

Language Services Policy



Introduction

The Queensland *Cultural Diversity Policy* identifies a lack of English language proficiency as a significant barrier to economic independence and participation within the community.

In 2011, 423,838 Queenslanders identified that they spoke a language other than English at home. This represents more than nine per cent of the state's population. Also, 62,404 Queenslanders (1.4 per cent of the state's total population) identified that they do not speak English, or do not speak it well.

Language services aim to provide people who have difficulty communicating in English with the same access to effective and efficient services and programs as English-speaking Queenslanders.

Legal Aid Queensland has developed this language services policy in line with the Queensland Government's Language Services Policy, to ensure clients who do not speak English well enough, or are not able to communicate adequately with our staff and service providers, are not disadvantaged in accessing quality legal services.



Policy statement

Legal Aid Queensland is committed to enhancing access to justice for disadvantaged people. Effective communication with clients is essential to achieving this goal.

Legal Aid Queensland recognises that a significant number of people in the community do not speak English well. Our clients and users of our services should have fair access to legal services that are responsive to their needs and high quality.

This policy creates a framework for Legal Aid Queensland staff and preferred suppliers to deliver language services, where appropriate, to clients whose first language is not English. All staff and preferred suppliers must comply with the policy.

Under the policy we will:

- take a client-focused approach to service delivery, including meeting clients' specific language needs
- make interpreters available for clients who need assistance to communicate effectively with our staff and service providers
- work with qualified interpreters and translators, wherever possible, to effectively communicate with clients
- adopt a planned approach to producing and distributing information about the law, our services and activities in English and other languages
- plan for language services by including interpreting and multilingual information needs in our budgeting, human resource and client service program management.

For the purpose of this policy and its implementation, a client is any person receiving a service or trying to access a service from Legal Aid Queensland.

Policy aim

The policy aims to enhance access to interpreters and translated information to improve access to the full range of legal aid services for people requiring language support.

The policy will be delivered by:

- engaging qualified interpreters in circumstances where people experience difficulties communicating in English
- providing multilingual information
- training staff about how to work with interpreters.

Relevant legislation

This policy supports Legal Aid Queensland's obligations to provide legal services under the *Legal Aid Queensland Act 1997* and our legal professional obligations under the *Australian Solicitors Conduct Rules 2012*. It also supports Legal Aid Queensland's obligations under state and Commonwealth anti-discrimination legislation.

There are considerable risks to an agency in not using qualified interpreters, particularly for obtaining informed consent in legal contexts. Failing to provide an interpreter could be potentially discriminatory and may result in a discrimination complaint under the legislation.



Policy implementation

Legal Aid Queensland will implement this policy by:

- establishing appropriate measures and systems to improve service responsiveness for people with difficulty communicating in English
 - ensuring staff, especially front-line service staff, are aware of and act on the obligation to provide effective, efficient and inclusive services through appropriate use of interpreters for people that are not proficient in English
 - acknowledging the entitlement to qualified interpreter services or to linguistically appropriate information by people who experience language barriers
 - establishing protocols for engaging qualified interpreters and protocols for when they are not available, including responsibilities of front-line staff
 - ensuring language services are culturally and linguistically acceptable by taking into account gender and ethnicity preferences (including dialect), additional training or experience required (eg court interpreting) and the appropriateness of telephone as opposed to on-site interpreting
 - providing staff with training in cross-cultural skills and how to work with interpreters.
- If a client does not ask for an interpreter, it may be difficult to assess if an interpreter is required. Even if a client can have a basic conversation in English, it does not mean they understand written English or have the skills to understand complicated legal information. If you have any doubt about a person's ability to communicate in and comprehend English, an interpreter should be used.
 - A qualified interpreter helps both parties to communicate. It is acceptable to use an interpreter even if the client or an accompanying family member or support person thinks the person does not need an interpreter. You should explain the benefits of using an accredited qualified interpreter to the client, including the fact they are bound by a Code of Ethics and should maintain confidentiality and respect privacy.
 - Having an accredited interpreter present will be crucial when swearing affidavits or statutory declarations and obtaining "informed consent", etc. Not providing an interpreter in these situations could lead to costly mistakes, complaints or litigation.
 - When assessing the need for an interpreter, consider factors such as gender, ethnicity and dialect, literacy levels, hearing impairment or other communication difficulties. How comfortable a client is in the interview will have an impact on your outcome.

Guidelines for working with interpreters

Assessing the need for an interpreter

- If a non-English-speaking client has difficulty communicating in English, they should be provided with an interpreter. When a client requests an interpreter (eg by displaying a Queensland Interpreter Card, or asking in another way) an interpreter should be provided. The Queensland Interpreter Card assists non-English speakers to inform Queensland Government agency staff that they require an interpreter. The card is similar in size and quality to a business card and identifies the language for which an interpreter is required. Multicultural Affairs Queensland distributes this card.

Preferences for engaging interpreters

- It is preferable to engage an interpreter accredited by the National Accreditation Authority for Translators and Interpreters (NAATI). The highest level of NAATI accreditation is Conference Interpreter (Senior) and Conference Interpreter. This level is required if organising an international conference.
- For most public sector usage, the second highest level of accreditation is sufficient. This is known as 1st preference – Interpreter (formerly level 3). It is preferable to use an interpreter with this level of accreditation for legal matters.



- Where an interpreter at the preferred level is not available, the other levels are as follows:
 - › 2nd preference – Paraprofessional Interpreter (formerly level 2)
 - › 3rd preference – NAATI Recognised or other interpreter registered with the Translating and Interpreting Service (TIS).
- Non-qualified interpreters should not be used unless the situation is urgent and a qualified interpreter is unavailable.
- Inquire about the client's gender and language preferences and provide their preferred interpreter if possible, although availability of particular interpreters may be an issue.
- The majority of accredited interpreters in Queensland are qualified at the para-professional level. In languages of small communities or recently arrived communities, there may be no accredited interpreters and only a small number of recognised interpreters.
- Access to qualified interpreters in regional and rural Queensland is often limited to telephone interpreters through TIS Eastern, although some qualified interpreters are available for on-site work in regional centres such as Cairns and Townsville. Current availability of accredited interpreters can be checked through the Manager, TIS, and the NAATI Regional Officer for Queensland. Additionally NAATI and the Australian Institute of Interpreters and Translators (AUSIT) produce directories of accredited practitioners. Both directories are available on their respective websites.
- You should use the most qualified interpreter available for complex interpreting work that may have serious implications for the client.

Practices to avoid

- Friends and family members should not be used as interpreters, unless there is no other practical option. Obtaining a qualified interpreter over the telephone will generally always be a practical option. Children and young relatives are not appropriate interpreters in any context.
- Both clients and family members may be embarrassed when family members act as interpreters. In these situations communication may be distorted or changed because of a lack of competence in English or the other language or bias on the part of the family member or advocate. However, the client may feel more comfortable with a family member, bilingual associate or worker being present for support, along with the qualified interpreter.
- Qualified interpreters are trained to maintain confidentiality, impartiality and accuracy as part of their code of ethics. This code is not binding on relatives or friends, or bilingual staff.
- Bilingual staff who are not qualified interpreters may assist with communication with clients in certain circumstances. But as the general rule, qualified interpreters should be used for the reasons outlined above and to establish the independence of the process.
- If a client refuses professional interpreter services, preferring to use an accompanying child, relative or friend, staff should be trained to provide an appropriate response, for example: “non-qualified interpreters may compromise or misinterpret important communication”. Staff should advise clients that our policy is to use qualified interpreters and emphasise this policy helps everyone involved in the communication process.



Arranging an interpreter

- Qualified interpreting services can be accessed either over the phone (solely through TIS) or on-site, where the interpreter is physically present. Audio-visual access through videoconferencing networks is also possible.
- TIS is Legal Aid Queensland's preferred supplier for translating and interpreting services.

To arrange a TIS National phone interpreter, complete the phone interpreter booking form on the TIS National website – www.tisnational.gov.au

TIS interpreters can only be arranged using the TIS National website booking forms.

Note:

In January 2015, TIS National commenced a new automatic online booking system for on-site interpreters. Initially this service will co-exist with the current system and apply to on-site interpreters only. However, the system will eventually be extended to cover phone interpreters and the previous system will be phased out.

- Other sources of translators and interpreters are:
 - › Deaf Services Queensland (for AUSLAN and other deaf community interpreters). Book online at <https://www.deafservices.org.au/services/Interpreting/Face-to-Face-Interpreting>
 - › A list of NAATI accredited interpreters is available through the current NAATI Directory or from the NAATI Regional Office, Brisbane on (07) 3393 1358. The NAATI website address is: www.naati.com.au
 - › The International Association of Conference Interpreters (AIIC) on (02) 6633 7122. The AIIC website address is: www.aiic.net
 - › Private interpreting and translating agencies are available through the Yellow Pages under “interpreters”.

What to consider when requesting an interpreter

When requesting an interpreter:

- Give as much notice as possible.
- Establish gender and language/dialect preferences from the client and request these from the provider.
- Request the same interpreter where continuity and client confidence is important.
- Always check the interpreters' NAATI identity cards and accreditation details before commencing the session.

Paying for interpreting services

- Legal Aid Queensland is responsible for budgeting for, and paying for, interpreters. Clients do not have to pay for interpreters.
- Interpreting services can be requested from Legal Aid Queensland by either the client or the lawyer providing the services to the client.
- The use of an interpreter is one factor that may be taken into consideration when determining if a matter is a ‘complex matter’ for the purpose of granting aid.
- The TIS charging policy and rates are available from TIS Finance Administration on 1300 304 604 or at tis.finance@immi.gov.au
- Rate details recommended by AUSIT, the professional association of interpreting/translating practitioners are available by calling AUSIT Queensland on (07) 3356 8255.



Most effective interpreting mode

- Telephone interpreting is cost-effective, readily available regionally, and can be used for most languages through the TIS national network. It is more immediate, anonymous and preserves confidentiality and privacy. The disadvantage is the difficulty for all parties when visual cues are absent.
- On-site interpreting is more appropriate in legal and counselling contexts. It offers a more complete and detailed communication option with the possibility of continuity with the same interpreter. Continuity can be a vital factor in confidential and sensitive matters, such as those relating to violence against women.
- Videoconferencing networks can be used in legal and other contexts to include a qualified interpreter at another location. Video conference interpreting also offers a practical option when sign language interpreters are not available locally.

Accountability

- Professionally qualified interpreters are required to observe their own professional obligations and comply with relevant codes of ethics and professional conduct to maintain confidentiality, accuracy and impartiality. The AUSIT Code of Ethics for Interpreters and Translators is endorsed by NAATI and can be obtained from local AUSIT representatives.
- Staff should verify the identification details of TIS and other interpreters by checking their identity card and accreditation details. Unsatisfactory performance by TIS interpreters should be brought to the attention of TIS Client Liaison and Promotions on 1300 655 820 or at tispromo@immi.gov.au

Skilling staff in working with interpreters

- Legal Aid Queensland staff and preferred suppliers are expected to be familiar with this policy and attend training about working with interpreters.

Reporting and performance monitoring

Legal Aid Queensland will monitor and report on the implementation of this policy through the following measures:

Measure	Data required	Data source
Percentage of Queensland population with limited proficiency in English compared with percentage of Legal Aid Queensland clients with limited proficiency in English	Census data regarding percentage of Queensland population that does not speak English or has limited English language skills. Number of Legal Aid Queensland clients requiring language support for the year.	Australian Bureau of Statistics Legal Aid Queensland Business Analysis Unit
Use of interpreters by Legal Aid Queensland	Number of occasions interpreters are engaged annually by Legal Aid Queensland.	Legal Aid Queensland Business Analysis Unit

Complaints

If a Legal Aid Queensland client is denied access to an interpreter they can make a complaint in the first instance to Legal Aid Queensland by downloading, printing and completing our *Client feedback form* and sending it to:

Legal Aid Queensland
GPO Box 2449
Brisbane QLD 4001

The form can also be delivered to any of our 14 offices around Queensland.



Complaints can also be made by calling 1300 65 11 88 (for the cost of a local call from a landline in Australia) and talking to one of our staff members or by writing to us at the above address.

If the situation is unable to be resolved, clients may wish to contact:

- For unlawful discrimination complaints, the Queensland Human Rights Commission Offices are located in Brisbane, Rockhampton, Townsville and Cairns.

Phone 1300 130 670 (state-wide)
TTY users, phone 133 677 then ask
for 1300 130 670

Email enquiries@qhrc.qld.gov.au

Web www.qhrc.qld.gov.au

- For other complaints regarding denial of service, the Queensland Ombudsman

Level 17, 53 Albert Street, Brisbane QLD 4000

Phone 07 3005 7000 or
1800 068 908

Email ombudsman@ombudsman.qld.gov.au

Web www.ombudsman.qld.gov.au

Guidelines for planning multilingual information

Media

- We will explore a range of information strategies that include components in English and languages other than English, in one or a combination of the following:
 - › Printed — translated brochures and booklets, factsheets, business cards, promotional flyers and postcards, poster slogans, forms and papers, advertisements or inserts in these media
 - › Electronically — translated or original language messages on the internet, by email or printed out by regional offices

- › Audio visually — sub-titled, dubbed, voice-overed or original language videos/DVDs, multilingual telephone information lines, ethnic radio/television scripts, focus group or information-sharing sessions and seminars through an interpreter/bilingual worker
- › Video translation (by Auslan) Online translating tools.

Planning

- Client surveys and other data, including interpreter use levels and client's access to translated materials and media, will inform future language services strategies and actions.
- We will encourage bilingual staff to obtain NAATI accreditation to use their language skills in providing and exchanging information with clients.
- We will consult client groups, including ethnic communities and associations, about information needs, appropriate formats and dissemination strategies.
- We will work to develop our own network of ethnic community agencies for consultation purposes.
- These same networks may be available to give valuable feedback on proposed multilingual products. We recognise checking for cultural and linguistic appropriateness is a vital part of any multilingual information strategy and will incorporate feedback on the appropriateness of photography and artwork (eg illustrations) and language.
- As part of our multilingual information planning, we recognise we will need to balance the importance of getting information to large, identified groups with the pressing information needs of smaller or emerging client groups, women, and regional/ isolated communities.



Contracting out work

- Multilingual material (including translation work) used in all language services strategies should be obtained through professional sources. Legal Aid Queensland will only use accredited interpreters for this work.

The information product

- Products written or scripted for a culturally diverse client group will be in plain language. It will sometimes be appropriate to have this material translated into languages other than English, depending on the target audience.

Our service standards

Identifying client language services needs at Legal Aid Queensland

- Our staff are aware of appropriate interpreting modes available to clients, including telephone, onsite, videoconference or personal computer.
- We have conference or dual handset telephones available in appropriate locations to make interpreting services more accessible for clients (eg public contact areas and interview rooms).
- We consult communities and other organisations to determine the information needs of non-English-speaking background clients. This could include consultation about the most appropriate information to translate, which languages should be used and whether clients would prefer information in written or audio-visual formats.
- We have procedures in place to identify a client's interpreter needs eg by noting them on the client's file and records accordingly.
- We have procedures in place to obtain and record client feedback and satisfaction with the interpreter service.

Working with interpreters

- Staff who have contact with clients or the public, and policy and planning staff, understand the need to work with professional interpreters for effective communication and have been trained in working effectively with interpreters.
- All staff are familiar with our language services policy.
- Information about organising an interpreter, including clearly-defined procedures, is easily available to staff and easy to access.
- Clearly-defined budget arrangements have been made for paying professional interpreters.
- Policies clearly guide staff about using a client's friends or relatives as interpreters ie only in exceptional circumstances or as a last resort.
- Staff are aware refusing to provide an interpreter could be indirect discrimination (under current anti-discrimination legislation), and understand professional interpreters play an important role in obtaining instructions, informed consent etc from non-English-speaking background clients.

Multilingual information planning and management

- Communication plans are made before the agency produces multilingual (including English) information for ethnic communities or other clients.
- Relevant information and data is used to make decisions about media, languages and the cultural appropriateness of information and its packaging.
- Past and present multilingual projects are evaluated and used to inform future information/promotion strategies to client groups.
- Links are made with ethnic media and community networks to disseminate information.