

DFJ PROTOCOL: INTERPRETERS

This protocol will formally come into effect from 29th September 2025.

1. The use of interpreters is vital to ensure that individuals who require such services are able to understand, provide instructions about, and participate in legal proceedings.
2. This protocol has been produced so as to ensure that individuals still receive the services they require, but ensure the precious limited pool of interpreters available are used appropriately and efficiently. It has become a regular occurrence that interpreters have been booked through the Court, only to result in multiple interpreters then attending. That has an impact on the availability of interpreters elsewhere in our own court centre, availability more widely, and a wasted cost which could be utilised elsewhere in our already stretched family justice system. There is also a risk that some interpreters may feel in conflict if they have been assisting a party in personal interpretation and are then asked to interpret for the Court.

When will the Court book a Court interpreter?

3. A “court interpreter”, is an interpreter booked by the Court. A “personal interpreter” is an interpreter booked by a party, often through their legal aid certificate
4. A court interpreter will usually be required to assist the Court in the interpretation of **evidence** from an individual giving evidence from the witness box. That interpreter has been booked by the Court, through a 3rd party agency (The Big Word) to ensure that the interpreter has the necessary qualifications and experience to undertake that important task.
5. There may also be occasions when a litigant in person requires interpretation services but does not have recourse to public funding.
6. As a result, the Court will book a Court interpreter in the following situations:
 - a) Where a litigant in person requires an interpreter and the Court has been put on notice of that requirement.
 - b) Where the Court is due to hear evidence from an individual who requires interpretation services. Such occasions are likely to be:
 - i. Interim contested hearings on evidence;
 - ii. Fact Finding Hearings; and
 - iii. Final Hearings.

Personal interpretation

7. Outside of those occasions listed in 6(a) and (b) above, the expectation is that those who are legally representing an individual who require the services of an interpreter, will arrange those services themselves. As a result, personal interpretation will cover:
 - a) interpretation for conferences;
 - b) interpretation for providing instructions; and
 - c) personal interpretation from the back of the Court during hearings where no evidence is being heard.

Remote interpreters in hearings

8. It is the experience of the judiciary that remote interpretation is a poor substitute for in person interpretation when the individual requiring services is physically in the Courtroom. Because the interpreter is usually interpreting over the video link, the hearings become disjointed, lengthy and hard to follow. If at all practicable, the Court will arrange for interpreters to attend in person when the person who requires interpretation service is present in Court. However, due to lack of availability, there may be occasions when the Court approves remote interpreter attendance. That will be the exception rather than the rule.
9. If a party who requires interpretation services is appearing remotely, the Court has found that the issues are mitigated by the interpreter attending on the video link but muting their link and interpreting over another device, such as a telephone, to the remotely attending individual requiring services. Given it is a lot easier to obtain interpreters attending remotely, it is important that when an application is made, either at a Court hearing or on a C2, for remote attendance of an individual who requires interpretation, it is made clear on the draft Order that the Court will book a remote interpreter as well.
10. Practitioners may consider that the issues identified above in respect of Court appointed interpreters attending in person, are the same for personal interpreters assisting in Court. Legal representatives must ensure that personal interpreters attend in person. If all avenues have been exhausted in attempting to book an in person personal interpreter, the Court will allow a personal interpreter to attend remotely. However, unless the hearing has already been listed as a hybrid hearing, a separate C2 application will be required.

HHJ Murray

Designated Family Judge for Cleveland and South Durham

19th September 2025