



<b>ONR GUIDE</b>			
<b>Communicating inter-culturally during investigations</b>			
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### TABLE OF CONTENTS

1. INTRODUCTION .....	2
2. PURPOSE AND SCOPE .....	2
3. DIFFERENT CULTURES.....	2
4. NAMES AND NAMING SYSTEMS .....	4
5. SPEAKING ENGLISH AS A SECOND LANGUAGE .....	5
6. INTERPRETER .....	7
7. PREJUDICE .....	8
8. REFERENCES .....	8

## INTRODUCTION

- 1.1 Clarity in communication is vital in all aspects of ONR's work. This is particularly relevant when conducting investigations, where verbal precision and clarity is vital to uncovering the facts.
- 1.2 Intercultural communication refers to the communication between people from different cultures<sup>(1)</sup>. Intercultural misunderstandings are complex phenomena. They involve culture, perception, identity, ethnocentrism, relationships, and trust, to name but a few<sup>(2)</sup>. Communicating with those speaking English as a second language can give rise to misunderstandings and unconscious bias. Such opportunities for error can cause significant difficulties during investigations.
- 1.3 Different cultures have different communication styles. These differences may still apply when a foreign-born person speaks English fluently or where a person who speaks English as a first language comes from a different culture to the investigator.
- 1.4 Assumptions should not be made about whether these differences apply to a particular individual. Many people of different backgrounds are able to operate completely bi-culturally. Moreover, there is a large range of personality and behavioural difference within every culture. An individual's communication style will be a result of both cultural patterns and the structure of their first language.
- 1.5 The greater the gap of cultural difference in a verbal exchange, the greater the risk that a native-English speaker's customary process of inferring meanings and intentions will break down - even with good will on both sides, and when English is being spoken with fluency by all parties. Be aware of this risk.

## 2. PURPOSE AND SCOPE

- 2.1 This guide is to help colleagues understand how miscommunication can arise, and provide guidance on how to address the issue. It draws heavily on the Judicial College guidance 'The Equal Treatment Bench Book'<sup>(3)</sup>. It should be used in conjunction with ONR guidance on interviewing suspects<sup>(4)</sup> and taking witness statements<sup>(5)</sup>.

## 3. DIFFERENT CULTURES

- 3.1 Different communication styles can affect understanding even when everyone is speaking relatively fluently in English, and even when people can operate bi-culturally at work or socially. These differences can lead to misunderstandings without anyone realising. Some of the reasons for this are:

### Saving face

- 3.2 In some cultures the concept of 'saving face' is fundamental. This goes beyond the sense of 'saving face' in UK society. This desire will be particularly acute if there are others from the individual's own cultural background in the room. This may lead them to say they understand questions when they do not, in order to 'not hold things up'.
- 3.3 It is particularly important in terms of saving face:
  - Not to ask 'Do you understand?' The individual may well say 'yes' even when they do not understand simply to save your face in their understanding if a 'no' might imply that you have not explained clearly.

- To soften any negative or critical comments if possible. It can help to generalise, e.g. 'Many people have difficulty writing a witness statement', or give an indirect example by apparently talking about someone else.
- Not to say, 'You are not making yourself clear'. This entails loss of face by drawing attention to lack of fluency or clarity in the speaker's English

### **How different cultures structure questions and answers**

- 3.4 There are culturally different ways of structuring answers to questions. This creates a risk of failing to grasp what a witness is saying, or of wrongly considering a witness to be evasive, or of cutting off a witness prematurely. For example, native speakers of English expect to make their most relevant point in reply to a question first, giving any needed background detail afterwards. However, other ethnic background may be accustomed to providing the background detail first as context, then coming on to make their most relevant point of reply at the end. Narrative style and making stories may be an integral part of literacy in their culture. A native English speaker may impatiently interrupt, and so miss the witness' key point, or incorrectly perceive them as being long-winded or even evasive.
- 3.5 There are other key differences to bear in mind in the way English is spoken in different cultures:
- Low context vs. high context: the degree to which meaning is stated explicitly in the words used, as opposed to meaning being left implicitly to be read between the lines.
  - Directness vs. indirectness of style in answering questions, expressing disagreement, making an argument.
  - Ways of seeking to argue persuasively: quietly concise or impassioned and verbose.
  - Low key vs. expressive.
  - Formal, impersonal, guarded vs. informal, chatty.
  - Turn-taking: when to speak; whether to interrupt; how to indicate one has something to say or ask; whether to wait until invited to speak.
  - Use of silence in replies: as a mode of respect (a token of thoughtful consideration of the question), or as uncertainty in needing mentally to 'translate' the question and to formulate a reply in English.
  - Emotion: Different cultures may display emotion differently. For some cultures, expressing emotion overtly is a cultural norm. For others, restraint is the norm, especially in public. As well as this, emotions may be expressed differently facially in different social environments.
  - Body language: the degree to which intended meaning is carried non-verbally, by gesture or manner. In addition, the meaning of certain body language is not universal. For example, in some cultures a smile could be a signal of suppressed negative emotions like loss of face, disappointment, or even anger, rather than of being pleased. The meaning and appropriateness of eye contact varies from culture to culture. Lack of eye contact can appear evasive, bored or disrespectful by some cultures, but indicative of respect by others.

- Different ways of expressing politeness.
- Different attitudes towards time.

#### **4. NAMES AND NAMING SYSTEMS**

4.1 Names are important to people's sense of identity. They can indicate an individual's national, linguistic, religious and family roots.

4.2 Naming systems differ greatly around the world. In many naming systems, family members do not share the same surname. In other systems, certain surnames are very common.

4.3 In the English naming convention:

- Everyone has a personal (or 'given') name and a family name ('surname').
- The personal/given name comes first; family name/surname last.
- Surnames are gender-neutral, handed down in families through generations.
- In formal situations people give 'first' and 'last' names, or title and last name.
- Most personal / given (or 'first names') are recognisably either male or female.

4.4 In the traditions of other cultures:

- A family name may come first, not last.
- There may be no family name at all: no-one in a family shares a name.
- A title may come after the name, not before it; and sometimes as part of the name.
- People may have a religious name, which is spoken and written either as a first or second word of their name, and which must never be used on its own.
- Names carry meanings, e.g. after a god/saint/feature of nature; or auspiciously to minimise misfortune from astrological influences at time of birth.

4.5 The best way to ask someone's name is to:

- Demonstrate respect and politeness when asking for the person's name.
- First ask, 'What is your full name, please?' Avoid terms like 'First name', 'Second name', 'Middle name', 'Forename', 'Surname' and, especially, 'Christian name'.
- To find out what in the English naming system is known as a 'surname', ask for their 'family name'.
- To find out what in the English naming system is known as a 'first name', ask their 'personal name' or 'given name'.

4.6 It may then be useful to ask, 'What do you want me to call you?' If the individual does not speak English as a first language, avoid complex conditional verbs such as 'What would you like me to call you?'

- 4.7 If a name is difficult to pronounce, it is tempting to avoid saying it out of embarrassment. This is not best practice. The individual may notice the omission and wrongly interpret it to mean dismissiveness or disrespect. It is best to try to pronounce the name, ask for guidance, and remember to apologise if unable to get it right.

## **5. SPEAKING ENGLISH AS A SECOND LANGUAGE**

- 5.1 When speaking with a person who uses English as a second language, there are ways of speaking English which make it easier to understand. This is not simply a matter of speaking 'plain English'.

- 5.2 It is likely to be easier for someone who does not speak English as a first language to understand if you:

- Speak slightly slower, at a steady pace and with clearly articulated consonants. Speaking louder does not help.
- Make small (but not excessive or unnatural) pauses where a comma or full stop would appear in written English.
- Use short sentences and avoid compound sentences with sub-clauses.
- Deal with one subject / idea in a sentence.
- Do not ask two questions in a single sentence.
- Use verbal signposts ('I am going to make 3 points now') and signal topic changes ('I am now going to talk about ...').
- Frequently summarise.
- Take care in using hypothetical questions and statements as some languages do not use these forms.
- Ask questions by using question words and sentence structures rather than by adding intonation to a statement.
- Avoid idioms. These may be taken literally or simply not understood.
- Avoid humour, sarcasm, irony, puns and rhetorical asides. These travel particularly badly across cultures.
- When setting out procedure, go through the steps in sequence, and do not make any back references or add any commentary.
- Be ready to explain jargon, legalese and terms referring to status and roles in an organisation.
- Make direct requests rather than use UK politeness forms which tend to be very indirect, often using complex grammar. 'Please speak louder' is clearer than 'I wonder if I could trouble you to speak louder' or 'I am finding it difficult to hear what you are saying'.

- 5.3 It is usually advisable to avoid the following complex grammatical usages which may be unfamiliar or confusing:

- Elisions ('I'll, you'll, won't, don't').

- Passive verbs. ('Send this in by next week' is clearer than 'this must be sent in by next week'.)
- Double negatives. ('The evidence is conclusive' is clearer than 'The evidence is not inconclusive'.)
- Using pronouns to repeat a noun (i.e., 'he' 'she' 'it' 'they'). It is usually better to repeat the noun itself. ('Did Alice go to the house? What did Alice do next?') Pronouns may confuse people, especially those whose first language does not use pronouns in the same way, or which lacks articles ('the' and 'a') or has quite different ways of expressing this idea.
- 'Would' and 'should'. These are ambiguous terms which often do not have exact equivalents in other languages. 'Should' can mean a moral obligation, an expectation or ideal preference, a compulsory social obligation, or advice. Instead of saying, 'What you should do now is write a witness statement', it is best to say simply 'The next step is for you to write a witness statement'.
- Negative formulations in questions like 'Don't you think that ...?', 'So you have no objection to ...?' Languages differ in what they mean by the answer 'yes' or 'no' to these questions. Non-native speakers of English may reply to the opinion/intention of the interrogator, not to the facts of the question. For example, 'I assume you didn't intend to do it?' - reply in UK: 'no' (= I didn't), but in other languages: 'yes' (= that's a correct assumption).
- Negative tag questions e.g., 'You don't mind if we take a break now, do you?' These are difficult for non-native speakers to answer, and they may say 'Yes' when they mean 'No, I don't mind'. It is clearer to ask, 'Shall we take a break?'
- Certain styles of cross-examination designed to elicit an admission or put pressure on a witness can be linguistically confusing. 'Did x happen?' is clearer than, 'So you will accept x did not happen, won't you?'. 'Is that correct?' is clearer than the ambiguous 'That's right, isn't it?'
- Forms of legalese used in cross-examination, e.g. 'with due/deepest respect' (indicating strong disagreement or meaning, 'That is not true'; 'If I could just make my point' (meaning 'Please do not interrupt me').

### Checking understanding

- 5.4 It is useful regularly to summarise and paraphrase what the individual has said, especially at important points, to check that no misunderstanding is building up. ('So am I correct that you mean ...?')
- 5.5 If uncertain whether someone has misunderstood a term or phrase, rather than repeating what has been said using the same words, it is better to reformulate and rephrase.
- 5.6 When clarifying meaning, go on explain what you are trying to achieve, e.g. 'What I am saying is that you must write your witness statement in date order. The reason for this is that it is easier for the court to understand your story.'
- 5.7 It is unreliable to ask, 'Do you understand?' The person may incorrectly think they do understand, or may say 'yes' even though they do not understand, because they feel embarrassed or intimidated or do not want to disappoint you when you are being helpful or, in certain cultures, to save their face or your face. Instead of asking 'Do you

understand?' Ask the person to feed back to you their understanding of important points.

## **6. INTERPRETER**

- 6.1 An interpreter has a difficult job. Languages do not operate in ways which identically match each other. They can differ in grammatical structure, vocabulary, the meaning of certain abstract concepts, and in how much is directly spoken as opposed to understood between the lines. The interpreter's job is to transfer as nearly as possible the meaning of what is said by each side, not merely to translate words and phrases literally, which can create a false impression.
- 6.2 Where applicable, ensure the interpreter speaks the correct dialect of the language in question and that the person and interpreter can communicate properly. It may be tempting when an interpreter arrives with the wrong dialect to ask whether the person can manage anyway. A person may feel under pressure to agree when in fact could be a considerable loss of understanding.
- 6.3 Interpreting is a taxing job. Consider requests to have frequent breaks and allow sufficient recovery time. It is good practice to agree with the interpreter in advance on frequency and timing of breaks.

### **How to communicate through an interpreter**

- 6.4 Address the witness directly, using first and second person ('I' and 'you'), and look at him or her rather than the interpreter. It may be important to monitor small non-verbal signals as they speak.
- 6.5 Use a slower pace in your speech style, matching your speed of delivery to the interpreter's speed of interpretation.
- 6.6 Pause after every 2-3 sentences. Ensure you do this at the end of a sentence – not in the middle. Many languages order the words of a sentence in a different way from English, so it is necessary for interpreters to hear the whole sentence before they can translate it properly.
- 6.7 It is not good practice to tell the interpreter that an aside or something unimportant need not be translated. This can make the witness feel excluded and even distrustful.
- 6.8 Be very clear in handling proper names, numerals, and figures, and explain acronyms each time you use them.
- 6.9 Some witnesses are not fully literate in their first language. They may be unable to process the grammatical structure of the questions being put - in particular, the complexity of multi-levelled sequences of subordinate clauses. To assist communication, break down your questions into simple short sentences, and make your points, one sentence at a time.
- 6.10 It is difficult to interpret fine distinctions, and these may be hard for the witness to understand. Such points need to be stated very clearly and built up slowly.
- 6.11 If you notice the interpreter apparently making un-translated exchanges with a party, call attention to this, and seek an explanation. This may be entirely legitimate, e.g. there is no exact match between English and the witness's language, such that more words and alternative formulations need to be used and clarified between the witness and the interpreter. On the other hand, it might be because the interpreter has

unacceptably crossed a line and become involved in further discussion with the witness, e.g. about the wisdom of an answer.

6.12 Where possible, ensure there is a technical dictionary available.

## **7. PREJUDICE**

7.1 Intercultural communication can be adversely damaged by prejudice.

7.2 In the 2013 British Social Attitudes survey, 27% of those asked described themselves as 'a little prejudiced' towards people of other races, with a further 3% admitting they were 'very prejudiced'<sup>(6)</sup>. In recent years, research repeatedly indicates strongly negative attitudes amongst the white population towards immigrants, refugees, Muslims, Gypsies and Travellers.

7.3 Every person has prejudices, created by social and cultural background, upbringing, interactions with others, and (significantly nowadays) by social media.

7.4 However, there is no room for prejudice in investigation, or any other part of the work of ONR. We are all responsible for making sure that our behaviour and actions do not amount to discrimination, harassment, bullying or victimisation in any way.

## **8. REFERENCES**

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