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The Most Important Cog in the System: A Case for Legislative Change to Drive Professionalisation

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Cover Page Footnote

Note: Spelling has been changed to American English spelling in accordance with publication guidelines.

The Most Important Cog in the System: A Case for Legislative Change to Drive Professionalization

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INTRODUCTION

System theory (ST) explains how signal jamming (SJ) may impede or even reverse processes of professionalization, thereby having a detrimental impact on the quality of services clients receive. In the U.K., there are various metaphorical “cogs” in the Sign Language Interpreting (SLI) system. By applying ST to the profession, we can achieve a better understanding of the current landscape and identify ineffective cogs which potentially disrupt the smooth functioning of other cogs within the system. Improving system operations will result in improved services. We argue that an instigating and mandatory force—legislation—is the central cog that will drive more consistent signaling and streamline professionalization.

SYSTEM THEORY

Four factors make up a system: 1) physical or abstract parts/objects/variables, 2) attributes (qualities/characteristics) of the system, 3) internal relationships among its parts, and 4) environment (von Bertalanffy, 1969; University of Twente, 2019). ST is an interdisciplinary study of systems. Every system has its own purpose for existence; each has boundaries and is influenced by its environment. ST suggests that a system is more than the sum of its parts, emphasizing that the synergy between parts is key. Moreover, a system’s survival depends on all parts openly giving and receiving information in order to interact and communicate with its environment.

The profession of SLI has been referred to as a system; the parts of this system originally included signed language interpreter practitioners¹, employers, consumers, policy makers, and interpreter education programs (Witter-Merithew & Johnson, 2005). We suggest the following entities are also important parts of the system:

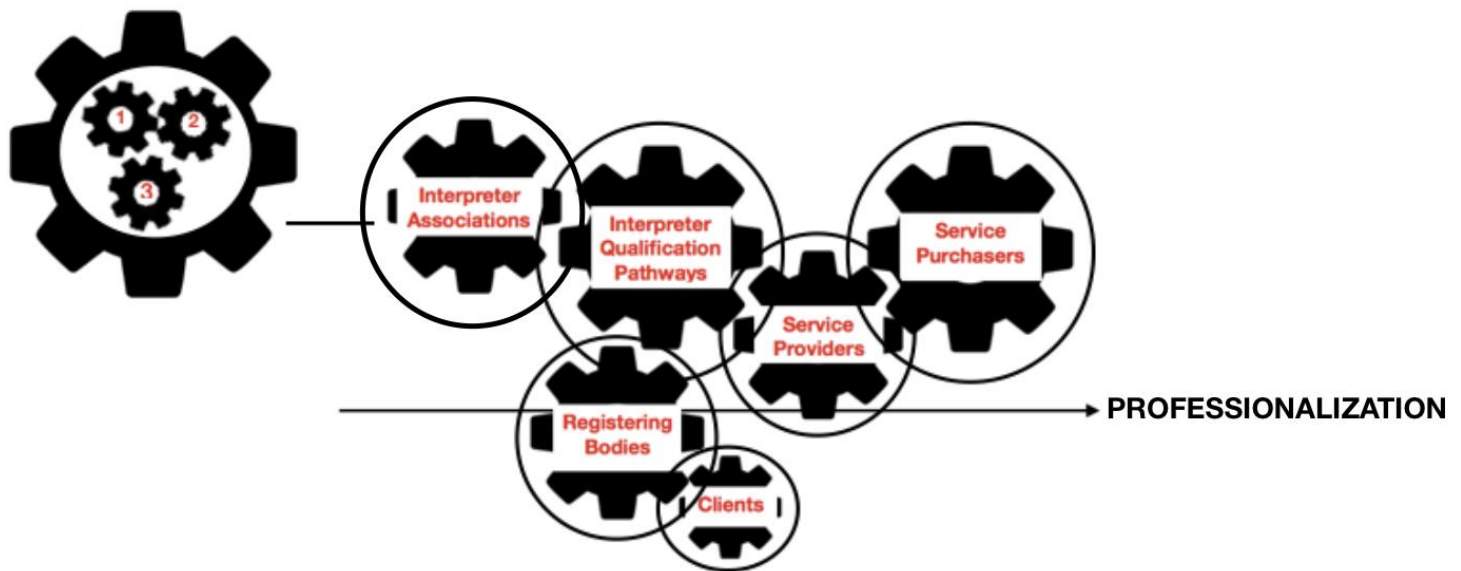
- professional interpreter associations;
- registering/certifying bodies;
- service providers (such as interpreting agencies);
- clients and service purchasers (although Witter-Merithew and Johnson (2005) mention consumers, Best (2019) points out that due to SLI’s frequent positioning within a framework of disability access, those purchasing SLI services are often not those whom actually use the services, making it important to distinguish between the two);
- and, as a specified extension of interpreter education programs, higher education (HE) (Webb & Napier, 2015; Webb, 2017).

¹ Signed language interpreter practitioners are hereby simply referred to as ‘interpreters’.

Considering ST, it is important to examine how each part of the system of the SLI profession is connected to other systems (c.f. Webb & Napier, 2015). Purchasers of SLI services include government departments, schools and universities, hospitals, and courts. Each of these entities is embedded within other independent systems made up of their own structures and unique idiosyncrasies, potentially with their own separate—and at times conflicting—agendas. Thus, we suggest the relationships between all of these interconnected systems are what actually make up the wider profession of interpreting. The crux of our argument rests on the premise that an optimally functioning system leads to higher levels of professionalization, which is important because it establishes minimum standards and a higher quality of services, leading to clear expectations of the standard of services users will receive (Mikkelson, 1996; Evetts, 2013). However, when system parts function incongruently, or in opposition to one another, the professionalization process—and thereby the quality of services—may be detrimentally impacted.

Diagram 1 depicts some core parts of the U.K. SLI system leading to professionalization. Each metaphorical cog is a separate component that may also be operating within other systems (represented by the outer circles) or may have various parts within each component.

Diagram 1: Example of cogs making up the profession of sign language interpreting



SIGNAL JAMMING

The misalignment of system parts or confusion caused by a large number of parts in the system may lead to SJ, which also affects system functioning. A signal is essentially information (or the lack thereof) conveyed by a stakeholder. Two definitions of SJ underpin this paper: first, Fudenberg and Tirole (1986) describe SJ in the economy as “the inference problem faced by the decision-maker in an economic transaction” (p. 367). Second, as defined by Mikkelson (2013)

citing Chan (2008, p. 70), signal jamming is when “buyers of interpreting services receive mixed signals from providers about who is competent to offer which service, thereby increasing their mistrust, unduly complicating their efforts to solve a perceived problem, and thus reducing their incentive to seek out fully qualified professionals.” In other words, a lack of information or the wrong information passed between stakeholders can cause SJ. In the case of SLI services, those purchasing the service are the decision makers, and yet have limited understanding of what the services should entail.

Chan’s (2008) definition stems primarily from the spoken language interpreting and translation community; however, we add a further consideration with the provision of SLI services. Given that SLI services are often provided within a disability accessibility framework, buyers of interpreting services may liken the provision of SLI interpreters to wheelchair ramps: once the provision is in place, the accessibility box is ticked. Little thought may go into the quality of the interpreters provided, especially since those purchasing the services may not be using the services (Best, 2019). This arguably places greater responsibility (and/or pressure) on those more familiar with SLI, such as training providers and registration bodies, to ensure that practitioners are working at an acceptable standard. This is a challenge because even though qualified interpreters have specialist knowledge and an understanding of best practices, they do not set the agenda for an interaction and instead, decisions about SLI service provision are often made by large corporations and government.

We also argue that market disorder—which has been identified in SLI and has detrimental impacts on professionalization (Witter-Merithew & Johnson, 2004; Best, 2019)—stems from SJ. Witter-Merithew and Johnson (2004) describe market disorder in SLI as the “lack of standards for entry to the field” and the “lack of consistent and reliable professional control over the variables impacting the effective delivery of interpreting services (e.g., induction into the field, working conditions, job descriptions, role and responsibility, wages)” (p. 2). More broadly, Fudenberg and Tirole (1986) explain that when there is a lack of certainty in decision makers, it can impact the market and create wider levels of uncertainty, leading to market disorder (Phillips, 1997). SJ causes such uncertainty amongst those purchasing SLI, hence contributing to market disorder in SLI.

Other mentions of “signals” in the literature address information gaps in job markets, which arguably impede the professionalization of the field of SLI. For example, Spence (1973) envisioned a job market signaling model to highlight information gaps (Spence 1974, 2002) in order to understand the consequences of informational gaps for market performance. Spence ascertains that the population is divided into two groups: those with low productivity and those with high productivity. When hiring new employees, employers do not have all the information in advance to determine whether applicants will demonstrate high or low levels of productivity. During the hiring process, employers must try to guess the applicant’s ability on the basis of observable characteristics. Spence categorizes characteristics as controllable (e.g. education, dress, communication style), and uncontrollable (e.g. race, gender, age). Applicants have many characteristics that cannot be observed at the time of hiring, and offering a position to an applicant is therefore an uncertain investment decision. To minimize investment risk, probationary periods or job training can be put in place to provide time for new hires to adjust and demonstrate productivity levels. Interpreters rarely undergo this type of hiring process. Unless employed by an

agency, those hiring interpreters rarely conduct any type of interview². Instead, service purchasers (not typically language professionals) simply trust sellers to provide a good product, as at the time of purchase and even when the service is rendered, they are not necessarily able to determine the quality and value of the service to the users (Moav & Neeman, 2004).

In some cases, word of mouth may ensure that service purchasers are able to provide qualified interpreters (e.g. the service purchaser may have the service user make suggestions of trusted interpreters and agencies). According to Chan (2013), word of mouth becomes a signaling device in the translation market, and service purchasers may even be willing to pay premium prices for a reputable translator (Shapiro, 1983). This decision may be due to the permanent nature of translation. Translations (e.g. books, films, and documents) can remain in the market as a long-term commodity. In some instances, service purchasers will have a return on their investment (e.g. well-translated books sell more copies). On the contrary, interpreting services are setting-specific interactions where interpreters instantly mediate languages and cultures. The work is typically ephemeral³. Additionally, while translations can be accessed by many people, potentially influencing direct feedback on the quality of the translation, interactions using interpreters can be between as few as two people. Certainly, when work remains in the market there is a higher chance for the quality of the service to be discussed, typically on social media platforms (c.f. “The fake interpreter,” WFD & WASLI, 2013). In more typical interpreted events, service users may not be aware of feedback mechanisms in working with interpreters. Moreover, because SLI is a legally mandated tool for accessibility, service purchasers may not consider the reputation of interpreters or agencies, but simply that services are rendered. Thus, we believe there is a need for more effective signaling devices within this market than reputation or word of mouth.

PROFESSIONALIZATION OF SLI IN THE U.K.

Professionalization is a social process whereby an occupation establishes certain hallmarks. Winter (1983) listed such milestones as professional associations, codes of ethics, formal training programs, regulation, and ultimately recognition by the public as a group with specialist knowledge and skillsets. While professionalization does benefit practitioners, the principal gain is recognition of minimum standards and therefore greater service quality for clients (Mikkelsen, 1996; Evetts, 2013).

The professionalization of SLI has been explored in various national contexts (c.f. Witter-Merithew & Johnson, 2004; Best, 2019) and has been identified as developing and not fully professionalized (Scott-Gibson, 1991; Napier, 2011; Bontempo, 2013). Some scholars have even argued that SLI is actually de-professionalizing (c.f. Best, 2015; Dong & Turner, 2016). Bontempo (2013) argues that the interpreting profession cannot yet be defined as professionalized without being able to regulate and control those who practice as interpreters and suspend from practice those guilty of misconduct. She further explains that SLI cannot be considered professionalized

² Most signed language interpreters in the U.K. work on a freelance basis.

³ Recorded interpreted public events being the exception.

without standards of practice including specified years of training, or registration boards with legal authority. This statement is reflective of the U.K. context because there are training pathways (NRCPD, 2019), codes of professional conduct (NRCPD, 2010; SASLI, 2013), and some published guidelines for standard practices (c.f. Newby & Weald, 2015; Reed & McCarthy, 2017). However, membership of a professional association or registry remains voluntary, and there is no legal mandate to regulate interpreters in the U.K.

The Council for the Advancement of Communication with Deaf People (CACDP), now defunct, established the first regulatory body for SLI in the U.K. To be added to this register, interpreters were required to pass CACPD's assessment and accreditation process. Professional interpreters were categorized as either fully qualified Registered Sign Language Interpreters (RSLI), or Trainee Sign Language Interpreters (TSLI), categories that remain in use today. This shift toward SLI professionalization changed how Deaf people received services. Historically, Deaf people nurtured, vetted, and chose interpreters (Singleton & Tittle, 2000; Cokely, 2005; Napier, 2009; Mathers & Witter-Merithew, 2014), but educational and training institutions took over the induction of interpreters (Nicodemus & Hunt, 2014) and agencies took over allocating them.

National and international legislation also facilitated the professionalization of SLI. Equal opportunity legislation and increased disability discrimination and civil rights legislation such as the U.K.'s Equality Act 2010 and the ratification of the UN Convention on the Rights of Persons with Disabilities in 2009 served to ensure public services are accessible to people with disabilities. Improved access opened educational, professional, and personal doors for Deaf people in their communities.

As demands for SLI increased, SLI associations began to formalize best practices, standards and codes of conduct (Pöchhacker, 1999; Swabey & Mickelson, 2008; Napier, 2011). However, even with these developments several challenges for the SLI profession remain. Foremost, qualifications required for practice in the U.K. remain unclear as the government does not regulate interpreter practice; therefore, individuals can provide interpreting services regardless of professional qualification or registration status. Consequently, lack of regulation allows individuals with insufficient abilities to work in the field (Stewart & Kluwin, 1996; Schick et al., 1999; Webb, 2017). TSLI are expected to only accept entry-level work and not accept work in mental health settings or the criminal justice settings (NRCPD, 2018). However due to the amount of work available and the number of interpreters in supply, the priority becomes job coverage without much consideration given to qualifications (Napier, 2004; DWP, 2017). This suggests that agency schedulers, often with very little knowledge about interpreting or service users, may send out general calls for interpreter availability in an attempt to fill jobs and may choose interpreters based on availability and cost rather than skillset (Cokely, 2005; Best 2019).

Additionally, while Deaf people turn to HE institutions to ensure interpreter graduates meet a standard to provide quality interpreting services (Nicodemus & Hunt, 2014), scholars point out that there is a work readiness gap that exists among graduates (Witter-Merithew & Johnson, 2005; Bontempo & Napier, 2009) and that gatekeepers need to do more to address the gap (Cokley & Cogan, 2015). SLI educators in Webb's (2017) study report that they do not have enough resources to manage their job demands, which affects their general wellbeing and job performance and

influences overall teaching and learning experiences, thereby impacting work readiness. Webb's findings conclude that HE cannot be the only responsible stakeholder in developing future generations of interpreters, and she recommends key system stakeholder collaboration in student and graduate skill development and professional practice.

THE COGS

The following sections describe the primary cogs in the professional SLI system in the U.K. While these cogs are not representative of all components in the system, they contextualize the landscape of the profession and provide further insight into how these especially complex components contribute to SJ.

INTERPRETER QUALIFICATION PATHWAYS

Initial interpreter training opportunities were offered by CACDP on an ad hoc basis and were typically short in duration (Napier, 2004; Napier, 2009). However, training interpreters has since become more formalized and there are two main pathways to becoming an interpreter in the U.K.: the National Vocational Qualification (NVQ) and higher education (HE). Both the NVQ and HE pathways are mapped to the U.K.'s National Occupational Standards (NOS) for interpreters. These standards are "technical specifications" of what an individual needs to know and be able to do in a specified occupational role (Qualification Specification, 2013, p. 49).

NATIONAL VOCATIONAL QUALIFICATION

The NVQ pathway to qualification is based on practical, work-related tasks demonstrating the skills necessary for a certain job; thus, NVQ have a vocational rather than academic focus (NVQ.org, n.d.). NVQ are typically offered in progressing levels (NVQ.org, n.d.). In order to become a qualified interpreter via the NVQ pathway, an individual must first gain a Level 6 NVQ (the highest level available) in British Sign Language before applying to receive a Level 6 NVQ diploma in Sign Language (BSL) Interpreting. No demonstration of mastery of the English language is necessary.

Strictly speaking, the NVQ is an assessment and not an interpreter education program. However, in order to prepare candidates to pass the assessment, many interpreting NVQ providers—most of which are private companies—offer an educational component before students begin to collect evidence for their NVQ assessment portfolio. Best (2016) describes the NVQ interpreter qualification pathway as typically comprising two parts: "classroom-based teaching... and evidence collection for portfolio compilation" (p. 45). The qualification rests on satisfying the NVQ assessment criteria. Thus components of this program are not standardized amongst providers and are tailored toward passing the assessment. Best (2016) reports that a "typical format might be to encompass taught course material in eight 2-day blocks spread over 8–12 months, augmented later by tutorial or progress review meetings with an assessor while the assessment portfolio is being compiled" (p.45). The portfolio consists of both written work and video clips. An assessor, internal verifier, an external verifier review portfolio submissions. If work is not

regarded as acceptable, candidates are typically given multiple opportunities to re-submit unsatisfactory portions.

The portfolio system inherent in the NVQ process is unique in the field of interpreting; an international survey of interpreter qualification pathways undertaken in 21 different countries found that only two used a portfolio system (Hlavac, 2013). Taking a standardized exam was the most popular route to qualification, a route the U.K. SLI profession no longer offers. Interestingly, the two countries that had a portfolio system offered this as an “alternative demonstration of proficiency” to an exam that was also offered (Hlavac, 2013, p. 38).

HIGHER EDUCATION ROUTE

Registration bodies (NRCPD and RBSLI) have recognized two HE institutions in England (Wolverhampton University and University of Central Lancashire) and one in Scotland (Heriot-Watt University) which deliver SLI training that will grant graduates registration status⁴ (see NRCPD.org and RBSLI.org). However, while both registration bodies allow university graduates to join their register, websites for Wolverhampton, UCLAN and Heriot-Watt reference only one of the registration bodies (NRCPD) with which students can register upon graduation, showing a clear relationship between the universities and this register.

Similar to the NVQ, courses in these programs have been mapped to the NOS. Additionally, educators currently associated with the aforementioned institutions participated in the development of learning outcomes and assessment guidelines for three-year interpreter training programs (European Forum of Sign Language Interpreters, 2013). Therefore, it is assumed that while programs have their differences⁵, they all have a clear understanding and are aware of a minimal threshold of what SLI should “look like” when they graduate.

PROFESSIONAL ASSOCIATIONS AND REGISTRATION BODIES

The establishment of professional associations has been identified as a hallmark of professionalization (Winter, 1983; Witter-Merithew & Johnson, 2004). The histories and functions of the existing associations in the U.K. are briefly outlined below.

ASSOCIATION OF SIGN LANGUAGE INTERPRETERS (ASLI)

In 1987, at an inaugural meeting to form an association for interpreter practitioners in England, Wales, and Northern Ireland, the Association of Sign Language Interpreters (ASLI)⁶ was established. The objectives of ASLI were to provide a space for professional discussion about issues relating to SLI provision, to raise and maintain standards, to encourage training, to provide information for practitioners and clients, and to promote research into areas relevant to interpreting

⁴ HE programs in SLI are unavailable in Northern Ireland and Wales.

⁵ Some identified across programs are program duration, whether or not students are permitted to work as TSLI while studying, their approaches to work placement requirements, and what marks are needed to obtain trainee or full registration status upon graduation (Stone, C, Personal Communication, May 20, 2019; Lee, R, Personal Communication, July 11, 2019).

⁶ <https://asli.org.uk/>

(ASLI History, 2017). Both RSLI and TSLI can become members of ASLI. Members are provided with public liability and professional indemnity insurance, opportunities for online regional forums to discuss professional issues, and networking opportunities. Opportunities range from in-person regional and national events to cost-effective continuing professional development (CPD) opportunities (online and in-person), and an annual general meeting and biennial conference. Additionally, ASLI promotes membership in wider geographical networks of interpreters such as European and international interpreting and translation organizations, and has representation in various events, boards, and councils relating to the Deaf community, SLI provision, and interpreting. Today, ASLI also supports members in Scotland.

VISUAL LANGUAGE PROFESSIONALS (VLP)

Visual Language Professionals (VLP)⁷ was established in 2010 (VLP, 2019). The impetus for establishing a second professional association was ASLI's suggested requirement that all members be required to complete CPD⁸. Some members took umbrage at being required to complete CPD and broke away to form a separate association. The point eventually became moot when NRCPD mandated in 2013 that all registered interpreters must complete 24 CPD hours per year, 12 structured hours and 12 unstructured (VLP, 2012; NRCPD, 2015). VLP accepts members registered with NRCPD, RBSLI, or SASLI and provides members with the option of professional indemnity insurance, participation in an e-group and members' forum online, and an annual conference. VLP has recently agreed to accept trainee interpreters (VLP, 2019). VLP membership costs less than ASLI membership.

REGISTERING BODIES

NATIONAL REGISTERS OF COMMUNICATION PROFESSIONALS WORKING WITH DEAF AND DEAFBLIND PEOPLE (NRCPD)

The National Registers of Communication Professionals Working with Deaf and Deafblind People (NRCPD)⁹ has a long and complicated history and has undergone many changes over the years. Its history harkens back to the early 1980s when the Council for the Advancement of Communication with Deaf People (CACDP) established a "[program] for accelerated training for interpreters with known ability" (Beeson, 2013, p. 1). Following this training, CACDP began to offer a qualification for interpreters based on an exam (the examination pathway to qualification, though popular in some other countries, is currently no longer a route in the U.K.). A shift from the examination pathway for interpreter qualification occurred when the CACDP (rebranded as Signature in 2009) separated qualification pathways from the registration process of NRCPD. Instead of an exam, NRCPD approves courses that are mapped to the NOS for interpreting. Only individuals who have successfully completed an approved course can join the NRCPD register.

NRCPD registers other communication professionals such as electronic notetakers, speech to text reporters, lipspeakers and DeafBlind interpreters. Additionally, Deaf people can register as

⁷ <https://www.vlp.org.uk/>

⁸ Other reasons for the establishment of VLP included: increasing choice, not endorsing TSLI, and separation from NRCPD (Skinner 2019, personal communication).

⁹ <https://www.nrcpd.org.uk>

Registered Sign Language Interpreter Translators (RSLT) working between BSL and English and/or RSLI working between two different sign languages¹⁰. NRCPD has a code of conduct that registrants are expected to follow and a complaint process so that the public may address concerns about interpreters perceived to violate the code of conduct. Complaints are mediated by NRCPD. Currently, NRCPD has 1613 registrants, of which 1217 are RSLI and 274 are TSLI (NRCPD, 2019).

Signature¹¹ still exists and has developed the most popular curricula used in delivering the NVQ for SLI; however, NRCPD only recently began to take formal steps to split from Signature, becoming an independent Charity and Company Limited in 2017 (NRCPD Strategic Plan 2017-2020). The historical marriage of the regulatory body with a main qualification body cannot be ignored, a clear conflict of interest which has only recently been rectified¹².

NRCPD is governed by a board, which includes a lay chair, up to five lay Trustees and up to five registrant trustees. The board and NRCPD operations rely on a group of standards advisors to ensure policies and procedures are upheld. The advisors help NRCPD with the register (confirmation of applications and quality assurance), manage complaints, oversee approved course applications, monitor approved programs, support CPD practices, and promote registration. As of May 2019, all of these advisors are within England, and so the advisement of NRCPD on issues outside of England remains questionable.

REGULATORY BODY FOR BRITISH SIGN LANGUAGE INTERPRETERS AND TRANSLATORS (RBSLI)

The Regulatory Body for Interpreters and Translators (RBSLI)¹³ was established in 2015 as an independent, voluntary regulator (RBSLI, 2017). Established primarily by VLP members, RBSLI claims its establishment was a response to the large number of practitioners who desired a body solely dedicated to the regulation of SLI. Interpreters who have demonstrated they meet the RBSLI entry criteria are eligible to register. Registration criteria are largely identical to those used by NRCPD. However, unlike NRCPD, RBSLI does not register TSLI and states that students and trainees should only work alongside qualified practitioners who are responsible to monitor or support them (RBSLI, 2017).

RBSLI has developed their own Code of Ethics (RBSLI, 2017). Additionally, a complaints procedure for relevant stakeholders is available so allegations of poor ethical practice can be raised and reviewed. Questions about RBSLI legitimacy as an official regulatory body have been raised with at least one agency refusing to recognize RBSLI registration; however, RBSLI assures the public of their legitimacy (RBSLI, 2019). Currently, RBSLI only has 52 officially registered BSL interpreters in England (51) and Scotland (1); there are no interpreters from Wales or Northern Ireland currently on the register.

¹⁰ Currently, Deaf people working between BSL and English are only permitted to register as translators and there is no registration category that recognizes Deaf interpreters as BSL/English Interpreters.

¹¹ <https://www.signature.org.uk/>

¹² This conflict of interest is not unique to the U.K. and has been seen in other countries (e.g. the U.S. and Canada) (Leeson & Venturi, 2017).

¹³ <https://rbsli.org>

RBSLI has a board made up of external consultants and advisors. However, we are unable to determine if the board includes representatives from England, Scotland, Wales, or Northern Ireland, or what the backgrounds of the consultants and advisors are (interpreters or Deaf service users) because there is no biographical information available on their website.

SCOTTISH ASSOCIATION OF SIGN LANGUAGE INTERPRETERS (SASLI)

The Scottish Association of Sign Language Interpreters (SASLI)¹⁴ was established in 1982 to promote standards of good practice throughout Scotland (Wilson & McDade, 2009; SASLI Website). Originally, SASLI served a dual role as a registering and membership body for BSL/English Interpreters, Deafblind Manual Interpreters, Guide Communicators and Lipspeakers. In 2015, Scotland passed the BSL Act, aimed at promoting BSL in Scotland¹⁵ (Scottish Government, 2015). In line with this act, the Scottish Government developed a national plan that included a list of actions which aim to ensure Deaf and DeafBlind BSL users are fully involved in aspects of public life. This act was not aimed directly at the provision of SLI, however by promoting BSL, interpreter provision is naturally considered. The act required all public bodies (e.g. colleges and universities, regional NHS boards, local authorities) to publish their own BSL plans to identify the ways in which they will promote BSL within their respective institutions (Scottish Government, 2015). Following this national plan, SASLI underwent an organizational structure review from which the board and membership deemed that SASLI could no longer serve as both a professional association and registrar. SASLI opted to remain Scotland's SLI registrar and cease provision of professional support to interpreters. Henceforth, Scottish interpreters must seek such support through other organizations (e.g. ASLI or VLP). Because this separation is recent, some members of the public may believe that SASLI still serves as a professional membership association as well.

SASLI has selected a new name for the registration body, Scottish Register of Language Professionals working with the Deaf Community (SRLPDC) (SASLI, 2019). The updated register requires professionals to have 30 hours of CPD per year. This requirement means interpreters in Scotland must seek out CPD opportunities provided by ASLI, VLP, or a new professional association yet to be established in Scotland. Interpreters will also need to identify other CPD opportunities outside these professional associations to support their professional development. The new registration body will also develop a complaints process to allow complaints to be investigated and responded to by a board of trustees, which will have the authority to remove registrants if deemed appropriate for the protection of public interest (SASLI, n.d.). It is unclear how one can be accepted onto the SASLI register at this time.

THE NATIONAL UNION OF BRITISH SIGN LANGUAGE INTERPRETERS (NUBSLI)

¹⁴ <http://www.sasli.org.uk>

¹⁵ This act does not cover Wales, England, or Northern Ireland.

The National Union of British Sign Language Interpreters (NUBSLI)¹⁶ is a branch of Unite the Union, an organization that protects workers' rights, diversity, and equality across various sectors. NUBSLI is a union and not a professional association, per se. It was established because of the belief that the existing associations did not have the capacity to focus on political issues to the extent needed. It was established in 2014 and now represents 40% of the profession with continued growth (NUBSLI, 2019). NUBSLI has undertaken analytical research into the working conditions of BSL/English interpreters across the U.K., developed various reports for stakeholders about conditions, government policies, and frameworks, and undertaken campaigns to protect interpreters.

SERVICE PROVIDERS

The U.K. operates on a similar basis to other developed countries in the provision of SLI services, frequently via interpreting agencies, some of which specialize in SLI and some of which specialize in spoken language interpreting and translation, then tack on SLI without fully understanding the complexities of the work (DWP, 2017). In other instances, interpreters serve as subcontractors, working for a company/organization which provides interpreting services through procured contract arrangements.

As of 2016, there were approximately 90 agencies in the U.K. providing BSL/English interpretation services (Beeson, 2016). This is up from 55 agencies providing these services in 2002 (Brien, Brown, and Collins, 2002), showing a significant increase in agencies offering BSL/English interpretation.

Procurement processes in the U.K. have increasingly shifted to more government-funded provision for public services (health care, legal and court interpreting, and corporate services such as IT, estate, and facilities services) through the use of framework agreements whereby contracts are awarded to only a few agencies who win the bid for the contract. Concerns with framework agreements center largely around issues of professionalization: reduction of interpreters' fees to an unsustainable level, smaller agencies with good local knowledge being unable to continue providing services, a reduced amount of control and choice for Deaf people using services, an increasingly difficult complaint process about poor services, inexperienced interpreters used to fill contracts, lack of transparency about complaints that have been raised, and public funds being used inefficiently for administration instead of access (NUBSLI, 2019).

Considering the provision of SLI via agencies is important. Ozolins (2007) states, "Interpreting agencies can play a crucial role in professionalization or retarding professionalization of the field" (p. 130). Agencies are able to exert a great deal of influence over service delivery variables at various stages throughout the service delivery process—from advising on necessities during procurement, to the actual provision of qualified interpreters, to resolving any issues after the event.

SIGNAL JAMMING IN THE U.K. SLI FIELD

¹⁶ <https://nubsl.com/>

In the metaphorical system we have visually represented with cogs, signal jamming is akin to throwing a spanner into the works. Competing and/or conflicting signals, or an overwhelming number of signals, can disrupt or halt the functioning of the system, thereby detrimentally impacting the professionalization of SLI and, ultimately, the quality of services received by clients.

In the U.K., with three registration bodies, two professional associations, a union, and two distinct qualification pathways (with variance between them), there is plenty of opportunity for confusion. In direct response to this confusion NUBSLI created a flowchart to explain what the registration bodies and professional associations do (c.f. NUBSLI, n.d.). If interpreters are confused by the various cogs, then it should be assumed that many other stakeholders are also unaware or confused by the current landscape (particularly job market stakeholders who are responsible for the provision of services, e.g. agencies and service purchasers). Best (2015) states, “there are several stakeholders hungry for control over the profession,” which has ultimately created “a situation that consumers, and hiring entities may find increasingly difficult to decipher.” (p. 17). Hence, the following sections explore the cogs presented in this paper and how they create and/or contribute to SJ.

INTERPRETER QUALIFICATION PATHWAYS

Both of the two interpreter qualification pathways in the U.K.— the NVQ and HE pathways— are meant to be based on the NOS in Interpreting. There is currently no empirical evidence available to qualitatively or quantitatively benchmark outcomes of either route or measure how they correlate to readiness to practice.

In both routes, with the exception of Heriot-Watt University, students are able to register as Trainee Sign Language Interpreters (TSLI). In the current system, a TSLI is, by definition, a person who has not completed interpreter training but is enrolled in a course. Therefore, learners are permitted to develop their practice, often unsupervised, essentially making service users “guinea pigs” (Phippard, 2013). TSLI can work in the majority of settings, although NRCPD states that they may not work in mental health or the criminal justice system and should always exercise caution when accepting work in a social care environment (NRCPD, n.d.).

Regarding the NVQ, Best (2016) points out that although some technical assessment components are necessary to ensure that candidates are able to render an effective interpretation, interpreting is recognized not as a technical profession but as a practice profession, because practitioners must deal with the intricacies of human interactions (Dean & Pollard, 2005, p. 259). Hence a strict focus on the technical aspects may not necessarily prepare students to navigate the ethical gray areas they will encounter as working professionals (Best, 2016).

The HE route has also been challenged. For example, in an anonymous post on a U.K. blog dedicated to issues relevant to deafness, Limping Chicken (2014), one author argued that a university program endorsing graduates to become RSLI with only four years of training and limited work placement experience is insufficient. The author emphasizes that students who complete BA degrees in other professions do not automatically become registered members of their profession (e.g. legal and medical professionals). While the author’s claim is not evidence based, as in some countries there are professions that permit graduates to register with a

professional body (e.g. social workers, dieticians), it highlights the need explore the current situation. With what we know about the readiness to work gap (Anderson & Stauffer, 1990; Witter-Merithew & Johnson, 2005; Napier, 2009; Cogen & Cokely, 2015) and the current issues facing SLI education (Webb 2017), it makes sense to challenge the current system of Higher Education and consider Webb's (2017) suggestion for post-graduation pathways, which may mean reevaluating minimum registration standards (e.g. postgraduate degrees).

However, when following the HE route, interpreters complete formalized training in SLI—essential for professionalization (as the NVQ itself is only an assessment)—and receive a degree. While some may argue that a degree is not necessary to work as an interpreter, Deaf people are becoming increasingly educated and taking on professional roles, so the requirements for interpreters should follow suit (Leeson et al., 2014). Additionally, many service users, both Deaf and hearing, are often highly educated themselves (e.g. doctors, lawyers, teachers, or other professionals); therefore, working with interpreters who are educationally on par becomes increasingly important. When purchasers hire interpreters without university qualifications for assignments with mediation between highly educated individuals, questions arise about whether or not such interpreters can accurately reflect the professional discourse between service users (Kauling, 2017; Napier, Young & Oram, 2017; Beeson, 2018), and may therefore contribute to SJ.

University degrees are important for the professionalization process and to Deaf and hearing professionals, however, again Webb and Bright (2019) challenge the role of HE institutions as *sole* gatekeepers to the field. Considering the array of difficulties educators face within the confines of the HE—grade inflation (Department of Education, 2019), the pressure to pass students, issues in curriculum, teaching and delivery (Webb, 2017)—we challenge the current system and question whether *all* students graduating with degrees have actually met the competencies needed to be considered RSLI. It may be that some students deserve degrees, as they have developed academically, but they should not be granted access to the register. Due to the limitations within HE, Webb (2017) stresses the need for stakeholders to work collaboratively in developing post-graduation pathways for students to better transition to work and in safeguarding the provision of SLI.

The various issues presented describe the current context and suggest that the interpreter qualification pathways are not entirely straightforward in ensuring high standards in the provision of SLI. In most training pathways, learners can register and work as a TSLI at the same time they are learning or undergoing assessment. University graduates can immediately become RSLI upon graduation. Yet, in all of these cases, regardless of the registration category, skill differences between TSLI, RSLI recent graduates, and RSLI with more years of experience exist and are not accounted for. As will be described in further detail, service providers and service purchasers do not often have a strong understanding of who is the most appropriate person to deliver interpreting services to consumers. Based on these issues, we ask the following questions: 1) Should TSLI provide unsupervised interpreting services? 2) Should having a degree or completing an NVQ portfolio lead to becoming RSLI? 3) What transitional pathways should be in place to better support students after they complete interpreter training? These questions are applicable to both the HE NVQ pathways and could be implemented into the wider system.

REGISTRATION BODIES

The fact that there are three registration bodies in the U.K. (NRCPD, RBSLI, SASLI) is confusing. While other professions in the U.K. have more than one registration body, there is not more than one registration body within each country. For example, social workers have registration bodies in England, Scotland, Wales, and Northern Ireland, and lawyers have registration bodies for Wales and England, Scotland and Northern Ireland (as the judicial systems are different). Additionally, in the case of social workers, while their registration bodies are working together, social workers are to work in the country in which they are registered. Signed language interpreters can register with any of the registration bodies and work in any of the countries, and the registration bodies do not appear to be working together, as those who are currently registered with SASLI, for example, cannot simply register with NRCPD.

Scholars in the U.S. and the U.K. have already pointed out that having multiple credentialing systems can have a negative impact on the process of professionalization (Best, 2015; Witter-Merithew & Johnson, 2004). Given the current situation in the U.K., particularly the fact that there is no legal mandate for interpreters to register to work as interpreters, it makes sense to have a single register for SLI in the U.K. Considering NRCPD is the most widely recognized register, it may be the way forward for the SLI profession, particularly for those working in England, Wales, and Northern Ireland. Interpreters working in Scotland may want to keep an eye on the development of SRLPDC, as this new register may be better aligned with the national context¹⁷ (e.g. BSL Act 2015). Future research needs to explore the public's perception of SLI credentialing in the U.K. to identify whether or not the current credentialing system (via the NVQ or HE pathways) is appropriate or if external credentialing/assessment is more appropriate (e.g. licensure).

Regardless of the fact that there are three registration bodies registering BSL/English interpreters across the U.K., there is no legal requirement for individuals to be registered anywhere to work as an interpreter. The Scottish government has attempted to clarify what a qualified interpreter is and encourage public bodies to use registered BSL/English interpreters to ensure minimum competency. However, the provision of services is often dependent on both those procuring and providing the services, which cycles back to issues regarding the provision of services, explored below. Additionally, the efforts of the Scottish government do not apply in England, Northern Ireland, and Wales, due to the process of devolution.

In response to NRCPD's dual tiered registration system (TSLI and RSLI), there is no way to account for interpreters who have completed their training, but are simply new to the profession. When an interpreter is booked, service users and service purchasers hold expectations about the service rendered. In hiring an RSLI, expectations rest on the notion that they are entirely competent to do the work. However, some RSLI have very little experience, and specialist certifications for practicing in specific domains such as legal or medical work do not exist (Napier & Haug, 2015). Considering that most of the interpreters work in a freelance capacity without traditional hiring processes (e.g. probationary opportunities), we argue that the registration body should take on more responsibility in ensuring their registration categories match the marketplace so that appropriate signaling can occur between all stakeholders. Additionally, registration bodies should

¹⁷ There are many developments connected to the SLI profession happening within Scotland and the wider U.K., therefore all of the information presented here is current as of submission.

require those who register to be affiliated with a professional association, which along with holding professional indemnity insurance and maintaining continued professional development is a key identifier of professional status.

PROFESSIONAL ASSOCIATIONS

The general public may often confuse professional associations not only with each other but also with registration bodies. As previously explained, SASLI in Scotland was originally both a registration body and professional association entity, compounding this conflation. Some interpreters will also list MASLI (Member of ASLI) or MVLP (Member of VLP) in their email signatures after their names. While it may be common for people to list memberships after their name, these membership acronyms may signify a person as having a qualification when they do not. Similarly, as a union, NUBSLI has a fundamentally different purpose than ASLI or VLP, but its distinct purpose may be confused with other interpreter organizations by hiring entities and consumers.

SERVICE PROVIDERS

Scholars have noted that many interpreting agency owners and administrators may know little about interpreting (Best, 2019; Ozolins, 2007; Norström et al., 2012; Dong & Turner, 2016). Without sufficient knowledge of what quality service provision entails (e.g. relating to specialized settings or service user needs), agencies are fostering conditions for SJ, which creates inadequate input into procurement processes so that fair and appropriate service provision is not possible.

Further compounding the challenges of quality service provision is the prioritization of profits over quality. Rather than evaluating interpreter skills and the needs of consumers, many large agencies instead focus their efforts on winning and fulfilling contracts. Dong and Turner (2016) writing specifically about the U.K. context report, “there remains a tacit rule in the market that quantity supersedes quality” (p. 12). The resulting competition between agencies in an unregulated market has been found to compromise the quality of services clients receive (Norström et al., 2012). Best (2019) points out that compromised service quality is even more likely when those bidding for and granting contracts are doing so without a thorough understanding of what quality service provision entails.

We contend that competing costs offered by providers are also a signal, as the pay structure within the market creates challenges for all stakeholders. Considering the vertical pay structure, a professional with only one year of experience can earn the same as a professional with 30 years of experience. Therefore, an agency may not consider who is more experienced or potentially more appropriate for an assignment. This is essentially “warm body” syndrome (Sapere et al., 2005), where agencies deploy interpreters to fill jobs regardless of skill sets. On the other hand, if there was a horizontal pay structure and interpreters that “cost less” were available (even due to lack of experience), service purchasers may opt to use the cheaper service, as they do when employing Communication Support Workers (CSW)¹⁸ rather than interpreters (DWP, 2017). Research has found that interpreters perceive agencies as having a pivotal role in influencing both market and

¹⁸ Communication Support Workers (CSW) are generally individuals who are not fully qualified interpreters and hold lower levels of BSL NVQ. They may perform other duties in addition to communication support.

professional standards, including quality of services (Best, 2019); however, interpreters generally do not trust agencies to allocate jobs according to best practices (Dong & Turner, 2016) or to operate by an ethical and sustainable business model (Best, 2019).

Interpreters may struggle to get basic information about assignments, and with less information and preparation, the decision latitude to accept jobs appropriate for their skill level is removed. Therefore, even when interpreters may be “safe to practice,” they lack information—a signal jam—which prevents them from making a fair assessment about their suitability for an assignment. Service purchasers may argue that withholding this information secures confidentiality because of data protection laws (e.g. General Data Protection Regulation), and may therefore expect RSLI to work in any setting. However, when this happens, there is no guarantee that service users will receive a quality service.

Importantly, there are published guidelines for SLI provision. Section 6 of the International Organization for Standardization (ISO) Guidelines for Community Interpreting (ISO 13611, 2014) specifies the roles and responsibilities of Interpreting Services Providers (ISP). Best (2019) observes that, “Whilst the ISO 13611 guidelines have been available for a few years, little inquiry or discussion seems to have taken place regarding how or if they are being applied” (p. 4). Similarly, ASLI has published a document entitled Standards for Interpreting Service Providers (Reed & McCarthy, 2017). This paper outlines the consensus of the ASLI membership on best practices in SLI provision. However, these guidelines may not be well known among providers or those procuring services, and they essentially function as suggestions for best practice rather than stipulations for provision, without potential for reinforcement or repercussion should an entity choose not to adhere to them. Because the purchaser is not always a service user, considerations need to be made for service users to signal service purchasers as to the quality of the service rendered (e.g. encouraged to provide feedback on the service to the service purchaser), which can then influence decisions around future purchases.

Other researchers have suggested more formal measures of encouraging and enforcing SLI practices. These include a proposed Code of Industry Practice (Ozolins, 2007) (similar to an interpreter’s Code of Conduct) and agency accreditation (Ozolins, 2007; Best, 2019). In research exploring BSL/English interpreters’ perceptions of the need for a Code of Industry Practice for agencies, “Survey respondents were overwhelmingly in favor of such a measure with 95.7% in favor and only 4.3% unsure with no respondents against” (Best, 2019, p. 15). When BSL/English interpreters were asked about their thoughts on the need for agency accreditation, “89.4% of respondents said yes, whilst 10.6% said maybe. Notably, there were no participants in this survey who indicated that they would not be in favor of agency accreditation” (Best, 2019, p. 15).

One of the primary problems with implementing agency accreditation is which body would be responsible for accreditation monitoring. NRCPD appears to be the most readily poised organization to take on agency accreditation. However, as Best (2019) reports, “[NRCPD] has indicated that they are currently not interested in becoming involved with standards for agencies” despite the significant influence this measure would have on professionalization and the resulting assurance in quality of services (p. 17). Hence, Best (2019) argues that ISO 13611 certification should become a procurement stipulation, with only those agencies which have the certification being eligible to bid for government contracts.

OTHER SIGNAL JAMS IN THE U.K. SYSTEM

Aside from interpreter qualification pathways in the U.K., another confounding element is the way language levels are structured. The reader may recall from the NVQ discussion above that an individual must first achieve British Sign Language (BSL) Level 6 before continuing on to a Level 6 NVQ Diploma in Sign Language (BSL) Interpreting program. Often, hiring entities may simply stipulate a BSL Level 6 qualification as a requisite for interpreting job offers. This means that, although some language competency may be assumed, the individual may have no interpreting training or experience. The use of the term ‘Level 6’ in both qualifications leads to a great deal of confusion about what is necessary for interpreting work. Moreover, a BSL Level 3 (or even Level 2) is often accepted for individuals being hired as Communication Support Workers.

Communication Support Workers (CSW) are another issue which creates SJ in the U.K. CSW typically have little to no interpreter training and limited BSL skills but provide interpreting services (DWP, 2017). NRCPD supports the Association of Deaf Education Professionals and Trainees recommendation that CSW hold a Level 3 qualification in BSL and a CSW qualification. However, NRCPD also acknowledges that many CSW do not hold a Level 3 qualification, and many job advertisements require only a Level 2 GCSE standard qualification—a CSW qualification is often not a requirement (NRCPD website). While the work CSW do is needed and should not be ignored (e.g. they can support non-BSL users and people who have Autism or other communication difficulties), tension between interpreters and CSW remains (Nunn, 2013). Some of this tension exists because CSW are often used to replace qualified interpreters simply because they are cheaper. In an unpublished exploratory study on the role of CSW in the wider field of SLI, Entwistle (2018) reports that CSW working in a primary school in Scotland mostly function as interpreters. She notes, however, that they do not consider themselves interpreters because they are not paid as much as professional interpreters. This finding essentially validates the notion that CSW are the cheaper option and not necessarily the best option. Yet, there is no legal mandate signaling hiring entities to hire qualified and competent providers to deliver interpreting services. Consequently, when purchasers do not understand the difference between CSW and interpreters, cheaper unregistered professionals may be hired (DWP, 2017).

CONCLUSION: THE NEED FOR LEGISLATION AS A CENTRAL COG

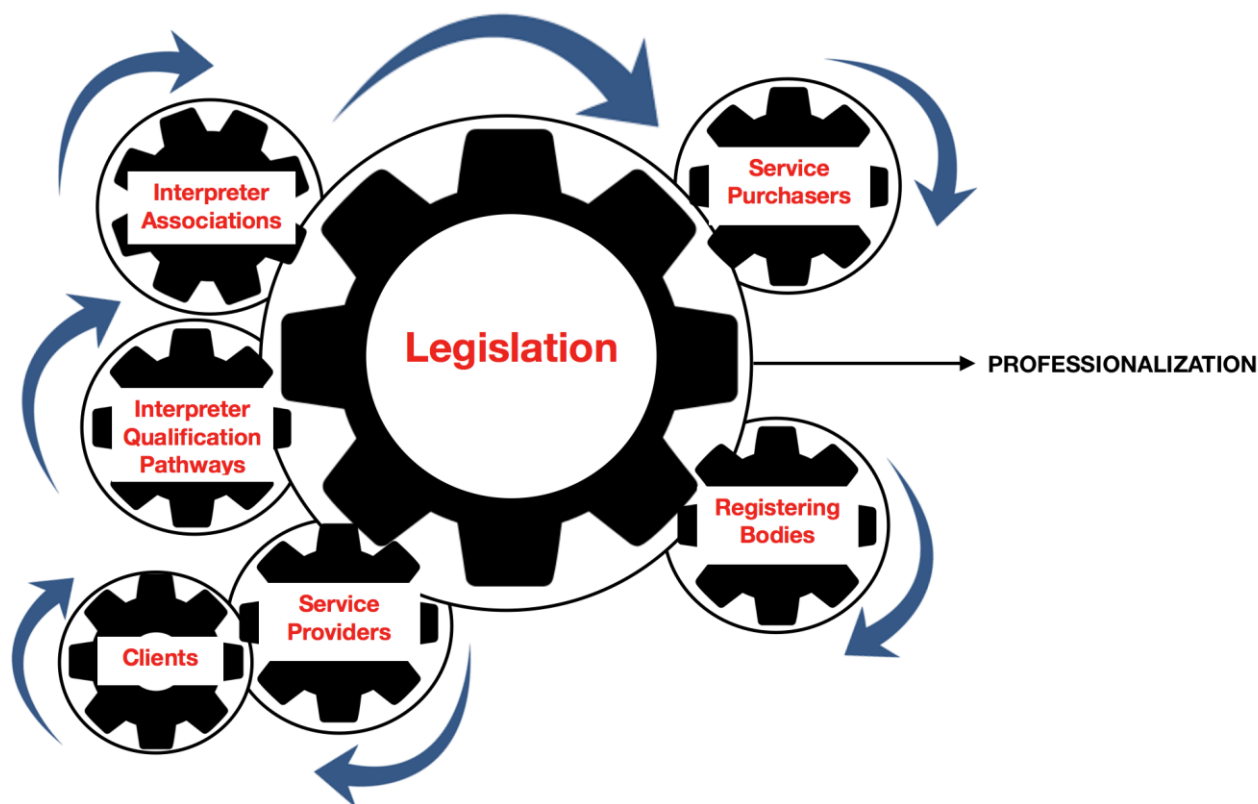


Diagram 2: Legislation as a central cog creates cooperation and synergy amongst system parts

Several components of the U.K. system transmit messages causing SJ, thus leaving purchasers, suppliers, and consumers of interpreting services confused about what credentials are necessary for an interpreter. Without a central cog generating a forced synergy between components, we postulate that there is much more chance of SJ, which prevents the cogs from fitting and turning smoothly together, disrupting the entire system and thus the professionalization process. We will make the argument for legislation as a central cog; however, a single, centralized booking system (as seen in some European countries) could effectively achieve the same objective.

The literature points to how legislation may aid the professionalization processes. For example, Witter-Merithew and Johnson (2004, p. 2) state that during periods of market disorder, market participants look to government regulators to establish public policies and regulatory structures that will mitigate the negative effects of market disorder. In several developed countries, more public services have been made accessible through the provision of interpreters via equal opportunity legislation and disability discrimination and civil rights legislation. The demand for professional interpreters has increased and the development of professional standards has taken place, showing the effectiveness of legislation (Pöchhacker, 1999; Swabey & Mickelson, 2008; Napier, 2011; Webb, 2017). Such legislation has helped to initiate professionalization processes,

but more needs to be done to ensure access through the use of qualified interpreters. Currently, there are no legal stipulations relating to the use of fully qualified interpreters in the U.K., and assignments may be filled by unsuitable individuals merely to satisfy the requirement of disability legislation that an interpreter be provided.

Webb (2017) argues that aligning societal, political, and legislative expectations will improve the standards of sign language interpreter education and services rendered. Collaboration between interpreter education bodies, Deaf and interpreting associations, and service providers is necessary in order to reach policy makers and effectively lobby for the development of statutory regulations. Furthermore, policies must consider how regulations are supported and monitored (Webb, 2017).

Best (2019) outlines the issues with SLI provision and emphasizes that discussions around this problem have been happening for quite some time, indicating that there is not sufficient impetus within the job market for the problem to be rectified without some type of intervention. Best (2019) suggests that ISO 13611 certification become a procurement stipulation, which would effectively insert a central cog into the provision of SLI services and drive greater quality of services as only fully qualified interpreters are used.

It is important to note that there have been some inroads made with framework agreements including reference to using registered interpreters; however, it is not specified with whom the interpreters should be registered. This may be indicative of a gradual shift toward greater professionalization; but the fractured nature of the profession and the lack of a requirement to use registered interpreters leave ample opportunity for SJ which will ultimately impede the different segments of the system from effectively working together. Future research could explore whether registration actually does promote better standards and practices.

The name and the function of the interpreter needs to be defined and protected. NRCPD has begun a push for the *title* of “sign language interpreter” to become legally protected; however, this protection would not extend to the *work* of interpreting. For example, CSW frequently interpret, and legal protection of the job title would not likely impact the current practice of hiring a CSW to do a job that is essentially interpreting, as long as the CSW was not labeled as an interpreter. Even without legal protection of the interpreter title there are unqualified individuals who call themselves “language service professionals” (LSP) and offer interpretation services. It is important, therefore, that any push for legally protecting the name of “interpreter” also include the function of interpreting.

Legislation should specify how those without full qualification status may work (e.g. with appropriate supervision in specified domains) and include who can be hired if a qualified interpreter is truly unavailable (e.g. in rural areas, or when there is a need to use Deaf interpreters¹⁹). In the meantime, professional associations should carefully consider the supervision and mentorship opportunities they can offer newly qualified interpreters. Professional interpreting and Deaf associations should be the driving forces in collaborating to formulate

¹⁹ The incorporation of Deaf interpreters to the profession is another layer of SJ to be explored in a future review, as Deaf interpreters are used in practice, but there is no clear path for them to train or register as BSL/English interpreters.

legislation to uphold standards of services. Further, in order to formulate the most effective legislation, empirical research should be conducted to ascertain the perspectives and experiences of current stakeholders. The creation of a central, driving cog will necessitate input and some level of collaboration between many stakeholders, and it is something that would ultimately benefit clients of interpreting services.

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