Language Services Policy & Procedures

Purpose

> The purpose of the Language Services policy and procedures outlines how AMPARO Advocacy ensures that children, young people and adults from culturally and linguistically diverse backgrounds with disability are able to communicate in their preferred language when working with AMPARO.

Scope

- AMPARO Advocacy's Language Services policy and procedures applies to all paid and unpaid staff, students, management committee members and contractors (hereinafter referred to as 'staff and associates') when advocating for the children, young people and adults who access our services.

- Children, young people, and adults, alongside support networks, staff and stakeholders are able to request services in line with the Language Services policy and procedures at any time.

Policy Statement

AMPARO has a legislative responsibility to provide equitable services to children, young people and adults from culturally and linguistically diverse backgrounds with disability, and their informal supports. AMPARO does not directly or indirectly discriminate against children, young people, and adults based on their language use.

AMPARO Advocacy recognises the right of children, young people, and adults from culturally and linguistically diverse backgrounds with disability, and their support networks, who have a first language other than English, who use Auslan as their first language, or who require a communication facilitator, to have access to qualified interpreters when communicating with AMAPARO.

AMPARO recognises that a child, young person, or adult's vulnerability can be increased if they have limited proficiency in English. Effective communication is essential to ensure children, young people, and adults from a culturally and linguistically diverse background with disability, and their support networks, can have access to important information so they are able to make informed decisions.

AMPARO Advocacy's minimum requirements for providing language services:

1. Individuals who request or receive advocacy and their support network 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 ever to be engaged as interpreters.

3. Interpreters and translators accredited by the **National Accreditation Authority for Translators and Interpreters Inc.** (NAATI) will be engaged where possible.

AMPARO engages interpreters and translators certified or recognised by the National Accreditation Authority for Translators and Interpreters (NAATI) wherever possible. 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 Practicing Interpreter: works in an emerging or rare language that cannot be tested by NAATI.

When engaging with interpreters and translators, AMPARO's preference is to engage **certified** translators and interpreters as a **first preference**. AMPARO recognises that there will be occasions where certified translators and interpreters are not available, and in these instances, AMPARO may engage **recognised practicing** interpreters/translators (**second preference**) or **non-accredited** interpreters or translators (**third preference**).

Children, young people, and families from a culturally and linguistically diverse background with disability, and their support networks, may not want or need to access interpreter services every time they have contact with AMPARO. This will depend on their level of English proficiency and the type of information they are seeking or require. The Language Services policy and procedure also help identify if and when an interpreter is necessary.

Procedures

When offering translation and interpreting services AMPARO Advocacy will:

- Inform children, young people and adults with disability and their support networks about the availability of language services;
- Offer to provide language services to the individual receiving advocacy and their information supports;

- Determine if the individual would prefer a face-to-face interpreter, video or a telephone interpreter;
- Seek to access the same interpreter for all communication with the person and or family, if possible;
- Always provide language services when requested by the individual or support network;
- Always engage an interpreter when informed consent is needed and the individual or their support network has limited English proficiency;
- Staff should be sensitive to the impact of gender, disability, sexuality, culture and ethnicity on individuals' language service needs, and to ensure these needs are recorded and met when offering translation and interpreting services;
- Follow record keeping policies and procedures to keep track of specific interpreting and translating requirements, and any engagement of language services in the relevant individual's file;
- When making a communication decision relating to the engagement of interpreters or translators, any decision making should be noted in the relevant individual's file.

Support Networks

Support networks should not function as interpreters because of risks associated with:
- Breach of confidentiality;
- Possible misinterpretation;
- Conflict of interest;
- Loss of objectivity; and
- Conflict of roles.

Interpreting

- When a person accessing AMPARO and/or staff identifies that an interpreter is required, contact the Translating and Interpreting Service (TIS) on 131 450 to arrange for an interpreter.
- Provide details of the request including name and language of person requiring interpreter, date and time of appointment, ethnicity and gender of the interpreter required and any other information or considerations.
- AMPARO will engage on-site interpreting, where the interpreter is physically present at the appointment; or video interpreting using any of the platforms e.g., Zoom, Teams or telephone interpreting using a speaker phone depending on the needs and timeframes of the person requiring interpreting services. NOTE: onsite and video interpreting needs to be pre-booked.

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 those accessing our service. Capacity to provide translated materials will be determined by the needs of the person requiring translating services AND the available resources at AMPARO.
- Staff should seek Manager or Project Coordinator approval for translating services prior to proceeding.

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- Once approved by the Manager or Project Coordinator, contact the Translating and Interpreting Service (TIS) on 131 450 to arrange for a translator.
- Provide details of the request including material to be translated, date translated material is required by, and any other information or considerations.

What if an interpreter certified at the professional level is not available?
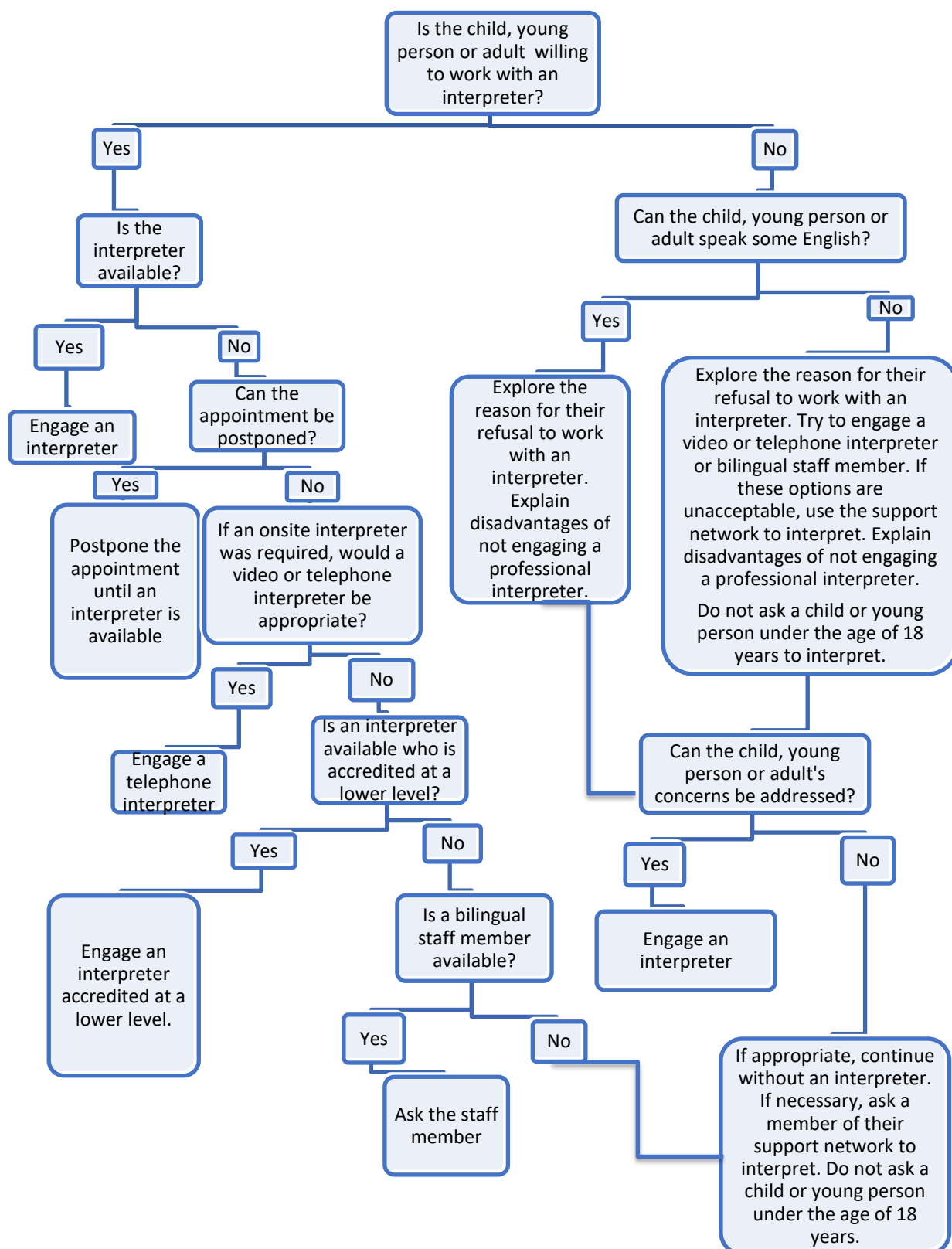
In these cases:
- Decide whether it is possible to reschedule the individual's appointment to a time when a suitability qualified interpreter is available;
- If it was planned to engage an onsite interpreter, try to obtain a video or telephone interpreter instead – they are often available when face-to-face interpreters are not;
- Engage an interpreter or translator accredited at a lower level and record the reason for this in the individual's file.

What if an individual refuses to work with an interpreter?

Children, young people, and adults may sometimes refuse to work with an interpreter. This could be because of concerns about confidentiality and privacy, particularly in smaller ethnic communities. It might also reflect the individual's concern about the gender or religion/ethnic background of an interpreter. In these cases:
- Explore the reason for the refusal with the individual via a telephone interpreter or support networks (not persons under 18 years of age);
- Explain to the individual the possible consequences of not working with a professional interpreter (e.g., lack of informed consent, miscommunication);
- If possible, communicate without an interpreter for a period and then reassess the situation; or
- As a last resort, use support networks as interpreters, but not persons under 18 years of age;
- If a child or young person still refuses to work with an interpreter, this should be recorded in their file.

The language services decision making process.

Is the child, young person or adult willing to work with an interpreter?

Yes

Is the interpreter available?

Yes

Engage an interpreter

No

Can the appointment be postponed?

Yes

Postpone the appointment until an interpreter is available

No

If an onsite interpreter was required, would a video or telephone interpreter be appropriate?

Yes

Engage a telephone interpreter

No

Is an interpreter available who is accredited at a lower level?

Yes

Engage an interpreter accredited at a lower level.

No

Is a bilingual staff member available?

Yes

Ask the staff member

No

No

Can the child, young person or adult speak some English?

Yes

Explore the reason for their refusal to work with an interpreter. Explain disadvantages of not engaging a professional interpreter.

No

Explore the reason for their refusal to work with an interpreter. Try to engage a video or telephone interpreter or bilingual staff member. If these options are unacceptable, use the support network to interpret. Explain disadvantages of not engaging a professional interpreter.

Do not ask a child or young person under the age of 18 years to interpret.

Can the child, young person or adult's concerns be addressed?

Yes

Engage an interpreter

No

If appropriate, continue without an interpreter. If necessary, ask a member of their support network to interpret. Do not ask a child or young person under the age of 18 years.

Roles & Responsibilities

Role	Responsibility
Staff Students Volunteers Contractors	Provide information to persons engaging with the service about language services. Advise Manager of translating services required. Engage interpreting services where required. Ensure interpreting and translating requirements and decision making is recorded on case files.
Manager	Those responsibilities listed above, and: Provide leadership and oversight to policy and procedure implementation. Monitor the work environment to ensure policy and procedures are followed. Manage resources to ensure effective engagement of translating and interpreting services. Ensure persons engaging with the service are provided information on language services policy and procedure. Provide consultation, training, and development for staff in relation to interpreting and translating legislative and service requirements. Investigate allegations of staff not following policy and procedure.
Management Committee Members	Those responsibilities listed above, and: Ensure AMPARO has required resources to provide translation and interpreting services where required.

Definitions

- Direct Discrimination – occurs when a person, or a group of people, is singled out for inferior treatment, paralleled to others in similar circumstances, because they have one or more of the attributes listed above.
- Indirect Discrimination – occurs when one rule applies to all, but in fact disadvantages a person or a group of people because they are unable to comply with the rule because they have an attribute listed above.
- Interpreting – communicating using spoken or sign language.
- Language Services – enable communication with children, young people and adults who have limited English, are Deaf or hearing impaired. Language services include oral or signed information conveyed from one language into another by a qualified interpreter.
- Support Network – persons in a child, young person or adults' life who provide direct care and/or support. This may include, but not be limited to, parents, carers, guardians, family members, foster, kinship or residential carers, friends, professionals, support workers, service providers.
- Translation – communicating using written information.

Legislation & Relevant Standards

- *Anti-Discrimination Act 1991* (Cth)

- *Child Protection Act 1999* (Cth)

- *Disability Discrimination Act 1992*

- *Disability Inclusion Act 2014*

- *Disability Services Act 2006*

- *Disability Services and Other Legislation Amendment Act 2008*

- *Guardianship and Administration Act 2000*

- *Human Rights Act 2019*
- National Principles for Child Safe Organisations
- United Nations Convention on Rights of Persons with Disability
- United Nations Convention on the Rights of the Child

HSQF Standards & Indicators

Standard	Indicator
1 - Governance and Management	1.1 The organisation has accountable and transparent governance requirements that ensure compliance with relevant legislation, regulations and contractual arrangements.
	1.6 The organisation encourages and promotes processes for participation by people using services and other relevant stakeholders in governance and management processes.
2 - Service Access	2.2 The organisation has processes to communicate, interact effectively and respond to the individual's decision to access and/or exit services.
	2.3 Where an organisation is unable to provide services to a person due to ineligibility or lack of capacity, there are processes in place to refer the person to an appropriate alternative service.
3 - Responding to Individual Need	3.1 The organisation uses flexible and inclusive methods to identify the individual strengths, goals and aspirations of people using services.
	3.2 The organisation formulates service delivery that respects and values the individual (e.g., identity, gender, sexuality, culture, age and religious beliefs).
	3.3 The organisation ensures that services to the individual/s are delivered, monitored, reviewed and reassessed in a timely manner.
	3.4 The organisation has partnerships and collaborates to enable it to effectively work with community support networks, other organisations and government agencies as relevant and appropriate.
	3.5 The organisation has a range of strategies to ensure communication and decision-making by the individual is respected and reflected in goals set by the person using services and in plans to achieve service delivery outcomes.
4 – Safety, Wellbeing and Rights	4.1 – The organisation provides services in a manner that upholds people's human and legal rights.
	4.4 - People using services are enabled to access appropriate supports and advocacy.
	4.5 - The organisation has processes that demonstrate the right of the individual to participate and make choices about the services received.
5 – Feedback, Complaints and Appeals	5.1 – The organisation has fair, accessible and accountable feedback, complaints and appeals processes.
	5.2 - The organisation effectively communicates feedback, complaints and appeals processes to people using services and other relevant stakeholders.

National Standards for Disability Services

Standard	Indicator
1 – Rights	1.1 The service, its staff and its volunteers treat individuals with dignity and respect
	1.2 The service, its staff and its volunteers recognise and promote individual freedom of expression.
	1.3 The service supports active decision-making and individual choice including the timely provision of information in appropriate formats to support individuals, families, friends, and carers to make informed decisions and understand their rights and responsibilities.
	1.5 The service has preventative measures in place to ensure that individuals are free from discrimination, exploitation, abuse, harm, neglect, and violence.
	1.6 The service addresses any breach of rights promptly and systemically to ensure opportunities for improvement are captured.
	1.7 The service supports individuals with information and, if needed, access to legal advice and/or advocacy.
	1.8 The service recognises the role of families, friends, carers, and advocates in safeguarding and upholding the rights of people with disability.
2 – Participation and Inclusion	2.1 The service actively promotes a valued role for people with a disability, of their own choosing.
	2.2 The service works together with individuals to connect to family, friends, and their chosen communities.
	2.3 Staff understand, respect, and facilitate individual interests and preferences, in relation to work, learning, social activities and community connection over time.
	2.4 Where appropriate, the service works with an individual's family, friends, carer, or advocate to promote community connection, inclusion, and participation.
	2.5 The service works in partnership with other organisations and community members to support individuals to actively participate in their community.
	2.6 The service uses strategies that promote community and cultural connection for Aboriginal and Torres Strait Islander people.
3 – Individual Outcomes	3.1 The service works together with an individual and, with consent, their family, friends, carer or advocate to identify their strengths, needs and life goals.
	3.2 Service planning, provision and review is based on individual choice and is undertaken together with an individual and, with consent, their family, friends, carer, or advocate.
	3.4 Service planning and delivery is responsive to diversity including disability, age, gender, culture, heritage, language, faith, sexual orientation, relationship status, and other relevant factors.
	3.5 The service collaborates with other service providers in planning service delivery and to support internal capacity to respond to diverse needs.
4 – Feedback and Complaints	4.2 Feedback mechanisms including complaints resolution, and how to access independent support, advice & representation are clearly communicated to individuals, families, friends, carers and advocates.

5 – Service Access	5.1 The service systematically seeks and uses input from people with a disability, their families, friends and carers to ensure access is fair and equal and transparent.
	5.2 The service provides accessible information in a range of formats about the types and quality of services available.
	5.3 The service develops, applies, reviews, and communicates commencement and leaving a service process.
	5.5 The service monitors and addresses potential barriers to access.
	5.6 The service provides clear explanations when a service is not available along with information and referral support for alternative access.
	5.7 The service collaborates with other relevant organisations and community members to establish and maintain a referral network.
6 – Service Management	6.5 The service has a clearly communicated organisational vision, mission and values which are consistent with contemporary practice.
	6.6 The service has systems to strengthen and maintain organisational capabilities to directly support the achievement of individual goals and outcomes.
	6.7 The service uses person-centered approaches including the active involvement of people with disability, families, friends, carers, and advocates to review policies, practices, procedures, and service provision.