

Motion for Time Limited Debate

Cease Paying for Interpreter and Translation Services for Non-English Speaking Public

Proposer: Sarah Emberson

Seconder: Garry Sturley

Motion:

This Council resolves to:

Recommend to the Executive that it directs relevant Officers to undertake a review of arrangements for translation services, with a view to establishing how the Council could adopt the following approaches as a default position:

- (a) cease paying for interpretation and translation for non-English speaking members of the public, in the majority of circumstances and in any event only wherever it is lawfully able to do so
- (b) wherever possible, 'signpost' the public to external interpreters, translators and various technological solutions, with a view to the public paying for those as required,
- (c) use and pay for interpretation and translation only where necessary, including for the meeting of any and all statutory obligations, and always in the use of British Sign Language and Braille.

Background Information provided by the Reform UK Group

Introduction

1. In line with 'Reforming Kent', the Council's Strategic Statement, individual responsibility should be encouraged wherever possible, rather than reliance on the increasingly stretched budget of the Council in many non-essential areas of its work. This is a pragmatic and wholly reasonable position for the Council to take and makes a stand against the 'nanny state'; the assumption that KCC should 'pay for everything', and the presumption that the provision of local services has no cost to the wider taxpayer.

2. The 2021 Census stated that there were 92 languages spoken in Kent (including 12 of which are UK languages), with English being by far the predominant one, spoken to some degree by 99.8% of residents. However, with mass migration changing the cultural landscape, it is likely that the use of other non-English languages will increase. All residents are entitled to receive services from KCC, and the County Council wants people to be able to understand what is on offer and to make use of those services. However, providing interpretation and translation for people who do not speak English is not something that KCC should pay for, although 'signposting' the public to interpreters and translators to be paid for at their cost would be sensible. Also, it should be borne in mind that there are numerous translation Apps that are available for the public (and KCC) to use. Scope for KCC to continue to pay

for specific needs such as in British Sign Language and Braille (and to comply with legislative requirements) should continue, and are therefore mentioned in the exemptions within this motion.

3. The view taken by the Reform UK Group is that the default position should be that if people want translation or interpretation services, they should have to pay for them or use one of the translation Apps. Kent County Council is an English local authority and it is important that the County Council seeks to encourage English speaking within the County: ceasing to pay for the public's interpreter and translation demands sends the right message. With mass migration into the UK, the requirement for interpreters and translation is sure to increase, with the associated increased cost to KCC, should it continue to pay for this provision.

Scale of Translation and Interpretation within KCC

4. No overall record of the combined use of interpreters and translators has been collated by the County Council, as their use is diverse, varied and in some services, only occasional. However, it is clear that they are used and that it has become accepted practice within the Council to simply commission them without questioning the reasonableness and the cost.

The Use of Technological Translation Services

5. There is no legal requirement for local authorities to use in-person interpreters, and the key obligation is to ensure effective communication and meaningful participation. There are potential issues with technological translation services of GDPR compliance, accuracy and clarity. These are all matters that should be considered on a case-by-case basis and a service-wide basis; as allowed for within the parameters of this motion.

Costs to KCC

6. The total identifiable spend on interpretation and translation over the past 12 months and recorded in the Oracle system is £183,438.25, with 52.7% of that spend referring to British Sign Language and Kent Deaf Interpretation Service support. However, funds are provided from within a range of budgets to meet general interpretation and translation costs, and some are coded under 'professional fees'. Hence, the difficulty in determining total overall spend easily and accurately. But it is clear that the real cost to the Council of interpretation and translation will be higher than the Oracle figure quoted. Examples of additional spend include language translation for non-English speaking claimants in home-to-school appeals; translating some public consultations; translations within contract documentation; providing for Unaccompanied Asylum-seeking Children, and in the Community Learning Service; although the costs in those two latter services could be met partially or in whole via external grant-aid. The cost of translation services supporting Unaccompanied Asylum-seeking Children in the past 12 months was £1.2 million, borne by the UK taxpayer, including those from Kent.

Group view on Legal considerations

7. Public bodies have duties under the Equality Act 2010, the Human Rights Act 1998 and the Public Sector Equality Duty to ensure that services are accessible, delivered fairly and to eliminate discrimination. The provision of interpretation and translation services is not a specific statutory duty of Kent County Council, and nor is language itself a specifically protected characteristic under the Equality Act 2010. It should be noted that Kent Social Services are legally required to ensure their services and information is accessible to people with language barriers or specific communication needs so as to ensure that it is possible to fulfil its many separate statutory service delivery obligations.

In social care, the Care Act 2014 and the Care and Support (Assessment) Regulations 2014 require assessments to be carried out in a manner appropriate and proportionate to the adult's needs and circumstances. Hence, it will be important that this Motion allows for appropriate action to ensure that there should be no procedural unfairness or indirect discrimination.

It is noted that, in the exercise of all decisions of a public function, officers must have due regard to the various statutory objectives detailed in s. 149 (1) of the Equality Act 2010. Any changes proposed, pursuant to a review carried out in pursuance of this Motion, will require an EqlA to be carried out so as to provide assurance that the 'public sector equality duty' will be discharged.