance Office, we also suggest, as a short term solution, the use of a standard informational sheet to communicate the branch's expectations to the interpreters. For further accountability, the interpreter could sign the informational sheet to document that the branch's expectations were discussed with them and are understood.

Recommendations

(3) We recommend the branch:

- **develop an interim process to demonstrate that non-contracted interpreters understand the branch's expectations and accept their responsibility; and**
 - **explore and develop a process so that when needed, the branch may quickly and efficiently enter into short-term contracts with interpreters.**
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Contract Documentation

We examined the wording of the CSB contract templates to ensure they clearly documented the branch's expectation concerning interpretation services. We found the contracts appropriately included Conflict of Interest and Confidentiality clauses and expectations of the interpreters conduct.

We also noted opportunities to improve the standard Court Interpreter's contract by eliminating contradictory clauses and clearly communicating expectations about double booking and insurance. Specifically, we noted:

- The contract contains contradictory clauses regarding sub-contracting. As outlined in the manual and verified through discussions with staff, individual spoken language interpreters are not permitted to subcontract their interpretation services. However, two contract clauses imply the contractors may sub-contract interpretation work while another specifically states subcontracting is prohibited. By eliminating the contradictory clauses the branch is in a better position to support their actions if the contractors fail to comply with the terms of their contract.

- The Court Interpreter's contract does not clearly state that an interpreter receiving a cancellation fee must reimburse the ministry should they receive payment for work accepted during the time period they received the cancellation pay. By including this expectation in the contract, the branch would establish legal recourse to collect reimbursement of fees when the interpreter double books him/herself thereby reducing the risk of increased costs.
- The Court Interpreter's contract does not address insurance requirements for government contractors. The branch informed us that they have not consulted with Risk Management Branch (RMB) to determine the insurance requirements of contracted interpreters, if any. By confirming the interpreter's insurance requirements with RMB, CSB can make the appropriate changes to the contracts to mitigate government's risk and legal liability.

Recommendations

(4) We recommend the branch:

- **revise the Court Interpreter's contract to clearly communicate service and payment expectations;**
 - **discuss with RMB, government's insurance requirements for contracted interpreters and revise the contract clauses accordingly; and**
 - **explore opportunities to ensure that all interpreters meet minimum insurance requirements.**
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2.2 Application Processing

We were informed the branch receives approximately ten new applications per year. As part of our review we sampled ten contract files to gain an understanding of the processes used and to assess compliance.

Criminal Records Review

The current application process requires an applicant to obtain a Criminal Records review. A payment receipt indicating that a review has been requested must accompany an application form. Per current practice, the branch enters into a contract on the condition the receipt is received with the completed application and the results will be sent to the branch.

Of the files sampled, we observed two instances where interpreters received contracts but had not submitted the results of their Criminal Records review. We were also informed by the Financial Management and Administration Section (FMAS) that non-contracted interpreters are not subjected to a Criminal Records review before providing interpretation services.

Ensuring that Criminal Records results are received prior to entering into a contract reduces the risk that the branch contracts with an individual who would be deemed unacceptable to provide services to the ministry.

Additionally, we obtained a copy of CSB's criminal records policy to gain some understanding of the branch's expectation concerning Criminal Records reviews. Upon reviewing the policy, we found the branch does not include a requirement to periodically renew the Criminal Records reviews. By establishing policy that require Criminal Records reviews be renewed in a reasonable timeframe, the branch will help ensure contracted staff continue to be eligible to provide interpreter services.

Recommendations

(5) We recommend the branch:

- **periodically remind staff of the importance in ensuring Criminal Record results are in place prior to entering into a contract with an interpreter;**
 - **explore opportunities to obtain some assurance that non-contracted interpreters do not have a criminal record that would negate them from providing interpretation services; and**
 - **establish a policy to ensure that Criminal Records reviews are renewed in a reasonable timeframe (3-5 years).**
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Reference
Checks

As part of the application process, accredited interpreters are only required to provide proof of their qualifications by submitting a copy of their credentials. However, non-accredited interpreters must complete the Qualification and Education portion of the application form as well as provide two references who may verify their experience and education.

In our review of the ten sample files, we observed that all non-accredited applicants included experience and education concerning the provision of interpretation services as well as two references.

However, through conversations with the Procurement Coordinator and after review of the files, we noted that there was no documentation indicating references checks were completed prior to entering into a contract with an interpreter.

By calling an applicant's references and verifying that the listed qualifications are accurate, the branch is performing its due diligence, and reducing the risk of contracting with an individual who may not be capable of providing interpretation services to the courts.

Recommendation

(6) We recommend the branch periodically remind staff of the importance in conducting reference checks for non-accredited interpreters prior to entering into a contract.

Interpreter Directory

Once an individual has entered into a contract to provide interpretation services with CSB, they are listed on the directory located on the branch's intranet site. This list is used by all registry clerks when searching for an interpreter.

In our sample of ten files, we found the directory did not accurately reflect one contractor's language information. In this instance, an interpreter contracted to provide Spanish, French, and Japanese interpretation services was only listed as providing French.

The need to look elsewhere for services, potentially entering into arrangements with non-contracted interpreters, will be reduced by ensuring the directory is current and accurately reflects the language proficiencies.

2.3 Roles and Responsibilities

Managing the interpreters' contracts is the responsibility of Court Services, FMAS, while policy development and advice is the responsibility of the SP&CP group.

In discussions with management and senior executive, we found that roles and responsibilities of contract management were not always clearly defined between the two program areas.

Organizational changes combined with a vacant Contract Manager position in FMAS have resulted in a lack of clarity concerning roles and responsibilities as well as lines of reporting.

Consequently, we found SP&CP has assumed many of the responsibilities of a contract manager, such as making decisions concerning occurrence resolutions, and notifying registries of contractor issues. These responsibilities surpass their role in providing policy advice to support the Procurement Coordinator in FMAS.

This arrangement has resulted in confusion over roles and ineffective action. For example, an occurrence reported against an agency sub-contractor resulted in SP&CP sending a letter (February 2008) advising the agency that the Procurement Coordinator would contact them to acquire additional information. At the time of our fieldwork (January 2009), this task has not been completed by FMAS.

We do acknowledge the contributions made by the staff to ensure operational requirements are achieved, regardless of responsibility. However, poor communication and the lack of clear roles have resulted in confusion with operational staff.

Further, due to the lack of clear responsibilities, we observed instances where sensitive information was not communicated on a timely basis to allow registry staff to take appropriate action. Specifically, we found SP&CP's decision to remove an interpreter from the directory and the need for registries to re-schedule any of his appearances was communicated to the Executive Director, Court Administration, but was not communicated to the interpreter clerks. Fortunately this was rectified by FMAS in time for the registries to take appropriate action.

We were informed that these examples of communication are the responsibility of FMAS, but due to the lack of capacity have been performed by SP&CP.

Establishing a process to communicate contractor changes directly to registry interpreter clerks will help avoid court delays or requests to reschedule hearing dates. Timely information will also ensure that an interpreter removed from the directory is no longer scheduled for use.

We were advised the branch is currently attempting to re-establish a Contract Manager position that will be responsible for fulfilling many of the roles currently being carried out by SP&CP.

Recommendations

(7) We recommend the branch:

- **establish clear roles and responsibilities between contract management (FMAS) and policy advice (SP&CP) concerning interpretation services;**
 - **establish a communication procedure to ensure time sensitive information is communicated to front line staff responsible for interpretation services; and**
 - **communicate to registry staff who the key headquarter contacts are and their respective responsibilities, to facilitate information sharing in an efficient and timely manner.**
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3.0 Results Management

During our engagement we reviewed interpretation activities to determine whether they were delivering services in an efficient and effective manner. This did not include an assessment on the quality of services provided by the interpreters, as outlined in the scope limitation. To determine the effectiveness of the services, we reviewed the roles and responsibilities of staff, and the contracting process. We also reviewed the occurrence resolution and reporting processes to determine whether recipient rights are protected through the provision of interpreter services.

Occurrence
Reporting
Documentation

Occurrence Reports are completed by the registries when there is a complaint concerning the conduct or services provided by an interpreter. As part of our review, we interviewed staff and examined the Occurrence Reports submitted to headquarters between January and October 2008 to assess whether the actions taken to resolve the occurrences were appropriate.

We found actions taken by the registries and headquarter staff were appropriate and protect the recipient's rights. We also found that in most cases, the contractors' files were complete and included a comprehensive summary of events conducted by headquarter staff. However, opportunities exist for registry and headquarter staff to further improve the occurrence reporting process by:

- including evidence (emails, letters, documented conversations) to indicate that the recommended next steps were taken, and if not, why they were not followed;

- documenting reasons when occurrences are not resolved in a timely manner. In one example, it took four months to action an Occurrence Report; and
- documenting in more detail when a ministry staff member is used to verify correct interpretation. In one example, we found the same email used as support in two separate files advising them that the interpretation provided was correct.

By improving the areas of documentation listed, the branch may be in a better position to support their actions should questions arise. Strong documentation is particularly important if staff involved are no longer available to provide clarification.

Recommendation

(8) We recommend the branch consider expanding the documentation required when resolving Occurrence Reports.

Reporting Occurrences

Interpreter clerks are responsible for preparing the Occurrence Reports and submitting them to headquarters when a complaint is raised regarding an interpreter. These occurrences generally arise in the court room and the interpreter clerk must rely on the court room attendees (judges, court clerks, crown counsel, etc.) to advise them of any potential incidents.

During interviews with ministry staff we were informed that:

- Some judges were unaware there was a process to provide feedback on interpretation services. Additionally, in some cases although interpreter clerks may receive informal requests from judges not to book particular interpreters, there were no Occurrence Reports submitted to support their requests.
- Despite being part of their role, Court Clerks were not reporting minor occurrences due to workload pressures or because the process is onerous.
- The Court Clerk Academy (training for Court Clerks) curriculum does not include any discussion or training on appropriate treatment for interpreter occurrence reporting.

Reporting occurrences can assist with providing valuable feedback to interpreters and aid in ensuring that branch expectations are met and conduct is appropriate. Additionally, the manual has a Comment Sheet that can be used to provide less formal feedback on the services provided by the interpreters.

Recommendations

(9) We recommend the branch:

- **communicate to parties in receipt of interpretation services the methods of reporting occurrences; and**
 - **issue periodic reminders to judiciary, crown counsel, defence counsel, and court clerks indicating the importance of reporting occurrences.**
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4.0 Service Delivery

As part of our review we focused on whether controls were sufficient to manage operational risks and identified opportunities to ensure processes were delivered in an efficient and effective manner. The branch has established a number of processes to facilitate a smooth and professional delivery of interpretation services, including:

- development of a policy manual;
- clear staff job descriptions;
- a method of reporting interpreters conduct; and
- an application process which includes criminal records checks and submitting certificates as proof of accreditation.

However, while these controls are established, we noted that they are not always followed. We recognize that the branch has taken recent steps to streamline processes and improve service delivery. Other opportunities to streamline exist, through the implementation of regular monitoring of interpretation services.

Monitoring and review is central to measuring the effectiveness of all steps in the delivery of interpretation services. Information gathered adds value to managing the overall direction of a program and for continuous improvement.

Recommendation

(10) We recommend the branch establish a method of regularly reviewing practices for opportunities to streamline the interpretation process.

4.1 Further Change

We recognize there are numerous options available to improve operational efficiency and effectiveness. To use as a base for further change and to provide diverse alternatives, we have presented three service delivery models (Appendix A) that offer different combinations of resources and highlight the three main processes involved in providing interpretation services. Through interviews with staff, we identified challenges they face in each of the current processes related to contracting, scheduling and payment. We provide a high level description below:

Contracting

Every two years the branch renews over 200 interpreter contracts, all terminating on March 31. As well, there are approximately ten new applications for review and consideration annually.

The volume of contracts combined with the fiscal-year end termination date can create significant pressure on branch resources during the contract renewal period.

Scheduling

Under the current delivery model, individual registries schedule interpreters. This requires registry staff to contact interpreters on the directory until they are able to find an individual for the required date. The process can be time consuming as a result of having to call numerous individuals and is only exacerbated when locating an interpreter who can provide service in a rare language (headquarters' Procurement Coordinator often assists in searching for rare language interpreters).

Payment

An internal registry form is used in lieu of an invoice for each interpreter as they provide daily services. Some interpreters provide numerous days of service at the same registry resulting in multiple invoice forms. In most cases, registries process each form separately, resulting in a large volume of paperwork being processed each pay period.

Appendix A presents options that focus on addressing the above challenges. A description of the service delivery model and key opportunities and impacts of each model are included. We considered other models such as not contracting interpreters or decentralizing interpreter contracting to the regions.

However, we did not include these models because we did not consider them as viable solutions.

We do not provide a formal recommendation in this section, as these potential options will require further stakeholder consultation and costs/benefits analysis in order for the branch to make an informed and supported business decision.

Appendix A

Option A: Long term contracts with centralized on-line scheduling provided by the ministry

Contracts would be longer than the current two year terms and modification agreements used to extend a contract for an additional specified number of years. Contract termination dates are staggered, rather than the current March 31 date. Employing a select number of full time interpreters may also be considered.

Scheduling would be centralized utilizing existing ministry staff. A universal on-line calendar would be created to facilitate scheduling and permit registries to send requests electronically. Contractors would also be able to provide real-time availability via the on-line calendar.

Interpreters would invoice the registries if they receive more than one internal invoice (ADM 322) from a specific registry.

Opportunities

Contract Management

Long-term agreements reduce the renewal rate, limiting administrative work associated with a large volume of contracts. Additionally, staggered termination dates will spread the workload throughout the year.

Scheduling

Time spent scheduling would be reduced; increased efficiency may be more noticeable for rare language requests.

With access to JUSTIN, scheduling staff could monitor cancellations, further reducing work of the registry interpreter clerk.

Cost Efficiency

Interpreters may be scheduled in a more efficient manner, i.e., matching requests for additional appearances at the same registry.

Interpreter as Employee

Potential for some work to be cost recovered within other areas of the ministry or government.

Impacts

Contract Management

The branch will be required to administer most of the activities associated with the current process. Risks associated with non-contracted interpreters still exist.

Scheduling

More than one staff may be required to fulfill the scheduling requirements of the branch.

To achieve scheduling efficiencies, interpreters would have to ensure their availability is current.

Potential Cost Increases

Verifying the accuracy of the interpreters' invoices may be more labour intensive, increasing administrative time.

Staff time

The interpreter clerks and registry staff duties pertaining to interpretation services would still exist, e.g., calculating time worked for invoicing purposes, providing any instructions to interpreters, and writing up occurrences.

Option B: Outsourcing the provision of interpreters to a third party service provider; other duties performed by registry interpreter clerks remain unchanged

CBS contracts a third party to provide interpretation services to the branch. All registries would submit their requests to a service provider who then schedules their own interpreters. The service provider would also be responsible for providing rare language interpreters in the absence of in-house resources.

Opportunities	Impacts
<p>Contract Management</p> <p>Administrative duties are reduced due to the:</p> <ul style="list-style-type: none"> • reduction of contracts negotiated; and • elimination of the directory. <p>Client Service</p> <p>With consideration in structuring the contract, the service provider may be required to:</p> <ul style="list-style-type: none"> • ensure a minimum ongoing professional development; • have a comprehensive screening process for their own interpreters, including rare language interpreters; and • have the capacity to resolve occurrence reports on a timely basis. <p>Staff Time</p> <p>Time spent scheduling by registry staff would be reduced. Increased efficiency would be more noticeable for rare language requests.</p> <p>Payment</p> <p>The number of interpretation invoices processed in the registries would decrease due to a reduction in service providers.</p> <p>Reporting</p> <p>The means to provide management information reports may be available. (This benefit is only achieved if the service providers' contracts are structured to include reporting requirements.)</p>	<p>Contract Management</p> <p>Contract procurement will become more involved and will require greater contracting expertise to ensure service deliverables are managed and the branch's expectations are met. Resources will be required to proactively monitor contract performance.</p> <p>Potential cost increases</p> <p>Total interpretation service costs may increase without a realized savings in administration, scheduling, and payment processing.</p> <p>Service providers may not have any incentive to use their resources efficiently resulting in cost increases, for example, separate interpreters may be scheduled rather than utilizing interpreters already scheduled for the same court location.</p> <p>Staff Time</p> <p>Current interpreter clerks and registry staff interpretation duties would still exist.</p> <p>Accountability/Service Quality</p> <p>Resolving occurrences may become more challenging due to confidentiality of a case (i.e. limited or no access to audio tapes of proceedings).</p>

Option C: Outsourcing the provision of interpreters to a third party service provider. Registry interpreter clerks no longer have any duties/responsibilities related to interpretation services.

This alternative is similar to Option B except the registry interpreter clerks would no longer be involved with interpretation services.

For example, interpretation requests and cancellations would be submitted directly to the service provider. Interpreters would directly invoice the service provider (not the registry interpreter clerk) who in turn bills the region or headquarters. Occurrence reports would be generated by the complainant and sent directly to headquarters.

Opportunities	Impacts
<p>Contract Management</p> <p>Administrative duties may be reduced due to the:</p> <ul style="list-style-type: none"> • reduction of contracts negotiated; and • elimination of the directory. <p>Client Service</p> <p>Same as Option B</p> <p>Cost Efficiencies/Availability for Other Duties</p> <p>Interpreter clerk duties would no longer exist, allowing people responsible for interpretation services available to fulfill other duties.</p> <p>Payment</p> <p>The number of interpretation invoices processed in the registries would decrease due to a reduction in service providers.</p> <p>Reporting</p> <p>The service provider may have the capability to provide management information reports that has been identified as deficient in the current process. (This benefit may only be achieved if the service providers' contracts are structured to include comprehensive financial and service delivery reporting).</p>	<p>Contract Management</p> <p>Contract procurement will become more involved and will require greater contracting expertise to ensure service deliverables are managed and the branch's expectations are met. Resources will be required to proactively monitor contract performance.</p> <p>Potential Cost Increases</p> <p>Same as Option B, as well as:</p> <p>Since the court staff would be responsible for contacting the service provider, there is a potential risk that inappropriate requests (not normally funded by Court Services) for interpretation services would be made, resulting in a substantial cost increase.</p> <p>There is a risk that the requestor will not provide adequate cancellation notice to avoid the cancellation penalty. This has been identified as a risk in the current process as well.</p> <p>Accountability/Service Quality</p> <p>Same as Option B, as well as:</p> <p>There is a risk that occurrences will not be reported as often if court staff are required to complete the occurrence reports (not the interpreter clerk).</p>

Appendix B - Action Plan – Court Interpretation Services

Priority	Rec. #	Recommendations	Management Comments to be Included in Report (Action Planned or Taken)	Assigned To	Target Date
1.0 Policy					
1.1 Policy Manual Improvement					
5.	1.	<p>We recommend the branch:</p> <ul style="list-style-type: none"> review the Interpreters Manual to ensure consistent procedures by reducing repetition and aligning policy with other key documents; and document interpretation service contracting and occurrence resolution policies and procedures, for headquarters staff, in the manual. 	<p>CSB to review and update the Interpreters Manual to ensure information:</p> <ul style="list-style-type: none"> is consistent and clear; aligns and links with other key processes and documents; incorporates recommended revisions provided by IAAS; and includes relevant contracting and occurrence reporting policies and processes, for headquarters staff. 	<p>FMAS & SP&CP</p> <p>FMAS & SP&CP</p>	<p>Complete</p> <p>Complete</p>
1.1 Policy Manual Improvement					
1.	2.	We recommend the branch periodically review with registry staff of the proper payment process when paying CSA agencies.	CSB to communicate reminders such as proper payment procedures during quarterly conference calls between all court interpreter clerks and headquarters staff.	FMAS & SPCP	Complete
2.0 Contract Management					
2.1 Contracts					
9.	3.	<p>We recommend the branch:</p> <ul style="list-style-type: none"> develop an interim process to demonstrate that non-contracted interpreters understand the branch's expectations and accept their responsibility; and explore and develop a process to so that when needed, the branch may quickly and efficiently enter into short-term contracts with interpreters. 	<p>CSB to work with interpreter clerks to:</p> <ul style="list-style-type: none"> develop an electronic handbook for interpreters which outlines expectations, roles and responsibilities. examine and create a process which will allow interpreter clerks to retain interpreter services for short periods of time in an efficient manner. 	<p>FMAS & SP&CP</p> <p>FMAS & SP&CP</p>	<p>Mar 2011</p> <p>Mar 2011</p>

Priority	Rec. #	Recommendations	Management Comments to be Included in Report (Action Planned or Taken)	Assigned To	Target Date
10.	4.	<p>We recommend the branch:</p> <ul style="list-style-type: none"> revise the Court Interpreter's contract to clearly communicate service and payment expectations; discuss with RMB, government's insurance requirements for contracted interpreters and revise the contract clauses accordingly; and explore opportunities to ensure that all interpreters meet minimum insurance requirements. 	<p>CSB to work with Legal Services Branch to revise current Court Interpreter's contract template to clarify service and payment expectations.</p> <p>CSB to engage in discussion with RMB to identify interpreter's insurance requirements and revise Court Interpreter's contract template in consultation with LSB, accordingly.</p> <p>CSB to work with RMB and LSB to examine what non-contracted interpreters must do to meet minimum insurance requirements.</p>	<p>FMAS & SP&CP & LSB</p> <p>FMAS & SP&CP</p> <p>FMAS & SP&CP</p>	<p>Complete</p> <p>Complete</p> <p>Complete</p>
2.2 Application Processing					
2.	5.	<p>We recommend the branch:</p> <ul style="list-style-type: none"> periodically remind staff of the importance in ensuring Criminal Record results are in place prior to entering into a contract with an interpreter; explore opportunities to obtain some assurance that non-contracted interpreters do not have a criminal record that would negate them from providing interpretation services; and establish a policy to ensure that Criminal Records reviews are renewed in a reasonable timeframe (3-5 years). 	<p>CSB to remind staff of the importance of responding to Criminal Record results in a timely and appropriate manner.</p> <p>CSB to examine ways in which court can be assured that non-accredited interpreters retained on short notice have appropriate Criminal Record reviews completed prior to delivering service.</p> <p>CSB to prepare and implement policy that:</p> <ul style="list-style-type: none"> directs Criminal Record results be appropriately addressed prior to entering into a contractual agreement with an interpreter and; directs Criminal Record reviews are completed within reasonable time period when contracts are renewed. 	<p>FMAS & SP&CP</p> <p>FMAS & SP&CP</p> <p>FMAS & SP&CP</p>	<p>Complete</p> <p>Complete</p> <p>Complete</p>
4.	6.	<p>We recommend the branch periodically remind staff of the importance in conducting reference checks for non-accredited interpreters prior to entering into a contract.</p>	<p>CSB to revise the application form to confirm reference checks are completed in a timely and consistent manner.</p>	<p>FMAS & SP&CP</p>	<p>Complete</p>

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2.3 Roles and Responsibilities					
6.	7.	<p>We recommend the branch:</p> <ul style="list-style-type: none"> establish clear roles and responsibilities between contract management (FMAS) and policy advice (SP&CP) concerning interpretation services; establish a communication procedure to ensure time sensitive information is communicated to front line staff responsible for interpretation services; and communicate to registry staff who the key headquarter contacts are and their respective responsibilities, to facilitate information sharing in an efficient and timely manner. 	<p>CSB to work to ensure:</p> <ul style="list-style-type: none"> roles and responsibilities as they relate to the interpreter program are defined and reflected in appropriate job descriptions and/or EPDPs as appropriate; internal communications procedures are set out in the Interpreters Manual and communicated to all CSB staff involved with the interpreter program. 	<p>FMAS & SP&CP</p> <p>FMAS & SP&CP</p>	<p>Complete</p> <p>Complete</p>
3.0 Results Management					
7.	8.	We recommend the branch consider expanding the documentation required when resolving Occurrence Reports.	CSB to review the current Occurrence Reporting documentation and amend or expand as appropriate to facilitate effective records management of interpreter occurrences.	FMAS & SP&CP	Complete
8.	9.	<p>We recommend the branch:</p> <ul style="list-style-type: none"> communicate to parties in receipt of interpretation services the methods of reporting occurrences; and issue periodic reminders to judiciary, crown counsel, defence counsel, and court clerks indicating the importance of reporting occurrences. 	<p>CSB to work with interpreter clerks to ensure parties in receipt of interpreter services or engaged in court activities involving an interpreter are:</p> <ul style="list-style-type: none"> familiar and comfortable with occurrence reporting methodology; and aware of the importance of documenting and providing interpreter occurrence related details to CSB staff 	<p>FMAS & SP&CP</p> <p>FMAS & SP&CP</p>	<p>Mar 2011</p> <p>Mar 2011</p>

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4.0 Service Delivery					
3.	10.	We recommend the branch establish a method of regularly reviewing practices for opportunities to streamline the interpretation process.	CSB to initiate and sustain a conference call quarterly, between all court interpreter clerks and headquarters staff to provide a forum to discuss operational efficiencies, communicate updates and reminders regarding policy and procedures.	FMAS & SP&CP	Complete