

Tasmania Prison Service

Director's Standing Order

DSO – 2.14 Linguistically Diverse Prisoners

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1. Statement of Purpose

To ensure that prisoners who have expressed, or are observed to have, difficulties communicating in English, including those who are hearing impaired, are provided with appropriate language assistance and managed in a manner which is sensitive to and addresses their needs.

This Standing Order outlines the protocols for the management of, and service delivery for, prisoners who identify as or are observed to have difficulties communicating in English (including those who are hearing impaired).

Prisoners from culturally or linguistically diverse backgrounds must, where practical, be offered the same information and opportunities as prisoners who speak English fluently. It is important that they do not become isolated from the prison community due to communication difficulties.

2. Desired Outcome

The Tasmania Prison Service (TPS) identifies linguistically diverse, or hearing impaired, prisoners upon their reception into custody.

The TPS recognises the rights of all prisoners to fair and equitable access to the services, regardless of their cultural and ethnic background, national origin or how long they have been in Tasmania.

Prisoners from culturally or linguistically diverse backgrounds are, where practical, offered the same information and opportunities as prisoners who speak English fluently.

The TPS provides an environment which fosters the development, or maintenance, of cultural and community links for linguistically diverse prisoners.

3. Scope

This Standing Order applies to prisoners, detainees and other persons in the custody of the TPS. All sections of this Director's Standing Order relate to watch-house detainees.

4. References (including Legislation, Policy, Forms and Other Documents)

[Anti-Discrimination Act 1998](#), sections 3, 16(a), 40 and 42

[Corrections Act 1997](#), sections 4(c) and 6(3)

[Director's Standing Order 2.02 \(Reception and Induction\)](#)

[Director's Standing Order 2.04 \(Classification and Placement\)](#)

[Director's Standing Order 2.05 \(Accommodation Placement\)](#)

[Director's Standing Order 2.06 \(Assessment\)](#)

[Director's Standing Order 2.07 \(Sentence Planning\)](#)

[Director's Standing Order 2.08 \(Case Management\)](#)

[Director's Standing Order 3.01 \(Education and Vocational Training\)](#)

[Director's Standing Order 3.02 \(Programs\)](#)

[Director's Standing Order 4.02 \(Prisoner/Detainee Mail\)](#)

[Director's Standing Order 4.03 \(Telephone Communication\)](#)

[Director's Standing Order 4.05 \(Visits \(Professional and Other\)\)](#)

[Director's Standing Order 4.13 \(Newspapers, Magazines and Other Periodicals\)](#)

[Tasmanian Multicultural Policy \(Department of Premier and Cabinet\)](#)

[State Service Act 2000](#), sections 7(1)(c) and 9(3)

[Standard Guidelines for Corrections in Australia 2012](#)

[Form 1AG – Tier 2 Assessment](#)

5. Definitions and Abbreviations

Accredited interpreter – an interpreter accredited in accordance with the accreditation standards determined by the [National Accreditation Authority of Translators and Interpreters \(NAATI\)](#) at either paraprofessional or professional level. NAATI is jointly owned by the Commonwealth, State and Territory governments.

Auslan – Australian Sign Language - the visual-gestural language of the Australian Deaf Community. Auslan is quite different from English, and people who are fluent in Auslan will not necessarily understand written or spoken English.

CIS – means the Custodial Information System.

Consecutive interpreting – is when the interpreter interprets what is said immediately after each sentence or sections of speech.

Interpreting – when one translates orally from one language into another. Interpreters can attend in person (“on-site”) or make themselves available via the telephone or video-conference.

Language services – in this Standing Order, refers to interpretation and translation services.

Linguistically diverse – unable to speak or communicate effectively in English.

Simultaneous interpreting – is when the interpreter interprets what the speaker says at the same time and at the same rate as the speaker.

TasDeaf – means the Tasmanian Deaf Society.

TIS – Translation and Interpreting Service (part of the Department of Immigration and Border Protection).

Translation – when one translates written works into another language.

Prisoner – means, unless otherwise stated, prisoner and detainees (as defined in the *Corrections Act 1997*).

TPS – means the Tasmania Prison Service.

6. Mandatory Policy

- 6.1. The State Service Code of Conduct requires that an employee, when acting in the course of State Service employment, must treat everyone with respect and without harassment, victimisation or discrimination.
- 6.2. The State Service Principles require that all employees provide a workplace that is free from discrimination and recognises and utilises the diversity of the community it serves.
- 6.3. Staff must manage linguistically diverse prisoners with dignity and understanding, and in a manner that is sensitive to their cultural needs.
- 6.4. Where necessary, assistance from accredited interpreters and translation services must be provided to prisoners to enable TPS staff to fulfil their official duties.

7. Responsibilities

7.1. All staff

It is the responsibility of all TPS staff to use the most effective range of language services should any prisoner express, or is observed to have, difficulty communicating in English (including those who are hearing impaired).

All staff must complete Cultural Awareness training provided by the TPS.

7.2. Correctional Officers (Reception Prison)

Correctional Officers within Reception Prisons are responsible for identifying linguistically diverse or hearing impaired prisoners upon reception into custody. They are responsible for arranging appropriate language services, as required, to complete the reception and orientation process.

7.3. Other TPS staff members delivering services to linguistically diverse, or hearing impaired, prisoners (including, but not limited to, Correctional Officers (Case Management), Program Facilitators, Reintegration Officers, Psychologists)

All TPS staff responsible for delivering services to prisoners (i.e. case management, program delivery, therapeutic services) must arrange appropriate language services, as required.

7.4. Superintendents / Managers

With the exception of the reception process, relevant Superintendents and Managers are to be consulted prior to the engagement of a language services provider.

Any limitations to language service provision to prisoners must be reasonably and demonstrably justifiable, and the risks of miscommunication considered.

7.5. Staff Development and Recruitment

The Staff Development and Recruitment team is responsible for providing Cultural Awareness training to TPS staff.

8. Cultural Awareness Training for TPS Staff

8.1. TPS staff are encouraged to develop an understanding of the needs of linguistically diverse prisoners. This will assist in managing these prisoners in a culturally relevant and responsive manner.

8.2. The inclusion of relevant cultural awareness training will be considered as part of the TPS learning and development framework.

9. Identification of Linguistically Diverse Prisoners

9.1. Upon reception into custody, Correctional Officers (Reception Prison) must provide prisoners with the opportunity to self-identify as linguistically diverse, or hearing impaired, through the Tier 1 Assessment process.

9.2. The prisoners' preferred language must be identified, and, where appropriate, language services arranged (as per the protocols below) to facilitate the reception process.

9.3. A further or extended period for assessment and orientation should also be provided where practicable, using language services where necessary in order to maximise prisoners' understanding of information, and to aid better assessment.

9.4. Following the Tier 1 interview, Correctional Officers (Reception Prison) must record the prisoners' country of birth in CIS. Prisoners who self-identify as linguistically diverse must also be recorded in CIS as of 'Non-English speaking background' on the 'Personal Details' tab, along with a case note identifying the prisoner as unable to speak or communicate effectively in English.

10. Language Services – Use of Interpreters and Translators

10.1. Situations when an accredited interpreter may be required

10.1.1. As a general principle, language services should be sought not only when communication with a prisoner is impossible, but whenever it is felt that the prisoner may be disadvantaged without the services of an interpreter and/or translator. The use of language services should ensure that, where practical, no prisoner is disadvantaged in accessing services and programs as a consequence of their language characteristics.

10.1.2. Situations when an accredited language service may be required when working with a prisoner include:

- at the request of a prisoner;
- where there is any doubt about a prisoner's ability to comprehend or express themselves in English;
- when a prisoner has difficulty using and/or understanding spoken language;

- when a prisoner has basic English language skills, but may not possess the English language skills required to engage in conversation involving complicated, technical or highly emotive material;
 - when a prisoner presents with symptoms associated with having a mental health problem and English is not their primary language (note: this should also apply to the hearing impaired).
- 10.1.3. Occasions when language services may need to be utilised include:
- during induction;
 - when information regarding the classification and placement system is being communicated;
 - during the case management process;
 - during program attendance;
 - prisoner attendance at appointments with therapeutic services staff;
 - prisoner attendance at medical appointments;
 - during disciplinary hearings; and
 - when a prisoner is in attendance at a Parole Board hearing.
- 10.1.4. Upon a recommendation from the Security and Intelligence Unit, or Tasmania Police, and where a prisoner is a threat to national security, or is involved in organised crime, the TPS must only allow prisoner face-to-face, telephone and mail contact to occur in English.

10.2. Arranging an interpreter – Reception process

- 10.2.1. Upon identifying the need for language services for a linguistically diverse prisoner during the reception and initial risk assessment process, the Correctional Officer (Reception) must contact the Department of Immigration and Border Protection's TIS (available 24 hours, every day of the year) on 13 14 50 to arrange telephone interpreting services.
- 10.2.2. Upon identifying the need for language services for a hearing impaired prisoner during the reception and initial risk assessment process, the Correctional Officer (Reception) must contact TasDeaf on 1300 123 752 (in hours) or 0418 174 226 (after hours) to arrange on-site interpreting services.

10.3. Arranging an interpreter – Other times

- 10.3.1. Upon identifying the need for language services for a linguistically diverse or hearing impaired prisoner, for purposes other than completion of the reception process, TPS staff should arrange either an accredited on-site or telephone/video-conference interpreter via a contact in either [Appendix A: Interpreter and Translation Services](#) or other appropriate service. This is to occur in consultation with the appropriate Superintendent or Manager.
- 10.3.2. Where face to face interpreting services are required these should be delivered in accordance with [Director's Standing Order 4.05 \(Visits \(Professional and Other\)\)](#), unless otherwise approved by a Superintendent or Manager.

10.4. Guidelines for using an interpreter

- 10.4.1. Interpreting is a job which requires concentration, linguistic ability and contextual knowledge. It is not simply a task which involves matching the English word with its non-English equivalent (if one actually exists).
- 10.4.2. For lengthy or complex prisoner interactions, an on-site accredited interpreter is recommended.
- 10.4.3. For prisoner interactions of a more general nature and for quick access to language assistance, an accredited telephone/video-conference interpreter is recommended.

- 10.4.4. TPS staff should be thorough in their preparation for the appointment with the interpreter, ascertaining what language the prisoner speaks and have a clear list of the questions to be asked and/or items to be discussed.
- 10.4.5. Securing a suitable room for the interpretation to take place, free from background noise and other distractions is important.
- 10.4.6. Prior to the commencement of the on-site or telephone/video-conference session, it is important that the interpreter is adequately briefed about the nature of the session (i.e. what is to be achieved) and any TPS specific terminology.
- 10.4.7. TPS staff should discuss with the interpreter the mode of interpreting that will be used (consecutive or simultaneous). Consecutive interpreting should be identified as the preferred option, where possible, as it is more accurate and ensures no content is missed.
- 10.4.8. TPS staff must remember to introduce themselves and the interpreter, ensuring that communication and eye contact is focused towards the prisoner, and not the interpreter.
- 10.4.9. TPS staff must explain to the prisoner how the interpreter is bound by a professional code of ethics, and any information they disclose will be confidential.
- 10.4.10. When talking to people for whom English is a second language, pause at regular intervals to allow time for the information to be interpreted and try to avoid idioms, colloquialisms and jargon as they may not have an equivalent in another language. It is the responsibility of the interpreter to determine whether the prisoner has understood the content relayed. This may take the interpreter some time, particularly in stressful, emotive, or complex situations.
- 10.4.11. The role of the interpreter is to interpret only, not to provide advice to, or advocate for, the prisoner. Private discussions between a TPS staff member and the interpreter or the prisoner and the interpreter should be avoided.
- 10.4.12. At the end of the session, it may be useful to clearly summarise the key points and ensure the prisoner understands the information they have been given and are aware of any follow-up action that is required.

10.5. Translation of documents and signs

- 10.5.1. TPS staff should use translated printed materials where necessary (i.e. the translation of case management plans, programs materials, signs in relevant facilities) to aid communication with prisoners from linguistically diverse backgrounds. As literacy problems exist across most cultures, staff must not rely on the provision of written materials alone as the means of communicating essential information.
- 10.5.2. As the cost of obtaining translated material varies according to the number of words, complexity of the document and time frame the document is required within, it is preferable to contact the translating agency to obtain a quote for the work to be undertaken.
- 10.5.3. Legal representatives are responsible for the translation of documents that have significance to the legal process.
- 10.5.4. Requests for translation services must be authorised by the relevant Superintendent or Manager.
- 10.5.5. Where possible, it may be appropriate to obtain translated resources of a generic nature from other government departments and approved agencies.
- 10.5.6. Any written correspondence (including, but not limited to, mail, newspapers, magazines and other periodicals) in a language other than English may be translated if there is concern that the correspondence contains a threat to a person or the safety, security or good order of the prison.

10.6. Payment of accounts

- 10.6.1. Language services expenses incurred by the Correctional Officer (Reception) upon a prisoner's reception into custody are to be done in consultation with a Superintendent (or a TPS staff member with an appropriate financial delegation).

- 10.6.2. Language services expenses incurred for other purposes (i.e. translating or case management) are to be done in consultation with the relevant Superintendent or Manager (or a TPS staff member with an appropriate financial delegation).
- 10.6.3. All invoices are to be forwarded to the TPS Head of Financial operations.

11. Accommodation Placement

- 11.1. Linguistically diverse prisoners may request to be accommodated amongst their peers, provided that the safety, security or good order of the prison is not compromised. Where available, linguistically diverse prisoners may also request 'buddy cells'.
- 11.2. This will enable the opportunity to be accommodated in family, community or language groups, which will provide a supporting environment. Where possible the risk of isolation must be minimised.

12. Support for Linguistically Diverse Prisoners

- 12.1. Staff must ensure that linguistically diverse and hearing impaired prisoners fully understand their rights and responsibilities, and the regimes and processes they will be subject to in prison.
- 12.2. Opportunities for linguistically diverse prisoners to have contact with relevant support organisations and services will be arranged as required.
- 12.3. Wherever possible, and where appropriate, assistance may be sought from a TPS staff member who is able to speak the prisoner's preferred language.
- 12.4. Wherever possible, and where appropriate, Correctional Officers who are able to speak the preferred language of linguistically diverse prisoners are to be assigned to undertake their case management.
- 12.5. Support for linguistically diverse prisoners who wish to learn the English language will be provided.
- 12.6. Prisoners are permitted to communicate or receive approved publications in any language provided that the good order, safety and security of the prison is not compromised. External correspondence is not to be withheld from a prisoner for the sole reason that it is not written in English.
- 12.7. Any communication (including that via telephone) in a language other than English may be interpreted if there is concern that there is a threat to a person or the safety, security or good order of the prison.

13. Document History and Access

Implementation Date	28/10/2016
Version Number	2.A
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Additional Information	
Next Review Date	Five years from date of implementation
Access to this DSO	Routine Disclosure

Approved by:

Ian Thomas
Director of Prisons

14. Appendix A – Interpreter and Translation Services

Service	Location	Contact Details
Amigos Translate	24 New Town Road, New Town TAS 7008	Phone: (03) 6228 5480 E-mail: amigostr@bigpond.net.au Website: http://amigostr.com/
All World Languages	Level 5/188 Collins Street, Hobart TAS 7000	Phone: (03) 6224 5355 Email: awltas@allworldlanguages.com.au Website: http://www.allworldlanguages.com.au
All About Languages	5 Garden Grove, Launceston TAS 7250	Phone: (03) 6344 7831 Email: info@allaboutlanguages.com.au Website: http://www.allaboutlanguages.com.au/index.html
Translating and Interpreting Service (TIS)	Department of Immigration and Border Protection – National Service	Telephone interpreting Phone: 131 450 (for immediate calls) Pre-booked telephone appointments made via online form On-site bookings Phone enquiries: 1300 655 082 Appointments made online form Website: https://www.tisnational.gov.au/
Tasmanian Deaf Society (TasDeaf)	139 New Town Road, New Town TAS 7008 / 64 Cameron Street, Launceston TAS 7250	Interpreter bookings for Tasmania are managed by Sign Language Communications Victoria under Vicdeaf. Bookings Monday to Friday/ 9am – 5pm: Phone: 1300 123 752 Email: vais@vicdeaf.com.au After hours/Urgent interpreting: Phone: 0418 174 226 Other TasDeaf Services Phone: (03) 6228 1955 / FREECALL: 1800 982 212 Email: info@tasdeaf.org.au Website: http://tasdeaf.org.au/