

LAKE COUNTY DEPARTMENT OF HUMAN SERVICES

LANGUAGE ACCESS POLICY AND PROCEDURES

POLICY MISSION STATEMENT

Lake County Department of Human Services (DHS) is dedicated to providing services that will enrich the quality of life for members of our community by building on strengths, and empowering individuals and families to improve their well-being and self-sufficiency. To support families in these efforts, this agency is committed to providing timely and meaningful access to individuals from linguistically diverse (LD) communities, including those who are Deaf or Hard of Hearing, to all agency programs and activities. All personnel shall provide free language assistance services to LD individuals whom they encounter or whenever the LD person requests language assistance services. All personnel will inform members of the public that language assistance services are available to LD individuals and that the agency will provide these services to them at no cost.

PURPOSE AND AUTHORITY

In accordance with Title VI of the Civil Rights Act of 1964, Executive Order 13166, and the Americans with Disabilities Act, this policy establishes guidelines for providing language access services to individuals who are from linguistically diverse communities such as limited English Proficient and/or Deaf or Hard of Hearing.

POLICY

Lake County DHS will take reasonable steps to ensure that linguistically diverse (LD) individuals have meaningful access and an equal opportunity to participate in our services, activities, programs, and other benefits. The policy of Lake County DHS is to ensure meaningful communication with LD individuals and agency staff across all programs for access to services and benefits. The policy also provides for communication of information contained in vital documents, including but not limited to, waivers of rights, consents, financial and benefit forms, or other human service documents. All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served, and the LD individual and their families will be informed of the availability of such assistance free of charge.

Language assistance will be provided through use of a combination of services including qualified bilingual staff, staff interpreters, contracts or formal arrangements with organizations that provide interpretation or translation services, and technology such as video remote and telephonic interpretation services. All staff will be provided notice of this policy and procedure, and will be trained in effective communication techniques, including how to work effectively with an interpreter.

Lake County DHS will collect language utilization data to inform regular reviews of the language access needs, as well as update and monitor the implementation of this policy and these procedures, as necessary, or on an annual basis.

DEFINITIONS

- a) *Linguistically Diverse (LD) vs. Limited English Proficient (LEP). Lake County recognizes and values the rich diversity across Colorado and chooses to recognize and refer to individuals who speak or prefer to speak languages other than English as linguistically diverse (LD) individuals. A term often used to describe these communities and individuals is limited English proficient or LEP which is defined as any individual whose primary language is not English, and has limited or no ability to speak, understand, read, or write English. The term LEP is a deficit-based term that imposes dominant culture and language views on linguistically diverse communities and casts language differences as a weakness or deficit of these individuals or communities causing the system to see and treat these groups as a problem. Lake County celebrates and embraces the cultural and linguistic diversity of its communities and will use the term linguistically diverse (LD) and supports LD individual's rights, including Deaf or Hard of Hearing, to decide their own language need even when others presume, they can understand English well enough.*
- b) *Interpretation is the process of orally rendering a spoken or signed communication from one language into another language.*
- c) *Primary or preferred language means the language that an individual communicates most effectively in or that the individual prefers to use.*
- d) *Translation is converting written text from one language into written text in another language. Translation is often misused to mean interpretation, but it is a written medium.*
- e) *Bilingual is a term used to describe a person that can speak two languages. The term bilingual is highly subjective and it's important to understand the bilingualism alone does not necessarily mean that bilingual individuals have the skills or training to act as a qualified interpreter or translator.*
- f) *In-language communication is communication between people who speak the same non-English language for example a bilingual staff person and client. In-language communication is not interpretation among individuals who do not share the same language. Bilingual staff can provide language support via "in-language" communication where the bilingual staff person communicates directly with the LD individual in their preferred language.*
- g) *Qualified, a qualified interpreter or translator is a trained professional who is a neutral third party with the requisite language skills, experienced in interpretation or translation techniques, and knowledgeable in specialized content areas as well as the technical terminology needed to effectively facilitate communication between two or more parties who do not share a common language. Please note that the skills of interpretation and translation are different and not necessarily interchangeable. Interpreters may not have the skills to act as a translator and vice versa. Additionally, qualified interpreters or translators might be agency staff or contracted to work with Lake County DHS.*
- h) *Simultaneous interpretation is the process of orally rendering one language into another language virtually at the same time that the speaker is speaking with only a short lag time.*
- i) *Consecutive interpretation is the process of orally rendering one language into another language after the speaker has completed a statement or question and pauses. The interpreter then renders that statement into the other language.*
- j) *Sight Translation is the rendering of material written in one language, completely and accurately into verbal speech in another language. Sight translation is intended for small amounts of written text, such as a couple of paragraphs, and not lengthy documents.*

- k) *Vital Documents are any materials that are essential to an individual's ability to access services provided by the organization or are required by law.*

PROHIBITION AGAINST USING CHILDREN AS INTERPRETERS

Staff are prohibited from using minors and children to interpret, absent emergency circumstances. Children and other clients will not be used to interpret, in order to ensure confidentiality of information and accurate communication. *"Research shows children as young as eight, who obviously don't have training in translation [interpretation] and become linguistic and cultural mediators, experience increased responsibility which leads to role reversal. Parents express dependent behaviours and children, in an attempt to meet their parent's needs, acquire nurturing, supportive, and care-giving behaviours. Such relationship disturbances have been linked to aggression, risk-taking behaviours and social problems in children. Migrant children are often their parents' translators [interpreters]— and it can lead to ill health."* Narchal, R. (2016)

GROUP MEETING CONSIDERATIONS

In addition to the risk for the child outlined above, using bilingual children as interpreters will inevitably limit and could negatively impact parent and staff member involvement. It is best practice as well as policy to ensure qualified interpretation support is always provided for families with bilingual children. It is also best practice to ensure proper interpretation support for group meetings. Staff members should always strive to provide interpretation support that does not rely on staff to act in dual role functions.

BILINGUAL AND BICULTURAL STAFF

Lake County DHS strives to be reflective of and responsive to the diverse communities in Lake County. In order to provide the most equitable and efficient services Lake County DHS strives to attract and retain a multilingual and multicultural workforce. Positions the County determines provide direct critical services to the LD communities may require the skills and abilities of a bilingual staff person. To support bilingual staff, Lake County DHS will provide the necessary language skills training (interpretation or translation) or cross-functional training as well as balanced workload expectations and tasks in an equitable manner. Prior to becoming a Lake County DHS employee, all bilingual candidates shall participate in a language skills assessment to ensure that they possess the necessary language skills for all required language functions. Lake county will collaborate with language service providers (LSPs) to provide the necessary language testing and assessment of bilingual candidates. Bilingual employees shall receive additional remuneration commiserate with their skill level and experience. Considerations will be made to factor in the additional time to execute language tasks (interpretation and translation) to ensure a realistic and equitable workload.

Since professional interpreters and bilingual staff need to know the language and the cultural context to facilitate communication, it is often assumed that interpreters and bilingual staff can act as cultural brokers and be a source of cultural information for all LD individuals. While interpreters and bilingual staff should have the cultural context needed to convey messages accurately from one language into another, that does not necessarily make them a cultural expert on a particular language group. For example, a Spanish interpreter can facilitate communication for Spanish speakers from all over the thirty-three countries of Latin America, the Caribbean, and Spain. However, it would be unwise to assume that a Spanish interpreter is an expert, let alone familiar, with all the idioms, customs, practices,

and colloquialism of all the Spanish speaking individuals they encounter. Also keep in mind that interpreters and bilingual staff don't necessarily share the same cultural background as the language(s) they interpret for. As a comparison, English is spoken in Australia, South Africa, the U.K., and the U.S., but would it be safe to assume that an English speaker from Australia could act as a cultural broker for an English speaker from the U.S. or any of the other countries? Acting as a cultural broker is a very gray area fraught with differing wide-ranging opinions. When approaching this topic in practice, it is recommended that interpreters and bilingual staff as well as the colleagues they are assisting, exercise caution and communicate clearly regarding appropriate roles, expectations, and objective analysis of mediating cultural exchanges.

ETHICS, ROLES, AND RESPONSIBILITIES: To ensure clients receive the highest level of service, Lake County DHS has adapted the Colorado Judicial Branch's Office of Language Access and the National Council on Interpreting in Health Care code of ethics. These ethics serve as a guiding principle for staff and interpreters or anyone including untrained volunteers acting in the capacity of an interpreter. In addition to the code of ethics, the COACT Language Access Guidelines are used to help guide Lake County DHS staff in better understanding equitable language access practices.

1. **Accuracy and Completeness:** Interpreters shall render a complete and accurate interpretation or sight translation without altering, omitting, or adding anything. Sight translation is intended for small amounts of text, such as a few paragraphs. The interpreter has a right to make a determination about their comfort level in carrying out sight translations based on their skill level and ability, in addition the interpreter has the right and responsibility to voice concerns and refuse sight translation requests.
2. **Representation of Qualifications:** Interpreters shall accurately and completely represent their certifications, training, and pertinent experience. Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they will communicate those reservations to all involved parties.
3. **Impartiality and Avoidance of Conflict-of-Interest:** Interpreters shall be impartial, unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.
4. **Professional Demeanor:** Interpreters shall conduct themselves in a professional manner.
5. **Confidentiality:** Interpreters shall keep confidential all matters interpreted.
6. **Restriction of Public Comment:** Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.
7. **Scope of Practice:** Interpreters shall limit themselves to interpreting, and shall not give advice, express personal opinions to individuals for whom they are interpreting or engage in any other activities which may be construed to constitute a service other than interpreting while serving as an interpreter.
8. **Professional Development:** Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education, and interaction with colleagues and specialists in related fields.
9. **Advocacy:** When the linguistically diverse individual's safety, health, well-being, or dignity is at risk, the interpreter may be justified in acting as an advocate. Advocacy is understood as an

action taken on behalf of an individual that goes beyond facilitating communication, with the intention of supporting good outcomes. Advocacy must only be undertaken after careful and thoughtful analysis of the situation and if other less intrusive actions have not resolved the problem.

PROCEDURES

1. IDENTIFYING LD INDIVIDUALS AND THEIR LANGUAGE

Lake County DHS will promptly identify the language and communication needs of the LD person. If necessary, staff will use a language identification card (or “I speak cards”, available online at www.lep.gov) or posters to determine the language needed. In addition, the language needed or used to communicate with the LD person will be included as part of the record.

2. OBTAINING A QUALIFIED INTERPRETER

Lake County DHS will maintain an accurate and current list of all available language access interpretation resources. All staff are responsible for ensuring access to interpretation services. Staff should first rely on contracted interpretation services and should limit requests to bilingual staff members for language access support. Requests to bilingual staff should be limited to appropriate secondary support needs. All secondary support should allow the bilingual staff member to participate as an interpreter without dual role staff functions. Secondary support should ideally be covered by a contract interpreter instead of bilingual staff. Specific secondary support could include longer meetings, places where there is not cell phone access, or other prearranged language support needs. Please refer to the Lake County DHS Language Access Guide (Cheat Sheet) for step-by-step instructions on how to access qualified interpretation services.

Special Use Documents for Interpretation

Memorandum of Understanding:

The Guidelines and Expectations for Lake County Department of Human Service bilingual staff, and partner organizations, is a separate document that will help inform and guide Lake County Department of Human Services bilingual staff and Lake County DHS partner organizations on the best practices for working effectively with Lake County DHS staff acting as an interpreter for other agencies. These guidelines are based on the codes of ethics and best practices established by long-standing and reputable organizations and take into consideration the specialized skills and training needed to effectively carry out interpretation communication functions. Bilingual individuals who are not trained or qualified as interpreters may not have the technical skills and language capacity needed to effectively act as an interpreter. This memorandum of understanding will help Lake County staff acting as interpreters and partner organizations, have a mutual understanding and awareness of what is involved and expected when interpreting outside of Lake County DHS. Having a shared understanding and practice will help ensure the best communication and outcomes for the interpreter, staff member, and ultimately the linguistically diverse (LD) families being served. The memorandum should be used whenever a Lake County DHS bilingual staff member is asked to perform a language function outside of their agency.

Interpreter Waiver Form

All LD clients shall be advised of their right to a professional trained interpreter at no cost to them. Lake County understands that there are circumstances where the families will have a strong preference for relying on family members or other trusted individuals to provide interpretation support. It's important for both the LD individual and their chosen interpreter to be fully aware of the roles and responsibilities of acting as a professional interpreter. With the aid of a professional interpreter or qualified bilingual staff member, the LD individual will review the Lake County Interpreter Waiver along with Lake County staff and the intended volunteer interpreter so that all parties are aware of and agree to the ethics, roles, responsibilities, and risks of asking an untrained volunteer to step into the role of a professional interpreter. The Lake County ethics, roles and responsibilities are outlined in this policy. If the LD person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LD person. Organizational staff also have a right to have the interpreter present to ensure what they are communicating is relayed correctly. The offer of free language services and the response will be documented in the person's file.

3. PROVIDING WRITTEN TRANSLATIONS

- a) When translation of vital documents is needed, each unit staff member can submit a document translation request with the approval of the unit manager/supervisor. Vital written documents include, but are not limited to, consent and complaint forms; intake and application forms with the potential for important consequences; written notices of rights; notices of denials, losses, or decreases in benefits or services; notice of disciplinary action; signs; and notices advising LD individuals of free language assistance services. Original documents being submitted for translation will be finalized, with updated and accurate information and available in an editable format, not PDFs.
- b) Consideration for translation of other non-vital written materials will be determined based on LD needs and the most efficient and cost-effective means of delivering information or if other means, such as interpretation, are more effective.
- c) If a vital document or other is not available in the needed language a DHS staff member will work with a qualified interpreter to communicate the information to the client. The staff should read the document aloud so that the interpreter can interpret the content and not expect the interpreter to sight translate the document. Staff should document the relay of information via an interpreter on the document as part of the record.
- d) Lake County DHS will set benchmarks for translation of vital documents into additional languages over time.

Please refer to the Lake County DHS Language Access Guide (Cheat Sheet) for step-by-step instructions on how to access qualified translation services.

4. PROVIDING NOTICE TO LD INDIVIDUALS

Lake County DHS will inform LD individuals of the availability of language assistance, free of charge, by providing written notice in languages LD individuals will understand. At a minimum, notices and signs will be posted and provided in intake areas and other points of entry. Notification will also be provided through one or more of the following: outreach documents, telephone voice mail menus, local newspapers, radio and television stations, and/or community-based organizations.

5. MONITORING LANGUAGE NEEDS, LANGUAGE DATA, AND IMPLEMENTATION

On an ongoing basis, Lake County DHS will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, Lake County DHS will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, equipment used for the delivery of language assistance, complaints filed by LD individuals, feedback from LD individuals and community organizations, etc.

Lake County DHS shall conduct an annual review and share general findings with the greater community. The annual review could include language use and needs for the organization and its service population to inform all budget and fund seeking efforts. Sources can include intake demographics, Lake County DHS language utilization data including costs for interpretation, translation, and bilingual staff, Census, American Community Survey, Department of Education, or the Office of Refugee Resettlement.

Monitoring and Assessment

1. All staff across the organization shall be responsible for monitoring and ensuring compliance with the organization's language access policy.
2. Lake County DHS shall collect information on language use and need, including primary language of clients; use and language of interpretation services; distribution of translated documents; frequency of contact with LD individuals seeking services; and referrals of LD individuals and the language of the referred LD individual and related cost for all services to appropriately plan and allocate resources along with other priority areas that may have an impact on language access such as interpretation quality or factors that impact interpreters safety or wellbeing, like vicarious trauma.
3. Lake County DHS shall conduct an annual review on the effectiveness of the language access policy and make changes as needed.

6. STAFF TRAINING

Staff will receive training on the content of the language access policy; how to identify the need for language access services; working with LD individuals; providing language accessible service in a culturally sensitive manner; working with interpreters, translators, and bilingual staff; as well as best practices for language access. Training for language access and the policy will be included as part of new employee onboarding and training.

All staff, particularly those who are in contact with the public, shall be trained on the agency's language access policy. The primary purpose of the training shall be to impart the necessary background and understanding to implement the objectives of the policy. The training will cover: (a) the organization's policy and procedure; (b) the application of the developed information and forms; and (c) the reporting requirements of the staff.

7. FEEDBACK AND IMPROVEMENT PROCESS

1. A complaint or concern regarding the denial of language accessible services, quality of language access services (interpretation or translation), or interpreter safety concerns (vicarious trauma), may be made in person, via phone, or in writing.
2. The complaint or concern should specify the date, time, individuals involved, and the nature of the interaction (i.e., the interpreter was summarizing, or an LD individual was denied services because they did not bring their own interpreter, interpreter may need vicarious trauma support).
3. Staff will notify individuals of the complaint and concern process.
4. The complaint and concern process will be included in the posted notification of the right to an interpreter.
5. Lake County will investigate and respond to complaints and concerns within two business days.

Please refer to the Lake County DHS Language Access Guide (Cheat Sheet) for step-by-step instructions on how to submit a complaint or concern.