

**ECCV Submission  
On  
Updating of Victorian Government Language Services Guidelines  
February 2017**

The Ethnic Communities' Council of Victoria Inc. (ECCV) is the voice of multicultural Victoria and the peak policy advocacy body for eight regional ethnic community councils and up to 220 members including ethnic and multicultural organisations across Victoria since 1974. For over 40 years, we have been the link between multicultural communities, government and the wider community. ECCV has a strong history in advocating for the rights of Victoria's multicultural communities.

ECCV welcomes the opportunity to comment on the Updating of Victorian Government Language Services Guidelines and to address the following questions in relation to the two publications currently in use: *Using Interpreting Services: Victorian Government Guidelines on Policy and Procedures*; and *Effective Translations: Victorian Government Guidelines on Policy and Procedures*.

**1. What is the name of your organisation?**

The Ethnic Communities' Council of Victoria Inc. (ECCV)

**I. Content of the Guidelines**

**2. Please provide any feedback you have on the way that the Guidelines outline Victorian Government policy on language services (pages 6 -11 in both the translating and interpreting guidelines)**

ECCV supports the Victorian Government policy stating that culturally diverse consumers who are not sufficiently proficient in English should have access to professional interpreting and translation services.

The laws and policies outlined in both the translating and interpreting Guidelines are critical to defining the Government's responsibility for equitable and culturally appropriate access to services. ECCV notes that the following laws and policies which aim to guarantee equal rights and access for culturally diverse communities are *not* mentioned in the Guidelines: the *Racial and Religious Tolerance Act 2001*, *All of Us. Victoria's Multicultural Policy*, *A Fairer Victoria and Delivering for All: the Department of Human Services Access and Equity Framework 2013-17*. ECCV recommend that the Guidelines briefly refer to these relevant documents.

Improving culturally, religiously and linguistically appropriate services in Victoria is also supported by a number of individual government departments and publicly funded agencies policies and frameworks. These often have a more narrow focus on improving the quality and accessibility of a particular service type. In health services delivery for example, relevant laws and policies include *The Victorian Health Services Act 1988*, DHHS's *Language Services*

*Policy, the Using Interpreting Services and Effective Translations guideline, the Australian Charter of Healthcare Rights in Victoria, and DHHS's Cultural responsiveness framework for Victorian health services.*

ECCV recommends including a short statement in the interpreting Guidelines that encourages policy makers and service providers to inform themselves about existing, additional Victorian laws and policies relevant to their specific type of service delivery, in particular when developing their own language services policies and procedures.

**3. Please provide any feedback you have on the advice included on planning for interpreting, arranging an interpreter and working with interpreters (pages 12-19, interpreting guidelines)?**

*Planning for interpreting*

ECCV consultation clearly indicates that it is advisable to clarify who the audience is for the advice on planning for interpreting, arranging an interpreter and working with interpreters. There is a need to make it a requirement (and not optional) for government funded agencies who provide services to culturally diverse consumers from non-English speaking backgrounds to provide staff with cultural competency training and training on how to work effectively with interpreters. Non-frontline staff, like senior managers, should also receive this training.

The language in the Guidelines may assist with clarity, for instance, replacing the word 'department' (p. 12) with 'organisations', avoids the confusion with many staff who work for government funded agencies who are not actual "departmental staff".

Rather than being optional, ECCV believes that Victorian service providers should be required to collect, analyse and report on their language services data to measure and identify gaps in language services (interpreters) to consumers to assist in managing current and expected demand.

ECCV recommend replacing the word 'translations' (p. 13) with the word 'interpreters' to clarify the applicability of this particular guideline - 'Using Interpreting Services'.

ECCV agrees that it is important to promote the availability of interpreters (p. 13) to service users and funded agency staff. Recent ECCV consultation has identified a need for greater awareness-raising of the role and importance of accredited interpreters in human and health care services settings. This includes promoting information about the methods and rights of access and use within new and emerging communities. Resources for culturally diverse consumers need to be made available in audio-visual forms and in print, including posters, information brochures and cards.

Promoting the use of accredited interpreters could also be made through ethnic media to reach a diversity of multicultural communities, including on community radio and printed ethnic media. Further, it should be a *requirement* for service providers to display the National Interpreter Symbol.

### *Arranging an interpreter*

In addition to staff asking if interpreters are required (p. 15), consumers should be encouraged to *actively request* an interpreter when required. ECCV's recent community consultations suggest that many culturally diverse consumers are reluctant to ask for an accredited interpreter and that not all health services proactively provide accredited interpreters to all consumers who require one. The consultation also revealed that culturally diverse service users often think they have no choice other than asking for family assistance. Some may prefer to have a family member interpret for them, not being aware of potential associated risks.

ECCV understands that staff need a clear and accessible guide on how to assess the need for interpreters to be engaged. The Victorian Government should consider developing a specific resource (for example, with the questions from this Guideline, p. 15) for government and funded agency staff with basic steps on arranging an interpreter. Also, rather than being a 'recommendation', the engagement of an interpreter should be required or at least 'strongly recommended' in situations where a person with English language difficulties can't communicate with services staff.

### *Working with interpreters*

ECCV's recent community consultations also identified that many people from culturally diverse communities lack the knowledge about their rights and options on their interpreting experience. A large number of respondents didn't know that interpreters are bound by a Code of Ethics. Consultation participants also stated that they want to be provided with appropriate feedback mechanisms (after their appointment) which allows for anonymous feedback on their experience directly after having accessed services.

In addition to referring to available language service provider feedback options (p. 19), ECCV believes that the Guideline should encourage services who engage interpreters to clearly explain their own complaints and feedback mechanisms to consumers who would like to comment on the quality of interpreting services. Government can also

#### **4. Please provide any feedback you have on the advice included on planning and preparing for translating and arranging and finalising translations (pages 13-18, translating guidelines)?**

ECCV has been receiving feedback from its Aged Care Policy Sub-committee that a number of translations in health and aged care have been difficult to understand for the target group (please see here for more information:

[http://www.eccv.org.au/library/ECCV\\_Consultation\\_Report\\_Language\\_Services\\_and\\_Aged\\_Care.V2.pdf](http://www.eccv.org.au/library/ECCV_Consultation_Report_Language_Services_and_Aged_Care.V2.pdf)

Best practice translation standards, such as the RDNS Translation Standards, are important in ensuring that translations are of high quality and are easily understood by older migrants.

Key elements of good practice in translating aged care and health related information include: a) producing source materials in plain English to enhance better understanding; b) undertaking an assessment by an aged care professional of the English text; c) utilising information that is culturally appropriate and relevant; and d) engaging with community members, such as through focus groups, before and during the translation process.

ECCV are pleased to see the important aspects for finalising of the translation product in the current Guidelines, especially in assessing the effectiveness of the translated publication by consulting with target communities and “specifically requesting feedback on the form or brochure, and/or conducting surveys of the target audience (p.18).” ECCV appreciate if the community checking process is emphasised in future updates of the Guidelines to ensure high quality translations.

**5. Is there any advice or information that is missing from either the translating or interpreting guidelines, including any new policy or technological developments? If yes, please provide comments on what is missing.**

The interpreting Guideline should explicitly encourage all Victorian service providers to have and follow unambiguous policies and procedures that ensure culturally diverse consumers understand the importance of and know how to access interpreting services.

Similarly, the Guideline should explicitly state that service providers ensure culturally diverse consumers know their rights for clear communication, safety, respect, privacy and confidentiality and to give feedback and have their concerns addressed.

**II. Alignment of the Guidelines with current policy and service delivery priorities**

**6. Do you have any feedback on key policy or service delivery priorities (e.g. responding to family violence) that require changes to, or particular referencing in, the Guidelines? If yes, please outline the priorities and why a change or reference is required.**

*(Example - Recommendation 157 of the Victorian Royal Commission on Family Violence states that the Guidelines specifically deal with family violence – in particular the risks of using perpetrators, children and other family members as interpreters, as well as using the same interpreter for both perpetrator and victim).*

It is critical to appreciate that translation and interpreter services are part and parcel of an organisation’s broader cultural competency skills and they do not replace the broader implications and requirements of providing culturally sensitive service. In addition, the ‘positive duty obligation’ within Victoria’s *Equal Opportunity Act 2012* requires for services to be accessible to all clients without exception.

Further, in the situation of family violence, the existence of unconscious bias and the fear of cultural, religious or ethnic misrepresentation, has led to some culturally diverse women

having negative experiences when dealing with police and family violence services.<sup>12</sup> This is evidence that cultural competency skills need to be the starting point in delivering effective services to culturally and linguistically diverse clients.

The current guidelines provide a good starting point in highlighting the need for cultural competency training, readily accessible information provision, self-assessment of effective service delivery and duty of care responsibilities of service organisations.

Though the current guidelines are based in the Multicultural Victoria Act, they are just recommendations; agencies have a level of freedom to develop their internal policies and procedures. Given the context of a highly vulnerable cohort (predominantly women and children in the case of family violence), ECCV highly recommend that the government's guidelines be mandatory if not highly recommended. In addition, ECCV recommend that the guidelines make specific reference to the special needs of people in crisis accessing services and that these services need to be culturally responsive in the broader context.

Of special consideration is the instance where a client may refuse the use of an interpreter. ECCV note that whilst the guidelines provide clear and useful advice on situations where this may be the case, it does not highlight the vulnerabilities of culturally diverse clients accessing services who may belong to small community language groups and the 'fear of discovery' by a community member of their personal circumstance. ECCV recommend that when the community the client belongs to is small and the client may know the interpreter, that the privacy of the client is protected to ensure their sense of safety and privacy. The client should be informed of the code of practice requirements for interpreters to reassure them in these circumstances and informed of the name of the person providing the interpreter service prior to proceeding.

ECCV support the guideline recommendations that children or family members are not to be used to interpret for the client and that these members have a support and advocacy role. This is particularly important in the family violence setting as it may traumatise and put additional pressures on the child especially.

In addition ECCV support the use of bicultural workers and language aides and recommend that, where appropriate, these staff be supported to become NAATI registered. Bicultural workers support agencies to lift their cultural awareness and capabilities and are a good resource for culturally diverse clients.

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<sup>1</sup> ECCV Submission to the Royal Commission into Family Violence, June 2015:  
[http://www.eccv.org.au/library/2015-06-02\\_SUB\\_RCFV\\_FINAL.pdf](http://www.eccv.org.au/library/2015-06-02_SUB_RCFV_FINAL.pdf)

<sup>2</sup> Women Surviving Violence, Cultural Competence in Critical Services:  
[http://eccv.org.au/library/ECCV\\_Policy\\_research\\_paper\\_Women\\_Surviving\\_Violence\\_2013.pdf](http://eccv.org.au/library/ECCV_Policy_research_paper_Women_Surviving_Violence_2013.pdf)

### **III. Relevance, clarity and useability of the current Guidelines**

#### **7. Do you have any feedback on the relevance, clarity and useability of the current Guidelines?**

ECCV recognize that the updating of the Victorian Government Language Services Guidelines is generally well drafted. With consideration to the feedback provided in this submission, ECCV consider that the updated draft reflects effective sector consultation and community expectations.

#### **General Feedback**

#### **8. Please provide any other feedback that would assist to update and improve guidelines.**

Some of the assumed knowledge in the text could be clarified for readers without a high cultural competence through explicit case studies, especially examples of why gender, age or other characteristics of a client may be important in an interpreting or translating assessment. This could be further assisted by case studies of staff learning to positively improve their cultural competence skills and gain confidence in making interpreter assessments of clients as professional development.

The photographs/graphics reflect staff of one ethnicity instead of a more culturally diverse workplace. Some photographs/graphics could also reflect a more intergenerational and intercultural cohort when depicting target communities.

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