

Advocacy Paper Number 5

National Consultative Committee on Racism and Interculturalism

**Interpreting, Translation and Public Bodies in Ireland:  
The Need for Policy and Training**

February 2007

NCCRI Foreword.....	4
Researcher’s Foreword.....	5
Glossary .....	6
Executive Summary .....	7
1. Introduction and background .....	9
Service Providers.....	9
Informal Interpreters .....	10
Child Interpreters.....	11
Interpreters Provided by Translation Agencies .....	11
The Interpreters.....	12
Characteristics of Trained Interpreters .....	13
Telephone interpreting.....	13
Bilingual Staff .....	14
Training Courses.....	15
Irish Translators’ and Interpreters’ Association (ITIA) .....	15
Research on Interpreting.....	16
2. Legal Background to the Provision of Interpreters.....	17
Interpreters and the Legal Process .....	17
Language and Access to Public Services .....	18
3. Legal Interpreting.....	19
Garda .....	19
Courts.....	23
4. Medical Interpreting.....	27
Hospitals .....	27
General Practitioners.....	31
Mental Health Interpreting.....	33
5. The Asylum Process.....	35
6. Other Contexts .....	38
Department of Social and Family Affairs .....	38
Community Welfare Officers .....	38
Education.....	39
Legal Aid Board.....	39
Health and Safety .....	40
Employment Rights.....	40
Equality .....	40
Driving Licence Theory Tests .....	41
Prisons .....	41
Parole Board.....	42
Private Residential Tenancies Board (PRTB) .....	42
Housing.....	43
7. Translation .....	44
8. Other Jurisdictions.....	51
Northern Ireland – the Regional HSS Interpreting Service.....	51
Police Service Northern Ireland (PSNI) .....	52
United Kingdom.....	53
Scotland .....	53

Sweden .....	54
Australia .....	54
9. Recommendations.....	57
Appendix 1 Sample Code of Ethics for Community Interpreters .....	59
Appendix 2 Previous Advocacy Papers .....	65

## **NCCRI Foreword**

This is the fifth in a series of advocacy papers produced by the National Consultative Committee on Racism and Interculturalism (NCCRI). The NCCRI was established in 1998 as an independent expert body focusing on racism and interculturalism. The NCCRI is a partnership body which seeks to build on consensus by bringing together government and non-government organisations. The NCCRI is funded by the Department of Justice, Equality and Law Reform, the European Union, and research grants.<sup>1</sup>

This paper focuses on interpreting and translating in Government service provision in Ireland.

The purpose of these advocacy papers is threefold:

- To provide a focus on key public policy issues related to the remit of the NCCRI
- To make a range of policy recommendations/options to be considered by policy-makers
- To contribute to broader public discourse, including identifying new issues and bringing new perspectives to existing issues.

The NCCRI wishes to acknowledge Mary Phelan from Dublin City University who carried out the research for this advocacy paper.

*This Advocacy Paper does not necessarily reflect the views of individuals or organisations who have been consulted or who contributed information.*

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<sup>1</sup> Additional information on the NCCRI is available at [www.nccri.ie](http://www.nccri.ie).

### **Researcher's Foreword**

I have been interested in the area of Interpreting for the past ten years. So much so that I set up the Graduate Certificate in Community Interpreting at Dublin City University in 2004. This was in response to the lack of training for interpreters working in the asylum process, hospitals, garda stations, the courts etc. I am also the honorary secretary of the Irish Translators' and Interpreters' Association.

In Northern Ireland I have had a minor involvement with the Northern Ireland Council for Ethnic Minorities (NICEM) training for interpreters working with the Police Service. I was involved in the tender process for providers of translation services for the Department of Health and Social Services. I was a member of a Race Forum subgroup on Resources for the Thematic Group on Languages.

A paradoxical situation has developed in Ireland where interpreters are provided in many settings but they have no training in interpreting or ethics. In many cases they do their best but is this good enough? Interpreting in garda stations, the courts, the asylum process and hospitals is all about giving non-English speakers their rights and allowing them access to their entitlements. It is about being socially inclusive and ensuring that people are not discriminated against because they are not proficient in English. Simply providing untrained interpreters is not an adequate solution. Nor is the practice of allowing family members, children or friends to act as interpreter.

Interpreting is an area that has developed in other Western countries over the last thirty years. Ireland is going through the same process at an accelerated rate. But we have an opportunity to learn from best practice in other countries in order to provide the best possible service for everyone concerned, both the service provider and the person with limited English proficiency. It is time to stop and think about how best to organise services to ensure quality. There will always be difficulties with some languages but standards can be set for a large number of languages. The financial cost involved in improving the situation is not prohibitive. Indeed it could be argued that there is less potential for problems when interpreters are properly trained.

I would like to thank all the people who helped me with this paper by providing information. Any errors of fact are my own.

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## **Glossary**

**Community Interpreting** is an umbrella term for the types of interpreting that take place in Government service provision, such as in Garda stations, during the asylum process, immigration, hospitals, with GPs and so forth.

**Face to Face Interpreting:** all parties are present at the session. This type of situation is essential for most situations.

**Interpreting:** Interpreting is spoken. One person speaks, the interpreter listens, if necessary takes notes, and then gives the interpretation in the other language.

**Relay Interpreting:** In some cases it may be impossible to locate an interpreter who speaks English and another language. A bridge language may be needed. This happens occasionally with Romani. The Roma speaker speaks Romani, one interpreter interprets from Romani to Romanian for example and a second interpreter then interprets from Romanian to English. Relay interpreting may also be necessary in the case of foreign Sign Languages.

**Sight Translation:** Interpreters are often asked to do sight translation. For example, a patient could have a document about medication in another language in which case the interpreter would read out the translation in English. The interpreter may need time to read through the text first before providing the translation.

**Telephone Interpreting:** Telephone interpreting is very useful for emergency situations and for setting up appointments but should not be used for counselling sessions, medical appointments or any situation involving bad news; face to face interpreting is the only option for these situations.

**Translation:** Translation is written.

**Whispered Simultaneous Interpreting:** in some situations, for example in the District Court, the interpreter whispers the interpretation to the defendant.

## **Executive Summary**

Chapter 1 provides background information on translation and interpreting. It looks at current practice such as family members or friends who act as interpreters in certain situations. It also considers the interpreters provided by translation agencies, characteristics of trained interpreters and training.

Chapter 2 looks at domestic legislation to do with interpreting in legal settings and in accessing public services.

Chapter 3 focuses on current practice in Garda stations and in the courts.

Chapter 4 provides information on Medical Interpreting in hospitals and for GPs. It also considers mental health interpreting. There is no uniform nationwide provision of interpreters in health settings. Family members and friends are still carrying out a very high proportion of interpreting work that should really be carried out by interpreters.

Chapter 5 looks at interpreting as part of the asylum application process and the provision of interpreters by the relevant bodies.

Chapter 6 deals with other sectors where communication is an issue. There is no provision of interpreters for community welfare officers, public health nurses, education, employment rights and housing. Interpreters are provided for SafePass courses, by the Equality Authority and the Equality Tribunal and for driving licence theory tests.

Chapter 7 looks at translated materials available on websites. There is evidence of good practice as in the 2006 Census forms provided in 15 languages. However, in many cases the material being translated is aimed at Irish people and is not adjusted to the needs of people from different countries and cultures.

Chapter 8 considers practice in other countries. A great deal of progress has been made in Northern Ireland over the last three years. The situation in the United Kingdom and Sweden is also considered as is the Australian example of the National Accreditation Authority for Translation and Interpreting.

Chapter 9 provides recommendations on how to improve the situation regarding Translation and Interpreting. The key recommendation is that a National Interpreting and Translation Authority be established with specific responsibility for improving standards and ensuring quality.

The Appendix includes a sample Code of Ethics drawn up by students on the Graduate Certificate in Community Interpreting (DCU).

## **1. Introduction and background**

The National Consultative Committee on Racism and Interculturalism (NCCRI) was established in 1998 as an independent expert body focusing on racism and interculturalism. The NCCRI is a partnership body which brings together government and non-government organisations, and is core funded by the Department of Justice, Equality and Law Reform.<sup>2</sup>

Part of the NCCRI's role is to provide advice to government in relation to anti-racism and intercultural strategies. With this in mind, the NCCRI would like to bring a focus on the area of interpreting and translating for people whose first language is not English in all aspects of their interaction with Government bodies.

In 2000 the language barrier was experienced mainly by asylum seekers and refugees. However, the situation has changed very rapidly since then. According to the Central Statistics Office, 750,000 people from 211 countries have come to Ireland since 2000. Nine per cent of the workforce and ten per cent of the population is foreign born<sup>3</sup>. In March 2006 the Language Centre in National University of Ireland Maynooth reported that 167 languages are spoken in Ireland.<sup>4</sup> The Courts Service gives a figure of 210 languages and dialects<sup>5</sup>. These developments present huge challenges to public bodies that have dealings with immigrants.

Many people who come to Ireland speak excellent English, others have enough English to live and work here and still others have little or no English. If someone with very little English or even with some English happens to fall ill, be witness to an accident or a crime, be tried in a court, they will need the help of an interpreter.

Communication difficulties are an inevitable result of globalisation. People with limited English proficiency who are living in Ireland expect equality in service delivery. Meanwhile, English-speaking staff cannot do their job if they cannot communicate effectively with their clients. There is a need for trained interpreters in order to bridge the language gap between service providers and service users.

### **Service Providers**

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<sup>2</sup> For additional information please visit: [www.nccri.ie](http://www.nccri.ie).

<sup>3</sup> The Irish Times 11<sup>th</sup> March 2006

<sup>4</sup> The Irish Times 26<sup>th</sup> March 2006

<sup>5</sup> Letter to The Irish Times 24<sup>th</sup> October 2001.

A number of service providers have moved away from working with volunteer interpreters to informal or formal arrangements with translation agencies to provide interpreters. While this move is welcome, there is a need for the service providers to insist that interpreters be trained and qualified for their work. The Health Service Executive, the Courts Service and the Garda, are all spending substantial sums on interpreting without any element of quality control.

The lack of written policies concerning interpreting and the provision of interpreters is also problematic. There is a need for proper, written guidelines for staff about when and how to call an interpreter.

Twenty-four hour provision of interpreting services is an important issue for emergency services, hospitals, the Garda and the Garda National Immigration Bureau. Few translation agencies are in a position to provide this service around the clock. Vetting is another important issue because interpreters have access to sensitive information and may be working with vulnerable people.

### **Informal Interpreters**

In many situations friends or family members are doing the interpreting. Even more alarmingly, sometimes there is no interpreter. Family members and friends frequently interpret in GPs' surgeries, in hospitals, with community welfare officers, public health nurses, at the Employment Appeals Tribunal and at meetings with solicitors at law centres run by the Legal Aid Board. This could be because the public body does not make any provision for interpreting. In some cases it is because of the absence of clear guidelines on when to call an interpreter. While the use of family members or friends may seem convenient and practical, it is not a good idea for the following reasons:

- Informal interpreters may not be fluent in English or the other language in which case their interpreting will be inaccurate.
- They may give their own version of events rather than allowing the non-English speaker to explain his/her story.
- As they are not trained to interpret, they may provide a summary interpretation where they summarise three minutes of talk in one sentence.

- In the case of domestic violence for example or sexual abuse the interpreter could be the perpetrator. If this is the case it is unlikely that the health professional will be able to find out the true cause of a problem.
- Informal interpreters may be embarrassed by some of the material and as a result may censor or alter information.
- Some communities put pressure on English speakers to interpret for them in different situations.

### **Child Interpreters**

Children are still being asked to interpret for their parents and siblings, particularly when accessing health care. It is totally inappropriate to ask children to interpret because they do not have the necessary vocabulary in both languages, they may be exposed to situations that they should not know about (family planning, parental illnesses) and they may find the responsibility of trying to interpret traumatic. In some countries it has been found that children miss school regularly so they can interpret for their family.

### **Interpreters Provided by Translation Agencies**

Most public bodies contact translation agencies<sup>6</sup> when they need an interpreter. This outsourcing solution has practical benefits in that the person who needs an interpreter just makes one phone call to obtain an interpreter.

The main difficulty here is that the interpreters are recruited because they speak a relevant language and not necessarily because they are qualified or even skilled at interpreting. Interpreting and translation are unregulated professions in Ireland. Anyone who speaks two languages can call themselves an interpreter and/or a translator. Furthermore, at present in Ireland there is an assumption that anyone who is bilingual can interpret. However, the testing systems in other countries reveal some interesting facts. In the United Kingdom in 2004-2005 the pass rate for interpreters who took the Diploma in Public Service Interpreting was 32.5%. The

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<sup>6</sup> Lionbridge Ireland acquired Bowne Global Solutions (BGS) in September 2005 and provides interpreters to ORAC, RAT and RIA, to the Courts Service, to most hospitals in Leinster and to GPs in Dublin, Kildare and Wicklow. Lionbridge was founded in Massachusetts, has 4,000 employees in 25 countries and revenue of €400m. Its main business is localisation. The other main agencies are Wordperfect, FC Translations, Interling, DCU.LS and Global Translations in Dublin, Access Translations in Cork, Unique Voice in Tralee and Context in Galway.

pass rates for court interpreter certification exams in the United States vary between 8 and 20%.<sup>7</sup> Therefore it is likely that a high percentage of interpreters working in Ireland at present would fail an interpreting exam.

There has been an expectation that the translation agency that provides interpreters will train them as well. To date this has not proved to be a good solution. Any courses provided are too short, interpreters do not see the need for training and attendance has been poor. In any case, a translation agency that can locate interpreters successfully may not be in a position to provide coherent training.

Many people who work with interpreters assume that the interpreters are professional and qualified simply because they are recruited through a translation agency. Unfortunately, this false sense of security is ill-founded. Some interpreters have a background in translation or conference interpreting for example and are competent. A small number hold the Graduate Certificate in Community Interpreting from Dublin City University or the Diploma in Public Service Interpreting from the Chartered Institute of Linguists in London. A lot of interpreters speak two languages and do their best to interpret as well as they can but may not know how to behave in certain situations or how to find correct terminology.

### **The Interpreters**

Most interpreters are paid €20-€25 per hour, a rate that has remained unchanged over the last ten years. Travel time is not paid for and travel expenses only apply outside cities. In effect this can mean that interpreters are paid the minimum wage or less. Interpreters are classified as self-employed which means that they are not eligible for any company pension, sick pay or holiday pay. In Ireland at present it is very unusual for staff interpreters to be employed on a full-time basis. However, it is something that could be considered by hospitals where there is a high demand for certain languages. Interpreting is not a very attractive career choice. Even though when done well interpreting is very challenging and rewarding, it is seen in Ireland as low status work that can be done by anyone including children. People often work as interpreters for a few months and then move on to full-time work in other areas. As interpreting work can be obtained relatively easily, there is no incentive for

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<sup>7</sup> [http://www.judicial.state.ia.us/District\\_Courts/Court\\_Interpreters/](http://www.judicial.state.ia.us/District_Courts/Court_Interpreters/)

interpreters to train. Indeed, the small number of interpreters who are qualified are paid the same rate as unqualified interpreters.

Interpreters often work in stressful situations. While counselling may be available for staff working for the service providers, usually there is none available for the interpreters. Spirasi<sup>8</sup> provides a counselling service for interpreters who work at the Centre for Survivors of Torture.

### **Characteristics of Trained Interpreters**

- They understand their role.
- They interpret everything that is said.
- If necessary they take notes.
- They prepare for assignments.
- They are impartial.
- They respect all aspects of confidentiality.
- They have an excellent knowledge of the languages they work in.
- They interpret accurately.
- They understand the boundaries of their role as interpreters.
- They do not offer advice or opinions.
- They work to a code of ethics.
- They are culturally competent; they know what to do when culture becomes a barrier to communication.

### **Telephone interpreting**

Very little telephone interpreting is happening in Ireland. When it does happen it tends to be in extremely unsatisfactory circumstances in that the interpreter could be shopping or on a bus and would interpret over a mobile phone. This can lead to difficulties such as background noise and lack of confidentiality. Refugee Legal Service has tried to counteract some of these problems by insisting that interpreters be at home when they take a telephone assignment.

In other countries where telephone interpreting is used more, interpreters must have a land line. They are paid to be at home and available to take calls on certain days. In addition they are paid for any interpreting carried out.

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<sup>8</sup> <http://www.spirasi.ie/>

Telephone interpreting is very useful for emergency situations or for setting up appointments. It should not be used for counselling sessions, medical appointments or any situation involving bad news. Face to face interpreting is the only option for these situations.

The emergency services (999 and 112 numbers) currently have no interpreter provision in cases where callers have difficulties communicating in English. The operators need to find out the address and phone number of the person on the phone. They often ask people to spell out their address. The emergency services are currently considering the introduction of a telephone interpreting service.

There is an urgent need for a properly structured 24 hour telephone interpreting service in Ireland which could be accessed by emergency services, hospitals and gardaí.

In Finland and Norway interpreters work in call centres and provide video interpreting. This saves on travel time and has the advantage that the interpreters can see the people for whom they are interpreting. It is also useful for sign language interpreting. A recent report recommended that a national remote interpreting service be developed for Sign Language Interpretation in Ireland with access points in garda stations and hospitals<sup>9</sup>. Clearly such a system could and should be extended to include spoken languages.

### **Bilingual Staff**

If staff are available who can deal directly with people in their language then that makes total sense. However, it involves scheduling appointments to certain members of staff and may not always be possible. The recruitment of more bilingual staff in targeted languages such as Polish could help avoid communication difficulties.

Experience in other countries has shown that it is not a good idea to call bilingual staff from other sections to act as interpreters. First of all there is no guarantee that the person will interpret accurately. Secondly, the person will be unable to carry out his/her work while interpreting, something which may lead to resentment among colleagues.

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<sup>9</sup> *Review of Sign Language Interpretation Services and Service Requirements in Ireland* September 2006 Comhairle. Available in hard copy only.

Another solution that is mentioned occasionally is for native English speakers to learn other languages. While it may be helpful for staff to be able to speak another language, it must not be forgotten that it takes most people years to master a foreign language.

### **Training Courses**

There is only one accredited training course for interpreters in Ireland at present, the Graduate Certificate in Community Interpreting at Dublin City University. This is a one semester (twelve week) part time course given one evening a week plus Saturdays. The course consists of four modules:

- Introduction to Interpreting
- Ethics – how to behave professionally and ethically
- Terminology – dictionaries do not always provide the answers. There are other ways to find terms in different languages.
- Interpreting Practice – this module is particularly important because it allows students the opportunity to actually practise interpreting between English and another language. Students receive feedback on the mistakes they make, omitted information, using the correct register of language and so on.

Candidates for the course usually hold an undergraduate degree and an excellent level of English and of the other language. Students without the language on offer at any particular time can take the other modules separately. The course is part time to facilitate working interpreters but this means that students are not eligible for any grants to offset fees.

There is also an urgent need for training for GPs, medical staff, garda, social workers, court personnel, in how to work well with interpreters.

### **Irish Translators' and Interpreters' Association (ITIA)**

The Irish Translators' and Interpreters' Association brings together translators and interpreters. There are four categories of membership. Professional members are vetted by the ITIA professional membership subcommittee. Anyone can join as an ordinary member and there are also student and corporate members. The ITIA has

introduced a certification test for professional members who specialise in translating such documents as birth certificates, contracts etc. A directory of members is available on the ITIA website. The ITIA is interested in the professionalisation of translating and interpreting. The ITIA is very concerned about poor standards in translation and particularly in interpreting. To this end it has made a number of submissions<sup>10</sup> in recent years to various bodies.

### **Research on Interpreting**

While a lot of work has been carried out in other countries, very little research has been carried out to date in Ireland.

- The Health Research Board has funded research entitled *Patients' Perspectives of Continuity of Care in General Practice Out of Hours Cooperatives*, headed by Dr Anne MacFarlane at NUIG.
- Suzi Lyons wrote a PhD thesis that included an unpublished chapter on Cultural Diversity in the Dublin maternity services where she looked at language barriers and analysed the experiences of ethnic minority women and the service providers.
- At Dublin City University work has commenced on two PhDs, one on interpreting on Safepass courses and one on interpreting in the mental health setting.

There is clearly huge scope for research on Community Interpreting in Ireland. This could cover the language needs of different communities, access to health and other services, patient satisfaction rates, health disparities among people from different ethnic minorities, health outcomes for patients with limited English proficiency, ethical issues that arise for interpreters in different settings, interpreter fatigue, the experiences of people who are not proficient in English, the provision of translated information.

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<sup>10</sup> <http://www.translatorsassociation.ie>

## 2. Legal Background to the Provision of Interpreters<sup>11</sup>

Access to interpreters and language mentioned in a large number of International Covenants, resolutions from the Council of Europe, European Social Charter etc. For the purposes of this advocacy paper we will confine ourselves to domestic law.

### Interpreters and the Legal Process

The right to an interpreter in garda stations and in criminal cases in court is clearly laid down in Articles 5 and 6 of the European Convention on Human Rights and Fundamental Freedoms which was incorporated into Irish law in the European Convention on Human Rights Act 2003.

Article 5 Right to liberty and security

5.2 Everyone who is arrested shall be informed promptly, in a *language* which he understands, of the reasons for his arrest and of any charge against him.

Article 6 Right to a fair trial

6.3 Everyone charged with a criminal offence has the following minimum rights:

- a) to be informed promptly, in a *language* which he understands and in detail, of the nature and cause of the accusation against him;
- e) to have the free assistance of an *interpreter* if he cannot understand or speak the language used in court.

According to the Crown Prosecution Service for England and Wales:

- In all cases, Article 6 of the European Convention on Human Rights requires that *an interpreter be fully competent for the task assigned*;
- It is, therefore, important to be satisfied that the interpreter is both competent and appropriate for the task before engaging their services. This means checking the interpreter's qualifications, experience of police and court

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<sup>11</sup> For more detailed discussion see <http://www.translatorsassociation.ie>

procedures, professional accountability etc., and ensuring that gender, religious, political or cultural issues are addressed at the outset.<sup>12</sup>

### **Language and Access to Public Services**

The EU Race Equality Directive was incorporated into Irish law in the form of the Equal Status Acts 2000-2004.

- The Acts relate to discrimination based on the following nine grounds: Gender, Marital Status, Family Status, Age, Race, Religion, Disability, Sexual Orientation, Membership of the Traveller community.

A spokesperson for the Equality Authority stated that good governance and best practice would indicate that competent interpreters should be provided. Failure to appoint an interpreter could contravene the Equal Status Acts. However, no case has been taken on this issue to date and ultimately the final arbiter would be the Equality Tribunal.

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<sup>12</sup> <http://www.cps.gov.uk/publications/agencies/interpret.html>

### 3. Legal Interpreting

#### Garda

The right to an interpreter in garda stations and in the courts is very clearly set out in the European Convention on Human Rights Act 2003. However, the Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987 mentions sign language interpreters for deaf people in the section on Custody Regulations but when it comes to foreign nationals it merely mentions contact with the relevant consul. The C72 Information for Persons in Custody makes no mention of interpreters or the right to an interpreter.

*Intercultural Ireland Your Changing Community*<sup>13</sup> was drawn up by the Garda Racial and Intercultural Office in Harcourt Square. It contains the following extract from the Garda Manual of Crime Investigation Techniques (1994):

When a person who does not understand either the Irish or English language is to be questioned, it will be necessary to secure the service of an interpreter. The following procedures should be observed:

1. The person should be questioned through the interpreter who should record the statement in the language in which it is made.
2. A verbal translation should be made as the statement is taken so that any ambiguities can be rectified at the time.
3. All statements should be read over to the person making the statement and signed.
4. An official Irish or English translation should then be made and proved by the interpreter, as an exhibit with the original statement.

In garda stations, despite the above guidelines, the practice is to take the statement in English, have the translation read aloud in the foreign language by the interpreter and then the witness signs the statement if s/he is satisfied that it is accurate. The practice in the UK is as outlined in *Intercultural Ireland* above. The statement is taken in the foreign language so that the witness can read it in his/her own language before signing it and is later translated into English. Although this approach means that the interpreter has to note down what is said as well as interpret, it does mean that the

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<sup>13</sup> <http://www.garda.ie/angarda/pub/interculturalgardadoc.pdf>

witness is signing what s/he said rather than a translation of what was said. According to the Garda Press Office, the introduction of video recording in garda stations means that witnesses have proof of what they said.

The garda regularly need interpreters to question people and gather information. Local stations make their own arrangements with individual interpreters or with translation agencies. Outside Dublin in particular, gardai frequently call on whoever they can find with the relevant language. These could be friends or relations of a suspect or a victim. Indeed, The EU Network of Independent Experts on Fundamental Rights reported in 2004 that:

Although available for the purpose of court proceedings there are real problems with the availability of interpreters in locations outside Dublin. The problems are particularly acute in situations where foreigners are being interviewed by police as distinct from participating in court proceedings. *Language problems at the police interview stage can have adverse implications later at the trial stage for both the defence and prosecution.*<sup>14</sup>

An interpreter in a garda station interview is a potential witness in any future court case to what was said in the foreign language in the garda station. The interpreter may be questioned in court as to his/her competency. For this reason it is advisable to have different interpreters in the garda station from the interpreters in court.

Time is an important consideration because the period of detention permitted is limited and depends on the type of crime involved. There is a question mark over the quality of a lot of interpreting that is happening in garda stations. In a small number of cases the garda and defending solicitors have asked independent assessors to check the quality of the interpreting recorded on video. If an interpreter is called to the garda station, the Courts Service will be informed and will book an interpreter for that case.

Books of evidence are translated for defendants who do not speak English. Solicitors involved in criminal cases write to the Courts Policy Division of the Department of Justice for authorisation to have books of evidence translated by translation

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<sup>14</sup> O'Connell Donncha Report on the Situation of Fundamental Rights in Ireland in 2004. EU Network of Independent Experts on Fundamental Rights.  
<http://crdho.cpd.r.ucl.ac.be/DownloadRep/Reports2004/nacionales/CFR-CDF.repIRELAND.2004.pdf>

agencies. The book is translated and the invoice sent to the Legal Aid Department at the Department of Justice. Figures for the amount spent on the translation of books of evidence are not available.

In March 2003 there was some negative publicity to do with interpreters working in garda stations. For a number of reasons a Mongolian man called Anar Odon spent one year in prison only for the case to be thrown out when it finally came to court:

There it emerged that the translator had not translated anything for the garda officer who said he had read out Anar's rights. The non-translation of his rights was the basis for Mr Justice Michael White yesterday directing the jury at the Dublin Circuit Criminal Court to find him not guilty.<sup>15</sup>

Another case at the same time was:

A Chinese man accused of two murders went on a date with the translator provided by gardai for his interrogation, a jury heard yesterday. After Ms Yuan Li Li helped take a witness statement at a Garda station from Mr Yu Jie (25), he asked gardai for her number. Det Insp John McMahon told the Central Criminal Court that she did not mind her number being handed over. It was provided and the two went on a date. Gardai later got a Chinese policeman through Interpol to act as a translator.[...]. Ms Yuan was not used in further interviews with Mr Yu but she was used as a translator for other witnesses in the case.<sup>16</sup>

Subsequently the Garda Síochána set up an internal committee to consider the provision of interpreters. The *Evaluation of the Garda Síochána Policing Plan 2004*<sup>17</sup> revealed that:

The Interpol Office will propose an effective policy for the use of translators and interpreters in An Garda Síochána.

During 2004 an implementation plan for the establishment of a Language Co-ordination Unit within An Garda Síochána was drafted by staff from the Interpol Office. The Unit will manage, in a cost-effective manner, the operational needs, policy, and training requirements of An Garda Síochána.

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<sup>15</sup> Carol Coulter The Irish Times 4<sup>th</sup> March 2003

<sup>16</sup> The Irish Times 5<sup>th</sup> March 2003

<sup>17</sup> <http://www.garda.ie/angarda/statistics/report2004/evaluation2004.pdf>

Full-time translators/interpreters will be recruited for permanent attachment to this unit.

A language coordinator was appointed to draw up an implementation plan but to date there has been no recruitment of full time translators/interpreters. It is unclear at present if the Garda intend to proceed with these plans or if they have made alternative arrangements.

The Garda *Action Plan for the Implementation of Human Rights* April 2005<sup>18</sup> Priority 5 Community Engagement, Involvement and Partnership, does include a mention of interpreters:

Surprisingly, according to the *Action Plan for the Implementation of the Recommendations of the Garda Human Rights Audit Report*<sup>19</sup> (October 2006):

The Department of Justice Equality and Law Reform have prime responsibility for the appointment of accredited interpreters. The interpreters used by An Garda Síochána are secured through the listings provided through the Courts Service.

There are mixed messages about any possible intention to take action on interpreting. There is no backing for action in documents such as the above mentioned Policing Plans and Evaluations of Policing Plans. More worryingly, there is no mention of interpreting or Interpreters in the Garda Síochána *Corporate Strategy 2005-2007*<sup>20</sup>.

The Garda Síochána Act 2005 Article 62 (1) states:

A person who is or was a member of the Garda Síochána or of its civilian staff or who is engaged under contract or other arrangement to work with or for the Garda Síochána shall not disclose, in or outside the State, any information obtained in the course of carrying out the duties of that person's office, employment, contract or other arrangement if the person knows the disclosure of that information is likely to have a harmful effect.

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<sup>18</sup> [http://www.garda.ie/angarda/pub/Human\\_rights\\_actionplan.pdf](http://www.garda.ie/angarda/pub/Human_rights_actionplan.pdf)

<sup>19</sup> <http://www.garda.ie/angarda/pub/hrightsactionplanupdate2.doc>

<sup>20</sup> <http://www.garda.ie/angarda/pub/corpstrategy2005.pdf>

An interpreter who discloses sensitive information about an assignment in a garda station could be liable on summary conviction to a fine of up to €3,000 and/or a prison term of up to twelve months. If convicted on indictment the interpreter could be fined up to €50,000 and/or imprisoned for up to five years. It is unclear if interpreters who work in garda stations are aware of this legislation.

The **Garda National Immigration Bureau (GNIB)** use telephone interpreting regularly at immigration in the airports. Face to face interpreting is used when people are being questioned by GNIB at garda stations. Twenty-four hour access to interpreters is a difficulty for GNIB staff. Some NGOs have reported to the NCCRI that some people who do not speak English are being sent back at airports because they have incorrect or inadequate travel documents without an interpreter even being called. A person who does not speak English may be trying to seek asylum and not be understood.

## **Courts**

Caselaw dating back to 1929 covers the right to an interpreter. Indeed the judgement of Chief Justice Kennedy in the case of *Attorney General v Joyce and Walsh* is very clear:

It would seem to me to be a requisite of natural justice, particularly in a criminal trial, that a witness should be allowed to give evidence in the language which is his or her vernacular language, whether that language be Irish or English, or any foreign language; and it should follow, if the language used should not be a language known to the members of the court, that means of interpreting the language to the court (judge and jury) and also, in the case of evidence against a prisoner, that means of interpreting it to the prisoner should be provided.<sup>21</sup>

The right to a fair trial obviously includes the right to understand proceedings and in adversarial proceedings the right to challenge testimony.

Another issue of concern is the current lack of provision of interpreters to victims of crime and to bereaved family members.

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<sup>21</sup> [1929] IR526 at 581 quoted on page 144 Hogan GW and Whyte GF (2003) *JM Kelly: The Irish Constitution* Fourth edition Butterworths Irish Law Library

Under the Courts Service Act 1998 the Courts Service is 'independent in its functions'. It provides interpreters for family law cases and pays for interpreters who work with probation officers. In 2005 the Courts Service spent €1.5 million on interpreting. This figure increased to €2.034 million for the first ten months of 2006<sup>22</sup>.

In June 2005 the Courts Service issued an invitation to tender for provision of interpretation and translation services across the country. One year later the contract was awarded to Lionbridge Ireland which had submitted the most economic tender and could provide level 4 interpreters for the most frequently used languages in court; Cantonese, Mandarin, French, Romanian and Russian.<sup>23</sup> In December 2006, Lionbridge Ireland provided a compulsory one-day course to interpreters who are to work in the courts. At the time of writing (February 2007), contract negotiations between Lionbridge and the Courts Service were ongoing and it was unclear when exactly the company would commence providing interpreters.

Appendix 2 of the tender document outlines four levels of qualification for translation and interpretation:

- |         |  |
|---------|--|
| Level 1 | The person can be shown to be competent in both English and the language concerned.  |
| Level 2 | The person is a native speaker of the language concerned and can be shown to be competent in English or is a native speaker of English and can be shown to be competent in the language concerned. |
| Level 3 | The person is a native speaker of English with a third level qualification in the language concerned or a native speaker of the language concerned with a third level qualification in English.    |
| Level 4 | The person has Level 3 qualifications plus qualifications specific to translating or interpreting.   |

These levels of qualification are rather worrying because the emphasis is on language competency rather than competency in interpreting. In fact only Level 4 is of any value at all because it specifies a qualification in interpreting. However, a 'qualification specific to interpreting' does not really mean very much. It could just be a taster course in conference interpreting. Level 3 could be a recent graduate in

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<sup>22</sup> Irish Independent 22<sup>nd</sup> November 2006

<sup>23</sup> The Irish Times and Irish Independent 7<sup>th</sup> June 2006

French for example who might be reasonably fluent but would certainly not be ready to interpret in a murder trial. Level 2 stresses competency in English or the foreign language but what is competency and how can a decision be made on whether an interpreter is competent? Does it just mean that the person speaks English reasonably fluently and can be understood? Again, does that mean that this person could interpret in court? Level 1 is even more worrying. The Courts Service should be working towards a situation where interpreters hold a qualification in legal interpreting.

Interpreting in court is not easy and it is not just a question of language competency. The legal interpreter must interpret accurately. In cases heard in the higher courts for example interpreters have to interpret in consecutive mode when defendants are being questioned and in simultaneous mode when other evidence is being heard. The interpreters have to interpret for the defendant throughout the trial so the defendant can understand everything that is being said. This could be anything from testimony of eyewitnesses to expert witnesses to the state pathologist. There would potentially be a full range of registers – from very formal legal language to everyday language, including slang. Even trained interpreters find this work challenging. The only record of court cases is that made by the stenographer and that is in English only. This means that there is no record of what is said in the foreign language. The Courts Service has issued an invitation to tender for audio digital recording of all cases in all courts throughout the country. This could in time provide useful information on the standards and practice of legal interpreting.

The majority of interpreted court cases take place in the District Court. Many of these cases are dealt with very speedily. Interpreters have to cope with court personnel not using the microphones provided, people coming and going in the court, members of the Garda Síochána reading the charge sheet at an incredible speed, the solicitor making points, the judge talking. And during all of this the untrained interpreter is expected to simultaneously whisper everything that is said to the defendant in the target language. And to cope with terms such as *summary trial*, *independent surety*, *true copy of the charge*, *caution*, *criminal damage*, *bench warrant*, *remand in custody*, *remand on continuing bail*, *application for legal aid*, *dishonesty by deception*, *summary matters*, *custodial sentence*, *independent surety*, *bail bond*. Without specific training in legal terminology, how is an interpreter to understand let alone find these terms in the target language? Some interpreters ask other interpreters what terms they use but there is no guarantee that they will

discover the best options in this way. Given the differences between the criminal code in Ireland and the civil code in most of the rest of Europe not to mention the rest of the world, there are additional problems in finding translations for terms that may not exist in other jurisdictions. Another problem that arises is when different interpreters use different terms in a foreign language for the same term in English. This must create huge confusion for defendants and witnesses. Despite all these difficulties a spokesperson for the Courts Service has stated on a number of occasions that:

[...] considering the number of occasions in which an interpreter is used, frequently at very short notice, there have been few issues or problems in the understanding of the court process by those involved. Where an issue of understanding arises, the dynamic of the court setting tends to make this apparent. On these rare occasions the interpreter is replaced<sup>24</sup>.

However, the Courts Service has not carried out any research with people who need interpreters in court as to whether they have understood the court process.

In 2004 a District Court judge was quoted as saying:

‘..a lot of people have been in the country for the past three or four years and have made no effort to learn the language. It’s not fair.’<sup>25</sup>

In January 2007 another District Court judge was quoted as saying that:

...it was “absolutely ridiculous” to think that anyone living in this country for five years could not speak the language. The judge said she had granted Free Legal Aid but she was not going to certify for an interpreter<sup>26</sup>.

This sort of statement is very worrying because it shows no awareness of people’s right to an interpreter. However it is not an uncommon attitude and it shows a lack of understanding of how long it takes to learn a language to proficiency level. It is one thing to have enough English to live and work here. It is an entirely different situation when someone appears in court. Furthermore, second language competency can decrease dramatically when a person finds himself in a stressful situation.

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<sup>24</sup> Courts Service News Vol 8, issue 2, June 2006, page 13.

<sup>25</sup> Laois Nationalist 30th December 2004

<sup>26</sup> Galway Advertiser, 11<sup>th</sup> January 2007

#### 4. Medical Interpreting

The provision of interpreting varies from one HSE to another, from one hospital to another and from one GP to another. There is no national consistency. Anecdotal evidence indicates that many immigrants choose to return home to their native country for medical attention because it is cheaper there and there is no language barrier.

Access to interpreting for other services such as dentistry is very much an *ad hoc* arrangement, at the request and discretion of the local area HSE. According to the Irish Dental Association, lack of interpreters is a huge problem from the point of view of consent.

#### Hospitals

Many Irish hospital websites include the 1994 Patients' Charter which although drawn up at a time when Ireland was mainly English speaking, includes the following:

- You have the right to be informed of the nature of your illness or condition in **language** which you can fully understand, and to be informed concerning:
- The results of your tests and x-rays;
- The purpose, method, likely duration and expected benefit of the proposed treatment;
- Alternative forms of treatment;
- Possible pain or discomfort, risks and side-effects of the proposed treatment
- You have the right to be treated with respect for your religious and philosophical beliefs.<sup>27</sup>

The Irish Society for Quality in Healthcare carried out a *National Survey of Patient Perception of Acute Hospital In-Patient Care in Ireland in 2004*<sup>28</sup>. One quarter of patients said that there were questions that they would have liked to ask members of their healthcare team but did not. Ten per cent of these patients 'felt intimidated'

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<sup>27</sup> <http://www.mater.ie/patient/charter.htm#Consent%20to%20Treatment>

<sup>28</sup> <http://www.isqh.net/docs/default.asp?mnu=6&wgID=&folder=Patient+Participation>

about asking questions. Almost half of the patients surveyed reported that they were not informed of potential side effects of new medication. Given that this survey was carried out among English speakers, one has to wonder what the percentages would be when it comes to non-English speakers.

In the United States the Office of Minority Health came to the conclusion in 1999 that:

The error rate of untrained 'interpreters' (including family and friends) is sufficiently high as to make their use more dangerous in some circumstances than no interpreter at all. This is because it lends a false sense of security to both provider and client that accurate communication is actually taking place.<sup>29</sup>

A 2003 US study called *Errors in Medical Interpretation and Their Potential Clinical Consequences in Pediatric Encounters* by Glenn Flores et al came to the following conclusions:

Errors in medical interpretation are common, averaging 31 per clinical encounter, and omissions are the most frequent type. Most errors have potential clinical consequences, and those committed by *ad hoc* interpreters are significantly more likely to have potential clinical consequences than those committed by hospital interpreters.

*Pediatrics* 2003;111:6 –14..<sup>30</sup>

These points further underline the urgent need for proper training and testing of all medical interpreters. In the United States, studies addressing costs versus benefits of providing language services indicate that the use of trained interpreters may save far more money than the cost of providing language assistance. One study<sup>31</sup> for example, found that even compared with English-speaking patients, patients who were provided with interpreter services received significantly more recommended preventive services and had more prescriptions written and filled. The cost was \$297 per patient per year (double the average cost of interpreter services in health care), suggesting substantial potential health savings due to preventive care and adherence.

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<sup>29</sup> US Office of Minority Health 1999

<sup>30</sup> <http://pediatrics.aappublications.org/cgi/content/full/111/1/6>

<sup>31</sup> Jacobs, E.A. et al (2004). Overcoming language barriers in health care: Costs and benefits of interpreter services. *American Journal of Public Health*, 94(5): 866-869

If patients cannot access the health care they need they will have to return to their GP again and again. If the GP is unsure about diagnosis, he or she may send the patient for further tests. People may be hospitalised unnecessarily. Meanwhile, the cost to the health services keeps rising. Some patients may give up looking for help and untreated conditions may worsen, resulting in worse health outcomes than necessary. Patients with limited English may not understand instructions to do with medication and as a result may not follow the recommended treatment. Informed consent is questionable in the absence of accurate interpreting.

The former Eastern Regional Health Authority published a *Regional Health Strategy for Ethnic Minorities* in September 2004. Unfortunately, this useful document is no longer available on the Internet. On page 36 the document set down guidelines for establishing an interpreting service. It is worth quoting the following section in its entirety:

- Induction of interpreters: This should include interpreting techniques, interpreting practice, medical terminology, ethics, role playing, work experience. It is essential that this training be provided by people who have themselves received training or who have experience of teaching interpreting skills or who are professional interpreters. Interpreters should be tested at the end of such a training course to ensure that they are of an adequate professional standard. Such a training course should be long enough to allow interpreters to build up their skills and knowledge.
- On going training for interpreters
- Training for service providers as to how to work with interpreters, their particular roles, and boundaries to be respected.
- Establishment of a Code of practice for interpreters.
- Need for ongoing practical and emotional support for interpreters..
- Development of mechanisms for evaluation of the service provided by interpreters.

This is really a very good model for training medical interpreters. Perhaps it will emerge at some stage in the future. In the meantime the Regional Health Strategy has led to the establishment of a pilot project to provide interpreter for GPs in the HSE Eastern Area (see section on General Practitioners below).

The Department of Health 2001 document *Quality and Fairness*<sup>32</sup> set out a health strategy for seven to ten years:

Ireland is now moving towards a more multi-ethnic/multi-cultural society. In health, as in other areas of public policy, this brings a need to plan for diversity with a wider range of needs to be addressed – affecting both the health workforce and the patient/client group.

It makes no mention of interpreting and only one mention of translation. The Department of Health and Children Annual Report 2004 makes no mention of language or interpreting. Similarly, the Department's *Quality Customer Service Action Plan 2005-2007* makes no mention of interpreting or translation. Even the 12 Principles of Quality Customer Service which cover Equality/Diversity and Information make no mention whatsoever of interpreting or translation. Nor do the *National Health Promotion Strategy 2000-2005* or the *HSE Annual Report 2005*.

While some HSE areas seem to be moving towards outsourcing interpreters, it is unfortunate that there is no national consistency with regard to the provision of interpreters in hospitals. Most patients with limited English proficiency are not aware that interpreters are provided and paid for by the Health Service Executive. Even when information booklets are translated into other languages they make no mention of interpreter provision. Many patients muddle through with broken English while others bring along friends or family members to act as interpreters. Often an interpreter will only be called if medical staff cannot communicate at all with a patient. In some hospitals, interpreters are only called for initial diagnosis and if informed consent is required.

There is reluctance on the part of a lot of medical staff to provide interpreters with information about an assignment before they arrive at the hospital. Often staff will say that they cannot provide details about the type of case on the grounds of confidentiality. This is a very short sighted approach that is probably caused by a lack of understanding of the interpreter's work. The more information an interpreter has the better he can do his job.

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<sup>32</sup> <http://www.dohc.ie/publications/pdf/strategy.pdf?direct=1>

An example of informed practice is Connolly Hospital in Blanchardstown. This hospital took part in a European project called the Migrant Friendly Hospital (MFH)<sup>33</sup>. Part of their work has included using National Adult Literacy Agency (NALA) guidelines<sup>34</sup> to ensure that information is written in clear easy to read English before it is translated into other languages. At present Connolly Hospital and seven hospitals around the country are working on interpreter provision using tools adapted by staff at Connolly Hospital. These include policies, evaluation forms and confidentiality forms. Hospitals can decide on what type of interpreter provision suits them best. One of these hospitals is the Mater Hospital in Dublin which has made a decision not to work with family members for confidentiality reasons and has a system where the need for an interpreter is flagged at reception and is clear for follow-up visits to physiotherapists, dieticians and social workers

### **General Practitioners**

The topic of interpreters has been reported on a number of occasions in the media:

    GPs have identified a lack of interpreters in the health system as the single biggest barrier to offering quality medical care to asylum seekers and ethnic minority patients.<sup>35</sup>

    The issue which family doctors felt needed most urgent attention was the provision of interpreters to overcome the language barrier.<sup>36</sup>

    Refugees have suffered ill health as a direct result of the poor availability of trained interpreters here, the agm of the Irish Medical Organisation was told.<sup>37</sup>

    An eight-year-old Romanian boy had to act as an interpreter for his mother who visited her GP seeking treatment for gynaecological problems. The woman was unable to speak English and an interpreter was not available.<sup>38</sup>

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<sup>33</sup> <http://www.mfh-eu.net/public/home.htm> See also Alexander Bischoff's literature review on medical interpreting.

<sup>34</sup> [http://www.nala.ie/download/pdf/Plain\\_english\\_service.pdf](http://www.nala.ie/download/pdf/Plain_english_service.pdf)

<sup>35</sup> The Irish Times 24<sup>th</sup> May 2003

<sup>36</sup> Irish Examiner 26<sup>th</sup> May 2003

<sup>37</sup> The Irish Times 16<sup>th</sup> April 2004

<sup>38</sup> Irish Examiner 8<sup>th</sup> April 2002

Quite a lot of GPs prefer to see patients immediately rather than wait for an interpreter. Many find that interpreted sessions take much longer and are frustrated at the extra time required to work with an interpreter. It could be argued that the fact that most interpreters are untrained means that sessions take longer. However, it must be said that doctors are dependent on the information that patients can give them in order to make a diagnosis. Many patients bring family members or friends along to interpret for them when they go to see the doctor. But why should ill people have to share their problems and symptoms with family members or friends?

The HSE Shared Services Eastern Area set up a pilot project in September 2005 for interpreters to work with GPs in Dublin city and county, and counties Kildare and Wicklow. The Irish College of General Practitioners (ICGP) produced a short leaflet called *A Guide to Interpretation Services and Cultural Competency*<sup>39</sup>. An invitation to tender was issued for a six month contract, renewable for a further six months. This contract was awarded to Lionbridge Ireland. Signs have been put up in doctors' surgeries telling patients about the provision of interpreters. 'I speak' cards are being used to help clarify in what language an interpreter is required. This pilot project will probably lead to a decrease in family members acting as interpreters and an increase in hired interpreters.

In 2006 the HSE Southern Area awarded the two year (with option to renew for a further year) contract for interpreting and translation services to Access Translations in Cork. According to the tender document, 24 hour interpreting and translation services were required for acute hospital services, mental health, asylum and refugee services and GP services. The nine levels of competency mentioned below for ORAC, RAT and RIA were included in the document.

Another approach that may be useful in certain situations is booklets containing questions in a number of languages. The Irish College of General Practitioners and the Health Service Executive published a booklet called *Medical Translations* by Dr Eugene O'Connor and distributed it to all GPs for use in initial consultations with patients. The booklet contains 47 questions in English with translations into eight languages – Arabic, Chinese, Russian, French, Spanish, Romanian, German and Portuguese. The booklet may be useful in some situations but some questions are

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<sup>39</sup> [http://www.icgp.ie/assets/2/FBED2681-76C6-4C71-85504FF6E8728F92\\_document/Interpretation%20Booklet.pdf](http://www.icgp.ie/assets/2/FBED2681-76C6-4C71-85504FF6E8728F92_document/Interpretation%20Booklet.pdf)

open which means that the doctor will not be able to understand the reply in the foreign language.

The Orthopaedic Clinical Facilitator in **Tallaght Hospital** compiled a booklet in seven languages containing basic care questions such as 'Where is your pain?' 'Has the painkiller worked?' This was in response to the finding that up to 25% of patients in the Orthopaedic Ward did not speak English.<sup>40</sup>

In 1999 Harvard Medical School produced three phrasebooks, *Communicating with the Patient during Urgent Care, on Work Rounds and During Review of Systems* in Spanish, Haitian Creole and Cantonese<sup>41</sup>. The word 'urgent' is significant. This type of approach is only suitable in an emergency where even telephone interpreting is not possible. These phrasebooks include a transliteration so the doctor can read out the question rather than ask the patient to read. Patients are asked to nod their head for yes or shake it for no. All questions can be answered by yes or no. Questions such as 'May I examine you?' are included as are instructions such as 'Open your mouth', 'Tilt your head back'. Days of the week, months and numbers appear so doctors can understand replies involving time and dates.

### **Mental Health Interpreting**

The Expert Group on Mental Health Policy issued a report in 2006 called *A Vision for Change*. The report includes a paragraph on the provision of interpreters at 4.8.2:

Good communication is at the heart of mental health work. Therefore the question of language is extremely important. Good interpreters are vital not just for effective cross-cultural working, but also for ensuring access to mental health services by other individuals in the population, specifically deaf individuals and those for whom Irish is their first language. Mental health work requires interpreters who are able to interpret the 'idiom' of the patient's distress as well as the actual words used. Interpreters must be able to empathise with the patient's position and ethnic and gender conflicts are to be avoided. Children or family members of the individual in question should not be used as interpreters.<sup>42</sup>

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<sup>40</sup> The Irish Times Health Supplement 29<sup>th</sup> August 2006

<sup>41</sup> [www.hms.harvard.edu/alumni/phrasebooks.html](http://www.hms.harvard.edu/alumni/phrasebooks.html)

<sup>42</sup> [http://www.dohc.ie/publications/pdf/vision\\_for\\_change.pdf?direct=1](http://www.dohc.ie/publications/pdf/vision_for_change.pdf?direct=1)

If people have difficulty accessing primary healthcare because of the language barrier, then it is likely that they will have even greater difficulty accessing mental health care.

In other countries mental health interpreting is seen as a specialised area requiring specific additional training. The mental health interpreter may need to use different techniques from other situations. Occasionally, it may be more important to explain to the health practitioner how the patient is speaking rather than what exactly is being said. Cultural issues involving attitudes to mental health can be very important. Short meetings before and after an assignment can be useful for both the interpreter and the mental health practitioner.

The Mental Health Tribunals Division of the Mental Health Commission<sup>43</sup> is responsible for organising mental health tribunals for patients admitted on an involuntary basis. The purpose of the mental health tribunal is to revoke or affirm the admission or renewal order. Patients have the right to attend their mental health tribunal hearing if they so wish. They have the right to be represented at the mental health tribunal by a legal representative appointed by the Mental Health Commission.

In the case of patients with limited English interpreters are provided for discussions with their legal representative, with an independent psychiatrist and if they attend the mental health tribunal. Officials at the Mental Health Commission have considered such issues as providing training in how to work with interpreters and providing information and useful terms to interpreters.

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<sup>43</sup> <http://www.mhcirl.ie/index.htm>

## 5. The Asylum Process

Under Article 8 (2) of the Refugee Act 1996 'An interview under subsection (1) shall, *where necessary and possible*, be conducted with the assistance of an interpreter..'

Interpreting for asylum seekers was the first concerted attempt in Ireland at providing interpreting services. From 1992 to 2002 the number of asylum seekers increased year on year until it reached its highest point of 11,634 in 2002. Since then the number of applications has steadily decreased down to 4,323 in 2005. The translation agency Bowne Global Solutions (now Lionbridge) was awarded the contract for interpreting for Office of the Refugee Applications Commissioner (ORAC), Refugee Appeals Tribunal (RAT) and Reception and Integration Agency (RIA) in 2003. Along with the United Nations High Commission for Refugees (UNHCR) it provided one-day training for interpreters. The contract for translation was awarded to Global Translations. A new tender for interpreting and translations services was issued in May 2006 and again awarded to Lionbridge for interpreting and to Global for translations.

Appendix 3 of the tender document includes the following nine levels under the heading Qualification for Translation and Interpretation:

- Level 1**        The person can be shown to be competent in both English and the language concerned.
- Level 2**        The person is a native speaker of the language concerned and can be shown to be competent in English.
- Level 3**        The person has been educated to second level in the language concerned and can be shown to be competent in English.
- Level 4**        A person with a third level education in languages that can be shown to be competent in both English and the language concerned.
- Level 5**        A native speaker of English with third level education who can be shown to be competent in the language concerned.
- Level 6**        A native speaker of the language concerned with a third level education that can be shown to be competent in the language concerned.
- Level 7**        A native speaker of English with a third level qualification in the language concerned or a native speaker of the language concerned with a third level qualification in English.

- Level 8** Level 4 plus qualifications specific to translating and interpreting.  
**Level 9** Level 7 plus qualifications related to interpreting and translating.

Only levels 8 and 9 could possibly be considered as potentially worthwhile for interpreters working in the asylum process. Even then the interpreter would need training in ethical issues and in terminology relating to the asylum process.

The **Office of the Refugee Applications Commissioner (ORAC)** uses interpreters for initial application interviews and for investigation interviews. According to their Annual Report 2005<sup>44</sup> interpreting and translation were provided for over 90 languages at a cost of €1.46m. Interpreting alone cost €752,000 in 2005 and €649,580 in 2006. Translation is important here because applicants can fill in the application form in their own language and the document is later translated into English. Telephone interpreting was used in some cases in 2005 and extra interpreters had to be drafted in from abroad. According to the May 2006 tender document for translation and interpreting services, ORAC may require interpreters for Arabic, French and Romanian to be available during office hours. The tender also mentions that 'telephone interpreting may be used more frequently in the future'. It also states that 'Consideration should also be given by tenderers to possible future use of video conferencing', perhaps with a view to possible decentralisation to Tipperary. This is an interesting idea that is in use in Norway and Finland, mainly due to the long distances in that country between interpreters and their assignments<sup>45</sup>.

The **Refugee Appeals Tribunal (RAT)** uses interpretation services in conducting oral hearings. These are not open to the public which means that interpreters cannot sit in on a session to learn about procedures. In 2005 interpreting costs amounted to €160,000. The approximate figure for 2006 is €120,000.

The **Reception and Integration Agency (RIA)** has responsibility for planning and coordinating the provision of services to asylum seekers and refugees and to those granted leave to remain. RIA co-ordinates integration programmes for the Resettlement Quota when interpreters could be needed full time for one month. RIA also arranges for the repatriation of certain EU nationals from Accession States on an agency basis for the Department of Social and Family Affairs. RIA requests interpreters from Lionbridge for RIA business but are 'happy for clients to bring along

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<sup>44</sup> <http://www.orac.ie/pdf/PDFCustService/AnnualReports/2005/ORAC-BI.pdf>

<sup>45</sup> [http://www.hft.org/HFT01/paper01/acceptance/9\\_01.pdf](http://www.hft.org/HFT01/paper01/acceptance/9_01.pdf)

family members or friends to interpret for them if that makes them feel more comfortable.<sup>46</sup>

In reception and direct provision centres there is no real policy. If an asylum seeker cannot communicate in English the manager may find another asylum seeker with the same language. Confidentiality may be a problem in this sort of situation. Sometimes Lionbridge is contacted to provide an interpreter over the telephone.

RIA spent only €12,000 on interpreting in 2005 but this figure increased to €102,000 in 2006 in response to an increase in Ireland's resettlement quota from 40 to 200 people.

The **Irish Naturalisation and Immigration Service (INIS)** deals with all aspects of immigration. Interpretation and translation services are mainly needed when dealing with voluntary repatriations and deportations.

The **Refugee Legal Service (RLS)** was established in 1999 as a specialised office within the Legal Aid Board. RLS has offices in Dublin, Cork and Galway. After a number of years working with different agencies, RLS issued an invitation to tender for interpreting and translation services in October 2005 but then withdrew the tender and reissued it in April 2006. The contract was awarded to Wordperfect Translations in September 2006. The RLS spent €380,000 on interpreting in 2006.

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<sup>46</sup> Email correspondence with RIA

## **6. Other Contexts**

### **Department of Social and Family Affairs**

According to the *Social and Family Affairs Annual Report 2004*:

During 2004, 12 of the Department's Local Offices and the Dublin HQ Public Office have had access to a dedicated telephonic arrangement, operating on a three-way connection between the customer, staff member and a 'call-centre' based contractor who is a qualified interpreter. Access to the interpretation service was also arranged for smaller offices as the need arose. The facility will continue to be the subject of ongoing quality review to ensure that it addresses the needs of customers and staff alike.

The 2005 *Annual Report* does not include any reference to translation or interpreting.

According to an official from the Department, the take-up of the telephone interpreting service was not very high. There is a plan to review the provision of interpreters. It is unclear if there is any policy in place or if friends and family members still act as interpreters in social welfare matters.

### **Community Welfare Officers**

Community Welfare Officers are employed by the HSE to administer the Supplementary Welfare Allowance Scheme, funded by the Department of Social and Family Affairs. Community Welfare Officers are responsible for such schemes as rent supplement, Mortgage Interest Supplement, Diet and Heating Supplements, Back to School Clothing and Footwear Scheme and exceptional needs payments for items such as buggies and clothing. The Officers assess applicants' income and may have to visit them at home.

It is now a regular occurrence for applicants with limited English proficiency to come along with a mobile phone number of a friend who can interpret. Again, this raises issues of confidentiality if people have to reveal private information such as income to outsiders. Furthermore, it is quite possible that some of these interpreters charge for their services.

## **Education**

The National Education Welfare Board (NEWB) and the National Educational Psychology Services (NEPS) hire interpreters when necessary. The translation of psychological assessments is an issue for NEPS because the assessments may need to be translated in a culturally appropriate fashion.

The Department of Education and Science has no policy on interpreting and makes no provision for interpreters. School principals, teachers and home liaison officers face enormous difficulties where pupils' parents do not speak English. Some school principals have built up contacts with members of the community who can act as volunteer interpreters. Other schools rely on pupils to act as interpreters. Still others just cannot communicate at all with parents. Even written communication in English about half days or in-service training can cause great confusion where parents do not speak the language.

The Irish National Teachers' Organisation has recommended that 'Schools should have access to funding which would allow them to provide translation and interpretative services where necessary.'<sup>47</sup>

Tallaght Partnership is running a project on translating information for local schools. There have also been some local initiatives to train bilingual people to interpret in schools. Fingal County Council funded a short training course in 2006. Dublin Inner City Partnership has obtained funding from Pobal for a three-year project to provide translation, interpreting and cultural mediation to a small number of schools.

## **Legal Aid Board**

The Legal Aid Board deals with family law, landlord and tenant disputes and contracts. It has no involvement in criminal cases. When non-English speaking clients attend Law Centres operated by the Legal Aid Board they usually bring a friend or family member along to their first meetings before their means are assessed and they are accepted as clients. The solicitors usually work with family members or friends as interpreters. If no informal interpreter is available an interpreter will be hired. The Courts Service pays for interpreters if cases go to court. The *Legal Aid*

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<sup>47</sup> *Newcomer Children in the Primary Education System* March 2006 INTO. Available on <http://www.into.ie> under publications.

*Board Annual Report 2004* makes no mention of interpreting or translation costs for civil legal aid.

### **Health and Safety**

In 2005 in Ireland 73 people died in Irish workplaces. Of these, eleven were non-nationals. The number of fatalities fell to 50 in 2006. Of these, eight were non-nationals. All construction site personnel are expected to undergo basic safety training which takes the form of Safepass courses, a one day course given in English with a test at the end of the day. Tutors are accredited by Fás and it is the tutors' responsibility to locate and vet interpreters. Some interpreters are located through translation agencies and some are sourced directly. In September 2006 Fás introduced a requirement that all interpreters should be university graduates in any discipline. There are two key difficulties in this area: one is the lack of information for interpreters in an area of highly specialised terminology. The second problem is that the course together with the test at the end of the day now last ten hours. The provision of Safepass courses by accredited tutors who are native speakers of other languages should be considered.

Interpreters may also be required for site inductions, toolbox talks and investigations into accidents in the workplace.

### **Labour Inspectorate**

The Labour Inspectorate employs interpreters to assist with interviewing and taking statements from employers and employees who have limited English.

### **Employment Rights**

When people who do not speak English take cases to the Employment Appeals Tribunal or the Labour Relations Commission they are expected to provide their own interpreter. This could be a family member or friend. In some cases these people have no interpreter and do not understand what is being said or what the decision is. The Labour Court provides interpreters on request.

### **Equality**

The Equality Authority and the Equality Tribunal provide interpreters as required.

## Driving Licence Theory Tests

Prometric provides interpreters through DCU.LS for people taking the theory test who do not speak English proficiently. The interpreter sits in a booth and provides translations of the questions and the multiple choice answers. All interpreting is recorded.

## Prisons

According to the Irish Prison Service Annual Report 2005<sup>48</sup> a total of 2,185 people or 25% of the prison population, indicated that they were non-nationals. This table from the Report provides more detailed information:

Irish	6,501
Other EU	263
Other European	1,066
Asian	257
African	425
North American	13
Central/South American	100
Austral/Asian	6
Not recorded	55

The Prison Rules 2005<sup>49</sup> allow non-English speaking prisoners access to an interpreter when consulting with legal advisers, probation and welfare officers and for hearings by an independent judicator. When non-English speakers are admitted to prison the staff need to obtain important information such as next of kin, medical history and medication. According to the Irish Prison Service, in these and other situations prison staff will locate another prisoner with the same language to act as interpreter. Some prison staff or chaplains may speak another language. Some prisons have local service contracts with translation agencies. All prisoners are entitled to attend schooling but there is no specific provision of English for Speakers

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<sup>48</sup> [http://www.irishprisons.ie/files/pdf/Prisons\\_Report\\_2005.pdf](http://www.irishprisons.ie/files/pdf/Prisons_Report_2005.pdf)

<sup>49</sup> [http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6DLEHL-en/\\$File/PrisonRules2005.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ6DLEHL-en/$File/PrisonRules2005.pdf)

of Other Languages. Information on committal to prison and other booklets are being translated into other languages.

However, the Irish Prisons Inspectorate reported in 2005 that:

They [the prisoners] use interpreters for doctors, psychiatric and other such consultation but their everyday needs where the prison staff are concerned are equally important if not more important.<sup>50</sup>

The Irish Prison Service Health Care Standards<sup>51</sup> (March 2006) mention 'culturally appropriate services' for ethnic minorities but make no mention of interpreters.

### **Parole Board**

The Parole Board reviews the cases of prisoners sentenced to eight years or more (but less than 14) half way through their sentence. The cases of those sentenced to more than 14 or life are reviewed after 7 years. The Board considers reports from the probation services, prison psychological services etc. Part of the process is an interview with the prisoner concerned, lasting under an hour.

At the time of writing the Parole Board had never had to consider the cases of any prisoners with limited English. However, should the case arise they would hire an interpreter and if necessary would arrange for the translation of documents.

### **Private Residential Tenancies Board (PRTB)**

After a tender process, the PRTB awarded the contract for interpreting services to Wordperfect Translations in 2006. The decision to go to tender arose out of concern that tenants might not take cases because of the language barrier. The PRTB plans to include information on access to interpreters on its website as well as translations of various documents into Polish and other languages.

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<sup>50</sup> [http://www.justice.ie/80256E010039C5AF/vWeb/fIJUSQ6SSRUA-en/\\$File/Cloverhill2005.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/fIJUSQ6SSRUA-en/$File/Cloverhill2005.pdf)  
Irish Prisons Inspectorate report on Cloverhill Prison 2005.

<sup>51</sup> [http://www.irishprisons.ie/files/pdf/HealthCare\\_Standards\\_Mar2006.pdf](http://www.irishprisons.ie/files/pdf/HealthCare_Standards_Mar2006.pdf)

## Housing

A research report for the Office of Community and Enterprise in partnership with the Housing and Corporate Estate Directorate of Wicklow County Council appeared in 2004. The report considers the Wicklow scheme of letting priorities for local authority housing in tandem with the Equal Status Acts 2000.

### *4.4 Black and Ethnic Minorities*

(d) Language barriers and an unfamiliarity with the culture of formal procedures can act as a disincentive for some groups to apply for housing with the local authority. Broader social participation can be limited by cultural and religious traditions for certain South Asian women. *For people whose first language is not English, who make up a relatively large proportion of ethnic minorities, the service of translators should be available and cultural sensitivity training for housing department staff should continue to be progressed.*<sup>52</sup>

It is quite likely that the situation in Wicklow is replicated across the country. According to Dublin City Council, the need for interpreters 'does not usually arise'.

The Department of the Environment, Heritage and Local Government Statement of Strategy 2005-2007 covers housing but there is no mention of language (apart from the Irish language) or interpreting. The *Customer Service Action Plan 2006-2008* mentions language in the context of dealing impartially with people:

- avoiding bias because of a person's gender, marital status, family status, sexual orientation, religious belief, age, disability, race, membership of the Travelling Community, *language*, attitude or reputation or because of who they are or who they know;

However, the Action Plan does not mention the provision of interpreters or the translation of information (apart from information in visitor centres).

The National Action Plan Against Racism are currently in the process of commissioning research into housing provision for people from ethnic minority backgrounds.

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<sup>52</sup> *Equal Access to Local Authority Housing in County Wicklow*. Available at: <http://www.wicklow.ie/publications/CDB/Equality%20Proofing.pdf>

## **7. Translation**

There has been an increase in the number of Government service providers translating documents into other languages, mainly into the top ten most widely spoken languages in Ireland. An example is the translation of census forms into fifteen languages in 2006. However, it is not certain that all translation work is being done in a user friendly way. Sometimes translated material is literally buried on departmental websites and is impossible for a native English speaker to find. Sometimes the choice of material to be translated is not the most helpful.

More thought needs to be put into the translation of documents. For example, access to an interpreter should be mentioned and translations on websites need to be easy to find for people who do not speak English. There is also a need to consider issues such as literacy levels and dissemination strategies to ascertain whether people from various language groups are actually accessing the translated documents; experience in other countries has found that sometimes translation of written material is not the only solution and that more creative strategies such as the production of DVDs are required also. More thought needs to be put into deciding on what should be translated and for whom. Also, service providers need to think about all the other languages where no translations are being provided. Community groups and resource centres should be consulted about new information in the relevant languages.

It would make a lot of sense for hospitals to share translated documents and to work together on new documents. If informed consent forms, documents about healthcare or the treatment of specific conditions are translated by individual hospitals they should be made available on the Internet and they should be shared among all relevant hospitals. A shared website or section of a website containing translated material only could help avoid duplication of work and unnecessary expenditure.

### **Translators**

Dublin City University runs a Graduate Diploma/ M.A. in Translation Studies in Irish, French, Spanish, German and Japanese. NUIG runs a similar course in French, German, Italian and Spanish. Many European universities offer undergraduate or postgraduate degree programmes in translation. There is a pool of well-qualified translators in Ireland available for work in most European languages. For other languages it may well be very difficult or impossible to locate qualified translators. Such translators have to learn by experience. Some translators on the Irish market

hold the Diploma in Translation from the Chartered Institute of Linguists in the UK. This is an internationally recognised qualification available in 17 languages. Candidates can sit the examination in Ireland.

The following is a synopsis of translated materials on the websites of key Government Departments, semi-State bodies, hospitals etc.

<p>Department of Education and Science</p>	<p>The <i>Brief Description of the Irish Education System</i> has been translated into French<sup>53</sup> and appears on the Departmental website. It is a very useful, informative document but is extremely difficult, in fact almost impossible to locate as the French version is not included in the list of publications.</p> <p>In late 2006 a number of other documents appeared in German, Latvian, Lithuanian, Polish, Russian and Spanish. These include information on teaching support for non English speaking pupils, exemption from Irish, countering bullying behaviour, lodging complaints on bullying, appeals procedures and information on the senior cycle in secondary schools.</p>
<p>Department of Enterprise, Trade and Employment</p>	<p>A short <i>Guide to Employment Rights Information</i> has been translated into Chinese, Czech, Hungarian, Latvian, Lithuanian, Polish, Portuguese, Romanian and Russian.<sup>54</sup></p> <p>They are quite easy to find for an English speaker but not so easy for anyone who does not speak the language. However, copies of the translated leaflets have been made available at post offices and citizens information centres.</p>
<p>Department of Health and Children</p>	<p>This website is in English and Irish and does not contain any information in other languages.</p>

<sup>53</sup> [http://www.education.ie/servlet/blobServlet/dept\\_education\\_system04f.pdf](http://www.education.ie/servlet/blobServlet/dept_education_system04f.pdf)

<sup>54</sup> [http://www.entemp.ie/employment/rights/foreign\\_language.htm](http://www.entemp.ie/employment/rights/foreign_language.htm)

<p>Department of Social and Family Affairs</p>	<p>The 302 page <i>Guide to Social Welfare Services</i> has been translated into Arabic, Chinese, French, Russian and Spanish. For anyone looking for it on the Department website it is hidden away under publications and G for Guide. Hard copies of this book are available in English only. The website itself has not been translated but Department officials have taken an original approach and say that all pages can be translated using the Google translation toolbar. Machine translation speeds up the task of translating for human translators but as yet it is not a great solution when it comes to translating information in a meaningful way. Also, the number of available languages is restricted and does not include the eastern European languages that are so widely spoken in Ireland today.</p> <p>The Department is planning to review the website and the provision of translated documents and forms. Forms present particular difficulties because there are so many and because they frequently have to be updated.</p>
<p>Health Service Executive</p>	<p>All information on the website is in English.</p>
<p>Equality Authority and Equality Tribunal</p>	<p>The Equality Authority <i>Customer Service Action Plan 2003-2005</i> states that</p> <p>'We provide materials on our website, by audio, Braille and in various languages. Particular attention in this regard is given to core materials providing information on the equality legislation and its implementation.'</p> <p>In practice, the Equal Status Acts 2000-2004 have been translated into French, Spanish and Serbian. They are hidden away on the Equality Authority website and it takes some time to locate them.</p> <p>On the Equality Tribunal website some forms have been</p>

	translated into Irish but apart from that everything on the website is in English.
Citizens Information website	Formerly called Oasis <sup>55</sup> , the Citizens Information website is an eGovernment project developed by Comhairle and is a very useful resource. Most information has been translated into Irish and certain sections have been translated into Romanian, French and more recently Polish. The information on interpreters is not as complete as it could be, perhaps because information is originally written for the native English speaker. For example, the section on police interviews mentions sign language interpreters but not interpreters for other languages. Similarly, the information on the courts and on health makes no mention of interpreters. It would also be helpful to include a link to translated material at the top of the home page.
Pensions Board	Only one document, a <i>Pensions Checklist</i> <sup>56</sup> , has been translated into other languages. The links to the translations are difficult to find because they appear at the end of a list of information booklets. The languages provided are Arabic, Chinese, French, Polish, Russian and Spanish. The last page of the translated booklets includes information on four other booklets which have not been translated and according to the Pensions Board will not be translated. This looks like another case of deciding to have a document translated but not really thinking about the content of the document.

<sup>55</sup> <http://www.citizensinformation.ie>

<sup>56</sup> <http://www.pensionsboard.ie/index.asp?locID=73&docID=-1>

<p>Revenue Commissioners</p>	<p>The Revenue Commissioners have produced a number of their most commonly used leaflets and forms in 10 languages. They decided to start with the most commonly used languages based on the number of PPSNs (Personal Public Service Numbers) issued by the Department of Social and Family Affairs to a range of nationalities.</p> <p>There are two leaflets on the website in Polish and the intention is to include some translated forms on the website as well purely for information purposes as the Revenue Commissioners do not have the capacity to interact with customers in languages other than English or Irish. At this stage they would like to assess the impact of having material available in a range of languages.</p>
<p>Hospital Websites</p>	<p>Most hospital websites provide no information in other languages. This is the case for Beaumont Hospital, Adelaide and Meath Hospital, Coombe Women’s Hospital, the Rotunda Hospital, National Maternity Hospital, St Vincent’s University Hospital and Children’s University Hospital Temple Street. Outside Dublin many hospitals do not have websites. Of course some of these hospitals may have invested in the translation of leaflets for example.</p> <p>There are some examples of informed practice. The <b>Mater Hospital</b> website<sup>57</sup> includes a <i>Patient Information Booklet</i> in English, Irish, French, Arabic, Russian and Romanian. Unfortunately the internet user has to be able to read English to be able to find it. The patient services department hopes to have the booklet translated into Polish and Mandarin Chinese. However, the Booklet has merely been translated and has not been considered from the point of view of a Russian speaker or a Romanian speaker coming from a different health system. Crucially,</p>

<sup>57</sup> <http://www.mater.ie/>

	<p>the translated booklets make no mention of interpreter provision.</p> <p>The <b>St James's Hospital</b> website<sup>58</sup> is also an example of good practice. The home page – the most important page for people with limited English – contains links to thirteen translations of the Patients' Charter. There is also an 'I speak' sheet in 17 languages so patients can indicate what language they speak when they first go to the hospital.</p>
Office of the Refugee Applications Commissioner	All information on this website is in English and Irish.
Refugee Appeals Tribunal	This website has been 'offline for maintenance purposes' for a number of months.
Reception and Integration Agency	Most information on the RIA website dates back to 2004 <sup>59</sup> . Information on Mosney is available in Albanian, English, French and Polish. Information on primary and post-primary education is available in Albanian, Arabic, Croatian, Czech and Polish. A booklet called <i>Services, Rules and Procedures</i> has been translated into a number of languages but is not available on the website. Another booklet, for people who have been granted refugee status, has been translated into a number of languages.
Refugee Legal Service	Three short leaflets have been translated into Albanian, Arabic, French, Portuguese, Romanian, Russian and Somali <sup>60</sup> .
Legal Aid Board	Legal Aid Board FAQs and leaflets are only available in English.
Cork City Council	<i>A Newcomer's Guide to Cork</i> <sup>61</sup> has been translated into French, Romanian, Polish and Russian. This is a 58 page

<sup>58</sup> <http://www.stjames.ie/>

<sup>59</sup> <http://www.ria.gov.ie>

<sup>60</sup> <http://www.legalaidboard.ie/lab/lab.nsf/ContainerPage?OpenForm&Refugee%20Legal%20Services>

<sup>61</sup> <http://www.corkcity.ie/newcomersguide/>

	document with a lot of useful information on accommodation, healthcare, employment, driving, education, social welfare and law and order.
National Council for Curriculum and Assessment	In March 2006 the NCCA issued a DVD <sup>62</sup> in English, Irish, Polish, French and Lithuanian. The DVD is called <i>The What, Why and How of Children's Learning in Primary Schools</i> . There is also an option of English subtitles. The DVD is distributed through schools.
Courts Service	An information leaflet called <i>A Guide to Small Claims</i> has been translated into Cantonese, Mandarin, French and Spanish. It is available on the Courts Service website <sup>63</sup> under Publications. <i>A Guide to Bail Refunds in the Central Criminal Court</i> has also been translated into French, Spanish, Polish, Russian and Chinese. While these are useful, there is also a need for translated information explaining how the Irish courts work and that interpreters can be provided to defendants and witnesses who are not proficient in English.
Office of the Director of Public Prosecutions	Two booklets, <i>The Role of the DPP</i> and <i>Attending Court as a Witness</i> have been translated into eight languages. <sup>64</sup> These booklets are easy to find because links in both English and the relevant foreign languages appear on the home page.
Garda	Two documents are available in other languages apart from English in the Publications section. They are <i>Charter for Victims of Crime</i> in five languages and <i>Your Police Service in Intercultural Ireland</i> which has been translated into French and Portuguese. Some posters on human trafficking for example have been translated into other languages.

<sup>62</sup> [http://www.ncca.ie/index.asp?COMMAND=CHANGE\\_LANGUAGE&locID=256](http://www.ncca.ie/index.asp?COMMAND=CHANGE_LANGUAGE&locID=256)

<sup>63</sup> <http://www.courts.ie>

<sup>64</sup> [http://www.dppireland.ie/publications/general\\_information/](http://www.dppireland.ie/publications/general_information/)

## **8. Other Jurisdictions**

This section provides some background information on training and testing solutions developed in other jurisdictions.

### **Northern Ireland – the Regional HSS Interpreting Service** <sup>65</sup>

In Northern Ireland the situation regarding interpreting has changed dramatically over the last two or three years. The Regional Health and Social Services Interpreting Service (NIHSSIS), proposed by the Department of Health and Social Services and Public Safety, the Office of First Minister and Deputy First Minister, the Department of Culture Arts and Leisure and the Department of Education, began in 2004.

The Project employs one Project Manager, one Training and Development Officer and three Administrators. The Training and Development Officer has a background in translation and interpreting. Before the project got underway, research was carried out. This involved interviews with people from ethnic minorities, with interpreters and with hospital staff. Detailed codes of practice were drawn up. The NIHSSIS has trained 122 interpreters with 27 languages. The training itself lasts twelve days and is all through English. A major disadvantage is that language specific interpreting practice is not provided for. However, all interpreters' interpreting skills are tested at the end of the course. In January 2006 the Service began offering a twenty-four hour service. All accredited interpreters are included in a Register. In May 2006 the Service received 1,400 requests for face to face interpreters. As well as providing training for interpreters, information sessions have been held with various communities to inform them of the service. Half-day awareness raising sessions have been provided for staff, from receptionists to porters to nurses and doctors. There are also posters saying 'It is your legal duty to provide an interpreter for patients and clients who do not speak English proficiently.'

A tender process was held in early 2006 for companies to provide translation services to the Department of Health and Social Services. This was a multi-agency contract and ten different translation agencies were selected.

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<sup>65</sup> <http://www.interpreting.n-i.nhs.uk/index.php>

## **Police Service Northern Ireland (PSNI)**

The PSNI has three contracts for interpreting services:

- CONNECT-NICEM for face to face interpreters.
- Language Line for telephone interpreters.
- Royal National Institute for the Deaf for sign language interpreters.

In November 2005, the Northern Ireland Council for Ethnic Minorities (NICEM) set up a social economy organisation called CONNECT-NICEM which provides interpreter training accredited by the Open College Network. Again, a major disadvantage here is the lack of language specific interpreting practice. Interpreters who have undergone training are included on the Register of Community Interpreters. Interpreting services are available in 61 languages covering all major minority ethnic languages in Northern Ireland. The service has over 200 freelance interpreters based across Northern Ireland. In 2005 CONNECT-NICEM handled 2,595 PSNI requests for interpreters. The highest proportion of requests in any single language came from Lithuanian speakers. Requests for Lithuanian, Polish, Russian and Portuguese represented 73% of the total.

In the first six months of 2006 Language Line provided interpreters for 1,060 calls lasting a total of 17,700 minutes and covering 36 languages. The calls were handled by call centres in the UK and the US. Even though many Language Line interpreters in the UK hold the Diploma in Public Service Interpreting, only 8% complete the application process for telephone interpreting successfully. As well as providing telephone interpreting to the PSNI, Language Line also provides translations of witness statements, annual reports, diversity documents and audio recordings.

In November 2006 the PSNI launched an information booklet called *Interpreting and Translating within the Police Service - A Guide for Police Officers and Interpreters*. The Guide includes sections on procedures, interviewing witnesses and suspects, identification parades, evidential issues, legal rights and procedures and witness statements. It advises that interpreters should not be left on their own with suspects. The Guide also includes a glossary in English and examples of various forms that are used in police stations.

## United Kingdom

In the UK the Chartered Institute of Linguists runs the Diploma in Public Service Interpreting exam in 43 languages. Candidates choose one option from English law, Scottish law, local government and health. The examination consists of two units. All tasks test candidates' professional knowledge and vocabulary in their chosen option. The oral test consists of thirty minutes of interpreting roleplay plus a twenty minute sight translation. There is also a two-hour written translation exam. According to the Moderator's Report, in 2004-2005 the overall pass rate across all languages and specialisms examined was 32.2%.<sup>66</sup> Successful candidates who have more than 400 hours of proven public service interpreting can be included in the full status category on the National Register of Public Service Interpreters<sup>67</sup>. The National Register has a Code of Conduct for Interpreters and has Disciplinary Procedures. One disadvantage of the Register is that anyone who needs to access it has to pay a fee. Another disadvantage is that in some areas e.g. Wales, very few interpreters hold the DPSI qualification.

Language Services Ltd, a wholly owned subsidiary of the Chartered Institute of Linguists, runs the Metropolitan Police Test<sup>68</sup> for interpreters working in police stations. Successful candidates with 400 hours of proven public service interpreting are eligible for inclusion in the full status category of the National Register.

## Scotland

The Glasgow Translation and Interpreting Service (GTIS)<sup>69</sup> is a multi-agency partnership created to meet the interpreting demands and facilitate access to services by minority ethnic groups in Glasgow. The six partners are Glasgow City Council Social Work Services, Greater Glasgow Health Board, Strathclyde Police, the Scottish Refugee Council, Asylum Support Project and Glasgow City Council Education Services. GTIS offers a 24-hour service, 365 days a year. Over 250 sessional interpreters, speaking around 45 languages, provide language support, with all interpreters having been recruited through the standard Glasgow City Council procedures and screened by the Scottish Criminal Records Office. Unfortunately, despite email and telephone queries, it proved impossible to obtain information on

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<sup>66</sup> [http://www.iol.org.uk/qualifications/exams\\_dpsi.asp](http://www.iol.org.uk/qualifications/exams_dpsi.asp)

<sup>67</sup> <http://www.nrpsi.co.uk>

<sup>68</sup> [http://www.languageservicesltd.com/services\\_text.html#met](http://www.languageservicesltd.com/services_text.html#met)

<sup>69</sup> [http://www.glasgow.gov.uk/en/Residents/Care\\_Support/GettingaService/Interpreting/](http://www.glasgow.gov.uk/en/Residents/Care_Support/GettingaService/Interpreting/)

the qualifications, training and accreditation of interpreters and translators who work for GTIS.

Glasgow City Council's Education Department is a partner in the Glasgow Translation and Interpreting Service, which allows schools access to interpreters free at the point of delivery. The Department also produces a comprehensive file of standard letters translated into 15 different languages. For major consultation exercises all documents are translated into the four main languages; Arabic, Chinese, Punjabi and Urdu.

### **Sweden**

The Institute for Interpreting and Translation Studies at Stockholm University is responsible for all interpreter training, including community, conference and sign language, in Sweden. State authorisation of community interpreters has been in existence since 1976. In 2003 there were 825 authorised interpreters in 37 languages. However, there were a total of 5,000 interpreters on the market.

State authorisation of interpreters consists of a basic exam which candidates must pass in order to proceed to the special competence legal or medical exam. The rates of pay vary according to level of qualification. In court an unauthorised interpreter is paid €26 for the first hour, an interpreter who has passed the basic exam is paid €36 and an authorised interpreter is paid €45. According to Helge Niska of the University of Sweden, interpreters 'register with many agencies which compete by offering low cost interpreters.'<sup>70</sup>

### **Australia**

The National Accreditation Authority for Translation and Interpreting (NAATI)<sup>71</sup> is a national standards body established in 1977 and owned by the Commonwealth, State and Territory Governments of Australia and is a company limited by guarantee. NAATI runs tests in translation and interpreting at four accreditation levels. These levels are of particular interest when compared to the levels pertaining in Ireland and outlined above in this document.

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<sup>70</sup> [http://lisa.tolk.su.se/COMMUNITY\\_INTERPRETING\\_IN\\_SWEDEN.doc](http://lisa.tolk.su.se/COMMUNITY_INTERPRETING_IN_SWEDEN.doc)

<sup>71</sup> <http://www.naati.com.au/index.htm>

	Paraprofessional Translator (Rare languages)	Can translate very simple texts. Will usually proceed to next level.
	Paraprofessional Interpreter (Rare languages)	Can interpret general conversation. Will usually proceed to next level.
1 <sup>st</sup> Professional level	Translator	Can translate more specialised texts.
	Interpreter	Minimum level of competence for professional interpreting. Specialisations may include banking, law, health, social and community services. Full meaning is conveyed in appropriate style and register.
Advanced Professional level	Advanced Translator	Can handle complex, technical translation.
	Conference Interpreter	Can interpret consecutively and simultaneously in diverse situations including conferences and court proceedings.
Highest Level	Advanced Translator (Senior)	Competence plus experience.
	Conference Interpreter (Senior)	Competence plus experience.

NAATI approves Translation and Interpreting courses at third level institutions and provides a Directory of Accredited and Recognised Translators and Interpreters. In Australia all government Translation and Interpreting Services require translators and interpreters to be NAATI accredited whenever possible.

NAATI accreditation may be obtained by passing a NAATI test, by completing a third level course recognised by NAATI or by providing evidence of specialised qualifications gained in another country.

By 30 June 2003 NAATI had awarded 28,115 accreditations of which 13,803 were at the professional levels and 14,312 at the paraprofessional level covering more than 100 languages and including 34 Indigenous languages.

## 9. Recommendations

It is clear that there is a lack of uniformity across Government Departments, State and Semi-State bodies in relation to the provision of interpreting and translation. Some bodies have made a concerted effort to engage interpreters through a tendering process; however, given the lack of standardised training and accreditation, the quality of some interpreting currently taking place is questionable.

It is essential that a **National Interpreting and Translation Authority** be established to oversee developments in this area.

The key recommendations at this stage relate firstly to setting a direction and developing policies, and secondly to ensuring quality.

### Policy and Direction

- There is an urgent need for a coherent policy and a clear direction on the provision of interpreting in different sectors across the country. The policy should include a commitment to the provision of quality, professional interpreting services for service providers and clients (which would exclude use of family, friends and children). The direction could come from a new central body established to develop standards, training, accreditation and codes of ethics, as well as dealing with complaints. This will necessitate the involvement of high level officials from the relevant Government Departments and bodies such as the HSE, Garda and the Courts Service.
- While outsourcing of the provision of interpreters and translators is practical at present, consideration should be given to other options such as a central office that would provide trained interpreters and translators across languages and specialisms throughout the country.
- A central organisation could also monitor demand for languages and issue guidance to service providers as demand for particular languages fluctuates. It could also deliver economies of scale. For example, individual hospitals may be translating similar materials; working together could reduce costs.
- There is a need for policies and guidelines within individual Departments and bodies.

## Quality

The current standard of interpreting provided in Ireland is questionable. Quality can be improved by developing professional standards, training, testing and accreditation. When structures have been put in place, service providers will need to state a commitment to work only with accredited interpreters, which in turn will be an incentive for interpreters to attend training and receive accreditation.

- As described above, there is a need for a central body to set standards for provision of interpreting and translating in Government service provision. Such standards would include a code of ethics and guidelines for interpreters. A sample Code of Ethics appears in Appendix One.
- There is a need for investment in proper accredited training for interpreters. This could include training in English for core modules with a substantial Interpreting Practice element in English and the foreign language. Training could be phased in over time before accreditation becomes compulsory. Accredited Interpreters will also need ongoing professional development training in specific areas.
- An independent testing system should be set up by language and by specialism. Interpreters would choose to specialise in legal or medical interpreting for example, would take the test and if successful would be included on a national register, with varying levels of accreditation. The register would be available to anyone who needs an interpreter.
- Staff working with interpreters need to be trained. A half-day course on the need for professional interpreters and on how to work with an interpreter efficiently would lead to both a better understanding of the need for qualified interpreters and a better experience of interpreted sessions.

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## **Appendix 1 Sample Code of Ethics for Community Interpreters<sup>72</sup>**

### **1. Preamble**

This code outlines the elements which make up best practice in the profession of community interpreting, and will therefore serve as a guide to users of community interpreting services as to what they may expect and to practitioners of community interpreting as to how they should conduct themselves.

### **2. The role of a community interpreter**

*The primary aim of the community interpreter should be to facilitate communication between two persons who do not speak the same language:*

- A user, direct service provider;
- A beneficiary, foreign national with little or no knowledge of English.

Therefore:

A community interpreter should never act on behalf of the user and should never speak on behalf of either party.

A community interpreter is not employed by the beneficiary and should not act as their advocate.

While a community interpreter is expected to have a general understanding of the cultural background of both parties s/he is not a cultural expert and should be wary when offering over-generalised cultural advice.

If asked to provide a written translation of a document, a community interpreter may refuse this task, as this is the role of a translator, and not an interpreter.

### **3. Confidentiality**

*The mutual trust and uninhibited transfer of information essential for effective community interpreting is dependent on confidentiality*

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<sup>72</sup> This Code of Ethics was drawn up by students on the Graduate Certificate in Community Interpreting course at Dublin City University.

Therefore:

Nothing said in the session will be communicated outside the session.

A community interpreter will not reveal personal information gained from work that may lead to the identification of the parties involved.

A community interpreter will not reveal information about either party learned from any prior meeting.

The only exception being when either party is in immediate danger.

#### **4. Impartiality**

*Impartiality is essential to ensure the transfer of an undistorted message.*

Therefore:

A community interpreter will disclose any prior acquaintance with either party.

A community interpreter will decline to interpret where a family or close personal or professional relationship may affect impartiality.

A community interpreter will inform the beneficiaries and users prior to the communication process that everything said during the exchange will be interpreted, even when they say something not meant for interpretation.

A community interpreter should never correct erroneous facts or statements that may occur, even though the error is obviously unintentional. Neither should s/he infer a response, that is, if the beneficiary is asked to clarify a prior response, the interpreter should pose the question as asked and not volunteer what he or she thought the person meant.

A community interpreter will not impose his/her philosophical, religious or political views on any interpretation.

A community interpreter will not offer advice or personal opinions either on own initiative or when asked.

A community interpreter should bear in mind that lengthy conversations with a speaker can lead to suspicion and distrust of the interpreter by the other party in the communication process.

## **5. Accuracy**

*Accuracy is essential to ensure the transfer of an undistorted message.*

Therefore:

A community interpreter should always use direct speech, using the first person as if the interpreter does not exist. All parties involved in the communication process should be informed of this, so as to avoid confusion.

An exception may be made in mental health interpreting, including counselling, psychological or psychiatric sessions and assessments, where the interpreter may choose to use either the first or third person singular, as considered appropriate by the community interpreter and the clinician involved in the communication process.

If a community interpreter needs to refer to him or herself, s/he should do so in the third person as "The interpreter". This distinction is made so as to eliminate any confusion.

A community interpreter should interpret in a clear voice accurately, completely and objectively everything that is said, without adding, omitting or changing anything.

A community interpreter should not emulate the gestures made by the speakers; they have already been seen.

A community interpreter should, at all times, emulate the inflections and intonations of the speaker, in order to reinforce the meaning and stresses of the speaker's words.

A community interpreter will reflect the person's way of speaking as accurately as possible. The interpreter will therefore interpret obscenities and colloquial language and will not simplify language used.

If one of the parties speaks too fast or for too long, a community interpreter should stop them as appropriate in order to interpret as accurately as possible.

A community interpreter will acknowledge and correct promptly any interpreting errors made.

If a message is unclear the interpreter will ask for repetition or rephrasing where necessary with the knowledge of all parties.

Should a serious communication problem arise between the interpreter and the beneficiary, the interpreter should bring this to the attention of the user.

## **6. Professional Conduct**

*A community interpreter is a professional and should act accordingly at all times.*

Therefore:

A community interpreter will always interpret to the best of their ability.

A community interpreter will have a good command of both languages including any specialist terminology, current idioms and dialects.

A community interpreter will maintain and develop their command of both languages

A community interpreter will keep up to date with the relevant procedures of the particular area in which they are interpreting.

A community interpreter will participate in continued professional development.

A community interpreter will behave in a courteous, polite and dignified manner at all times.

A community interpreter will aim to establish a compassionate but professional relationship with beneficiaries.

A community interpreter will be on time and prepared for all assignments.

A community interpreter will dress appropriately for the particular assignment.

A community interpreter will not accept any gift in return for interpreting services from either party.

A community interpreter will charge an appropriate fee for their services dependent on experience, certification and the nature of the assignment. Services should only be provided free of charge in exceptional circumstances.

A community interpreter will not make any personal gain from any information learned on an assignment.

A community interpreter will follow the code of ethics and conduct at all times.

## **7. Rights of an Interpreter**

*The rights of a community interpreter must be respected at all times.*

Therefore:

A community interpreter must receive accurate and sufficient information from the user or agency regarding the assignment, the place, the time as well as an indication of the duration of the assignment at least 48 hours before the assignment is due to take place. Emergency medical situations would be an exception to this.

An additional fee will be put in place/ charged for any assignment arranged the day before or the day of the assignment.

A community interpreter has the right to withdraw from an assignment if it becomes apparent that expertise beyond their technical or language competence is required, or if an interpreter has been given incorrect information or insufficient time to prepare for an assignment.

If a community interpreter feels exploited or discriminated against during the assignment s/he has the right to withdraw his or her services. All parties must be advised of this decision i.e. the users as well as the agency.

A community interpreter may refuse an assignment. S/he must advise the agency in advance.

Any change or cancellation should be made known to the user or agency the day before the assignment and failure to do so will result in the client being billed for the service.

If the parties are late, the cost will be based on the hourly rate established in advance.

The session should not last longer than previously established without the interpreter's consent.

If asked to provide a sight translation of technical documents, a community interpreter is quite justified in saying that unless given adequate time and without proper preparation any translation can at best be provisional.

## **Appendix 2 Previous Advocacy Papers**

### **Advocacy Papers:**

This is the fifth in a series of NCCRI Advocacy Papers; previous Advocacy Papers are as follows:

- Advocacy paper 1: Migration Policy in Ireland: Reform and Harmonisation
- Advocacy paper 2: International perspectives relating to the future of Irish Born Children and their Non-National Parents in Ireland
- Advocacy paper 3: The Citizenship Referendum: Issues, Observations and Concerns
- Advocacy paper 4: Potentially Discriminatory HIV Testing by Financial Institutions

The Advocacy Papers are available at: [www.nccri.ie/advocacy.html](http://www.nccri.ie/advocacy.html)

