

## Accessing interpreting or translation services for NDIS participants.

### The NDIS and Translation and Interpreting Services (TIS)

#### Accessing the NDIS

The NDIA must provide access to interpreters to potential NDIS participants to access and communicate with the NDIA, including when making an access request over the phone and during the planning process. People with disability and their families who have difficulties communicating in English have a right to request a face to face interpreter for the planning process and to request a specific interpreter as this is essential to maintaining the quality and continuity of care and beneficial to them.

The NDIA has recognised that Participants from Culturally and Linguistically Diverse backgrounds (CALD) may require assistance to access translation and interpreting services in order to implement the supports available in their National Disability Insurance Scheme (NDIS) Plan. Further information and fact sheets are available on the NDIS website: [NDIS Translation and Interpreting Services](#).

The NDIS Act 2013, Section 7 (1) and the Operational Guidelines support access to language services:

***Communicating with people with disability***, highlight the need for information to be provided in the “*language and mode of communication and terms which the person with disability is most likely to understand.*”

#### NDIS participants and family members

The NDIA have developed a memorandum of understanding with TIS National, so that **participants and family members** who have difficulties communicating in English can have support to access fee free interpreting to implement their plans.

- People from CALD backgrounds with disability and their families have a right to request an interpreter to implement their funded supports.
- Funding to access TIS National **is not** part of participant's plans, if the person has difficulties speaking English. However funding for Auslan interpreters is part of the participants plan.
- An NDIA planner/ LAC/ support coordinator/ or registered service providers can access TIS National **to access and implement funded supports in the participant's plan.**
- There is **no limit** placed on how often participants can access TIS.
- The NDIA can also **translate the participant's plan** if that is needed.

## How can NDIS registered services providers access qualified interpreters

- NDIS registered service providers can contact TIS National on 131450 and ask to register and receive a TIS National Client Code. The NDIS registered service provider will be sent an information pack from TIS National, advising what information they will need to provide each time they wish to book an interpreter.
- The registered service client code will enable the service provider to book a face to face (onsite) or telephone interpreting session for any NDIS participant and or family member.
- LACs or ECEIs are able to provide information to participants and their families about this new NDIS approach to ensure participants can implement their plans.
- However agencies delivering **LAC / ECEI or ILC activities will not have free access to TIS National**. Instead, the costs of language services must be factored into the cost of delivering their activities and should be included in their grant budget to ensure equitable access to their services and activities.

## Specific Interpreter Requests

TIS National can agree to fulfil a client's request for a specific interpreter, as per TIS National's [Allocation Policy](#).

To request a specific interpreter agencies are required to provide evidence of continuity of care and complete an **indemnity form**. Currently to access this form you must go online with your TIS code to complete a request for specific onsite or phone interpreter.

A specific interpreter request is more likely to be successful if you can demonstrate that allocation of the nominated interpreter is:

- essential to maintaining the quality and continuity of care or service; and
- of clear benefit to the non-English speaking participant

It is necessary to complete an indemnity form, including details of the circumstances which apply, before TIS National will consider a specific interpreter request. TIS National will assess each request for a specific interpreter and determine whether the provision of a specific interpreter adheres to their policy.

If your request is assessed as compliant with the TIS National policy, the job will be offered to the interpreter who will then have 24 hours to accept or decline the booking.

Specific interpreter requests must generally be made at least three business days prior to the appointment date. Requests made less than three business days in advance will only be considered in exceptional circumstances and will generally result in an interpreter being allocated in accordance with standard TIS National interpreter allocation policy.

If the requested interpreter is not available and the check box for another interpreter was not selected in the booking request TIS National will cancel the booking.

## Situations where a specific interpreter may be needed

AMPARO Advocacy has found that some non-English speakers may be hesitant to engage with qualified interpreters even when they are necessary for effective communication. In small communities, people may have concerns around confidentiality and privacy, and may be reluctant to speak through an interpreter from the same community. This is particularly the case when discussing issues related disability, where misconceptions about disability are common and disability is not openly discussed. Some individuals may have experienced breaches of their privacy and learning to trust that this will not happen again can be difficult.

In situations like this it can be beneficial to identify a qualified interpreter from a different ethnicity or community, who speaks the person's preferred language. Where there is the opportunity to engage the same qualified interpreter over time, a trusting relationship can be developed between the non-English speaker, the interpreter and the person assisting the participant and *ensure quality and continuity of care or service*. This approach is beneficial for the non-English speaking participant and a valid reason for requesting a specific interpreter from TIS National.

## Benefits of On-site interpreters

According to the Federal Government's Multicultural Language Service Guidelines: On-site interpreters should be used in instances where communication involves:

- sensitive, complex or lengthy discussions
- documents and consent forms (i.e. when an interpreter provides a sight translation of a written document).
- group meetings or interviews planned in advance<sup>1</sup>

*Or where for practical reasons, telephone interpreting is not appropriate; for example, where there is heavy reliance on mobile phones.<sup>2i</sup>*

The Multicultural Language Service Guidelines advises that telephone interpreting is not suitable for complex and lengthy discussions, group meetings or interviews planned in advance<sup>3</sup>.

Conducting an NDIS planning meeting with someone who does not speak English well, who is unfamiliar with support systems such as the NDIS, disability terminology, and what a good life for a person with disability can look like, would most definitely fall into the category of having a *complex and lengthy discussions*.

In selecting the most appropriate method of delivering interpreting the Queensland Language Service Guidelines state that:

*"Telephone interpreting can be a cost-effective option for simple communications that are not lengthy. Telephone interpreting mainly involves verbal communication and is therefore not as detailed a communication option compared to on-site interpreting."*

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<sup>1</sup> Commonwealth of Australia. (2013). Multicultural Language Service Guidelines. Department of Immigration and Citizenship

<sup>2</sup> The state of Queensland (Department of Communities, Child Safety and Disability Services). February 2016. Multicultural Affairs Queensland Language Services Guideline.

<sup>3</sup> Commonwealth of Australia. (2013). Multicultural Language Service Guidelines. Department of Immigration and Citizenship.

## Travel Costs for Interpreters

Interpreters may be reluctant to accept an onsite interpreting job if they have to travel long distances to the onsite appointment. However TIS National can pay for travel costs in situations where the one-way distance is greater than 100km.

## Grants applications for NDIS Partners in the Community Programs or Information, Linkages and Capacity Building (ILC) - National or Jurisdictional Based Grants

Agencies making application to these programs must ensure their proposed activities comply with ***Australia's Multicultural Access and Equity Policy: Respecting diversity. Improving responsiveness.***

This policy means that Australian Government and funded agencies need to ensure that **cultural and linguistic diversity is not a barrier for people who need to access government and community services**. This means, for example, that appropriate language services should be budgeted for and provided.

Grant Applicants **should consider what** professional translating or interpreting services will be **needed** to deliver services, projects, activities or events to **all participants including, non-English speakers**. If your Application Form states that a budget is required, costs for translating and interpreting services should be included in your budget.

## AMPARO Advocacy's Position

AMPARO considers it critical that NDIS participants have access to qualified interpreters to ensure effective communication as outlined in Federal and State language services policy guidelines.

The **NDIA Cultural and Linguistic Diversity Strategy 2018** acknowledges the NDIA's commitment to implementing the Multicultural Language Service Guidelines. This means that practices being implemented by the NDIS and Community Partners, **MUST** be consistent with these guidelines.

Queensland's State and Federal government policies have established clear protocols for engaging qualified interpreters, and highlight practices to be avoided, which include engaging family and friends as interpreters.

- **Queensland's Language Service Guidelines**  
<https://www.communities.qld.gov.au/resources/multicultural/policy-governance/lsp-guidelines.pdf>
- **Multicultural Language Services Guidelines For Australian Government Agencies**  
[https://www.google.com.au/search?q=multicultural+language+service+guidelines&rlz=1C1CHBD\\_en-GBAU747AU747&oq=multicultural+language+service+guidelines&aqs=chrome..69i57j0l3.8639j0j8&sourceid=chrome&ie=UTF-8](https://www.google.com.au/search?q=multicultural+language+service+guidelines&rlz=1C1CHBD_en-GBAU747AU747&oq=multicultural+language+service+guidelines&aqs=chrome..69i57j0l3.8639j0j8&sourceid=chrome&ie=UTF-8)

It is AMPARO's experience that for complex discussions and where informed decisions need to be made, it is not ideal or good practice to use telephone interpreting, unless there are no onsite interpreters available or no other options to address a person's concerns in relation to privacy and confidentiality.

## NDIS Factsheet: Translation and Interpreting Services (TIS)

This factsheet unfortunately lacks clarity and encourages registered service providers to engage informal networks to interpret in preference to qualified interpreters.

This approach is contrary to current Federal and State language service policies which strongly discourage engaging ***“a person’s carer, family member or friend to interpret complex, technical and sensitive information”***,

### TIS National Factsheet: Interpreting support for NDIS Participants

This factsheet provides information for NDIS registered service providers, however this is not available on the TIS National website and therefore difficult for registered service providers to locate.

AMPARO Advocacy is also concerned that this information encourages registered service providers to engage telephone interpreting services *“wherever possible”*, rather than selecting the most appropriate method of interpreting based on best practice principles or the Federal government’s Multicultural Language Service Guidelines.

**The NDIA must develop a clear and comprehensive policy on the use of translation and interpreting services.**

This policy should refer to legislative and policy requirements and be based on best practice principles on the provision of language services. The policy should specify when and how the NDIA, Community Partners and registered service providers should translate information and provide access to qualified interpreters. According to the Commonwealth Ombudsman Office the policy should provide clear steps effective use of interpreters *is “an access and equity issue and in an important factor in good administrative decision making.”*<sup>4</sup>

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<sup>4</sup> Commonwealth Ombudsman (2009). Use of interpreters (Report No. 03/2009), March 2009