



IRISH TRANSLATORS' AND INTERPRETERS' ASSOCIATION
CUMANN AISTRITHEOIRÍ AGUS ATEANGAIRÍ NA hÉIREANN

ITIA Submission to Tusla Child and Family Agency Corporate Plan 2021-23

August 2020

Irish Translators' and Interpreters' Association

The [Irish Translators' and Interpreters' Association](#) (ITIA) was founded in 1986 as a not-for-profit organisation. It is the only professional association in Ireland representing the interests of practising translators and interpreters. The ITIA aims to promote the highest standards within the profession and to foster an understanding among translator and interpreter clients of the highly skilled and exacting nature of the profession. To this end we hold examinations for our top category of membership, professional membership. We also have a separate examination for professional members who wish to specialise in the translation of legal documents and become ITIA Certified Legal Translators. We provide regular continuing professional development (CPD) workshops and seminars. The ITIA is not a translation company and does not provide translation or interpreting services. We have no corporate members. We represent over 300 translators and interpreters who are bound by our codes of ethics.

Please note the difference between interpreters and translators: the former listen to what someone says in one language and interpret the information into another language while the latter read something written in one language and write a translation in another language.

Translation and interpreting are unregulated professions in Ireland. As a result, anyone who speaks English and another language can call themselves a translator and/or and interpreter. There is no university accredited training programme for community interpreters in Ireland. Most interpreters are provided by translation companies. Some interpreters may be excellent, but given the current lack of training and testing, it is highly unlikely that all interpreters are competent. In addition to issues around accuracy of interpreting, there are issues relating to interpreters' level of English and their understanding of how to behave from an ethical point of view (e.g. confidentiality, impartiality). All of this creates very real problems for organisations like Tusla.

Tusla

A Tusla document, *50 Key Messages to accompany investing in families: supporting parents to improve outcomes*, includes a paragraph on cultural aspects of parenting:

Being an adult or child member of an ethnic minority group, or an immigrant, refugee or asylum seeker family raises particular issues in

relation to parenting and for the design and delivery of parent support. *Research indicates that the provision of information for immigrant parents about parenting norms in their new country can alleviate stress and isolation.* Additionally, parenting support can empower and motivate parents to solve their own problems and raise successful children. It has been identified that there are five areas that immigrant parents need information on beyond the normal parenting processes: Living in Ireland, Legal Information, The Health and Social Services System, The Education System, Recreational and Social Activities. (2013: 13, our emphasis)

Unfortunately, this message is not adhered to on the Tusla.ie website where a great deal of information is available, but almost exclusively in English. We located a total of three leaflets that have been translated into other languages. They are:

- *Social Work Assessment of Child Protection and Welfare Concerns – Information for parents* – translated into **five** languages (Arabic, French, Irish, Lithuanian and Polish).
- *Child Protection Conferences – Information for parents* has been translated into **11** languages (Bengali, Czech, French, Hindi, Irish, Latvian, Lithuanian, Mandarin, Polish, Romanian and Russian).
- *How to give feedback and make complaints to Tusla – a Guide for children and young people* has been translated into **17** languages (Bengali, Czech, French, German, Hindi, Hungarian, Irish, Latvian, Lithuanian, Polish, Portuguese, Romanian, Russian, Somali, Tamil, Urdu and Yoruba).¹

We don't know the reasons behind the choices here but we wonder why the three leaflets have not all been translated into the same range of languages. We also wonder if people who are not proficient in English would be able to find the translations on the tusla.ie website. Best practice is to include the titles of documents in foreign languages.

We examined two handbooks to find out what information Tusla staff can access how to work with interpreters. The first is the *Child Protection and Welfare Practice Handbook 2* (Tusla, 2018) which approaches the topic of interpreter provision in a piecemeal manner based on topic, although it does have a useful index. The *Handbook* contains recommendations around the use of interpreters in a number of different contexts. For example, in relation to victims of domestic violence, there is a suggestion that victims 'may not want an interpreter of the

¹ We note that complaints feature in the *Child and Family Agency Act 2013*.

same culture present' (page 24) due to concerns around confidentiality. We would point out that a professional, trained interpreter would always respect confidentiality. However, in Ireland, as indicated above, there may be issues because most interpreters are untrained and may not have had an opportunity to think through all the implications of not respecting confidentiality. The *Handbook* also warns of issues around the interpreter's gender as there may be a reluctance in some cultures to work with an interpreter of a different gender. In the context of unaccompanied children, another issue appears, that of ensuring that the interpreter knows 'the correct dialect' (78). It can of course happen that an interpreter does not speak the language or dialect that is needed and another interpreter must be called. The *Handbook* then goes on to suggest that:

If the interpreter shares more than a common language, and is professionally trained, they can sometimes be a rich source of information about traditions, politics and history of the area from which the child has arrived. They may be able to advise on issues like the interpretation of body language and emotional expression. (2018: 78)

In reality, a professionally trained interpreter would be reluctant to provide information on any of these issues because professionally trained interpreters do not get involved in cases, do not provide expert advice, and are not cultural experts. There is some acknowledgement of issues around interpreter provision, but solely in relation to interpreter services not being available:

Problems with receiving interpreting services have been regularly reported for families where English is not their first language. Inevitably, this impacts significantly on both comprehension of access to services and in engaging with child protection proceedings or working with service providers. (100)

In the section on trafficking, the issue of interpreter provision reappears. Here, it is recommended that 'qualified interpreters should be used'. However, as explained above, there are few qualified interpreters available for this type of work. Another recommendation is that the interpreter should not come from the same country as the child 'as the child's trafficking experience may make them wary of adults from their home country'. In this section, an important recommendation is made not to use family members, friends of members of the public as interpreters.

It is extremely challenging to identify an interpreter in Ireland who does not have some knowledge of the family or link to their community. It is very important to include a note here that when engaging an interpreter/ translator that the family and young person are asked if they know him/her and that the interpreter/translator is asked if they know the family and/or are part of the same religious community. Confidentiality agreements or non-disclosure agreements are recommended. (134)

It is inevitable that there will be occasions when it is impossible to locate an interpreter who does not have knowledge of a family or a link to their community, or who has not interpreted for them previously. This does not need to be an issue if the interpreter is professional and respects confidentiality. However, if there is a serious conflict of interest or even if the child is uncomfortable with a particular interpreter, then another interpreter will be needed.

The Handbook refers to the HSE document *On Speaking Terms* a number of times but does not reference a caveat relating to interpreting standards and qualifications contained in that document:

At present there are no written regulations or legislation governing the Interpreting Industry; nor are there any accreditations, standards or qualifications. As a consequence, the quality and range of services can vary greatly. Your organisation should check if the interpreters you are using have relevant qualifications. Ideally all companies used should have a service level agreement with the organisation. (2009: 13)

Sadly, this caveat is still relevant eleven years later.

We then went on to consider an older document that also appears on the Tusla website, namely the *Child Protection and Welfare Practice Handbook* (HSE, 2011). This document is also somewhat misleading in its references to 'correct use of a skilled interpreter'. What is correct use? Will the Tusla member of staff always have access to a skilled interpreter?

It is therefore vital that the services of interpreters who act in a fair, effective, impartial and courteous manner are engaged. Correct use of a skilled interpreter ensures that Children and Family Services receive and provide accurate information in order to meet its duty of care obligations. (91)

This information is followed by a number of Best Practice principles. Clearly Garda vetting is extremely important as is recording when interpreters are provided, but the point that the HSE should ensure that interpreters 'are fully trained in the use of *Children First: National Guidance (2011)*' (92) is not very realistic and the advice to 'promote qualified interpreters' is overly optimistic.

We also considered the *Tusla Parent Survey Overview Report* by Eileen Munro and Marie Devine (2019) and were disappointed to find that this recent report does not include any reference to translation of questionnaires or use of interpreters for interviews. As a result, the views of parents who do not speak English were totally excluded. The Report emphasises its use of the Signs of Safety approach, an approach which apparently does not embrace inclusivity.

The *Meitheal Toolkit* (Tusla, 2018) references interpreters:

1. If an interpreter is required to support the Meitheal process, ensure that he or she is Garda-vetted and is not a family member. Use local networks, contacts and resources to provide translation services. (31)

The section Guidance on completing Meitheal request form includes examples of good practice:

Part 1 records the identifying details for the child/young person, including name, sex, date of birth, address, school/pre-school, CFSN Area, nationality, ethnicity and first language of child and parent. You can also indicate if an interpreter is required for the process, if the family is already using an interpreter in accessing other services. If so, give details of the interpreter. (71)

Overall, we could see that there is awareness of the need to cater for families and children who are not proficient in English. However, we felt that the provision of translation could be enhanced and advice on how to work with interpreters could be more complete and coherent.

ITIA Recommendations

- Tusla website: We recommend that key information be translated into the languages most in demand.
- Tusla website: Short videos in different languages, or perhaps in English with subtitles in different languages, could be helpful.

- Where leaflets and other documents are translated, it is good practice to include the name of the document in the foreign language to make it easier for people who speak the language to find.
- Working with interpreters: one clear document explaining how to work with interpreters would be a very practical resource. The ITIA would be happy to provide advice on this.
- Future research: it is essential to include the experience of people with limited English proficiency in research.
- If members of staff are fluent in a particular language, it may make sense for them to deal directly with children and families.

Please note that I and members of the ITIA executive committee are happy to meet with you to discuss any of the issues raised in this submission.

Mary Phelan
ITIA Chairperson

References

HSE (2009) *On Speaking Terms: Good Practice Guidelines for HSE Staff in the Provision of Interpreting Services*

<https://www.hse.ie/eng/services/publications/socialinclusion/emaspeaking.pdf>

HSE (2011) *Child Protection and Welfare Practice Handbook*.

Meitheal Toolkit (2018) Tusla.

Munro, Eileen and Devine, Marie (2019) *Tusla Parent Survey Overview Report*.

Tusla (2013) *50 Key Messages to accompany investing in families: supporting parents to improve outcomes*, National Guidance & Local Implementation.

Tusla *Social Work Assessment of Child Protection and Welfare Concerns – Information for parents*.

Tusla (2018) *Child Protection and Welfare Practice Handbook 2*.

Tusla *Social Work Assessment of Child Protection and Welfare Concerns*

Tusla Child Protection Conferences – Information for parents

Tusla How to give feedback and make complaints to Tusla – a Guide for children and young people