

Working with interpreters/communication facilitators.

1. Introduction

1.1 This procedure is intended to ensure that measures are in place to support communication with non-English speakers, people for whom English is a second language, sign language users, people with hearing or visual impairment, people with learning disabilities and people who require Deaf or Deaf Blind Communications.

1.2 All agencies need to ensure that they are able to communicate fully with parents and children in all circumstances; including when they have concerns, need to assess the support required or when children are looked after by the local authority or care leavers. We need to ensure that family members, children and professionals fully understand the exchanges that take place and the decisions made

1.3 Agencies should make arrangements to ensure that children are seen with an interpreter within the same timescales for assessment or investigation as for any other intervention.

1.4 Consideration should be given to the use of intermediaries during interviews, assessments and/or advocacy, when appropriate

1.5 To ensure that we are using an interpreter consistently in all communication. Ensuring that children are offered the opportunity to have their voice heard through interpreters to ensure that their voice is a key part of assessment and plans

2. Legal Framework

2.1 There is no legal obligation to provide an interpreter or written translation. However, you should give due regard to equality to ensure information is accessible. The Equality Act 2010 provides a cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen previous equality legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

2.2 The Public Sector Equality Duty (2011), included within the Act, is a general duty that covers all equality characteristics protected within the Equality Act 2010. Those subject to the general duty must have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations between people who share a protected characteristic and people who do not share it.

2.3 Leicestershire Children and Family Services, Equality and Diversity guidance (2022-2023) sets out our vision for ensuring the core values held by Leicestershire County Council

underpin all practice with our children and families, with whom we provide support and services to.

Fairness and equality are not just rooted in our legal responsibilities but are a moral obligation for everyone who works for us across a wide range of services – whether delivering front line social care, environment, education, health, transport and waste services or community and heritage facilities – to meet the needs of a diverse population across the County.

3. Recognition of Communication Difficulties.

3.1 The use of accredited interpreters, signers or others with special communication skills must be considered whenever undertaking enquiries involving children and families:

- For whom English is not the first language (even if reasonably fluent in English, the option of an interpreter must be available when dealing with sensitive issues);
- With a hearing or visual impairment;
- Whose disability impairs speech;
- With learning difficulties;
- With a specific language or communication disorder;
- With severe emotional and behavioural difficulties;
- Whose primary form of communication is not speech.
- Interaction with children whose first language is not English, do not rely on interpretation from parents/siblings.

3.2 Family, friends or involved professionals should not be used as interpreters within the interviews although can be used to arrange appointments and establish communication needs. Children should never be used as interpreters

3.3 For children and/or parents requiring interpreters, it is vital to establish their dialect, pertaining to their country of origin, as it might have significant outcomes for the translation. It should also be noted that cultural issues between the interpreter and victim / witness might have a bearing on the translation or disclosure. When planning using an interpreter consideration should always be given to gender and religious and cultural beliefs respected

4. Interviewing Children

4.1 The particular needs of a child who is thought to have communication difficulties should be considered at an early point in the planning of the enquiry (Strategy Discussion stage – LSCPB Procedures

https://llrscb.proceduresonline.com/files/strat_disc.pdf?zoom_highlight=strategy+discussion#search=%22strategy%20discussion%22).

4.2 If a child communicates by means other than speech, professionals should seek specialist expertise to enable the child to properly express themselves and to ensure that the interview with the child meets criminal proceedings standards.

4.3 All interviews should be tailored to the individual needs of the child and a written explanation included in the plan about any departure from usual standards.

4.4 Every effort should be made to enable such a child to tell her/his story directly to those undertaking enquiries.

4.5 It may be necessary to seek further advice from professionals who know the child well or are familiar with the type of impairment the child has (e.g. paediatrician at the child development centre or from the child's school).

4.6 When the child is interviewed, it may be necessary for the interviewer and the child to be assisted by specialised communication equipment and / or an appropriate professional, such as a:

- Speech and language therapist;
- Teacher of the hearing impaired;
- Specialist teacher for children with learning difficulties or a suitable professional who is skilled in using facilitated communication methods (e.g. Makaton);
- Professional translator (including people conversant with British Sign Language for hearing impaired individuals);
- Child and adolescent mental health professional;
- Professional from a specific advocacy / third sector group;
- Social worker specialising in working with disabled children

5. Investigative Interviews

5.1 Achieving Best Evidence (Home Office, 2011), provides guidance on interviewing vulnerable witnesses, including those who are learning disabled and of the use of interpreters and intermediaries

5.2 Interviews with witnesses with special communication needs may require the use of an interpreter or an intermediary and are usually much slower. The interview may be long and tiring for the witness and might need to be undertaken in two or three parts, preferably, but not necessarily, held on the same day.

5.3 A witness should be interviewed in the language of their choice, and vulnerable or intimidated witnesses, including children, may have a supporter present when being interviewed

6. Interpreters and Communication Facilitators

6.1 If the family's first language is not English, the offer of an interpreter should be made even if they appear reasonably fluent, to ensure that all issues are understood and fully explained

6.2 Interpreters / communication facilitators used for child protection work should be subject to references, Disclosure and Barring Services (DBS) checks and a written

agreement regarding confidentiality. Wherever possible, interpreters should be used to interpret in their own first language. Local Safeguarding Children Partnerships should ensure that interpreters / communication facilitators for this work are specifically trained so as to ensure that they are able to work effectively alongside professionals in the role of interpreter in discussing highly sensitive matters

6.3 Social workers need to first meet with the interpreter / communication facilitator to explain the nature of the investigation and clarifying:

- The interpreter / communication facilitator's role in translating direct communications between professionals and family members;
- The need to avoid acting as a representative of the family;
- When the interpreter / communication facilitator is required to translate everything that is said and when to summarise;
- That the interpreter / communication facilitator is prepared to translate the exact words that are likely to be used - especially critical for child abuse;
- When the interpreter / communication facilitator will explain any cultural or other issues that might be overlooked (usually at the end of the interview, unless any issue is impeding the interview);
- The interpreter / communication facilitator's availability to interpret at other interviews and meetings and provide written translations of reports (taped versions if literacy is an issue)
- Workers to try and ensure that there is consistency in the use of the same interpreter where possible

6.4 Family members may choose to bring along their own interpreter / communication facilitator as a supporter but not another family member. This person will be additional to the agency's own interpreter / communication facilitator

6.5 Translation of documentation and plans should be considered for each individual case where it is assessed as being required in addition to interpreter services, to enable children and families to understand the concerns, actions and expectations of the service.

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