Transforming communication for people with SLCN within the justice, mental health and care and protection sectors in New Zealand; using lessons learned in the UK to inform culturally responsive, and communication-accessible practices in New Zealand which are guided by trauma-informed care principles

With thanks to:
Winston Churchill Memorial Trust
Talking Trouble Aotearoa New Zealand

How Talking Mats is transforming communication in our practice in New Zealand
Alayne McKee, Winston Churchill Memorial Trust 2018 Fellow
Sally Kedge, Director, Talking Trouble Aotearoa New Zealand
17th April 2018
TTANZ on the road to learn
Whakataoka te hau ki te uru
Whakataoka te hau ki te tonga
Kia mākinakina ki uta
Kia mātaratara ki tai
E hī ake ana te atakura
He tio, he huka, he hau hū
Tīhei mauri ora!

Cease the winds from the west
Cease the winds from the south
Let the breeze blow over the land
Let the breeze blow over the ocean
Let the red-tipped dawn come with a sharpened air
A touch of frost, a promise of a glorious day
These slides show the material Sally and Alayne presented at Talking Mats on 17 April 2018, plus some additional slides about our projects – contact us if you want more information about anything in this presentation.

Sets of our little cards from one of our Youth Justice projects were given out at the presentation. These can be downloaded from our website. http://talkingtroublenz.org/links-and-resources/

Please acknowledge Talking Trouble Aotearoa NZ if you share any of this presentation material, or our resources.
Whakawhanaungatanga

Who I am
Who are you?

It all starts with the 3 ‘Rs’

• Relationship
  People listen to me and care about me genuinely. It’s a safe environment.

• Respect

• Rapport
  I could’ve but na I didn’t. I didn’t trust them enough. I was uncomfortable.

Ata haere
It takes as long as it takes
New Zealand Talking Mats quiz

How familiar are you with where we live?
Sweet as!
I know that

Eh???
No idea

NZ’s population
4.79 million
Sweet as!
I know that

Eh???
No idea

Percentage of Māori in NZ’s population

14.9%
TRUE
or
FALSE
It’s a nice idea, but the law does not require language and communication difficulties to be addressed when delivering services to children and young people.
FALSE
Legislation requires clear communication

• Oranga Tamariki Act (1989) (version 14 July 2017) requires health, education, social and legal services to be provided in an **accessible manner**

• Section 11 (2)

In proceedings or a process to which this section applies,—

(a) the child or young person must be encouraged and assisted to participate in the proceedings or process to the degree appropriate for their age and level of maturity unless, in the view of a person specified in subsection (3), that participation is not appropriate, having regard to the matters to be heard or considered; and

(b) the child or young person must be given reasonable opportunities to freely express their views on matters affecting them; and

(c) if a child or young person has difficulties in expressing their views or being understood (for example, because of their age or language, or because of a disability), support must be provided to assist them to express their views and to be understood; and

(d) any views that the child or young person expresses (either directly or through a representative) must be taken into account.
• The United Nation's Convention on the Rights of the Child (UNCROC) is the world's largest *children's rights* document. Applies to all those under 18 years of age

• The United Nation’s Convention on the Rights of Persons with Disabilities.

**Article 13 - Access to justice**

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.
Introduction to a young person we know

Wendy Kelly’s Relational Learning Framework: What has happened to him?

How does that help us understand how he presents?

<table>
<thead>
<tr>
<th>Culture and his view of his culture</th>
<th>Cultures: Māori, Cook Island, Tongan, Deaf (birth family) He says ‘fruit salad’. He considers he only really speaks and understands English</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child development</td>
<td>Language, learning, emotions and behaviour (previous SLT and psychology multi-agency team). Recent psychosis</td>
</tr>
<tr>
<td>Quality of care</td>
<td>Very poor early in life, mixed since</td>
</tr>
<tr>
<td>Adverse experiences</td>
<td>MANY – in care of the State</td>
</tr>
<tr>
<td>Type/number of losses</td>
<td>Contact with people - birth parents, previous foster parents and siblings Contact with cultures and languages Changes in schools + no school for some years</td>
</tr>
<tr>
<td>Placement changes</td>
<td>MANY</td>
</tr>
</tbody>
</table>
Youth Voice?

Lundy’s model

<table>
<thead>
<tr>
<th>SPACE</th>
<th>(safe, inclusive opportunities to form, and express their view)</th>
</tr>
</thead>
<tbody>
<tr>
<td>VOICE</td>
<td>(facilitated to give their view)</td>
</tr>
<tr>
<td>AUDIENCE</td>
<td>(the view must be listened to)</td>
</tr>
<tr>
<td>INFLUENCE</td>
<td>(the view must be acted upon, as appropriate)</td>
</tr>
</tbody>
</table>

[https://doi.org/10.1080/01411920701657033](https://doi.org/10.1080/01411920701657033)
Court-appointed Communication Assistant (CA)

- CA appointed by the Court
  - Neutral, impartial Officer of the Court (like Intermediary)
  - Developmental Language Disorder
  - Comprehension – limited language + diagnosed intellectual disability
  - Expression – minimal and vague utterances, many vocabulary gaps

- Crossover Court (Family Court + Youth Court)
  - Long-term Family Court involvement (no CA)
  - More recent Youth Court matters (serious violence (to carers), driving offences)

- CA asked to help with Family Group Conference
  - Recent major overhaul of systems and legislation
  - ‘Voice of the child/young person’ – engagement, participation and views
Family Group Conference

- Secure Youth Justice Residence
  - Paper (A4 and post-its) and pens, koosh ball
  - Four adults - not everyone that should have been there was there
  - Bare room

- My role as CA
  - Make sure Dan understands what this meeting is about (you’re staying here for now) and what next
  - Drawing, writing, flow-diagrams, checking what he has understood
Family Group Conference

• Verbal discussion
  • Dan chucking koosh ball against the walls
  • FGC Coordinator +++ talk
  • Me – reviewing, simplifying, drawing/writing key words

• Unexpected question from the Coordinator

  Can’t stay here (Youth Justice Residence)
  Can’t go back there
  What do you want your new place to be like?

Leading questions
Ideas from the adults
Minimal input from Dan – how much of what was being said reflected his views?
Talking Mats to the rescue!

• Problem – no Talking Mat resources

• Solution
  • ‘post-its’ and pen
  • Framework and strategies in my head

• No table – used the floor

Concentrated
Staying sitting
Placed the post-its
Did it without talking much (his normal)
But offered some comments
Low stress + pressure – laughing
Pace – one at a time
Concrete, active
Reduced language burden
No pictures wasn’t a problem – I read out what I wrote and he can read a little
Views on many items generated
Other adults also helped
<table>
<thead>
<tr>
<th>Things I would like</th>
<th>In the middle</th>
<th>Things I wouldn’t like</th>
</tr>
</thead>
<tbody>
<tr>
<td>animals</td>
<td>farming</td>
<td>cooking</td>
</tr>
<tr>
<td>just one caregiver</td>
<td>diving</td>
<td>kids under 10</td>
</tr>
<tr>
<td>lots of caregivers</td>
<td>diving</td>
<td>reading</td>
</tr>
<tr>
<td>fishing</td>
<td>playing pool</td>
<td>sharing a bedroom</td>
</tr>
<tr>
<td>running</td>
<td>beach</td>
<td></td>
</tr>
<tr>
<td>beach</td>
<td>dancing</td>
<td></td>
</tr>
<tr>
<td>hunting</td>
<td>fishing</td>
<td></td>
</tr>
<tr>
<td>guitar, music, drums</td>
<td>rugby</td>
<td></td>
</tr>
<tr>
<td>girls being there</td>
<td>other people</td>
<td></td>
</tr>
<tr>
<td>a caregiver couple</td>
<td>there who are</td>
<td></td>
</tr>
<tr>
<td>looking after him</td>
<td>about 13, 14, 15, 16, 17</td>
<td></td>
</tr>
<tr>
<td>rugby</td>
<td>school</td>
<td></td>
</tr>
<tr>
<td>smallish town</td>
<td>swimming</td>
<td></td>
</tr>
<tr>
<td></td>
<td>rock climbing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>basketball</td>
<td></td>
</tr>
<tr>
<td></td>
<td>homework club</td>
<td></td>
</tr>
<tr>
<td></td>
<td>living in the city</td>
<td></td>
</tr>
<tr>
<td></td>
<td>living in the middle of nowhere/bush</td>
<td></td>
</tr>
<tr>
<td></td>
<td>kayak</td>
<td></td>
</tr>
<tr>
<td></td>
<td>living with boys</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kapa haka/waiata</td>
<td></td>
</tr>
</tbody>
</table>
Trajectories – being preventative

Dan’s younger siblings

2 referred for SLT

Used a Talking Mat as a ‘getting to know about you’

Disclosed some concerns about current placement

• Who do you want to know this?
• Who can do something about it?
• What am I going to do with it?
The scenario we just described isn’t typical – how does it fit within NZ context?

- Population – C&P/YJ crossover and trajectory – Crossover Court = Family Court and YJ in one place
- Therapeutic jurisdiction – matters need to be dealt with to stop recidivism (plan and/or intervention (but **NOT SLT**), AND to put things right and be accountable
- Implications for communication - adults need to know how to make the plans make sense to YP, seek the right information and get YP’s views
- Little fingers in tiny projects – emergent – **SUPER** early days – we’re here to learn and be inspired

How we’re using Talking Mats & how we think they can be used in future
New beginnings

What do you do when there’s no systemic funding for SLT services for the population you want to serve

• Persistence, patience, flexibility
• Tailoring the message – solution focused & speaking their language
• Relationship building – initiate, turn up, go to things other professions go to
• Using small wins to open other doors
• Feeling more confident about what we can offer
• TTANZ champions – aunties & uncles
SLT
- Communication Assistant
- Training
- Research
- Consultation

Mostly OT
- C&P, YJ, Residence

New Pilot – OT
- YJ Community

FGC
- Court

Witness
- Defendant
- C&P and Youth, District and High Courts

 Judges, Lawyers, Grievance Panellists & Residence Managers, Residence floor staff, Alternative Education, Fire Service + many others

In partnership with The University of Auckland Masters and PhD projects

Input to NZSTA, evaluation of SLT pilot at CRHS, Easy Read pilots
Cultural lens

- **Strengths**
  - Engaging rangatahi Māori
  - Not about individual pathology – holistic

- Karen – Kāupapa Maori researcher

- Office of the Children Commissioner - WATCHDOG re: performance of residences (C&P and YJ) – Mana Mokopuna, their initiative was inspired by a demo of Talking Mats. We’ve helped them reflect on it, and adapt it. They want training
  - Reporting – enabling engagement and conversations more easily
  - Causing change in the environments where YP are placed
Communication Assistants

• CA roles
  • Youth – getting to know you AND what do you think about talking in court/FGCS

• What young people have said about those experiences

• Research – like UK – 60%, NZ – Maori and PI over-representation

• Youth and adults
• Complainants/witnesses and defendants

“They were using big words, so I thought what the f*** I’ll just say yep”

[When] people listen to me and care about me genuinely, I feel safe

Can she sit up in the dock with me? Can’t understand what they’re saying otherwise.

‘I can explain myself with pictures more better I think’
Using Talking Mats in CA assessment

• Teenage girl complainant – sexual abuse trial appeal
  • Syndrome resulting in intellectual disability
  • Hearing impairment
  • Speech difficult to understand (cleft and phonological/articulation difficulties)
  • Significant difficulties comprehending and expressing herself
  • Hearing impairment

• Talking Mat – finding out about her interests and views on her own skills
  • Contrast between completing a Talking Mat and other highly verbal assessments for her
  • She understood the top scale
  • Used this to inform CA strategy to help her respond to questions in Court
Do you know this place?

What do you call it?

[Buttons: Yes, Not sure, No]
Sarah went to school on Tuesday

Yes, that’s right
That’s true

Not sure
Can’t remember

No, that’s not right
That’s not true
Using Talking Mats to demonstrate views to others

- Talking Mat used in CA assessment
- Created a Communication Passport with the young person at the end of the assessment
  - Things that are annoying/things that help
- Put a photo of the Talking Mat and the Communication Passport in the report to inform professionals
  - Judge used the information and adapted the communication context
- We’re excited about Talking Mats creating communication access in contexts that they weren’t originally used for

XXX’s Communication Passport

These recommendations were written with XXX and YYY at the end of the Communication Assistant assessment on 18 July 2017 and then added to by XXX’s mum.

<table>
<thead>
<tr>
<th>Things that are annoying</th>
<th>Things that help</th>
</tr>
</thead>
<tbody>
<tr>
<td>People talking S L O W and in a patronising way</td>
<td>Having mum there (not too far away from XXX) and being able to see her</td>
</tr>
<tr>
<td>Long words</td>
<td>Having written words (but not too much writing and big enough to read)</td>
</tr>
<tr>
<td>Over complication or “over-talking” things (“just say the main thing and why and that’s it”)</td>
<td>People knowing the ‘signs’</td>
</tr>
</tbody>
</table>

- *Sneaking around or going behind* 
- *Fiddling with clothes, shuffling will mean “no” (I’m not sure or maybe)*
- *Having a break to go through what has just happened or what might happen (not in the courtroom) and then come back* 
- *Knowing what to expect and having time to talk it through* 
- *People talking at normal speed but keeping things short, without long words, and with pictures to help keep it making sense* 
- *Check understanding without saying “do you understand?” instead ask him to repeat what he has taken from what he has heard, and then ask clarifying questions*
Talking Mat

**Going well** – pets, social media, friends

**In the middle** – sport, organising yourself, preparing meals, listening to others, handling stress, concentrating, sleeping, talking to social workers, asking for help, talking about yourself

**Not going well** – writing, maths, reading, talking, dealing with people you don’t know.
Diverse opportunities

• HEEADSSS

• Kessler

  In the last two weeks about how often did you feel....  
  ...so sad nothing could cheer you up  
  ...worried or frightened  
  ... restless or stressed  
  ...hopeless  
  ...that everything was an effort  
  ...worthless

• Gateway Assessments – health & education check up

• Sexual health/sexual assault – evaluation form
Diverse opportunities

• Comparison – something went wrong – two different perspectives
  • Teacher talking about the classroom environment vs YP – easy/ tricky for this YP,
  • SW vs parent vs child views on how things are going at home/in this placement
  • Social Worker vs young person on how I feel about your wellbeing and safety

• Request from a Social Worker for help. A young person with FASD asked her to help him find some information about how his FASD affects him
  • How I’m getting on with – going well/not going well
  • Easy for me/not easy for me
  • I can do this on my own/I can’t do it on my own

• Young people – understanding their own diagnosis – Talking Mats as a way in to talking about their own strengths and difficulties
Identifying SLCN – what do you do when professionals don’t think it’s their job, don’t want to fill in a checklist, don’t think they know enough information?

Talking Mats to the rescue!
Underway just...

Lots of ways that Talking Mats can support young people to give their opinions throughout these processes

Specialist Remand Care

• Creating a greater range of custody options for young people with 238(1)(d)

• Building in communication access from the start -

  genuine desire for YP to understand what is going on
  trying to anticipate, and plan for communication opportunities and challenges from moment of arrest through court and then post-court placement – who is involved, what needs to be talked about, where does it happen, transitioning out – what are your strengths, more opportunities to do something

• Wanting to have ways to facilitate young people’s participate in the conversations and decisions
Who else are we hoping to influence?

- RYFS, Family Court Lawyers/YJ lawyers, Police – custody questions, teachers – enjoying, passions, how tricky/easy is the work, victim impact statements
- Functionality for planning placement
Current barriers

• OUR TEAM of SLTs using it mainly
• Limited access to training and resources
• Strong need for imagery that is culturally familiar

They wouldn’t believe me because they’re white, they wouldn’t understand”

Feedback from Youth Voices project reinforcing suspicion about anything relating to the dominant culture

• SLTs have limited access to YPs currently, stuff that has started to be funded is systemic – concern is how much watering down and how much understanding of communication generally do professionals have (working on it but early days)
A big challenge for us

• Found some useful ways to walk around communication barriers

• What WE need - We’re trying to transfer tools & skills to people so they can use them for themselves – we’re trying but it is very complex

• Apologies – how to ensure that the empathy requirements, expressive and comprehension demands of what happened, who did it happen to, how do they feel and think now, how do I feel, how does everyone involved feels now

• Is this our job? Whose job is it? What can be done?

• We want your ideas and we want to figure out how to do this in NZ
“It was not until CAs became involved in cases that I started to understand how language difficulties impact on young people who come before the Youth Court. That has led me to re-think how I communicate with all young people I meet in court and to see an urgent need to change the language, forms and processes we use to make them capable of being properly understood. This must go beyond simply removing the anachronisms and institutional language; New, fresh and meaningful approaches are required.”

HH Judge Fitzgerald (NZ)
April 2018