



Contracts and access to justice



Tuesday 30 October 2012 by **Francesca Kaye**

Crime and sentencing always make the news. So it is not surprising that the shambles surrounding the court interpreters' contract and its fallout made headlines. What's worrying is what this and recent county court changes tell us about the approach that might be taken to forthcoming major civil justice reform.

On 1 February 2012 a small company from Oldham took over the national provision of interpreters. In keeping with government's desire to encourage small and medium-sized enterprises the contract went to a small company whose financial standing was described in the credit check obtained by the Ministry of Justice before awarding the contract as having sufficient financial stability to undertake contracts to a value of £1m. The company, Applied Language Solutions (now Capita Translating and Interpreting), was awarded a contract which at that time government thought had a value of £42m.

Neither Peter Handcock, chief executive of HM Court Transcription Service, nor Martin Jones, deputy director sentencing MoJ, nor Ann Beasley, director general, finance & corporate services, MoJ, [had read the report](#). In her evidence to the House of Commons Public Accounts Select Committee, Ann Beasley explained she was given a report that confirmed to her that Applied was a company with which government could do business.

The transcript of that session of the Select Committee is a depressing but unsurprising read. With no apparent clear picture of what it wanted to achieve, apart from an overall cut in costs, and no real understanding of the service it was buying a decision was made to create a centralised and nationalised interpreting service.

No one, not even those giving evidence to the Select Committee in support of the contract, could justify the debacle that followed. The evidence from the National Audit Office (NAO) is damning. Even the statistics issued by government concede that the level of performance in the first few months was poor.

On 29 October Andy Parker, joint chief operating officer of Capita, the company which acquired Applied, told the Select Committee that the level of demand for interpreting services was unknown at the time the contract went live. Applied was caught off guard by the level of short-term bookings required.

He explained that the Applied bookings system had been designed on the basis that most bookings would be online, with the call centre being used as overflow. He admitted that with hindsight this had proved to be wrong. He thought that stakeholder engagement had failed, explaining that there had been little, if any, direct contact by Applied with the courts to determine their needs prior to going live.

Asked why the contract had not been rolled out regionally first (as had originally been discussed), he explained that after discussions with the MoJ team it was felt that the 'big bang' approach was the one most likely to be successful with reluctant interpreters expected to fall into line within a few weeks.

There was certainly a big bang but perhaps the wrong sort of bang.

County court changes

On 19 March 2012 a centralised county court opened to process claims for money that had previously been issued across the network of County Courts in England & Wales. The County Court Money Claims Centre (CCMCC) runs its administration from Salford, its phone lines from Loughborough and is called the Northampton County Court. Access for the public to court staff has been reduced particularly at county court level with the closure of 45 county courts in the last 12 months and with service counters in the county courts being closed at 2pm on a pilot-scheme basis until March 2013.

In announcing the new service the then courts minister, Jonathan Djanogly, said: 'The new County Court Money Claim Service will ensure that we make the most effective use of our administrative resource and provide an effective, efficient and consistent service to court users across England and Wales.'

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'The new service will deliver costs savings and efficiency improvements by processing administrative work previously carried out in separate county courts in England and Wales. The business centre saved nearly £2m in 2010/11 and is expected to save £4m in 2011/12.'

As this is not a private contract let to a private contractor there has been no select committee or NAO report into the first few months of operations. However, there have been widespread and widely-reported complaints and dissatisfaction about the service provided regularly reported in the *Gazette*. If the cost of the service does deliver savings will this be at the cost of users and at the cost of access to justice?

Government fairly says in relation to the Applied contract that the system was not perfect before. This is not a good enough reason to change to something that on any measure is now worse in terms of service. Many would argue exactly the same can be said for the CCMCC. The criticism of the MoJ around the court interpreters' contract and concerns about the implementation of the CCMCC may presage what's to come on the civil side.

Civil litigators are concerned that these may be telling examples of a prevailing cost-cutting mood within the MoJ which could impact on how reforms being ushered in under the Legal Aid, Sentencing and Punishment of Offenders Act might be approached. At present there is a real risk that insufficient resource and stakeholder engagement in advance could result in yet another debacle for government and adversely affect access to justice.

It is clear that government is already committed to another 'big bang' in April 2013. Let's hope that this time it is not the wrong sort of bang!

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