Guidelines on communicating with people who are deaf, hard of hearing and speech impaired

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<th>Item</th>
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<td>Policy description</td>
<td>Guidelines on how to communicate with people who are deaf, hard of hearing and speech impaired</td>
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<tr>
<td>Division</td>
<td>Strategic Policy &amp; Planning Division</td>
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<tr>
<td>Executive Director</td>
<td>Annmarie Lumsden, Strategic Policy &amp; Planning</td>
</tr>
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<td>Contact</td>
<td>Pam King, Manager, Planning &amp; Business Reporting, 9219 5065</td>
</tr>
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<td>22 September 2014</td>
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<td>By 22 September 2017</td>
</tr>
<tr>
<td>Key words</td>
<td>Deaf, hard of hearing, speech impaired, communication, disability, interpreting, sign language</td>
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Revision History

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Overview
Scope and purpose of these guidelines
These guidelines are intended to assist staff communicate with clients and staff who are deaf, hard of hearing, or speech impaired by providing information and tips for effective, respectful communication.

Applicability and target groups
These guidelines apply to every person employed by Legal Aid NSW, including permanent and temporary staff, contractors and consultants. Managers should ensure that all relevant staff members know about these guidelines and how to apply them.

If anything in these guidelines is unclear, or if you are unsure about how to apply them, contact the person listed on the cover page of this document.

Legislative environment
These guidelines take into account the obligations of Legal Aid NSW under State and Commonwealth anti-discrimination legislation.

Monitoring, evaluation and review
These guidelines are to be reviewed every three years. The last review was on 30 June 2014. The cover page of these guidelines sets out information about changes to the guidelines since its release.

Further information
These guidelines should be read in conjunction with the Legal Aid NSW Guidelines on interpreting and translation and the Complaints Handling Policy.
1. Introduction

It is estimated that one in six Australians are affected by some form of hearing loss. Hearing loss differs greatly and may be mild, moderate, severe or profound. Hearing loss from birth, from an early age or for a prolonged period of time usually affects a person's speech.

Unless otherwise specified, the term 'deaf person/people' is used in these guidelines to include people who are deaf, hard of hearing and speech impaired.

The sign language used in Australia is called Auslan. Auslan is a distinct language from English and sign languages in other countries. Most deaf people who use sign language don't view their deafness as a disability or a problem that should be fixed. They are proud of their Deaf culture formed through social beliefs, behaviours, art, literary tradition, history values and shared institutions of communities that are affected by deafness, and use sign language as the main means of communication. The word ‘deaf’ is often written with a capital D when denoting a culture rather than an audiological condition.

Legal Aid NSW employs staff who are deaf and hard of hearing. Many clients of Legal Aid NSW are also deaf, hard of hearing and speech impaired. These guidelines will assist staff to communicate more effectively with their colleagues and clients.

2. Means of communication for deaf people

Deaf people communicate in several ways, including:

- Sign language – A visual-gestural language with vocabulary and grammar different from English
- Signed English – A system developed by teachers of the deaf using signs to represent exactly what is spoken word for word in English
- Fingerspelling – The use of hand shapes to represent letters of the alphabet to spell out words
- Lip reading – An attempt to understand a spoken message by observing a speaker's lips, facial expression and body language
- Cued speech – A manual supplement to lip reading that uses hand positions to augment the visible lip movements of speech
- Oral communication – Communication through speaking, listening and lip reading without the use of sign language or other means of communication.
- Written text such as pen and paper, TTY, email, SMS, social media platforms.

3. Communication tips

Deaf people communicate in different ways depending on several factors. These include the age at which deafness began, type of deafness, amount of residual hearing, English language skills, lip reading skills, speech abilities, family environment, educational background and multiple disabilities. Some deaf people use speech or sign language only. Some use a combination of techniques. Success in communication with a deaf person lies in finding the right combination of techniques. It is best to ask the deaf person how they prefer to communicate.
The tips are general in nature. If you are working or interacting with a deaf person and have worked out the best way to communicate with them, then follow the agreed communication protocol. The tips may be more effective if read in the context of the four examples shown in the boxes throughout these guidelines.

3.1 One-to-one situations

Approaching or speaking to a deaf person
- Before speaking to a deaf person, get their attention by tapping on their shoulder or waving in front of them.
- Look directly at the deaf person when you speak so that your face and lips are always visible.
- Avoid standing in front of a light source such as a window or bright light.
- Speak slowly and clearly, but do not yell, exaggerate or over pronounce. Do not speak if you have anything in your mouth.

Communicating effectively
- Give an overview of the topics of discussion so that the Deaf person can pick up words that help them follow a conversation.
- If you have problems being understood, repeat yourself once, then try to rephrase rather than repeating the same words again.
- Use open-ended questions that must be answered by more than 'yes' or 'no'. A coherent response to an open-ended question ensures that your information has been received and understood.

3.2 Group situations

Preparing for meetings
- Ask the deaf person to choose seating that works best for them.
- Take into consideration the area’s lighting so that the speaker is illuminated clearly.
- Make sure the deaf person can always see the speaker’s face and lips. Use a round table or semi-circular seating where possible.
- Provide keywords to be discussed in advance or write them on a white board.
- Write out vital information such as additional instructions or changes in meeting times.

Meeting protocols and assistance
- Avoid speaking when turning away to write on a white board or looking down to read a document, etc.
- Slow down the pace of communication slightly.
- Give participants time to read before speaking.
- Repeat questions or statements made from the back of the room and point to the person speaking.
- Acknowledge the deaf person from time to time to allow full participation.

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• Use visual aids where possible such as films (with subtitles), PowerPoint presentations, diagrams and drawings.
• Engage a note-taker to record information. It is difficult for many deaf people to pay attention to a speaker and take notes simultaneously.

The Training Centre on Level 12 Central Sydney Office uses a portable infrared system to assist people who are hard of hearing. Presenters are required to use the Training Centre's hand-held or clip-on microphones which are connected to the system. Contact Learning and Development on 02 9219 5990 for more information.

3.3 At a job interview

A person with a disability is an ‘eligible person’ under the terms of the Government Sector Employment Rules 2014, Part 5, Section 26.

Before interviewing a deaf person:
• Provide names and titles in writing for each individual the deaf person will see ahead of the interview, as lip reading an unfamiliar person's name and title may be difficult. This information allows the deaf person to be better informed, at ease, and able to follow up later if needed.
• Engage an interpreter if the deaf person prefers one. Through an interpreter, you may receive a better idea of how the applicant’s skills match the job.

3.4 At work

Generally, it is not necessary to make major modifications in the workplace to accommodate a deaf employee. However, some improvements can be made to make the workplace more accessible and comfortable for a deaf employee. For example:
• Use signalising devices such as flashing lights to indicate ringing telephones, doorbells or fire alarms.
• Ask a co-worker to check a deaf person's awareness of emergency situations, such as fires or evacuation.
• Communicate information directly to deaf employees. They may not pick up information by informal channels because they typically cannot overhear conversations.
• Consider the deaf person's sensitivity to noise. Most deaf people have some residual hearing and are bothered by certain noises. Loud or background noises can interfere with and distort the sound amplification of their hearing aids.

People with disability may access the Employment Assistance Fund (EAF) an Australian Government initiative, which provides financial assistance to purchase a range of work related modifications and services.

For more information:
• see Legal Aid NSW’s Health Assessment Policy (incorporating Reasonable Adjustment)
• visit www.jobaccess.gov.au/content/employment-assistance-fund

3.5 Deafblind people

Deaf people who have little or no useful sight are called 'deafblind'. They communicate in different ways determined by the nature of their condition, the age of onset, and what
resources are available to them. Means of communication includes the use of residual hearing or sight, hand-over-hand signing, tactile fingerspelling and tactile writing (Braille). Some sign language interpreters can interpret for deafblind people. A list of sign language interpreting agencies can be found on page 7 of these guidelines. For more information on deafblindness, visit www.deafblind.org.au

4. Working with sign language interpreters

Sign language interpreters can help facilitate communication for deaf people who use sign language, during meetings or other group situations.

Hannah has received a grant of legal aid for a Family Dispute Resolution conference. She has a mild to moderate hearing loss. She can communicate clearly in spoken English and Auslan. She is comfortable with one-on-one conversation but finds it challenging language does not qualify a person to act as an interpreter. Interpreters are trained professionals bound by a code of ethics which includes confidentiality, professional conduct, competence, faithfulness of interpretation, non-discrimination and impartiality. Interpreters are accredited by the National Accreditation Authority for Translators and Interpreters (NAATI).

There are three categories of accredited sign language interpreters:

- Professional interpreters (formally known as Level 3) are competent for professional interpreting across a wide range of semi-specialised situations. All legal interpreting (including police interview) must be carried out by professional interpreters.
- Paraprofessional interpreters (formally known as Level 2) are competent for interpreting general conversations and non-specialist dialogues.
- Deaf interpreters (also known as deaf relay interpreters) are usually deaf and understand the complex cultural experience of growing up deaf. They work with standard Auslan-English interpreters and provide a unique language or communication bridge for deaf individuals with limited language skills.

Sign language interpreters can be booked through the following agencies:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Contact details</th>
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<tbody>
<tr>
<td>Sign Language Communications</td>
<td>1300 123 752</td>
</tr>
<tr>
<td><a href="http://www.slcommunications.com.au">www.slcommunications.com.au</a></td>
<td><a href="mailto:slc_nsw@slcommunications.com.au">slc_nsw@slcommunications.com.au</a></td>
</tr>
<tr>
<td>Auslan Services</td>
<td>1300 287 526</td>
</tr>
<tr>
<td><a href="http://www.auslanservices.com">www.auslanservices.com</a></td>
<td><a href="mailto:admin@auslanservices.com">admin@auslanservices.com</a></td>
</tr>
<tr>
<td>National Interpreting &amp; Communication Services</td>
<td>1800 246 945</td>
</tr>
<tr>
<td><a href="http://www.nicss.org.au">www.nicss.org.au</a></td>
<td><a href="mailto:bookings@nicss.org.au">bookings@nicss.org.au</a></td>
</tr>
<tr>
<td>Community Relations Commission</td>
<td>1300 651 500</td>
</tr>
<tr>
<td><a href="http://www.crc.nsw.gov.au/services/language_services">www.crc.nsw.gov.au/services/language_services</a></td>
<td><a href="mailto:languageservices@crc.nsw.gov.au">languageservices@crc.nsw.gov.au</a></td>
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4.2 Tips on working with sign language interpreters

Booking an interpreter

- Once you have established that interpretation is required, book a NAATI accredited professional interpreter for all legal interpreting. For other non-legal conferences, workshops and meetings arranged by Legal Aid NSW, a NAATI accredited paraprofessional interpreter may suffice.
When booking an interpreter, provide the booking agency with as much information as possible including the interpreting context, any preparatory materials, and the setting in which the interpreting will take place.

All interpreter booking cancellations must be made and confirmed in writing.

Interpreting expenses and record keeping
- Interpreting expenses are borne by the practice area(s) or unit(s) providing the services.
- For case matters, interpreting expenses are paid by grants of legal aid through ATLAS. See Grants procedures manual - Policies and guidelines on case file expenditure.
- For non-case matters, an invoice from a service provider is paid by way of a payment voucher using the WBS Code of the relevant practice area(s) or unit(s).
- Interpreting expenses for community legal education sessions requested by small and medium not-for-profit organisations are borne by the relevant practice area(s) or unit(s) delivering the sessions. Legal Aid NSW does not pay for interpreting expenses for sessions requested by other government agencies, large not-for-profit organisations, or businesses. If in doubt about which costs are covered by Legal Aid NSW, contact the Senior Coordinator, Community Legal Education.
- Staff who book interpreters for in-house services must record the time, place, client name, relevant file number and language to assist with financial compliance obligations.

Preparation
- Where possible, meet with the interpreter at least 15 minutes early to explain what will be covered and give them copies of materials if this has not already been done. Be attentive to the interpreter’s needs such as a glass of water or placement in the room (generally near the main speaker, opposite the deaf person in a well-lit space).
- Two interpreters are generally required for sessions exceeding one hour. When working with only one interpreter, allow them a few minutes break on the half-hour.

Working with interpreters
- Speak directly to the deaf person, not the interpreter. Do not say, "tell him ..." or "does she understand?"
- Speak clearly and in a normal tone. Do not rush through a speech. If reading text verbatim, read slowly.
- Use clear language and short sentences. Avoid using slang or idioms. Explain all jargon.
- Keep in mind that the interpreter is a few words behind the speaker. Give them time to finish so that the deaf person can ask questions or join the discussion.
- During group discussions, permit only one person to speak at a time.
- Do not ask the interpreter for their opinion about the situation being interpreted.

Complaints
- The interpreter’s job is to interpret. If they give personal opinions, make inappropriate comments, have a side conversation with you or the deaf person, or discuss anything unrelated to the interpretation assignment, ask them to refrain from doing so.
- Inappropriate or inadequate service by the interpreter should be raised with the Equity and Diversity Coordinator, who will maintain a record of these complaints and will bring them to the attention of the relevant interpreter booking agencies.

4.3 Community Language Allowance Scheme (CLAS) recipients
The Community Language Allowance Scheme (CLAS) is available to NSW government employees by passing an examination administered by the Community Relations Commission or by having accreditation from NAATI at the professional interpreter level.
Some examples of how CLAS recipients in Legal Aid NSW may use their skills include answering front-desk inquiries, providing directions to another office or assisting in making client appointments for a further visit. For matters which will take a longer time or require an in-depth or formal interview, NAATI accredited interpreters should be engaged in lieu of CLAS recipients. This is because CLAS recipients may not have NAATI accreditation.

To find a CLAS recipient receiving an allowance for Auslan, check the Resources side bar on the Equity & Diversity page or search "CLAS" in the staff directory.

5. Using written text

Written communication remains an important way deaf people receive information and express their thoughts and ideas. Effective technologies can significantly facilitate how deaf people communicate personally and in a workplace.

Mary works as a project coordinator. She has a severe hearing loss and a cochlear implant. She can have telephone conversations with minimal background noise. She uses email and Office Communicator to communicate with her colleagues. Sometimes she uses the

whether they prefer written communication. Do not assume that this is their preferred method.

- Always ask a deaf person whether they prefer written communication. Do not assume that this is their preferred method.
- When using writing as a form of communication with a deaf person, take into consideration their English reading and writing skills as these may vary significantly.
- Keep your message short and simple.
- Do not use questions that only require a “yes” or “no” answer. Open-ended questions ensure a response that allows you to see if your message was received correctly.

5.1 Tips on using written text

- Always ask a deaf person whether they prefer written communication. Do not assume that this is their preferred method.
- When using writing as a form of communication with a deaf person, take into consideration their English reading and writing skills as these may vary significantly.
- Keep your message short and simple.
- Do not use questions that only require a “yes” or “no” answer. Open-ended questions ensure a response that allows you to see if your message was received correctly.

5.2 Teletypewriter (TTY)

A teletypewriter (TTY) is a special type of phone with a keyboard where a person can type their side of the message, and a small display screen where they can read what the other person has said to them. It is widely used by deaf people. TTY Nos. in Legal Aid NSW are:

- TTY Central Sydney 02 9219 5126
- TTY Parramatta Justice Precinct Criminal Law 02 9687 7538
- TTY Burwood 02 9747 0214

5.3 National Relay Service (NRS)

The National Relay Service (NRS) is an Australian government funded phone solution for people who are deaf, hard of hearing or speech impaired. To use the NRS, call 1800 555 660 or visit www.relayservice.com.au. An NRS call can happen in four ways:

a. Speak & read ("I can't hear but I can speak") – Person A speaks directly to Person B and reads their responses typed by the relay officer on a textphone/TTY.

b. Type & read ("I can't hear and don't use my voice") – Person A types their side of the conversation and reads the responses on their textphone/TTY, computer or mobile phone.

c. Type and listen ("I can't speak but I can hear") – Person A types their side of the conversation to the relay officer who speaks their words to Person B. Person A listens as Person B responds directly to them.
d. Speak and listen ("I'm hard to understand on the phone") – Person A speaks directly with Person B. The relay officer is on the line to re-speak any of Person A's words as required.

5.4 Live captioning

Live captioning is a real-time transcription of all audio elements of an event such as a meeting, conference or presentation. Captions are created by steno-captioning or voice captioning and delivered through the internet with approximately 3-5 second delay. The following Australian companies provide live captioning services:

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<thead>
<tr>
<th>Company</th>
<th>Contact details</th>
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<tbody>
<tr>
<td>Ai-Media</td>
<td>02 8870 7700 <a href="mailto:info@ai-media.tv">info@ai-media.tv</a></td>
</tr>
<tr>
<td><a href="http://www.ai-media.tv">www.ai-media.tv</a></td>
<td></td>
</tr>
<tr>
<td>Captioning and Subtitling</td>
<td>02 9219 9100 <a href="mailto:sales@captioningandsubtitling.com.au">sales@captioningandsubtitling.com.au</a></td>
</tr>
<tr>
<td>International</td>
<td></td>
</tr>
<tr>
<td><a href="http://www.captioningandsubtitling.com.au">www.captioningandsubtitling.com.au</a></td>
<td></td>
</tr>
<tr>
<td>Caption It</td>
<td>0417 277 538 <a href="mailto:info@captioning.com.au">info@captioning.com.au</a></td>
</tr>
<tr>
<td><a href="http://www.captioning.com.au">www.captioning.com.au</a></td>
<td></td>
</tr>
<tr>
<td>Red Bee Media</td>
<td>02 9212 5277, 1300 304 103 <a href="mailto:sales@redbeemedia.com.au">sales@redbeemedia.com.au</a></td>
</tr>
<tr>
<td><a href="http://www.redbeemedia.com.au">www.redbeemedia.com.au</a></td>
<td></td>
</tr>
<tr>
<td>The Captioning Studio</td>
<td>08 8463 1639 <a href="mailto:info@captioningstudio.com">info@captioningstudio.com</a></td>
</tr>
<tr>
<td><a href="http://www.captioningstudio.com">www.captioningstudio.com</a></td>
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5.5 Captioning in video productions

All videos produced by Legal Aid NSW must contain captioning to provide access to information for deaf people. The costs associated with captioning are to be included in the planning and the project proposal of all video productions.

In rare cases, captioning on videos may be unsuitable. In these cases, an exemption from producing a video without captioning must be sought from the Equity and Diversity Coordinator and will be supported on a case by case basis.

6. External agencies

While receiving assistance from Legal Aid NSW, our clients may also be dealing with other agencies such as the police, courts juvenile justice or corrective services. These external agencies have their own policies with respect to people with disability and the use of interpreting services. Coordination with these agencies may be required to facilitate communication with deaf clients in certain situations.

6.1 Police stations

For a deaf or hard of hearing person who has been brought into custody for the purposes of investigation of an offence, the Custody Manager in a Command is responsible for ensuring the safe custody of all persons who come into police custody, and specific provisions are in place to support those who have additional needs. The Custody Manager will make arrangements for an interpreter based on Police assessment or if the detained person has received a grant of legal aid in a criminal appeal matter. He has a profound hearing loss and uses Auslan as his primary mode of communication. He has low literacy skills. He requires Auslan.
requests one. Professional, independent Auslan interpreters are arranged (usually from the 
Community Relations Commission) to assist with interpreting. 
Contact Cultural Diversity, Operational Programs, NSW Police Force, on 9768 0734.

6.2 Courts and tribunals

NSW Courts
The NSW Department of Justice uses portable infrared systems to assist people who are 
hard of hearing in courtrooms. The infrared system can assist people who appear before a 
court, including witnesses, parties involved in a case, jurors, legal professionals, relatives and 
friends. A person requiring the infrared system should contact the court they are attending 
two weeks before their case comes before the court. On the day of court, the person should 
attend at least 30 minutes before court starts to test the system.

People who are deaf and use sign language can ask the court to order a sign language 
interpreter at no cost in criminal and apprehended violence cases. Requests for an 
interpreter should be made as soon as the person is aware they will be attending court. For 
other matters including civil claims, they will need to organise an interpreter for themselves. 
For more information: www.diversityservices.lawlink.nsw.gov.au/

Family Court of Australia
Each Registry at the Family Court of Australia has at least one courtroom with a hearing loop 
installed. Arrangements can be made to assist deaf clients to utilise this facility where 
practicable. Arrangements can also be made for Auslan interpreters or a real time captioning 
service to assist deaf clients at court events. For more information: www.familylawcourts.gov.au/wps/wcm/connect/FLC/Home/Communities+and+Individuals/Interpreters+Policy/

Federal Court of Australia
For people who require a hearing loop or people who require an interpreter but cannot 
afford to pay for one, contact their relevant registry at least one week before the hearing to 
make appropriate arrangements. For more information: www.fedcourt.gov.au/attending-
court/help-for-people-with-disabilities

NSW Civil & Administrative Tribunal (NCAT)
To ensure deaf people receive equal access to their services, NCAT provides services 
including hearing induction loop facilities (available at many NCAT hearing venues upon 
request) and Auslan interpreters at no cost to the parties. Applicants should indicate this on 
their application form. Respondent or other party should contact the registry when they get 
their hearing notice or at least one week before the hearing date. For more information: www.ncat.nsw.gov.au/ncat/access_support/access_for_people_disabilities.html

Administrative Appeals Tribunal (AAT)
The AAT provides portable hearing loop systems in AAT premises, as well as arranges and 
pays for interpreters when necessary, to facilitate communication during conferences, 
mediation and hearings. For more information: www.aat.gov.au/Accessibility.htm and 

6.3 Correctional centres
An Auslan interpreter is provided to an offender if Corrective Services NSW (CCNSW) assesses there is need for language assistance. This assistance is also available for families and friends communicating with CSNSW, for example, in correctional centre visits or when interviewed in the community.

An on-site accredited interpreter is preferred for complex situations such as lengthy interviews or trials to ensure that deaf people are not disadvantaged. Remote interpreters via audio visual link will be utilised for bail applications and adjournments, or when on-site interpreters are not available. For deaf people who do not communicate in standard Auslan, a deaf relay interpreter as well as an Auslan/English interpreter will be booked.

Cameras in the courtroom are fixed. It is important that the deaf person or interpreter is placed in a location in the courtroom where they can be "front on" to a camera and have full access to view the interpreter or deaf person on the screen. This location may be the remote witness room or the witness box. Speak to the court officer who will endeavour to make suitable arrangements for all parties. CLAS recipients at CSNSW may assist when on-the-spot assistance for simple, uncomplicated matters is needed. For privacy and security reasons, offenders should not be used as interpreters except in cases of extreme urgency, until accredited language assistance can be secured.

For enquiries, contact CSNSW State-wide Disability Services on 9289 2136 or sds@dcns.nsw.gov.au

6.4 Juvenile detention centres
For information regarding Juvenile Detention Centres, contact External Relations Unit Coordinator, Juvenile Justice, Department of Justice, on 9219 9467.

6.5 Community legal centres
Community legal centres in New South Wales that are funded by Legal Aid NSW have their own policies with respect to people with disability and budgets for the use of interpreting services. Legal Aid NSW also has an additional limited budget allocated for face to face interpreting expenses incurred by these centres. Contact relevant centres for more information: www.clcnsw.org.au/clc_directory.php

6.6 Women's Domestic Violence Court Advocacy Services
The Women's Domestic Violence Court Advocacy Services (WDVCAS) are funded by Legal Aid NSW and have their own policies with respect to people with disability and budgets for the use of interpreting services. Contact relevant WDVCAS for more information: www.legalaid.nsw.gov.au/what-we-do/community-partnerships/womens-domestic-violence-court-advocacy-program/womens-domestic-violence-court-advocacy-service-locations-in-nsw

Police has to order interpreter for court for the first mention. If not, the court may adjourn and order an interpreter for the second mention.

6.7 Private practitioners
Legal Aid NSW covers interpreting expenses for people who have received a grant of legal aid and are assisted by private practitioners. Private practitioners are familiar with requesting interpreters when they submit an online application for a grant of legal aid or an extension of a grant of legal aid. Contact the Support Desk on 9219 5999 for assistance with Grants Online.
7. Equity impact
When applying these guidelines, consider whether the application excludes or disadvantages the following groups of people, and if so, what adjustments are required to accommodate their needs more effectively:

- Aboriginal and Torres Strait Islander people
- People with disability, including physical, cognitive and psychosocial impairment
- People from culturally, religiously or linguistically diverse backgrounds
- Women
- Gay, lesbian, transgender or intersex people
- Homeless people
- People living in rural and regional areas
- People caring for people with disability or elderly people
- Older people
- Young people
- Prisoners

8. Further information
If you have any enquiries, please contact the Equity and Diversity Unit on 9219 6315 or diversity@legalaid.nsw.gov.au