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of Translation Errors for the English-Spanish Language Pair
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Analysing Phraseological Units in Legal Translation: Evaluation of Translation Errors for the English-Spanish Language Pair

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Abstract

This chapter describes a contrastive case study carried out with a sample of second-year undergraduate students studying a BA in Translation at the University of Westminster (UoW). The case study analyses the translation strategies used by trainee translators when dealing with certain phraseological units (PU) in a piece of legal translation coursework involving the English into Spanish language pair. This chapter aims to describe the type of errors students tend to make when they translate PU in a semi-specialized legal text and to establish a comparison between the most common errors made by English native speakers (ENS) and Spanish native speakers (SNS). Under the umbrella term of *phraseological unit*, the stress of this study is mainly put on the analysis of collocations, which can be defined as the combination of two or more words which frequently appear in combination with each other and where each lexical unit retains its meaning (Buendía 2013; Buendía, Montero & Faber 2014). In the light of this analysis and in line with recent case studies undertaken in the field of legal translation (Pontrandolfo 2016), this chapter points to some approaches that enhance the phraseological competence required in legal translation courses. These approaches include task-based approaches applied to translator training (e.g. Hurtado Albir 1999/2003, 2015a, 2015b; González Davies 2004; Borja 2007/2015; Huc-Hepher & Huertas Barros 2016), critical discourse analysis (Way 2012), and approaches based on decision making and problem solving (Prieto Ramos 2014; Way 2014).

Keywords: *collocations, legal translation, legal language, phraseological units, translation errors, translation evaluation, translator training*

Introduction

It seems that about 80% of the words in discourse are chosen according to the co-selection principle rather than for purely syntactic or grammatical reasons (Sinclair 2000: 197). Thus, the analysis of how words co-select with other words is a necessary focus of study for any translator wishing to create a text that is as natural and linguistically correct as possible.

The interest in the didactics of phraseology has increased substantially in the last few decades. Most studies concerning the teaching and learning process of phraseology have been accomplished from the perspective of foreign or second language acquisition (Higueras 2006; Meunier & Granger 2008; Penadés 1999; Qi 2016; Ruiz Gurillo 2002; *inter alia*). However, research on the didactics of phraseology in translation training is still scarce, particularly in specialized translation, such as legal translation. The specificities of a translator as a linguistic and cultural mediator require a specific teaching methodology. In this sense, it is necessary for trainee translators to acquire what has been referred to as *phraseological competence* (Howarth 1998), i.e. a kind of “learner’s ability to produce conventional collocations and formulaic sequences” (Turner 2014: 222).

This phraseological competence becomes evident in legal translation since legal documents often use grammatical structures typical of the field, such as redundancy, foreign words and Latinisms, syntactic discontinuity, impersonal and passive constructions, nominalization, complex sentences, and formulaic expressions (Alcaraz & Huges 2014; Borja 2000: 23-30, 2015: 123-150). Of these elements, formulaic

language, i.e. phraseological units, seems to be at the core of legal documents (Tiersma 1999: 100-104). This chapter describes a comparative case study on how students deal with PU in a piece of legal translation coursework.

The chapter is organized as follows. The next section provides an overview of our approach to phraseology PU, followed by the classification of translation errors used in our case study. Then, we set out our practical case study, including a module overview, a description of the students' profile and other key questions such as the text type, the brief, and the assessment criteria used at the University of Westminster (UoW). Next, we analyse and discuss the most recurrent translation errors made by students when dealing with certain PU in a semi-specialised legal text. The subsequent section summarises the main results of our study, with a focus on the most common translation errors made by English native speakers (ENS) and Spanish native speakers (SNS). Finally, we highlight the main conclusions drawn from our study and to some approaches to developing and honing the phraseological competence required in semi-specialised legal translation courses.

Our approach to phraseology and phraseological units

Phraseology is the study of phrases, where phrases are “any multi-word expression up to sentence level” (Pawley 2001: 122). As with other linguistic phenomena, there is still no consensus regarding the term used to designate phrases¹: *multi-word unit* appears to be the preferred term within the natural language processing community, whereas *phraseological unit* seems to be the preferred term in the field of phraseology (Corpas-Pastor 2013). Briefly speaking, a *phraseological unit* is a stable combination of at least two words which, depending on the approach, can have either a phrase or a whole sentence as an upper limit (Corpas-Pastor 2003: 134). We follow a broad conception of phraseology (Roberts 1994/95; Hausmann 1989; Corpas-Pastor 2003, *inter alia*), which regards PU as all combinations of words with a certain degree of stability. This includes not only idioms, but also collocations and compounds.

As such, in our approach, a *collocation* can be defined as the combination of two or more words which frequently appear in combination with each other and where each lexical unit retains its meaning. The collocater (the verb or the adjective) is constrained by the meaning of the base, (normally the noun), but at the same time, the collocater constrains the kind of nouns that can combine with it². As such, for example, in the collocation ‘do checks’ (see source text in Annex 1), both ‘do’ and ‘check’ keep their respective meanings. In this sense, ‘check’ (an examination of something to make certain that it is correct or the way it should be), can appear with verbs that indicate performing a task (e.g. ‘do’), and, at the same time, the predicate ‘do’ (to perform, take part in, or achieve something³) requires, among others, nouns or noun phrases designating examination (e.g. ‘check’). In line with semantically-based approaches, what distinguishes a combination such as ‘do checks’ from ‘criticize the checks’ are the definitions of both elements. As shown, the definition of ‘check’ makes no reference to verbs such as ‘criticize’. Therefore, the combination ‘criticize the checks’ is a free combination, whereas ‘do checks’ is a collocation.

In contrast to collocations, compounds are often defined as “one word (in the sense of lexeme) that is made up of two other words (in the sense of a lexeme)” (Bauer 1988: 65). That means that they designate a single concept. Since nominal compounds in English are either noun + noun or adjective + noun combinations, and collocations can have a similar structure, it is often difficult to differentiate them from compounds. In this regard, Meyer & Mackintosh (1996: 3) coin the term *phraseme* to refer to both collocations and compounds⁴.

Our case study analyses both compounds and collocations. More specifically, the PU under analysis were the following: ‘local adoption agency’, ‘(local) Health and social care trust’, ‘voluntary agency’, ‘health and criminal record’, ‘home study report’, ‘adoption panel’, ‘agency’s decision maker’, ‘senior manager’, and ‘do some checks’.

Translation errors and translation evaluation

The concept of translation error has been addressed by many scholars over the past few decades. As noted by Hansen (2010: 385) “the perception of what constitutes a translation ‘error’ varies according to translation theories and norms”. Hurtado Albir (2001/2004: 289) defines a translation error as an inadequate equivalence for the translation task that has been commissioned (our translation). From a functionalist perspective, for example, the notion of translation error is closely intertwined with the purpose of the translation process or product. From this perspective, Nord defines the term error as “a failure to carry out the instructions implied in the translation brief and as an inadequate solution to a translation problem” (1997/2012: 75)⁵.

There are also several classifications of translation errors associated with both the source and the target text (e.g. Gouadec 1981; Delisle 1993; Nord 1996, 1997/2012; Hansen 2006; Hurtado Albir 2001/2004, 2015), and some scholars also make a distinction between the nature of translation errors (e.g. Pym 2002; Kussmaul 1995) and distinguish between binary and non-binary errors, and scholars such as Nord (1996: n.p.) and Williams (2009: 6) classify errors according to their level of seriousness (i.e. major or minor error)⁶.

The notion of translation error is closely linked to the notion of translation quality and translation evaluation. The identification and classification of errors in our case study draws on the assessment criteria and rubric used at the UoW (see page 45). This classification of errors bears a strong resemblance to the revision parameters (i.e. the type of errors) proposed by Mossop (2001/2014: 134–149), which we summarise in Table 3.1. Given that our case study focuses on the analysis of specific PU and not the entire translation as such, the presentation parameter has not been factored in the analysis and classification of errors discussed in subsequent sections.

Table 3.1 Summary of revision parameters proposed by Mossop (2001/2014: 134–149)

1) TRANSFER	2) CONTENT	3) LANGUAGE	4) PRESENTATION
a) Accuracy	a) Logic	a) Smoothness	a) Layout
b) Completeness	b) Facts	b) Tailoring	b) Typography
—	—	c) Sub-language	c) Organization
—	—	d) Idiom	—
—	—	e) Mechanics	—

A Comparative Case Study at the University of Westminster: Spanish Translation 2 (English-Spanish)

The following section presents a practical case study undertaken with second-year undergraduate students taking the BA Translation course at the UoW. The object of our study is to analyse the translation strategies used by translation students when they deal with certain PU in a piece of legal translation coursework. We will first provide a contextualisation of the module in question and the students’ profile, followed by a text type description and an overview of the assessment parameters used at the UoW. Then,

we will analyse the main results and conclusions drawn from our case study.

Contextualisation: overview of the BA Translation course at the UoW

The BA Translation is a three or four-year professionally-oriented training course that provides students with the necessary skills, knowledge and competences to embark on a career as professional translators or linguists. The course offers French and Spanish as main languages and consists of 120 credits per year, spread across three levels: Level 4 (first-year students); Level 5 (second-year students); and Level 6 (third-year students or fourth-year students if they spend a year abroad).

Module overview and students' profile

Our case study will focus on the Level 5 module 'Spanish Translation 2', a 30 UK credit module (i.e. equivalent to 15 ECTS) in which students translate from English into Spanish and vice versa, and work with real-world texts within the following subject areas: Business, Health, Law and Technical. The module combines both language-specific translation seminars and theory lectures. In terms of assessment methods, students are required to complete four practical pieces of coursework (one for each subject area), one theoretical essay and one exam (i.e. a translation). Formative tasks are also used to prepare students for summative assessment.

Our case study will focus on the piece of coursework devoted to the subject area of Law, which consisted of a source text of 350 words (see Annex). The data was collected for the English into Spanish language pair during the academic year 2014-2015. There were 14 students enrolled on this module, including 6 native speakers of Spanish and 8 native speakers of English. All the students in the sample received the same training at university since they attended the same core modules in their first year of study, including the Level 4 module 'Spanish Translation 1'. Prior to the study, we completed a research ethics application to obtain full approval from both the participants of the study and the Research Ethics Committee.

While we are aware of the relatively small size of the sample and, therefore, we cannot generalise our results to larger populations, this is a standard class size for translation modules in the UK. Our sample could serve as a first step to identify and analyse some common translation errors and translation patterns and strategies used by translation students when dealing with PU in a legal translation context and to point to some guidelines for teaching phraseology in a legal translation course.

Text type

The source text (see Annex) is of a legal nature since its focus is the "creation, implementation, (and) dissemination (...) of Law" (Borja 2007: 151, our translation). Following Reiss's text types and text varieties (1977/1989: 108–109) and Borja's (2007/2015: 161) classification of legal texts, the source text can also be considered informative, given that it is concerned with plain communication of facts. In other words, the source text provides information about the adoption process and how to facilitate the placement of children to families in Northern Ireland. The source text is also of a normative nature (*ibid.*) given that it concerns regulations of the Adoption Law and how the potential adopters should comply with the relevant adoption procedures (e.g. "the first thing you should do is..."). Some language structures also induce behavioural responses to persuade potential adopters to act in a specific way (e.g., "you must..."), which means the source text can also be considered operative (Reiss 1977/1989: 108–109). On the whole, the source text could be considered a hybrid of general information text and legal text, since it contains language structures that could

be placed between both the general language and the special language continuum (Snell-Hornby 1988/1995: 32).

Translation brief

In a translation training context, providing a brief is essential so that students can draw relevant source text and target text profiles and produce a translation that is suitable for its purpose. As suggested by Nord (1997/2012: 60), the translation brief provided to the participants of our case study contained the following information: 1) the (intended) text function(s), 2) the target-text addressee(s), 3) the (prospective) time and place of text reception, 4) the medium over which the text would be transmitted, and 5) the motive for the production or reception of the text. Table 3.2 the translation brief provided to students for this particular task.

Table 3.2 Translation brief

Please translate the following text, which is an edited extract taken from the official government website for Northern Ireland (<https://www.nidirect.gov.uk/>). You are requested to translate it into Spanish for publication in a multilingual section in the same website that provides information about the adoption process and how to facilitate the placement of children to families in Northern Ireland.

Assessment criteria

The classification of errors used in our case study is based on the assessment criteria and the rubric used in the module ‘Spanish Translation 2’, which includes the following main categories:

- Accuracy in rendering source-text message, i.e. the extent to which the translation conveys the source-text message in a complete and accurate manner.
- Target text language quality, in other words, the use of the target language, including grammar, spelling, lexis and punctuation.
- Translation according to the brief, i.e. the extent to which the translation complies with the requirements of the specific brief and is written in a register and style that is appropriate to both client and audience expectations.

In a broad sense, these categories resemble Mossop’s types of errors/revision parameters (2001/2014: 134–149), except for the fact that the transfer and content categories which appear as different parameters in Mossop’s proposal are considered under the overarching category of “Accuracy in rendering the ST message” in the rubric used at the UoW. Given that Mossop’s classification (see page 43) provides a more detailed breakdown of the aforementioned categories, our analysis and discussion will draw upon his proposal.

Analysis and discussion of the case study

The following section analyses the translation patterns and strategies used by translation students, including both ENS and SNS, when dealing with certain PU in a piece of legal translation coursework (see source text in Annex). For each PU, a table is displayed which includes the translation solutions provided by both ENS (column on the right) and SNS (column on the left). Acceptable translations are included in normal typeface, and those which contain errors are shown in italics and boldface along with an asterisk

(*) indicating where the mistake is. The number of students who opted for each translation option is also specified between brackets after each rendering. As previously mentioned, the PU under analysis were the following: ‘local adoption agency’, ‘(local) Health and social care trust’, ‘voluntary agency’, ‘health and criminal record’, ‘home study report’, ‘adoption panel’, ‘agency's decision maker’, ‘senior manager’, and ‘do some checks.’⁷ The reasons for choosing these particular PU were, on the one hand, the fact that they pertain to the subdomain of adoption, and, on the other hand, because they were the units which posed more problems for students. It was not necessary to extract them automatically with a term extractor or corpus analysis tool due to the short length of the source text.

(1) local adoption agency

Spanish native speakers (SNS)	English native speakers (ENS)
<i>agencia de adopción de su zona</i> (1SNS) <i>servicios específicos de adopción</i> <i>(SEA)*</i> (1SNS) <i>agencia local* de adopción</i> (2SNS) <i>agencia de adopción local más cercana*</i> (1SNS) <i>agencia de adopción local (local</i> <i>adoption agency)*</i> (1SNS)	<i>agencia de adopción local</i> (2ENS) <i>agencia de adopción en su localidad</i> (2ENS) <i>agencia de adopción en su área</i> (1ENS) <i>agencia local* de adopción</i> (2ENS) <i>oficina local de un organismo</i> <i>competente en materia de adopción*</i> (1ENS)

Table 3.3 Translation given by SNS and ENS for ‘local adoption agency’

Table 3.3 offers the various translations proposed by both SNS and ENS for the phraseological unit ‘local adoption agency’. As shown, only one of the SNS provided an accurate translation (*‘agencia de adopción de su zona’*) compared to 5 ENS with good solutions such as *‘agencia de adopción local’*, *‘agencia de adopción de su localidad’*, *‘agencia de adopción de su área’*. In percentage terms, 16.7% of SNS offered a correct translation compared to 62.5% of ENS. Sometimes (2 SNS and 3 ENS) the problem lies in the use of word combinations that are not idiomatic or do not fully comply with the rhetorical preferences of Spanish (i.e. LANGUAGE > IDIOM). As pointed out by Mossop, this example shows that some students “(...) are prone to producing, under the influence of the source text, unidiomatic combinations” (Mossop 2001/2014: 146). The term ‘local’ should modify the entire collocation *‘agencia de adopción’* and not just the term ‘agencia’ (*‘agencia local* de adopción’*). In other cases, the solution offered is excessively long and the style is not suited to the genre (e.g., *‘oficina local de un organismo competente en materia de adopción’*) (LANGUAGE > SMOOTHNESS and LANGUAGE > IDIOM). As recommended by Mossop (*ibid.*: 143), “In some genres, (...) action should be taken to reduce them”. Other renderings provide inaccurate information to the reader if we take into consideration the translation brief (e.g. one SNS provided the rendering *‘servicios específicos de adopción, SEA’*, which are services available only in Spain but not in Northern Ireland) (TRANSFER > ACCURACY; LANGUAGE > TAILORING). As noted by Mossop (*ibid.*: 136), there are limits when replacing or using a functional equivalent of a cultural feature in a translation. Reiterative translations are also found within SNS (i.e. *‘agencia local de adopción más cercana’*, where *más cercana* [Spanish term for ‘local’] is reiterative), and unnecessary clarifications such as *‘agencia de adopción local (local adoption agency)’* since the audience would know that the translation refers to ‘adoption agency’ due to the similarity between both terms. In these two cases, students would be expected to render

the message with “No additions, No Subtractions” (*ibid.*: 137) (TRANSFER > ACCURACY and TRANSFER > COMPLETENESS).

In conclusion, except for three transfer problems in which the students overlook the translation brief or do not convey the complete message, the rest of the translation errors are associated with linguistic features since students struggle to express in the target language a linguistic element that they seem to understand. These errors are related to the use of unidiomatic and unsmooth expressions in Spanish.

(2) (local) Health and Social Care Trust

Spanish native speakers (SNS)	English native speakers (ENS)
Health and Social Care Trust (más cercana) (1SNS)	Health and Social Care Trust de la localidad (1ENS)
Health and Social Care Trust (local) (1SNS)	Health and Social Care Trust, organismo público del norte de Irlanda que presta servicios de adopción a escala local (1ENS)
Health and Social Care Trust de tu zona (1SNS)	Health and Social Care Trust (centro de servicios sociales y sanitarios) (1ENS)
Entidad pública de Servicios Sociales* (1SNS)	Local* Health and Social Care Trust (1ENS)
Local* Health and Social Care Trust (1SNS)	Ministerio de Salud Pública y Asistencia Social local* (1ENS)
Health and Social Care Trust (Organismo del Reino Unido* más cercano (1SNS)	Centro de salud y asistencia social* (1ENS)
	Health and Social Care Trust (Fundación* de la Salud y de Servicios Sociales) (1ENS)
	Health and Social Care Trust local (un fideicomiso dedicado a proveerle al público de Irlanda del Norte con servicios sociales a escala local y regional*) (1ENS)

Table 3.4 Translation given by SNS and ENS for ‘(local) Health and Social Care Trust’

On this occasion, 50% of SNS provided an acceptable translation compared to 37.5% of ENS. Some good options included renderings such as ‘*Health and Social Care Trust (más cercana)*’, ‘*Health and Social Care Trust local*’, ‘*Health and Social Care Trust de la localidad*’, or a short explanation (‘*Health and Social Care Trust (centro de servicios sociales y sanitarios)*’).

As shown in Table 3.4, most translation issues are linked to problems of meaning transfer (i.e., TRANSFER > ACCURACY and TRANSFER > COMPLETENESS; see table 3.1), since some students opted for replacing the cultural element Health and Social Care Trust with a potential functional equivalent in Spanish. As mentioned in the previous example, considering the target text is addressed to Spanish speakers who are hoping to adopt in Northern Ireland, the option of replacing the Trust with an equivalent cultural feature in Spanish should be discarded. This translation error disregards the importance of Tailoring the message to the audience (i.e. LANGUAGE > B) TAILORING). As pointed out by Mossop (*ibid.*: 143) “the translation has to be suited to its readers and to the use they will make of it”. One SNS and one ENS also encountered problems to ensure

idiomatic word combinations (i.e. LANGUAGE > IDIOM) and placed the term ‘local’ at the beginning of the combination (i.e., ‘Local* Health and Social Care Trust’, which is not a correct combination in Spanish). An important TRANSFER error was made by 1SNS, who in an attempt to provide an explanation for the Trust introduced a major inaccuracy in the target text by stating that the Trust operates in the entire United Kingdom. One ENS also encountered problems of language and style (i.e. LANGUAGE > SMOOTHNESS and LANGUAGE > TAILORING), since the explanation provided for the Trust was not concise enough and the degree of formality was not correct (*un fideicomiso dedicado a proveerle al público de Irlanda del Norte con servicios sociales a escala local y regional*).

(3) voluntary agency

Spanish Native Speakers (SNS)	English Native Speakers (ENS)
agencia de adopción voluntaria (1SNS) <i>agencia voluntaria*</i> (2SNS) <i>a voluntary agency*</i> (1SNS) <i>organismo voluntariado de ayuda*</i> (1SNS) <i>agencia de voluntariado adoptivo*</i> (1SNS)	<i>agencia voluntaria*</i> (5ENS) <i>organismo de carácter voluntario*</i> (2ENS) <i>organización de voluntariado*</i> (1ENS)

Table 3.5 Translation given by SNS and ENS for ‘voluntary agency’

As shown in Table 3.5, for the combination ‘voluntary agency’, all students but one SNS used terms that are not associated with the adoption context at all (e.g. ‘*agencia voluntaria*’, ‘*organismo de carácter voluntario*’, ‘*organismo voluntariado de ayuda*’). Students should have paid more attention to the brief, particularly to the final reader and the context in which the translation would be used (i.e., LANGUAGE > TAILORING). In addition to this, while the term ‘adoptive’ is not included in the combination in the source text, it is indeed implicit, and it can be argued that “this information in the translation will be very important to the readers” (Mossop 2001/2014: 138). Therefore, it is necessary to make this term explicit in the target language text, otherwise, the translation into Spanish loses an important aspect of its content (i.e., TRANSFER > ACCURACY and TRANSFER > COMPLETENESS).

(4) health and criminal record

Spanish native speakers (SNS)	English native speakers (ENS)
expediente médico y antecedentes penales (1SNS) estado de salud y certificado de antecedentes penales (1SNS) <i>exámenes médicos* y comprobación de sus antecedentes penales</i> (1SNS) <i>historial clínico e historial criminal*</i> (1SNS) <i>historial médico y expediente delictivo*</i> (1SNS) <i>su salud y antecedente penal*</i> (1SNS)	su estado de salud y antecedentes penales (2ENS) chequeo médico y un certificado de antecedentes penales (1ENS) <i>pruebas de salud* o antecedentes penales</i> (1ENS) <i>su salud y su historial criminal*</i> (1ENS) <i>estado de salud y antecedentes criminales*</i> (1ENS) <i>su estado de salud y cualquier antecedente penal*</i> (2ENS)

Table 3.6 Translation given by SNS and ENS for ‘health and criminal record’

On this occasion (see Table 3.6), 2 SNS (33.3%) and 3 ENS (37.5%) offered a good translation (*‘estado de salud y antecedentes penales’*, *‘expediente médico y antecedentes penales’*, *‘chequeo médico y un certificado de antecedentes penales’*). The rendering provided by 1SNS (*‘exámenes médicos* y comprobación de sus antecedentes penales’*) and 1ENS (*‘pruebas de salud* o antecedentes penales’*) resulted in a TRANSFER problem and, more specifically, an ACCURACY issue. The term ‘record’ in English refers to “information about someone or something that is stored by the police or by a doctor”⁸. This definition does not correspond to the definition of *‘exámenes’* o *‘pruebas’* in Spanish, both of which refer to a particular test. In addition, 1SNS (*‘historial clínico e historial criminal*’*) and 2 ENS (*‘su salud y su historial criminal*’*; *‘estado de salud y antecedentes criminales*’*), seem to have understood the source language phraseological unit, but they did not offer a natural combination in Spanish, resulting thus in a LANGUAGE error that can be more concretely assigned to the IDIOM subcategory. Finally, some SUBLANGUAGE/SMOOTHNESS errors were also detected. 2 SNS and 2 ENS provided translations such as (*‘su salud y antecedente penal*’*, *‘su estado de salud y cualquier antecedente penal*’*, *‘historial médico y expediente delictivo*’*. As shown, ‘criminal record’ was lexicalised in singular by 2 ENS and 1 SNS, following thus the same grammar pattern as in the ST, which does not work in Spanish. These students therefore made a LANGUAGE > SUBLANGUAGE error, given that Spanish lexicalizes the general concept of ‘criminal record’ in a plural form (i.e. *‘antecedentes penales’*). The rendering *‘expediente delictivo’* can also be assigned to this category of error (LANGUAGE > SUBLANGUAGE) since it is not the combination normally used in this context.

(5) home study report

Spanish native speakers (SNS)	English native speakers (ENS)
informe de valoración (1SNS)	informe de valoración de idoneidad (2ENS)
<i>informe del estudio del hogar de adopción*</i> (1SNS)	informe de idoneidad (1ENS)
<i>informe de la visita domiciliaria*</i> (1SNS)	<i>informe de estudio en el hogar*</i> (1ENS)
<i>estudio* de idoneidad</i> (1SNS)	<i>informe de estudio del hogar de adopción*</i> (1ENS)
<i>certificado* de idoneidad</i> (1SNS)	<i>certificado* de idoneidad</i> (1ENS)
<i>informe del examen de idoneidad</i> (1SNS)	<i>informe del examen* de idoneidad</i> (1ENS)
	<i>estudio* de idoneidad</i> (1ENS)

Table 3.7 Translation given by SNS and ENS for ‘home study report’

For the PU ‘home study report’ (see Table 3.7), only 1 SNS (16.7%) compared to 3 ENS (37.5%) solved the translation problem satisfactorily. This term refers to a report that the caseworker writes about the family interested in adopting. Drawing from interviews with members of the family and third parties, this report contains basic information such as family background, financial statements, education and employment, relationships and social life, daily routines, parenting experiences, etc.⁹ In Spanish, equivalents such as *‘informe de valoración de idoneidad’*, *‘informe de idoneidad’*, or even *‘informe de valoración’* could be considered suitable renderings. However, some of the translations options proposed resulted in problems associated with TRANSFER < ACCURACY. In other words, 2 SNS and 2 ENS offered options such as

‘informe del estudio del hogar de adopción’, or ‘informe de la visita domiciliaria*’* which do not fully reflect the definition of ‘home study report’ provided above. While a suitable equivalent for this phraseological unit cannot easily be retrieved in monolingual or bilingual lexicographic or terminographic resources, this error could have been avoided by undertaking extensive research about the topic and consulting parallel texts in both English and Spanish. Other options provided (2 ENS and 2 SNS), such as *‘estudio* de idoneidad’, or ‘certificado* de idoneidad’* are not correct as the Spanish terms *‘estudio’* and *‘certificado’* do not convey exactly the same meaning as *‘informe’* (report). This would be a LANGUAGE > SUB-LANGUAGE issue which would also affect the meaning TRANSFER < ACCURACY.

(6) adoption panel

Spanish native speakers (SNS)	English native speakers (ENS)
comité de adopción (3SNS) comisión de adopciones (1SNS) <i>panel de adopción*</i> (1SNS) <i>adoption panel (servicio social del Reino Unido)*</i> (1SNS)	comité de adopción (4ENS) <i>panel de adopción*</i> (2ENS) <i>jurado de adopción*</i> (2ENS)

Table 3.8 Translation given by SNS and ENS for ‘adoption panel’

Six students (2 SNS and 4 ENS), i.e., 33,3% of SNS and 50% of ENS, provided an inaccurate translation for this collocation by translating the English noun ‘panel’ as *‘panel’* in Spanish, resulting in a calque of the source language (i.e., LANGUAGE > IDIOM). As shown in Table 3.8, ENS seem to be more prone to producing unidiomatic combinations in this case, probably due to “the engrossing effect of source text patterning” (Baker 2011: 58):

It is easy to assume that as long as a collocation can be found in the target language which convey the same or a similar meaning to that of the source collocation, the translator will not be confused by differences in the surface patterning between the two.

The transference pitfall above has been caused by the influence that the collocational patterning of the source text has on the target language, which resulted in an interference problem for some students. In other words, terms such as *‘comité’* and *‘comisión’* should have been used in Spanish to avoid a calque of the source language (i.e. *‘panel’*).

The amplification offered by 1 SNS is incorrect, given that the adoption panel would be based in Northern Ireland as specified in the translation brief (TRANSFER < ACCURACY). An amplification of this sort, i.e. *‘adoption panel (servicio social de Irlanda del Norte)’* would not be necessary in any case, since the term ‘adoption panel’ is fairly transparent and even has a counterpart in the target language. In other words, the pertinence of a translation technique depends on the genre and the purpose of the translation (Hurtado Albir, 2015: 173), and, considering the brief provided to students, this technique would be redundant and unnecessary in this case.

(7) agency's decision maker

Spanish native speakers (SNS)	English native speakers (ENS)
persona responsable de tomar decisiones en la agencia (2SNS)	responsable de tomar la decisión final en la agencia (1ENS)

responsable en materia de adopción (1SNS) alto cargo de la agencia, el cual estará encargado de tomar la última decisión* (1SNS) autoridades* (1SNS) responsable de tomar las decisiones en la agencia de adopción (agency's decision maker*) (1SNS)	responsable de tomar decisiones de la agencia de adopción (3ENS) responsable de la toma de decisiones del organismo competente (1ENS) responsable de la toma de decisiones de la agencia (1ENS) tomador de decisiones de la agencia* (1ENS) fabricante de la decisión de la agencia* (1ENS)
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Table 3.9 Translation given by SNS and ENS for ‘agency’s decision maker’

On this occasion (see Table 3.9), 3 SNS (50%) and 6 ENS (75%) provided an acceptable translation solution (e.g. ‘*persona responsable de tomar decisiones en la agencia*’, ‘*responsable de la toma de decisiones de la agencia*’, etc.). However, renderings such as ‘*alto cargo de la agencia**’ or ‘*autoridades**’, do not convey the meaning of the source language PU in an accurate manner (TRANSFER < ACCURACY), and ‘*tomador de decisiones de la agencia**’ or ‘*fabricante de la decisión de la agencia**’ make little sense as they are not idiomatic combinations in Spanish (LANGUAGE > IDIOM). Finally, 1 SNS provided a good translation equivalent in Spanish, but then opted to leave the source PU as well. This is not necessary and is redundant bearing in mind that this particular sentence offers an explanation of who this particular person is. Taking into account the use that the readers will make of the text, it is not necessary to make this explicit, as it will rather “cause confusion or slow the process of reading” (Mossop 2001/2014: 144). This could be considered as a LANGUAGE error, within the TAILORING category, but also a TRANSFER < COMPLETENESS issue.

(8) senior manager

Spanish native speakers (SNS)	English native speakers (ENS)
alto cargo de la agencia (1SNS) directivo* (2SNS) alto cargo directivo* (2SNS) persona que ocupa el alto cargo directivo* (1SNS)	(<i>omitted</i>)* (3ENS) directivo de la agencia de adopción* (1ENS) personal de alta dirección* (1ENS) directivo superior* (2ENS) director* de la agencia de adopción (1ENS)

Table 3.10 Translation given by SNS and ENS for ‘senior manager’

On this occasion (see Table 3.10), only 1 SNS provided a suitable solution for the combination ‘senior manager’ (i.e., ‘*alto cargo de la agencia*’). As observed in previous examples, the vast majority of pitfalls in this particular example are associated with problems of language and style (LANGUAGE > SUB-LANGUAGE), due to the use of terminology or style which are not suited to the genre. In other words, “each genre (text type) and each field of writing draws on a different selection of the lexical, syntactic and rhetorical resources of that language” (Mossop 2001/2014: 144) and combinations such as ‘*directivo*’, ‘*director*’ or ‘*personal de alta dirección*’ are characteristic of the business and finance fields. This error has been made by 5 ENS and 5 SNS. Three ENS have even omitted this phraseological unit in their translations, as they felt it was redundant given that the same sentence previously refers to this individual (i.e. the

agency’s decision maker). However, as noted by Mossop (*ibid.*: 137) “Unless specifically asked to write a summary or gist, or provide an adaptation, translators are usually expected to render all the message (...) that is in the source text.” Mossop’s point is particularly relevant in this case, since the source text author seems to have added the term ‘*senior manager*’ to ensure readers are aware of the role of the agency’s decision maker (i.e., TRANSFER > COMPLETENESS). In a broad sense, in the phraseological unit ‘senior manager’, language errors go hand in hand with an incomplete transfer of the message.

(9) do some checks

Spanish native speakers (SNS)	English native speakers (ENS)
proceder a hacer algunas comprobaciones (1SNS)	llevar a cabo algunas comprobaciones (2ENS)
realizar algunas comprobaciones (1SNS)	hacer una serie de comprobaciones (1ENS)
realizar algunas verificaciones (1SNS)	realizar algunas verificaciones (1ENS)
llevar a cabo algunas verificaciones (1SNS)	hacer algunas pruebas* (1ENS)
realizar diversos reconocimientos* (1SNS)	proceder algunas verificaciones* (1ENS)
la agencia le realizará una serie de pruebas* (1SNS)	hacer unas* comprobaciones (1ENS)
	informarse sobre su persona* (1ENS)

Table 3.11 Translation given by SNS and ENS for ‘do some checks’

As shown in Table 3.11, 2 SNS and 4 ENS offered an inaccurate translation for the verb collocation ‘do some checks’, this being motivated by either the wrong choice of the noun (e.g. ‘*pruebas*’, ‘*reconocimientos*’ instead of ‘*comprobaciones*’ or ‘*verificaciones*’) (TRANSFER > ACCURACY) or an incorrect use of grammar (e.g. ‘*hacer unas* comprobaciones*’ instead of ‘*hacer algunas* comprobaciones*’ and ‘*proceder* algunas verificaciones*’ instead of ‘*proceder a realizar*’) (LANGUAGE > MECHANICS). The use of prepositions is indeed a recurrent problem in the English>Spanish>English language pair (Beeby Lonsdale 1996: 242), and the example ‘*proceder* algunas*’ shows that some ENS have been heavily influenced by the source language structure. While not an error as such, it is interesting to highlight that ENS adopted a less formal register in the sense that 3 out of 8 used the verb ‘*hacer*’ instead of ‘*realizar*’. Finally, the combination ‘*informarse sobre su persona*’ does not convey the meaning of the source text PU and, consequently, has been categorized as another error of TRANSFER > ACCURACY.

Discussion of results

From the data analysis presented in the previous section, interesting conclusions can be drawn. As shall be seen, most errors are associated with the category of TRANSFER, followed by errors pertaining to the category of LANGUAGE errors (see Mossop’s classification in section 3). It is important to emphasize here that CONTENT errors were not spotted since no factual or mathematical errors were detected. Given that the focus of our study was on specific PU and not on the text as a whole, the sequence of ideas was not analysed either. This means that logic errors, which also belong to the category of CONTENT, have not been considered in our study. In line with this, as previously mentioned, PRESENTATION errors were not relevant for the purposes of our study either and, thus, were not taken into consideration.

Table 3.12 includes a summary of the results of our analysis. The column on the right refers to ENS and the column on the left to SNS. Each column is further subdivided into *percentage of errors* and *categorization of errors*. The column *percentage of errors*, includes the percentage of ENS or SNS who did not provide an acceptable translation for the given phraseological unit, and the number of students this percentage represents. In other words, as shown in Table 3.12, for the PU ‘local adoption agency’, we can see that 83.3% of the total number of SNS (which amounts to 5 students out of 6 SNS), and 37.5% of the total number of ENS (i.e. 3 students out of the 8 ENS) did not offer a good translation solution.

Subsequently, the column *categorization of errors* classifies each error according to Mossop’s proposal (see table 3.1). Within the TRANSFER category, ACCURACY and COMPLETENESS errors were observed, and within the LANGUAGE one, SMOOTHNESS, TAILORING, SUBLANGUAGE, IDIOM, and MECHANICS errors were detected. At this point it is important to clarify that sometimes the number of students specified in *percentage of errors* does not coincide with the number of errors highlighted in the *categorization of errors*. The reason is that some mistakes can fall within the scope of more than one subcategory. For example, as specified in Table 3.12, 5 SNS out of 6 did not offer an acceptable solution for ‘local adoption agency’. However, the *categorization of errors* column refers to 6 errors. This is because the incorrect translation provided by one of the five SNS for the PU ‘local adoption agency’ was categorized under two separate error types (i.e. TRANSFER>ACCURACY and LANGUAGE>TAILORING) and this counting as two errors.

	SNS (6 students)		ENS (8 students)			
	Percentage of errors	Categorization of errors	Percentage of errors	Categorization of errors		
‘local adoption agency’	83.3% (5 students)	2 (33.3%)	LANGUAGE > IDIOM	37.5% (3 students)	3 (37.5%)	LANGUAGE > IDIOM
		2 (33.3%)	TRANSFER > ACCURACY		1 (12.5%)	LANGUAGE > SMOOTHNESS
		1 (16.7%)	LANGUAGE > TAILORING		—	—
		1 (16.7%)	TRANSFER > COMPLETENESS		—	—
‘local Health and Social Care Trust’	50% (3 students)	2 (33.3%)	TRANSFER > ACCURACY	62.5% (5 students)	1 (12.5%)	LANGUAGE > IDIOM
		1 (16.7%)	TRANSFER > COMPLETENESS		1 (12.5%)	LANGUAGE > TAILORING
		1 (16.7%)	LANGUAGE > IDIOM		1 (12.5%)	LANGUAGE > SMOOTHNESS
		—	—		3 (37.5%)	TRANSFER > ACCURACY
		—	—		1 (12.5%)	TRANSFER > COMPLETENESS
‘voluntary agency’	83.3% (5 students)	2 (33.3%)	TRANSFER > COMPLETENESS	100% (8 students)	7 (87.5%)	TRANSFER > COMPLETE-NESS
		3 (50%)	TRANSFER > ACCURACY		1 (12.5%)	TRANSFER > ACCURACY
‘health and criminal record’	66.7% (4 students)	1 (16.7%)	TRANSFER > ACCURACY	62.5% (5 students)	1 (12.5%)	TRANSFER > ACCURACY
		1 (16.7%)	LANGUAGE > IDIOM		2 (25%)	LANGUAGE > IDIOM
		2 (33.3%)	LANGUAGE > SUBLANGUAGE		2 (25%)	LANGUAGE > SMOOTHNESS

'home study report'	83.3% (5 students)	4 (66.7%)	TRANSFER > ACCURACY	62.5% (5 students)	4 (50%)	TRANSFER > ACCURACY
		2 (33.3%)	LANGUAGE > SUBLANGUAGE		2 (25%)	LANGUAGE > SUBLANGUAGE
'adoption panel'	33.3% (2 students)	1 (16.7%)	LANGUAGE > IDIOM	50% (4 students)	2 (25%)	LANGUAGE > IDIOM
		1 (16.7%)	TRANSFER > ACCURACY		1 (12.5%)	LANGUAGE > SUBLANGUAGE
'agency's decision maker'	50% (3 students)	2 (33.3%)	TRANSFER > ACCURACY	25% (2 students)	2 (25%)	LANGUAGE > IDIOM
		1 (16.7%)	LANGUAGE > TAILORING		—	—
		1 (16.7%)	TRANSFER > COMPLETENESS		—	—
'senior manager'	83.3% (5 students)	5 (83.3%)	LANGUAGE > SUBLANGUAGE	100% (8 students)	3 (37.5%)	TRANSFER > COMPLETE-NESS
		—	—		5 (62.5%)	LANGUAGE > SUBLANGUAGE
'do some checks'	33.3% (2 students)	2 (33.3%)	TRANSFER > ACCURACY	50% (4 students)	2 (25%)	TRANSFER > ACCURACY
		—	—		2 (25%)	LANGUAGE > MECHANICS

Table 3.12 Results of the evaluation analysis

From our analysis, it can be inferred that SNS made a total of 38 mistakes, of which 22 (57.9%) were associated with TRANSFER errors, and 16 (42.1%) with LANGUAGE issues. More concretely, of those 22 TRANSFER errors, 17 (44.7%) were related to the level of ACCURACY and only 5 (13.2%) were linked to COMPLETENESS. As for the LANGUAGE parameter, no errors regarding SMOOTHNESS and MECHANICS were spotted. Of the 16 errors associated with LANGUAGE, 9 (23.7%) corresponded to SUBLANGUAGE, 2 (5.2%) to TAILORING, and 5 (13.1%) to IDIOM.

ENS made 47 mistakes, of which 22 (46.8%) corresponded to TRANSFER errors (11, i.e. 23.4%, were issues related to ACCURACY; and 11, i.e. 23.4%, to COMPLETENESS), and 25 (53.2%) were errors associated with LANGUAGE (4, i.e. 8.5%, related to SMOOTHNESS; 8, i.e. 17%, to SUBLANGUAGE; 1, i.e. 2.1%, to TAILORING; 10, i.e. 21.3%, to IDIOM; and 2, i.e. 4.3%, to MECHANICS). See Figure 1 for a breakdown of errors.

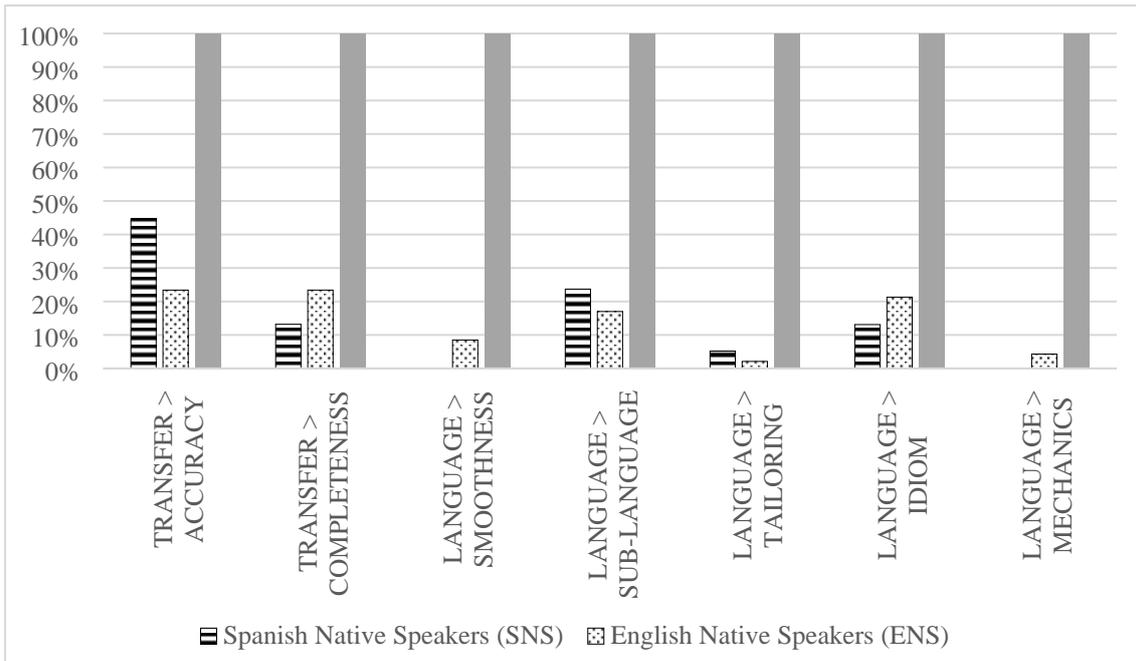


Figure 3.1 Breakdown of errors associated with SNS and to ENS

The total number of errors made by both ENS and SNS was 85, of which 44 (51.8%) resulted in TRANSFER issues, and 41 (48.2%) in problems related to the LANGUAGE category. More concretely, 28 errors (33%) fall within the subcategory of ACCURACY, and 16 errors (18.8%) within the subcategory of COMPLETENESS. As LANGUAGE errors are concerned, 4 (4.7%) are associated with SMOOTHNESS, 17 (20%) with SUB-LANGUAGE, 3 (3.5%) with TAILORING, 15 (17.6%) with IDIOM, and 2 (2.4%) with MECHANICS. See figure 2 for a breakdown of errors of the entire sample.

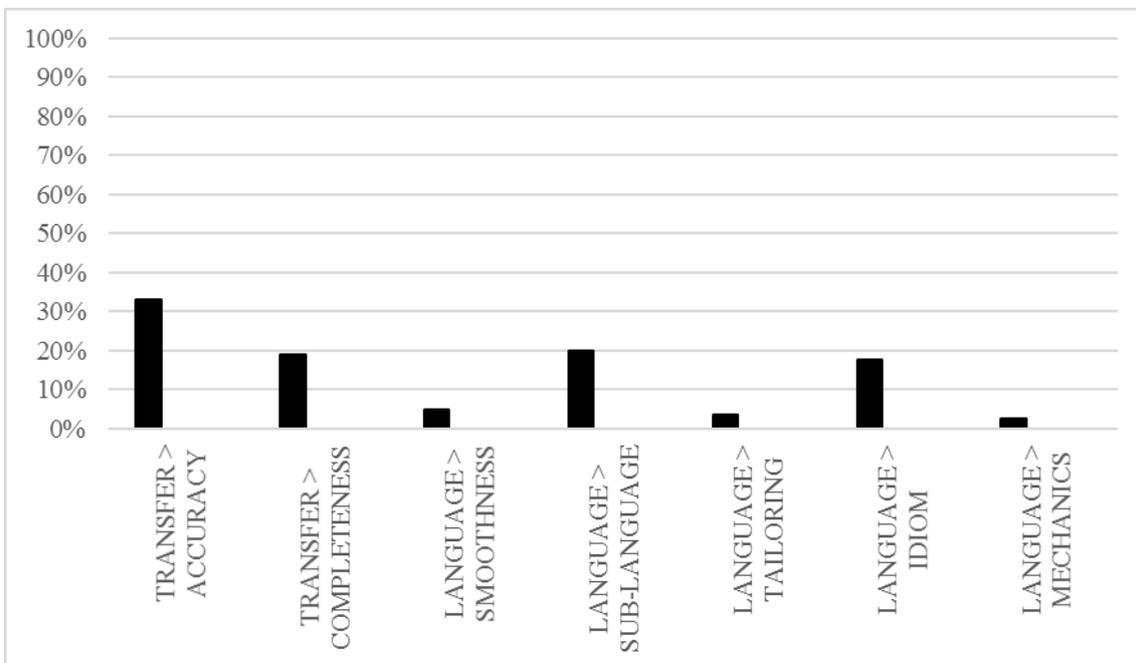


Figure 3.2 Breakdown of errors including the entire sample (n=14 students)

Conclusions

Following the analysis and discussion of our case study, this section suggests some

approaches that could minimise the most recurrent translation errors made by students when dealing with PU in a semi-specialized legal text. Our case study and similar research recently undertaken in the field of legal translation (Pontrandolfo 2016) identify both TRANSFER and LANGUAGE as the main areas in which trainee translators need further training. Within these two overarching categories, issues related to ACCURACY of the message, SUB-LANGUAGE and (UN)IDIOM(ATIC) combinations seem to be the most problematic areas for the students in our sample.

As shown in the data analysis and discussion of results, SNS are more prone to make TRANSFER > ACCURACY, and LANGUAGE > SUB-LANGUAGE errors, whereas ENS seem to incur in TRANSFER > ACCURACY, TRANSFER > COMPLETENESS and LANGUAGE > IDIOM errors. From these findings, we can infer that SNS do not seem to always understand both the explicit and implicit message conveyed by the source text, perhaps because it is written in their second language, whereas ENS seem to experience more difficulties in producing idiomatic combinations in their second language. Interestingly, our results also show that while ENS tend to understand the source text well, they do not always convey the COMPLETE message in Spanish and sometimes leave out important elements. A remarkable number of SNS also experiences problems with LANGUAGE > SUB-LANGUAGE, which may show a lack of effective preliminary research on the topic and relevant parallel texts and resources.

Given the relatively small size of our sample, we cannot generalise our findings to other translation students and we can only make some tentative conclusions. However, if considered together with similar studies in legal translation modules (e.g. Pontrandolfo 2016), our comparative case study can serve as a first step to identify general trends of translation errors made by similar samples. For future research, we intend to build upon our current work and conduct similar case studies involving not just a larger sample but also other fields of specialisation, e.g. economics.

Despite the increasing number of studies in comparative phraseology in the last few decades, our study evidences the need for further research on the didactics of phraseology in translation training, particularly in specialised translation. Some of the existing approaches that can mitigate the type of translation errors and specific needs identified in our case study include: task-based approaches (e.g. Hurtado Albir 1999/2003, 2015a, 2015b; González Davies 2004; Borja 2007/2015 in particular; Huc-Hepher & Huertas Barros 2016), critical discourse analysis (Way 2012), and approaches based on decision making and problem solving (Prieto Ramos 2014; Way 2014). These approaches can develop and hone the *phraseological competence* (Howarth 1998) required in semi-specialised legal translation courses, by making students aware of the conventional collocations and formulaic sequences that characterise this field.

¹ Wray (2000) provides a complete description of the many terms used to refer to phraseological units (i.e., phrase, phraseme, phraseological term, multi-word unit, multi-word lexical unit, formulae, word combination, phrasal lexeme, formulaic language, etc.).

² In contrast to meaning-based approaches which believe the base to be autonomous and the collocate to be dependent, in our approach, both elements depend on each other.

³ The definition of ‘do’ and ‘check’ has been extracted from *Cambridge Dictionary online*: <<http://www.dictionary.cambridge.org>> [12/12/2016].

⁴ We distinguish between compounds and collocations and refer to both as phraseological units.

⁵ As highlighted by Martínez Melis & Hurtado Albir (2001: 280–281), it is important to establish the difference between the notion of translation problem and translation error. The former is defined by Nord as “an objective (or inter-subjective) transfer task which every translator (irrespective of their level of competence and technical working conditions) has to solve during a particular translation process” (1988/2005: 166-167).

⁶ For a comprehensive overview on Translation Quality Assessment (TQA) models based on error typology see e.g. Waddington 1999, 2000, 2001 and Williams 2004.

⁷ Many PU suffer a process of terminologisation in legal language and acquire a specific meaning within this specific domain.

⁸ This definition has been extracted from the *Cambridge Dictionary Online*:
<http://dictionary.cambridge.org/dictionary/english/record>

⁹ Information extracted from the website AdoptUSKids: <http://adoptuskids.org/adoption-and-foster-care/how-to-adopt-and-foster/getting-approved/home-study>

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Annexes

The adoption process and where to get support

If you are thinking about adopting a child, the first thing you should do is contact your local adoption agency. This can be your local Health and Social Care Trust or a voluntary agency. Your adoption agency will ask you to a meeting where you can learn more about what is involved and the types of children who need to be adopted.

Application and preparation

If you wish to go ahead, the agency will do some checks - including your health and any criminal record you may have. A health condition or criminal record may not necessarily exclude you from the process. Adoption agencies are mainly interested in your suitability to care for a child and meet their needs into adulthood.

If the checks are satisfactory, you will be invited to attend a preparation course where you will learn more about caring for an adopted child.

Assessment

If the agency accepts your application, an assessment process will begin. The social worker will make some visits to your home and will:

- ask you questions about your own family background, your childhood, your present circumstances and your attitude to parenting
- speak with other members of your family
- interview two personal referees named by you

The assessment is demanding, it can feel intrusive and will take several months. Everything is explored in depth with you.

Adoption is for life and the agency must be sure you are right for the role. Just as importantly, you must be certain you can make a success of it.

Once you have seen and agreed the content of the home study report, it will be considered by an adoption panel and then by the agency's decision maker, who is a senior manager in the adoption agency.

What is an adoption panel?

An adoption panel is a group of people who have to consider whether:

- adoption would be in the best interests of a child
- the person who wants to adopt should be approved
- particular people are suitable for a particular child or children

The panel's recommendation is passed to the agency's decision maker for a final decision to be made.

Source: [nidirect Government Services](http://www.nidirect.gov.uk/index/information-and-services/parents/adoption-fostering-and-children-in-care/adoption/the-adoption-process-and-where-to-get-support.htm)

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Figure 3.3 Source Text