

Custodial Operations Policy and Procedures

11.1 Language services

Policy summary

There are several forms of language assistance available to people from Culturally and Linguistically Diverse (CALD) backgrounds. They include access to:

- accredited bi-lingual staff under the Community Language Allowance Scheme (CLAS)
- telephone or onsite interpreters and
- the interpreter service via video conferencing.

The nature of the interaction will determine the type of language assistance required. Corrective Services NSW (CSNSW) also translates information into high demand community languages.

Language assistance will be provided to any inmate or a member of their family who has advised they have, or is observed to have, difficulty communicating in English.

Management of Public Correctional Centres Service Specifications

Service specifications	Professionalism and accountability
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Scope

This section applies to all correctional centres and other facilities administered by or on behalf of CSNSW, and all CSNSW employees.

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1 Language services

1.1 Policy

It is the responsibility of all CSNSW staff to access and utilise the most effective range of available language services. Individual staff are responsible for addressing language service needs and are not required to seek approval to access these services once the need has been identified.

If an interpreter (telephone, onsite or Audio Visual Link (AVL) is required, their role is to facilitate communication between people. Interpreters provided by Multicultural NSW (MNSW), Translator and Interpreter Service (TIS), Ethnic Interpreters and Translators (EIT) and the Deaf Society of NSW are bound by a professional code of ethics, requiring them to interpret accurately while maintaining impartiality and confidentiality.

Conducting an interview using an interpreter requires additional preparation and forethought on behalf of the interviewer. It is not the role of the interpreter to provide counselling or advice to the inmate.

For lengthy or complex interviews and for interviews of a legal or professional nature, an onsite accredited interpreter is recommended. If an interpreter is required outside the metropolitan area, staff should use the AVL facilities in the first instance.

For interviews of a more general nature and for quick access to language assistance, an accredited telephone interpreter is recommended.

Auslan/English interpreters can be provided onsite or via AVL.

Note: Not all deaf people can communicate in Auslan. This may be due to:

- educational and/or linguistic disadvantage
- intellectual or psychiatric disability
- having recently migrated to Australia
- deafness/blindness.

For people who are deaf but who cannot or do not communicate in Auslan, it is essential to book a deaf relay interpreter as well as an Auslan/English interpreter. The deaf relay interpreter uses mime, gesture, International Sign and drawing to communicate. If Multicultural NSW is unable to provide a deaf relay interpreter, contact CSNSW Coordinator, CALD on [REDACTED]

CSNSW maintains a register of staff accredited under the CLAS. CLAS qualified staff are recognised as language aides, who are able to provide language assistance in the general course of daily routine.

A current list of CLAS qualified officers is maintained on CSNSW's [CALD intranet](#) page. CLAS staff are not accredited interpreters and should not be used in place of interpreters. They may be used only to resolve minor matters.

For privacy and security reasons, inmates should not be used as interpreters except in cases of extreme urgency and until accredited language assistance can be obtained.

Translated materials (e.g. brochures, books, signs and posters) can be a valuable aid to communication. Staff must be supported in acquiring and using such resources. Queries about translation of CSNSW material should be directed to the CSNSW CALD Coordinator. If there is any doubt concerning the type of language assistance to be provided, consult the CSNSW Coordinator CALD on [REDACTED].

1.2 Situations when an interpreter will be required

Situations when an accredited interpreter will be required when dealing with an inmate include:

- at the request of an inmate
- where there is any doubt about an inmate's ability to comprehend or express themselves in English
- when an inmate is deaf and uses sign language or has difficulty using and/or understanding spoken English (ensure the interpreting agency is advised if the person is fluent in Auslan. If both an Auslan/English interpreter and a deaf relay interpreter will be required)
- when an inmate can hold one to one conversations but cannot follow a group discussion, and has difficulty in expressing a broad range of feelings and thoughts
- when an inmate has basic competence in English, but may not have the English language skills required to engage in conversation involving complicated technical or highly emotive material
- when an inmate possibly has a mental health problem and English is not their primary language (this also applies to people who are deaf)
- when a person under stress temporarily loses their capacity to fluently communicate in English (this can happen in situations similar to those identified above).

As a general principle, interpreters should be sought not only when communication is not possible, but whenever it is considered the inmate may be disadvantaged without the services of an interpreter. Use of an interpreter should make sure that nobody is disadvantaged in accessing all available services and programs due to their inability to communicate verbally. To assist when deciding whether an interpreter is required, and how to book one, staff should refer to *ABC decision tree* (see Forms and annexures for link to access document).

When communicating with members of the public (including inmates' friends, family and community organisations) the same broad principles apply. Language services must be used whenever it is felt that the person receiving a service from CSNSW may be disadvantaged as a consequence of their CALD background.

In dealing with the public, providing translated written material (e.g. brochures and other authorised aids) should be considered if only general information is required. Where complex or confidential information is involved (e.g. pre-sentence report enquiries, pre-release home visits for parolees or case management of inmates) accredited interpreters must be used.

Details of positive and negative experiences with language services should be reported to the CSNSW Coordinator CALD on [REDACTED]. This feedback is an important

part of monitoring and evaluation of language services to ensure that the service providers meet CSNSW needs.

2 On-site interpreting

2.1 Policy

Before an interview which is to be facilitated by an accredited onsite interpreter, staff should discuss with the interpreter the mode of interpreting (e.g. consecutive or simultaneous).

- consecutive interpreting is when the interpreter interprets what is said immediately after each sentence or sections of speech
- simultaneous interpreting is when the interpreter interprets what the speaker says at the same time and at the same rate as the speaker.

Consecutive interpreting is more accurate than simultaneous interpreting and should be used for all interpreting, including Auslan, where possible.

Staff should be thorough in interview preparation. Find out what language, language variant or dialects the inmate speaks and have a clear list of all the questions to be asked and issues to be canvassed.

Secure a suitable interview area, free from background noise and other distractions.

For interpreting of spoken languages, arrange the seating in a triangular format allowing a comfortable distance between the inmate, interpreter and interviewer. For Auslan interpreting, the interpreter should sit as close as possible to the interviewer, opposite the deaf person. This ensures that the deaf person can have eye contact with both the interviewer and the interpreter.

When talking to people for whom English is a second language and who have difficulty with English, or who are deaf or hard of hearing, do not:

- shout
- mumble
- speak quickly
- use colloquialisms
- use acronyms
- repeat different versions of the same phrase
- use sarcasm, joke
- show impatience or frustration
- patronise
- condescend or
- use double negatives.

It makes it harder and more stressful for people who are already in a difficult or disadvantaged position to understand what you are saying.

2.2 Accredited on-site interpreters

CSNSW uses a range of providers of onsite interpreter services. Instructions about online booking for onsite interpreters are listed below.

TIS National	Instructions for pre-booking telephone and on-site interpreters.
TIS National-ATIS-Automated Telephone Interpreting Service	Instructions for accessing TIS Automated Telephone Interpreting Service (1800 131 450).
TIS National-ATIS access and account numbers	List of access and account numbers for TIS Automated Telephone Interpreting Service.
Deaf Society of NSW	Instructions for booking an Auslan interpreter.
Multicultural NSW (Language Services)	Instructions for pre-booking telephone, AVL and on-site interpreters.
Ethnic Interpreters and Translators	Instructions for pre-booking telephone and onsite interpreters.

3 Telephone interpreting

3.1 Accredited telephone interpreters

TIS National provides telephone interpreter services for high and low demand languages.

1) High demand languages

The ATIS provides quick access to accredited interpreters via the telephone 24 hours per day, 7 days per week. TIS National provides automated telephone interpreter service for 54 high demand languages and will therefore meet most of CSNSW's needs.

TIS National has allocated each CSNSW business unit an account and access numbers. These numbers are required every time the ATIS system is used. The list for ATIS is available on the [CSNSW Cultural and Linguistic Diversity intranet page](#).

2) Low demand languages and longer telephone interviews

If a telephone interpreter is required for a language not covered by ATIS, CSNSW staff should use the online booking form (refer to subsection **2.2 Accredited on-site interpreters** of this policy).

Longer interviews (greater than 10 minutes in duration) or where location difficulties limit the use of an accredited onsite interpreter, a telephone interpreter should be booked in advance using the online booking system. Pre-booking assists TIS to cater for any special requirements and to secure the services of the most suitable interpreter.

When accessing telephone interpreter services via the operator assisted system, staff are required to lodge their name, location and client name with the operator for statistical purposes.

When connected to an interpreter, the staff member should introduce themselves and the client and tell the interpreter clearly and briefly about the situation.

Note: An additional charge is levied for each interval of five minutes in excess of 30 minutes. Staff should keep accurate details concerning the start and finish times of all calls.

3.2 Procedures prior to an interview

Staff should be thorough in interview preparation and should ascertain the language or language variant or dialect that the inmate speaks. Before arranging a telephone interpreter, staff should consider the following:

	Procedure	Responsibility
1.	Have a clear list of all the questions and issues to be canvassed.	CSNSW Staff
2.	Use a telephone that has a conference or dual handset. In general, telephones suitable for use with interpreters are located in reception areas, interview rooms, visiting areas or with Offender Services and Programs (OS&P) staff.	CSNSW Staff
3.	Make sure the interview area is free from background noise, interruptions and distractions. If necessary, temporarily move the telephone to a quieter location.	CSNSW Staff
4.	When an accredited telephone interpreter has been acquired: <ul style="list-style-type: none"> • brief them on the nature and purpose of the interview, and • request they ask only the questions given them and to relay the inmate's exact response. 	CSNSW Staff
5.	Advise the interpreter that they must disclose conflict of interest. Should the interpreter know or have a close connection to the inmate, an alternative interpreter must be requested.	CSNSW Staff
6.	Advise the interpreter that they are not to respond to any request made by the inmate and must relay information of any request to the interviewer.	CSNSW Staff
7.	Advise the inmate of the role of the interpreter. Reinforce the role as the interviewer and advise that the role of the interpreter is an independent facilitator, not a participant.	CSNSW Staff

3.3 Procedures for during the interview

The interpreter should not be expected to conduct the interview unaccompanied but should be guided by the interviewer.

The interpreter should also not be expected to conduct clerical tasks such as obtaining and recording a personal history, completion of forms or collation of papers.

The following procedures must be applied:

	Procedure	Responsibility
1.	Advise the inmate that courtesy is required throughout the interview and that any kind of abusive language or behaviour or speaking out of turn will not be tolerated. If this occurs the interview will be paused (to reinforce the protocol) or in extreme cases, terminated.	Interviewer
2.	During the interview, speak directly to the inmate.	Interviewer
3.	Help the interpreter by speaking clearly. Pause after a few sentences or other suitable period, to enable the interpreter to translate.	Interviewer
4.	Clarify or rephrase some points that may not translate easily to avoid misinformation and misunderstanding, if asked by the interpreter.	Interviewer
5.	Use plain English and avoid jargon. Use only technical, legal or medical terminology if an interpreter specialising in these terminologies was requested.	Interviewer
6.	Allow the interpreter sufficient time to interpret and obtain responses from the inmate. It is the responsibility of the interpreter to determine whether the inmate has understood the question. This may take the interpreter some time, particularly in stressful, emotive or complex situations.	Interviewer
7.	Allow opportunity for the inmate to ask questions or express concerns. Avoid private discussions with the interpreter.	Interviewer
8.	In the absence of the inmate, debrief the interpreter and address any issues or concerns they might have, particularly if it was an emotive or intense interview.	Interviewer

4 AVL for interpreter services

4.1 Policy

In most cases, staff can use the AVL facility for interpreter services. The AVL is a cost efficient method when an interpreter is required beyond the Sydney metropolitan area. Multicultural NSW is part of the Justice Network System and is the main provider of AVL services. Consult with local AVL staff to arrange suitability.

Note: Interpreter services charge a cancellation fee. CSNSW are liable for additional fees if a request for an interpreter is cancelled within 24 hours. CSNSW recognises that in some circumstance (e.g. unscheduled facility disruptions) staff may not be able to cancel the booking within the specified timeframe. Staff must take reasonable steps to ensure that unnecessary cancellation fees are not incurred.

5 CLAS

5.1 Policy

CLAS is an allowance paid to selected NSW public sector employees who have a basic level of competency in a language other than English and who work in locations where their language can be used to assist inmates.

Staff must be nominated to be included on the CLAS scheme by the Coordinator CALD. CLAS officers have either:

- passed the CLAS examination conducted by National Accreditation Authority of Translators and Interpreters (NAATI) on behalf of Multicultural NSW, or
- are NAATI accredited at interpreter level.

5.2 When to use CLAS and when to use interpreters

The CLAS has been established to assist staff in government agencies to resolve minor matters. Some examples include answering counter inquiries, providing directions to another office or making appointments for a further visit.

For matters that will take a longer time, or require an in-depth or formal interview, accredited interpreters should be used. This is necessary for two reasons:

- CLAS recipients may not have professional qualifications in interpreting which are highly desirable for more extended interviews
- CLAS duties are additional to a normal full or part-time working load, it is expected that work through the CLAS scheme will not impact significantly on the employee's other working commitments

The list of CLAS officers is available at [CSNSWs CALD intranet page](#).

Statewide Disability Services can assist with any issues associated with sign language interpreting. Contact them at:

Long Bay Complex
P.O. Box 13 Matraville NSW 2036
PH: (02) 9289 2136
Email: SDS@dcj.nsw.gov.au

6 Translation of documents and signs

6.1 Translation of information

The translation of relevant CSNSW information into community languages is an important method of communication with people from CALD backgrounds.

Staff are encouraged to use translated information to aid communication with CALD people. As literacy issues exist across most cultures, staff must not rely solely on the provision of written material as the means of communicating essential information.

Before translating information into community languages, staff should consider:

- the English and literacy proficiency of the target group
- whether translation of the information into community languages is the most effective way to meet the need of the target group
- whether other forms of communication methods i.e. summarising the information into a fact sheet and the use of universal images to communicate the message, are better options
- whether the use of bi-lingual staff (CLAS) to deliver the information in community languages better meet the needs of the target group
- ways to assess the effectiveness of the communication strategy

In some cases, CSNSW is required to translate an inmate's document (e.g. birth/medical certificate) from a community language to English. In such instances, the CSNSW Coordinator CALD should be consulted before translating the document.

Staff require an authorisation to engage an external provider to translate CSNSW documents, brochures, signs, fact sheets or other important documents associated with individual inmates. This is an expensive process and staff must consult the CSNSW Coordinator CALD on [REDACTED].

6.2 Publication of translated information

Information in community languages, particularly those related to visitors and inmates' families are made available to the public on the CSNSW Internet site.

Posters informing the public about the availability of information in community languages should be on display in appropriate areas in correctional centres.

Note: CLAS staff are not qualified or authorised to translate important documents. However, they may be useful in giving general advice about text in languages other than English (e.g. confirming the source of an official document or the language used).

Accredited translations should be subsequently accessed if appropriate. Where the document has significance to a legal process or where the document may have serious impact upon the physical or emotional well-being or circumstances of the inmate and their friends, family or community.

6.3 Multi-lingual telephone notices

The multi-lingual telephone notice warns inmates their telephone calls (other than telephone calls to their legal representative, the ICAC, and the Office of the Ombudsman) may be monitored and may be recorded.

Inmates who are unable to read must have the notice read to them by a CSNSW staff member and the inmate's case file must contain a record of the fact.

7 Payment of accounts

7.1 Policy

All language service expenses incurred by CSNSW staff are paid from a central budget and are not charged to local cost centres.

To help with payment of accounts and to gather the data on demand for language services, it is important to provide the following information to the interpreter service provider:

- workplace location
- contact officer
- name of inmate
- language
- duration
- purpose for which onsite interpreter sought (e.g. psychological assessment).

Where the Automated Translator Interpreter Service (ATIS) is used, the necessary information is compiled by the service provider automatically.

On completion of the assignment for onsite services, the interpreter will ask for their attendance voucher to be signed confirming attendance. The certifying officer, usually the contact officer, is to ensure that the start and finish times are accurately recorded. This attendance voucher must be retained and filed at the point of service.

All invoicing and billing for accredited interpreters is conducted directly between the service provider and Offender Management and Programs Unit in Corporate Office. Invoices are submitted by the service provider electronically to:

Accountspayable@dcj.nsw.gov.au

Where interpreter use is atypical or significant additional costs are quoted (e.g. country assignments where significant travel fees may be involved) the CSNSW Coordinator CALD must be contacted on [REDACTED] in advance of the service being provided.

Note: Accredited interpreter and translation services in relation to medical treatment/attention are the responsibility of Justice Health & Forensic Mental Health Network (JH&FMHN).

Any use of language services must be detailed on the Offender Integrated Management System (OIMS).

8 Quick links

- [Related COPP](#)
- [Forms and annexures](#)
- [Related documents](#)

9 Definitions

Accredited Interpreter	An interpreter accredited in accordance with the accreditation standards determined by the National Accreditation Authority for Translators and Interpreters (NAATI) at either para-professional or professional level
ATIS	Automated Telephone Interpreting Service
AUSLAN	Australian Sign Language, the visual-gestural language of the Australian Deaf Community. Auslan is different from English and people who are fluent in Auslan will not necessarily understand written or spoken English
AVL	Audio Visual Link (AVL) facilities that enable real time audio and visual communication between persons at different places
CALD	Culturally and Linguistically Diverse
CLAS	Community Language Allowance Scheme
Contact Sign	A combination of Auslan and English which is used by some deaf people
COPP	Custodial Operations Policy and Procedures
CSNSW	Corrective Services NSW
Deaf Relay Interpreter	A deaf person who has undergone training in interpreting techniques and who works with the Auslan/English interpreter to help ensure the message is understood
DIBP	Department of Immigration and Border Protection
DSNSW	Deaf Society of NSW provides Auslan interpreter service to deaf people in NSW
EIT	Ethnic Interpreters & Translators - provides telephone and onsite interpreter services
Interpreting	Spoken communication
JH&FMHN	Justice Health & Forensic Mental Health Network
MNSW	Multicultural NSW provides onsite and audio-visual interpreter services
NAATI	National Accreditation Authority for Translators and Interpreters
OS&P	Offender Services and Programs
TIS	Translation and Interpreter Service (part of DIBP)
Translation	Written communication
TTY	Telephone Typewriter - a special phone used by people who are deaf, hard of hearing or speech impaired

10 Document information

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1.0		Initial publication (<i>Replaces section 7.15 of the superseded Operations Procedures Manual</i>)
1.1	12/03/20	General formatting update and improvements
1.2	16/07/20	Included reference and link to <i>ABC decision tree</i> , a document designed to guide staff about when and how to book an interpreter.