



LANGUAGE SERVICES POLICY

AMPARO Advocacy recognises the right of people with disability and their family members who have low levels of English proficiency, who use Auslan as their first language, or who require a communication facilitator, to have access to qualified interpreters to ensure effective communication.

The *Language Services policy* recognises that a person's vulnerability can be increased if they have limited or no English language skills and that effective communication is essential to ensure people from a culturally and linguistically diverse background with disability and or their family members can have access to important information so they are able to make informed decisions.

People from a culturally and linguistically diverse background with disability / family members may not want or need to access interpreter services every time they have contact with AMPARO Advocacy. This will depend on their level of English proficiency and the type of information they are seeking or require. This policy will help identify if and when an interpreter is necessary.

What are language services?

In this policy, the term "language services" includes the use of accredited interpreters and the provision of translated material;

Professional interpreting and translating services

Interpreting is communicating using spoken or sign languages; translating is communicating using written information.

In Australia, interpreters and translators are certified by the National Accreditation Authority for Translators and Interpreters (NAATI). *NAATI's certification system is designed to evaluate whether an individual is competent to practice as a translator or interpreter. It does this by setting minimum standards of performance across a number of areas of competency.*

Individuals who demonstrate that they meet these standards are awarded NAATI Certification. Certification is an acknowledgement that an individual has demonstrated the ability to meet the professional standards required by the translation and interpreting industry in Australia.

(<https://www.naati.com.au/certification/the-certification-system/>)

NAATI's system consists of the following two categories:

- Certified includes *Certified Provisional Interpreter, Certified Interpreter, Certified Specialist Interpreter (available for Health and Legal) and Certified Conference Interpreter. These certifications are typically available between English and a LOTE (Language Other Than English) for which NAATI assesses all significant competencies directly and objectively. Commensurate with the level of certification, interpreters work in certain typical domains, situations and interpreting modes.*

- Recognised Practising *is available between English and a LOTE for which NAATI currently does not offer certification testing, e.g. for emerging or low demand languages. NAATI directly assesses Language Competency (English or Auslan), Intercultural Competency and Ethical Competency, but is only able to indirectly confirm other competencies through evidence of work experience. In the absence of interpreters with certification for a language, Recognised Practising Interpreters may be asked to interpret in the same domains, situations and interpreting modes as certified interpreters.*

There are **three accreditation levels** that are relevant to communicating in the human services:

- **Certified (translator or interpreter)** :competent across a wide range of subjects, including communicating specialist information;
- **Certified Provisional (interpreter)**:competent to communicate in general conversation situations, but not when the subject matter is specialist; and,
- **Recognised Practising Interpreter**: works in an emerging or rare language that cannot be tested by NAATI.

It is AMPARO Advocacy policy that preference is given to using interpreters and translators accredited at the professional level where possible. In some languages there will be no accredited interpreter or translator available.

Interpreting

AMPARO Advocacy uses either on-site interpreting, where the interpreter is physically present at the appointment; or interpreting via telephone using a speaker phone.

When identifying the need for an interpreter it is important to note if the ethnicity and gender of the interpreter are relevant. Special considerations for each individual will be noted in the person's file.

Translating

Translating written information from English into other languages can be an effective method of communicating and may be used to provide information about the role of AMPARO Advocacy to ethnic communities. Capacity to provide translated materials will be determined by the available resources.

AMPARO Advocacy must comply with the *Racial Discrimination Act 1975 (Cth)*, the *Disability Discrimination Act 1992 (Cth)* and the *Anti-Discrimination Act 1991 (Qld)*. The Acts require that:

- Government and funded agencies provide equitable access to services for people from culturally and linguistically diverse backgrounds, including people with disabilities;
- Agencies must not directly or indirectly discriminate against people on the basis that they do not speak English well or at all, or that they use a form of sign language.

AMPARO Advocacy could breach its duty of care if a staff member unreasonably fails to provide or to ensure appropriate access to language services.

AMPARO Advocacy's minimum requirements for providing language services:

1. Individuals who request or receive advocacy and their family members have access to information in their preferred language when they need to:
 - be informed of their rights;
 - give informed consent; and,
 - have access to important information and/or to be able to participate in decision making
2. Persons, including family members, less than 18 years of age are not used as interpreters.
3. Interpreters and translators accredited by the **National Accreditation Authority for Translators and Interpreters Inc. (NAATI)** will be used where possible

Procedures:

AMPARO Advocacy will:

- Inform individuals and family members about the availability of language services
- Offer to provide language services to the person receiving advocacy and to family members
- Determine if the person would prefer a face to face interpreter or a telephone interpreter
- Seek to access the same interpreter for all communication with the person and or family, if preferred.
- Always provide language services when requested by the individual or family
- Use an interpreter when informed consent is needed and the person has limited English proficiency
- Train staff in how to work effectively with interpreters
- Train staff to be sensitive to the impact of gender, disability, sexuality, culture and ethnicity on individuals language services needs and to ensure these needs are recorded and met
- Train staff to determine persons' English language proficiency
- Record use of language services in data base and in the person's file

In all situations, the reason for making a particular communication decision should be noted in the person's file.

Carers, family members, friends should not be used as interpreters because of:

- potential breaches of confidentiality;
- possible misinterpretation;
- conflict of interest;
- potential for loss of objectivity; and
- conflict of roles.

Trouble shooting

What if an interpreter accredited at the professional level is not available?

Sometimes it will not be possible to use a professionally accredited interpreter or translator. At times there may be no interpreters or translators accredited to that level in a particular language or a professionally accredited interpreter available.

In these cases:

- decide whether it is possible to reschedule the person's appointment to a time when a suitability qualified interpreter is available;
- if it was planned to use an onsite interpreter, try to obtain a telephone interpreter instead – they are often available when face-to-face interpreters are not;
- use an interpreter or translator accredited at a lower level and record the reason for this in the person's file.

What if a person refuses to use an interpreter?

People may sometimes refuse to use an interpreter. This could be because of concerns about confidentiality and privacy, particularly in smaller ethnic communities. It might also reflect the person's concern about the gender or religion/ethnic background of an interpreter.

What should be done in these cases will depend on a range of factors, but action could include:

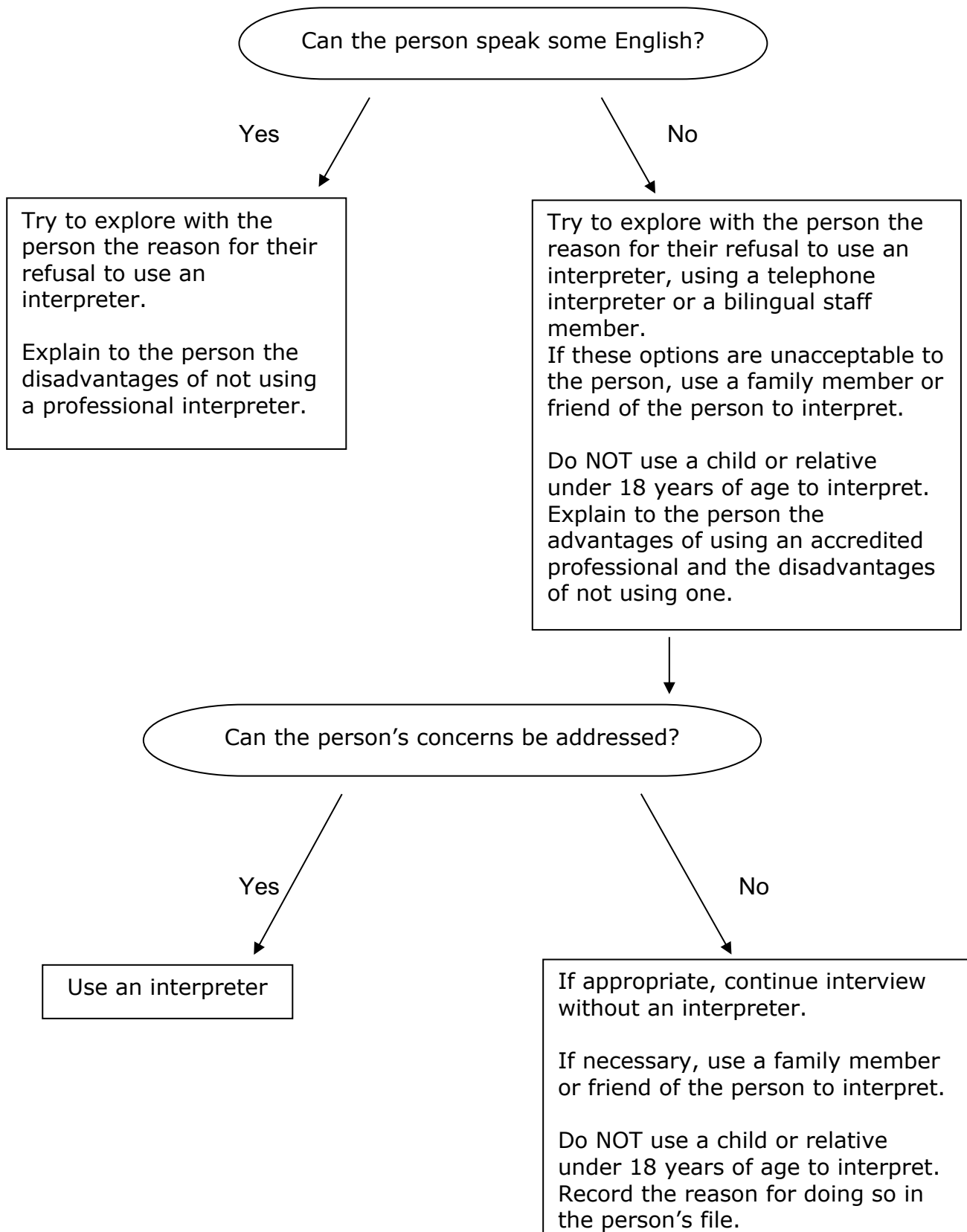
- exploring the reason for the refusal with the person via a telephone interpreter or family members or friends (not persons, including family members, under 18 years of age);
- explaining to the person the possible consequences of not using a professional interpreter;
- if possible, communicating without an interpreter for a period and then reassessing the situation; or
- as a last resort, using family members or friends as interpreters, but not persons including family members under 18 years of age.

If the person's still refuses to use an interpreter, this should be recorded in their file.

The language services decision making process is presented diagrammatically in Appendix A.

Appendix A

**Decision tree 1:
When a person refuses to use an interpreter**



**Decision tree 2:
When an interpreter is not available**

