

Policy recommendations summary

Context:

Our [research](#) shows that speakers of English as a second or additional language (ESL) face a range of language barriers in the criminal justice system (CJS).

This includes inconsistent or inadequate language support, such as a lack of written translations.

“Even the letter which I received from the police when they let me know the date of the court, I pretty much understood only that sentence... On the top of the letter and the bottom of the letter, there were words which I never... I didn’t understand it [sic]”. **Victim of hate crime.**

People who don’t speak English as a first language can be left facing an uphill struggle to achieve justice and rehabilitation, with reports of inaccurate statements being taken, negative effects on victims’ wellbeing, an undermining of trust in the police, and even, victims being mistakenly identified as the perpetrator.

‘They were just saying ‘speak English! Speak English!’. They didn’t understand me in English so I switched to Romanian, and I said, ‘feel how I feel when I can’t understand what you’re saying to me’. I was devastated, they [police] were speaking English to me, ‘stand up’, they lifted me forcefully, bent my arms, searched me. And what am I supposed to do? How am I supposed to tell what I’m telling? [sic]’. **Victim of domestic abuse.**

To tackle these barriers, and ensure fair justice outcomes for all, reforms to policy and practice are urgently needed across the following areas:

Improving data collection across the system

What is the issue? Currently, there is no data collected on language needs in the criminal justice system. Without this information, ESL speakers are essentially an invisible group. We do not know how many ESL speakers there are, what languages they speak and how well, nor if their needs are being met. Within prisons, for example, literacy and numeracy levels are currently measured upon entry, and yet language proficiency is not.

What needs to change? Agencies should assess and record first and other languages of individuals at every point of contact. This could be done alongside protected characteristics, to comply with the Equality Act (2010).

Why? Data collection is a critical first step to understanding the language needs of ESL speakers and shaping effective provision to meet them. It is also crucial for keeping a check on whether their rights are being upheld.

Ensuring the rights of ESL speakers are upheld

What is the issue? [Speakers of ESL are entitled to a range of language support](#) in the criminal justice system but all too often even the most basic level – translation and interpretation – is not provided. Because of issues such as time and resources constraints, and a lack of staff training, ESL speakers are left without vital support to make their voices heard.

“It was 100% I would need an interpreter to explain properly what happened with me and what [the perpetrator] said or this or that... I already said to the police... I think I said, ‘Can I

*take interpreter?’ ... The police said, ‘Your English is very well. I can understand you.’ But I was needing an interpreter, to be honest...[sic]”. **Victim of violent crime.***

What needs to change?

- Agencies should introduce training and guidance for frontline staff on the nature and impacts of language barriers, as well as providing high-quality interpreter services where interpreters are familiar with the workings and vocabulary of the CJS.
- Agencies should be aware of, and remove barriers to access, for speakers of ESL. This should include regularly reviewing service users’ language requirements to ensure service information is translated and appropriately targeted.
- Right 1 in the Victims’ Code, the “right to understand and to be understood”, must be enshrined in law, actively promoted, and its implementation monitored by agencies working with victims.

Why? The delivery and monitoring of effective language support, by trained staff, who can identify and respond appropriately to language barriers, is key to ensuring that ESL speakers receive their rights, not as a “nice to have”, but as an integral and routine part of administering justice.

Improving access to effective ESOL in prison to support rehabilitation

What is the issue? Education is central to rehabilitation, and yet speakers of ESL in prison are often denied valuable opportunities to gain language and other skills because of the patchy and inadequate provision of English for Speakers of Other Languages (ESOL) classes. Other education and skills courses are often also not made accessible for non-English native speakers.

What needs to change? His Majesty’s Prison and Probation Service should ensure that service users who speak ESL have access to the appropriate level of ESOL classes as part of their rehabilitation.

Why? For many, when released, the skills and qualifications gained in prison can be a springboard to a range of educational, employment and social opportunities. For speakers of ESL, ESOL classes in particular are the key to gaining essential communication skills, valuable in prison and beyond.

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