Summary of the Interpreter Services Quality framework

The Ministry of Justice has developed a Quality Framework (QF) to ensure that the interpreter service is delivered consistently to high standards, meeting the needs of all participants who use the service. The QF formalises good practice already occurring and also introduces new standards, which are based on Australian standards adapted for the Aotearoa environment. Key changes are summarised here.

# Criminal record checks

Currently, interpreters must apply for an updated criminal check every two years. As per page 14 of the QF, this is being changed to every **three** years.

Interpreters must notify the Ministry or their Language Service Provider (LSP) if they are charged with or convicted of an offence between routine criminal checks.

# Qualifications, certifications, and other requirements

We are making changes to the way current and new interpreters are engaged as court appointed interpreters.

As per page 16 of the QF, interpreters should have:

* a tertiary qualification in interpreting and/or a qualification in interpreting and translation endorsed by the National Accreditation Authority for Translators and Interpreters (NAATI)
* membership or affiliation with New Zealand Society of Translators and Interpreters (NZSTI)
* te reo Māori interpreters need to be certified by Te Taura Whiri i te Reo or endorsed by a kaumatua or kuia
* New Zealand Sign Language (NZSL) interpreters need to meet specific education, professional registration, and experience requirements.
* By 1st July 2024 interpreters must be also working towards or have achieved one or more of the following certifications:
* Registered to apply for NAATI certification
* Recognised Practising Interpreter Credentials
* Certified Provisional Interpreters
* Certified Interpreters
* Certified Specialist Legal Interpreter

# Training modules

The Ministry has created three mandatory online training modules for all interpreters working in courts and tribunals to complete.

These modules include:

* the Aotearoa New Zealand Justice System
* who’s who within the Aotearoa New Zealand Justice System
* professional conduct: being neutral and independent in the justice system.

These should each take about 10 minutes to complete. New interpreters are expected to complete them before their first interpreting assignment. All current interpreters, whether they work for an LSP or not, should also complete these modules. Interpreters will need to advise the Ministry they have completed the modules. Updates to the current modules, or additional training modules may be made available from time to time.

# Code of conduct

Chapter three of the QF details the new interpreter code of conduct. These update the old Guidelines for Interpreters. It is the expectation that all interpreters whether they work for a LSP or not, will adhere to the code of conduct.

The key aspects of the code of conduct are:

* disclosing a conflict of interest
* being impartial
* keeping information private and confidential
* duty of competence
* duty of accuracy
* managing disclosure of information relating to a case
* information is not to be used for personal gain
* protecting the reputation of the court
* respect for participants cultural safety
* ethics
* reporting concerns about family violence and sexual violence

# Briefings by counsel

Currently counsel ensure interpreters are briefed before a hearing, so they are aware of what the case and the hearing are about. The QF provides guidelines for what these briefings should cover:

* the requirement to take an oath or make an affirmation
* nature and complexity of the case
* what is likely to occur during the proceeding and what the possible outcomes are
* what to do if a conflict of interest arises during the hearing
* legal and technical jargon that is likely to be used
* requirement to return any confidential documents to the court
* whether there are any relevant written materials to be presented as evidence that have been or may need to be translated.

At the briefing, interpreters should discuss with Counsel, or the judicial officer or adjudicator, if there are any cross-culture issues the court may need to be aware of. If Counsel hasn’t been assigned to the participant, courts and tribunal staff may brief the interpreter.

# Court materials

Counsel and court and tribunal staff may provide interpreters with materials to review in order to help them prepare for a hearing. A list of materials they may have access to is on pages 39-41 of the QF.

# Employee Assistance Programme (EAP)

Court interpreters are sometimes exposed to distressing and traumatic material while performing their role in court. To support their wellbeing, interpreters can now access up to three counselling appointments per year through the Ministry’s Employee Assistance Programme (EAP).

# Court and tribunal orientation

Newly appointed interpreters will be able to arrange for a tour of the court or tribunal facilities before their first booking. Some of the things the QF says should be included in the tour are:

* court security and health and safety procedures
* location of key areas within the court such as the service desk, bail counter, courtrooms, waiting areas, toilets, cells, break areas
* how cases will be called, and what to do when they are
* where to sit or stand in the courtroom
* what will happen when the hearing starts, including taking an official oath or affirmation
* how to address the judicial officer (see chapter 3 of the QF) and other relevant court protocols
* Wi-Fi availability
* how to get timesheets signed.

New interpreters will also be able to observe an experienced interpreter in court ahead of their first assignment.

# How to assess the need for an interpreter

It’s not always clear if someone needs an interpreter in court. The QF provides guidance on how to:

* speak to someone about the benefits of using an interpreter
* Assess their English-speaking ability and comprehension
* Assess their ability to communicate in a formal court room, for example does the person only speak in short sentences or rely on yes/no answers? Can they repeat back what is said to them? Are their words clear but the meaning of their response out of context or confusing?

This guidance will be helpful for anyone who interacts with a participant during the course of a court or tribunal proceeding.

The QF also outlines the processes for booking interpreters and conducting proceedings using an interpreter.