



# Language & Communication Policy

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## 1. Introduction

Juvenile Justice recognises and values the diversity of cultures and languages and acknowledges that effective communication is an essential element of quality service delivery.

A significant number of clients, including victims of crime participating in a youth justice conference, and their families, may not speak, understand or read English competently and are not able to communicate adequately. Persons who are normally proficient in English as their second language may also find it difficult to communicate effectively in highly stressful situations.

The 2003 & 2009 *Young People in Custody Health Surveys* and the 2006 *Young People on Community Orders Health Survey* suggest that a high proportion of young people with a cognitive, hearing or vision impairment may need additional supports and appropriate formats to understand their legal obligations.

The division recognises that clients and their families are entitled to assistance to understand the legal framework that governs service delivery.

To improve equitable access to programs, services and information, Juvenile Justice is committed to meeting the specific communication needs of young people and their families who experience communication barriers.

## 2. Purpose

The policy sets out the governing principles to ensure accessible and effective communication between staff and clients of Multicultural Communities and/or those with a disability which interferes with their ability to communicate effectively.

The policy:

- ensures that staff who deal directly with clients have the cultural awareness and the skills to determine clients' need for an interpreter, translator or disability support person;
- establishes protocols for engaging accredited interpreters, translators or disability support persons; and
- ensures that staff have the skills to work effectively with professional interpreters or translators.

The policy will ensure that clients, their families and significant others:

- understand their legal rights and responsibilities;
- actively participate in case management and supervision requirements; and
- have their individual needs identified and addressed.

The Language and Communication Policy should be read in conjunction with the Language and Communication Kit.

### **3. Scope**

This policy applies to all staff, including conference convenors, who have contact with clients, their families and significant others. Employees without client contact must have an understanding of the principles and purpose of the policy.

Juvenile Justice will ensure that partner agencies and organisations that provide services to children or young people who are clients of Juvenile Justice act in accordance with the principles outlined in this document and comply with the provisions of the *Community Relations Commission* and *Principles of Multiculturalism Act 2000*.

#### **3.1. Who is supported by this policy?**

The target groups of this policy include clients and their families, including victims of crime participating in a youth justice conference, who have:

- Multicultural backgrounds;
- a cognitive or intellectual disability;
- literacy difficulties;
- a hearing impairment or deafness;
- a vision impairment or blindness.

#### **3.2. What is covered by this policy**

This policy encourages and facilitates the use of accredited interpreters, translation and transcription services by providing guidance:

- to determine the circumstances when clients need accredited interpreters, translators, transcribers or disability support providers;
- on how to use accredited interpreters, translation and transcription services, or disability support providers;
- on accessing information on interpreter and translation services and disability support providers;
- on how to monitor the implementation of this policy and associated procedures.

### **4. Objectives**

This policy aims to ensure that clients and their families can access and understand Juvenile Justice information and have the ability to communicate effectively with staff.

The policy also aims to ensure clients who are unable to communicate effectively through spoken or written English are supported by appropriate services so they can understand in situations where they:

- need to be informed of their legal rights and obligations;
- need to give informed consent;
- need to fully participate in decisions or proceedings relating to their rights, health and safety.

## **5. Legal Requirements**

### **5.1. Related policies**

This policy has its basis in the following Federal and NSW Government legislation:

- *Disability Discrimination Act 1992 (Commonwealth)*
- *Disability Services Act 1993 (NSW)*
- *Anti-Discrimination Act 1977 (NSW)*
- *Community Relations Commission and Principles of Multiculturalism Act 2000 (NSW)*

## **6. Using interpreters and translators**

The responsibility to ensure that the services of accredited interpreters, translators or disability support providers are sought lies with staff.

In some cases, it will be obvious that staff must access the services of an interpreter to communicate with clients and their families. In other cases, the need may be more difficult to assess and staff should refer to the language proficiency test in the Language and Communication Kit.

Determining when professional interpreters, translators or disability support providers 'may' or 'must' be used depends on:

- the client and their family's ability to communicate and comprehend in English, particularly in a stressful or unfamiliar environment;
- the purpose of the communication and type of information (including its complexity);
- whether the client and their family prefer to communicate in their own language, even though they can communicate in English;
- the risk of miscommunication and the potential for legal liability or legal consequences for the agency in not providing appropriate supports; and
- when any party (internal or external stakeholders) assesses that the client may be disadvantaged without the appropriate supports.

There may be occasions, particularly in youth justice conferencing where multiple participants require interpreter services in a similar language or different language groups. The number of participants and the complexity of the situation will determine whether one or more interpreters will be required.

### **6.1. Responsibilities of all staff**

All staff who have contact with clients and their families with English language difficulties and/or a disability are responsible for informing them of the availability of interpreter, translation and transcription services or disability support providers and must provide them with the opportunity to access these services.

### **6.2. Accredited interpreters and translators**

Interpreting and translation services must be carried out by persons accredited from the National Accreditation Authority for Translators and Interpreters (NAATI) or persons who have completed an accredited interpreting training course in all other situations.

## **7. Written Communication**

Juvenile Justice translates key information resources for clients, their families and members of the public into languages other than English or plain English and the information may be provided in large print, on digital media or in Braille as required.

This policy supports regional requirements for translation or transcription of information according to local needs, such as letters, youth justice conference surveys or reports.

To ensure coordination and consistency of translated material, the Corporate Communications and Planning Unit must be consulted prior to commencing translation and publication of key agency resources, such as general forms and pamphlets.

### **7.1. Using plain language**

All written information provided to clients and their families should be in plain language. Staff are expected to read, understand and put into practice the procedure: *Writing Style Guide: Checklist for writing in plain English*.

### **7.2. Determining translation languages**

When translating key agency information into different languages, Juvenile Justice must consider:

- who the information is intended for (the client or the family);
- not all people are literate in their first language or in any language;
- the number of clients who require access to translated material;
- data on the language background of clients;
- data on the most commonly spoken community languages in NSW;
- the level of disadvantage and the information needs of new and emerging communities; and

- alternative means for communicating, e.g. community language radio and television, information sessions etc.

### **7.3. Statistical information**

Juvenile Justice collects data on the languages of client groups and their countries/culture of origin.

The table below illustrates the most common cultural background after English of the parents of clients, collated from 2010-11 Client Information Management System (CIMS) data:

<b>YJC</b>	<b>Custody</b>	<b>Community</b>
Arabic	Arabic	Arabic
Samoan	Tongan	Tongan
Vietnamese	Samoan	Samoan
Tongan	Vietnamese	Vietnamese
Turkish	Lebanese	Lebanese
Sudanese	Turkish	Turkish
Hindi	Dinka	Cantonese

Note: The information in the table is dynamic and may be subject to change, for up to date data, contact the Research and Information unit.

Further statistical information can also be obtained from the Australian Bureau of Statistics.

### **7.4. Using different transcript formats**

Transcriptions into alternative formats such as Braille must be carried out by a transcriber accredited by the Round Table on Information Access for People with Print Disabilities Incorporated.

Vision Australia offers a range of business services including professional audio production and accessible information service (providers of audio cassettes, Braille, large print, text on disk and tactual graphics).

## **8. Verbal Communication**

Staff should seek agreement from the client and their family with English language difficulties for the engagement of an interpreter to assist with communication. There are many variations in dialects and cultural norms within same language communities and these should be considered when arranging interpreter services.

In an emergency situation or in regional and remote NSW, access to accredited interpreters may be limited to interpreting by telephone.

In small communities or where the client and their family may be from the same cultural or language group as the interpreter and may know each other, staff should consider that it may be more appropriate to use an interpreter outside of the local community.

### **8.1. Community language allowance recipients and other bilingual staff**

Juvenile Justice maintains a staff register under the Community Language Allowance Scheme (CLAS) as a strategy to provide emergency language assistance to clients and their families in their dealings with the agency.

Bilingual staff and staff receiving an allowance under CLAS should only be called upon to interpret at the initial point of contact and/or for simple inquiries. These staff should not be used to interpret complex and sensitive interactions because there is a potential for misinterpretation and conflict of roles.

### **8.2. Clients and family members**

The client, other clients or family members should not be used to interpret to avoid:

- potential breaches of confidentiality;
- possible misinterpretation;
- bias or conflict of interest; and
- conflict of roles.

Exceptions may apply when:

- the client and/or family member(s) refuses to have a professional interpreter present; or
- an interpreter is urgently needed after business hours and despite reasonable efforts by staff, no appropriately qualified person is available. This includes efforts to acquire an accredited telephone or on-site interpreter, a bilingual staff member in an identified position and/or staff receiving the Community Language Allowance.

## **9. Different Modes of Interpreting**

An accredited interpreter will assist effective communication with clients and their families and can use verbal and non verbal channels. The three modes of interpreting accepted by Juvenile Justice are set out below:

### **1. On-site interpreting:**

- The interpreter attends in person and provides access to both verbal and non verbal communication;
- Should be used in situations when complex or lengthy matters will be discussed, including when documents and consent forms are involved.



2. Telephone interpreting:

- The interpretation is provided via telephone;
- Should be used for emergency situations (where pre-booking is not possible), simple communications or if an on-site interpreter is not available or not appropriate (e.g. in small communities).

3. Video conferencing interpreting:

- The interpretation is provided via video conference providing access to both verbal and non-verbal communication;
- Should be used as an alternative to telephone interpreting if video conferencing facilities are accessible;
- Can provide a practical option when sign language interpreters cannot be on-site.

## 10. Interpreter and Translator Services

The main providers of accredited interpreter and translator services are the:

- Language Services Division of the Community Relations Commission (CRC), (including for Auslan); and
- Translating and Interpreting Service (TIS National) operated by the Department of Immigration and Citizenship (DIAC).

### 10.1. *Booking interpreter or translator services or disability support service*

For information on booking and for payment of interpreter, translator or disability support services, refer to the Language and Communication Kit.

## 11. Communication and Intellectual Disability

A high proportion of young people in the juvenile justice environment has a cognitive impairment and may need additional supports and appropriate formats to understand their legal matters, participate in decisions or to give informed consent.

Staff, including conference convenors should consider the comprehension level of clients and take care and time when providing advice or information on legal processes, court outcomes and their rights to access legal information.

If young people are assessed as having a cognitive impairment or intellectual disability, referrals to support services may be necessary to facilitate effective communication.

The Working with a Young Person with an Intellectual Disability<sup>1</sup> resource guide provides useful information and tip sheets to assist staff in a community or custody

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<sup>1</sup> Juvenile Justice 2006, Working with Young People with Intellectual Disabilities

setting on how to enhance communication with a young person with an intellectual disability.

### **11.1. The Intellectual Disability Rights Service**

The Criminal Justice Support Network (CJSN) is a service of the Intellectual Disability Rights Service Inc. (IDRS). CJSN provides volunteer support persons for people with intellectual disability, including victims, who are in contact with the criminal justice system.

A support person can assist a person with intellectual disability with communication at venues including the home, police stations, at court or youth justice conferences.

A trained support person is allocated to the client and can:

- help the client to understand what is being said and assist them in communicating with other parties;
- assist the client understand their rights and advocate for those rights to be upheld;
- help the client's solicitor to communicate with the person in plain language to ensure they understand what is happening and what their choices are;
- encourage and assist the person to appropriately contribute to proceedings;
- provide emotional support to clients during and after proceedings;
- ensure the client understands outcomes and conditions (for example bail conditions or court outcomes) they must comply with;
- help the client to complete any necessary paperwork.

## **12. Speech and Hearing Impairment**

The Language and Communication Kit provides practical options and details of service options for communicating with a person who is deaf or has a speech or hearing impairment.

## **13. Implementing this Policy**

All employees and conference convenors must read, understand and complete the E-policy activity on the Juvenile Justice Learning Management System (JJ-LMS).

## **14. Monitoring and Evaluating the Policy**

Juvenile Justice monitors usage and expenditure of interpreting and translation services.

The division also assesses the quality of service delivery of interpreting, translation and disability support services as part of the division's Quality Assurance process.

Clients should be encouraged to provide feedback on the process and interaction using a language or disability support service provider. Complaints from clients should be similarly assessed, recorded and used to implement continuous improvement.

Employees are required to keep records of the following:

- Requests for interpreting, translation or disability support services;
- Outcomes of the requests for services;
- Feedback and complaints from clients about language or disability support services and the outcome of the complaint.

#### **14.1. Review of the policy**

A review of this policy and associated procedures will be conducted annually from the date of approval of the policy.

## **15. Definitions**

The table below defines terms used in this policy.

<b>Word/Term</b>	<b>Definition</b>
Accredited interpreters and translators	Accredited interpreters and translators are those who have been trained, tested and accredited by the <a href="#">National Accreditation Authority for Translators and Interpreters (NAATI)</a> .
Auslan	Auslan is the sign language of the Australian Deaf Community. Auslan is different from signed English which some younger people with hearing impairments may use. Usually, an accredited Auslan interpreter will be able to communicate with a person who uses signed English.
Braille	Braille is a series of raised dots set out in such a way that they form letters and words which allow people who are blind, and trained in its use, to read by feeling the dots.
Interpreters	Interpreters work with the spoken word. They do this by translating information from one language to another.
Transcription	Transcription refers to making a copy of written information into an alternative format such as Braille, large print, CD or digital media.
Translators	Translators work with the written word. They change written information from one language into another.

## 16. References

Note: The effectiveness of this document may be reduced if it is printed due to intranet and website links incorporated in this section by hyperlink.

<b>Procedure</b>	<a href="#"><u>Writing Style Guide Checklist for writing in plain English</u></a>
<b>Policy</b>	<ul style="list-style-type: none"> <li>• <a href="#"><u>Multicultural Policy and Services Program</u></a> (formerly the Ethnic Affairs Priorities Statement); and</li> <li>• Juvenile Justice Disability Action Plan 2008-2012</li> <li>• <a href="#"><u>Juvenile Justice Multicultural Action Plan 2009-2011</u></a></li> <li>• Department of Justice and Attorney General <a href="#"><u>Culturally Diverse Communities' Access Plan 2009 - 2012</u></a></li> <li>• Department of Justice and Attorney General Culturally Diverse Communities' Access Plan 2009 – 2012;</li> <li>• Department of Justice &amp; Attorney General's Disability Strategic Plan 2009-2012.</li> </ul>
<b>Resources</b>	<p><b>Internal:</b></p> <ul style="list-style-type: none"> <li>• <a href="#"><u>Community Language Allowance Scheme (CLAS)</u></a></li> <li>• Language and Communication Kit</li> <li>• <a href="#"><u>Tagata Moana: A Guide for Working with Young People and their Families from Pacific Island Backgrounds</u></a></li> <li>• <a href="#"><u>Working with Young People with an Intellectual Disability</u></a></li> </ul> <p><b>External:</b></p> <ul style="list-style-type: none"> <li>• <a href="#"><u>Australian Bureau of Statistics</u></a></li> <li>• <a href="#"><u>Australasian Juvenile Justice Administrators - Juvenile Justice Standards 2009 Part 1 &amp; 2</u></a></li> <li>• Community Relations Commission <a href="#"><u>Interpreting and Translation</u></a> Phone: 1300 651 500 TTY: 8255 6758</li> <li>• Department of Immigration and Citizenship <a href="#"><u>Translating and Interpreting Service (TIS)</u></a> Phone: 131 450</li> <li>• <a href="#"><u>Department of Justice &amp; Attorney General's Disability Strategic Plan 2009-2012</u></a></li> <li>• Department of Justice and Attorney General <a href="#"><u>Culturally Diverse Communities' Access Plan 2009 - 2012</u></a></li> <li>• <a href="#"><u>Intellectual Disability Rights Service and Criminal Justice</u></a></li> </ul>

	<p><a href="#">Support Network</a> Tel: (02) 9318 0144 Freecall: 1800 666 611</p> <ul style="list-style-type: none"> <li>• <a href="#">Law Access Online</a> – legal information in different languages</li> <li>• LawAccess NSW for hearing or speech impaired: TTY 1300 889 529.</li> <li>• <a href="#">National Relay Service</a></li> <li>• <a href="#">National Relay fact sheets</a></li> <li>• <a href="#">Round Table on Information Access for People with Print Disabilities Incorporated</a></li> <li>• <a href="#">Vision Australia</a></li> </ul>
<b>Legislation</b>	<p><a href="#">Disability Discrimination Act 1992</a> (Commonwealth) <a href="#">Disability Services Act 1993</a> (NSW) <a href="#">Anti-Discrimination Act 1977</a> (NSW) <a href="#">Community Relations Commission and Principles of Multiculturalism Act 2000</a> (NSW)</p>

## 17. Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	21/12/2012	██████	First version
2		██████	