

1. Identification and engagement

Child or person identified as requiring communication assistance. Communication Assistant engaged to do an assessment.

(This can occur prior to initial or second police interview. Assistance at interview including planning of sequencing and structure of questioning as well as assistance at interview.)



2. Assessment and report

Specialist assessment carried out by Communication Assistant.

Report on communication needs and special measures recommended.



3. Planning and preparation

Preparation of visual aids and easy read documents.

Assistance to Counsel in comprehension of information /charges/evidence and in gaining instructions.

Attendance at Ground Rules hearing.

Assistance to the court for Court education.

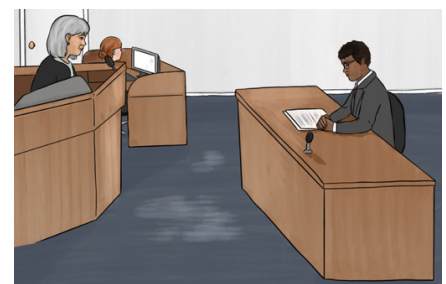
Assistance to Counsel for sequencing and structure of questioning.



4. Communication support at hearings or at trial

Assistance for Defendants at trial while listening to and understanding process and evidence.

Assistance to Defendants or Witnesses while giving evidence.



Communication assistance is available for defendants and witnesses in criminal cases. Defendants are entitled to communication assistance to enable them to understand the proceeding and to give evidence. Witnesses are entitled to communication assistance only to enable them to give evidence (Evidence Act 2006, section 80). Witnesses include complainants (victims).

Witnesses in civil cases are entitled to communication assistance, but parties (litigants) who are not giving evidence are not.

1. CA Engagement

Who identifies communication support needs?

Judges, police, prosecutors, defence counsel, social workers, lay advocates, the person themselves and their whānau, can all play a part in identification of communication needs.

The need for communication assistance can be identified at any time during a proceeding, but early is best. Issues should be brought to the attention of the court.

A referral for a communication assessment should be completed when a court proceeding involves:

- a child aged 12 years and under
- a person with a known or suspected intellectual or learning disability or disorder (including Foetal Alcohol Spectrum Disorder, autism, dyslexia, brain injury)
- a person who presents with comprehension, expression, behaviour, or literacy and sensory “flags”
- a person with a mental health condition or trauma induced anxiety or stress that impacts their communication
- a person with a recent psychiatrists’ or psychologists’ report, including a Fitness Report that indicates communication difficulties, intellectual disability, poor processing speed, high suggestibility or high stress.

Please see **page 3** for other “flags” that may indicate a communication issue.

The court makes the referral for a Communication Assistant Assessment to the provider

The referral should not include any substantive information regarding the facts of the case (for example the summary of facts). This is to ensure the CA’s assessment is neutral and impartial and that information relating to the case is not disclosed inappropriately. Some information the CA receives will be redacted for this to occur.

Moretalk submits a quote to the court. Acceptance of the quote indicates engagement for assessment. Please note Shout Speech Language Therapy has an ongoing working relationship with Moretalk as a sub-contractor.

2. Assessment and Report

The CA will communicate with the OIC for a witness and Defence Counsel for a Defendant to set up an Assessment appointment (of 1 to 1 ½ hours) with the person referred.

The CA analyses the persons abilities in communication including:

- attention, listening and concentration
- understanding of spoken language and ability to respond to oral questions
- spoken expression e.g. vocabulary use, sentence length and structure, ability to recount or describe events
- speech sound intelligibility, including what strategies improve this and use of non-verbal communication
- reading and writing and response to visual aids
- management of stress anxiety and fatigue.

Always keeping in mind the justice context in which the person needs to be able to engage, understand and respond with accuracy to questions i.e. to express themselves.

The CA writes a report to the court outlining accommodations / special measures to assist all in communication with the youth.

Flags that indicate referral for communication assessment

(to assess the need for Communication Assistance)

Comprehension flags



The person

- appears to have difficulty in understanding questions or is confused by what is said or happening
- is unable to repeat back what is being said in their own words
- seems to focus on irrelevant small points rather than important issues or expresses strange ideas
- does not understand common everyday expressions
- appears very eager to please/ agrees to statements without the appearance of understanding.

Expression flags



The person

- gives vague, un-detailed responses to questions
- repeats what was said to them (or parts of what was said)
- forgets or contradicts their previous accounts
- takes a long time to respond, frequently reformulates their sentences
- talks tangentially or is off the topic
- talks too much or not enough – uses short, simple sentences or rambles
- has no speech or limited speech or is difficult to understand
- uses signs and gestures to communicate or augmentative (low or high technology) methods to communicate.

Behavioural flags



Behavioural flags

- appears disengaged with what is happening (uninterested/lethargic/physically withdrawn/does not make eye contact)
- responds inappropriately or inconsistently to questions (eg shows inappropriate or unusual emotional responses such as smiling or laughing inappropriately, inappropriate humour or inappropriate confidence or cockiness)
- appears to have a short attention span
- says they do not remember or “dunno” a lot or repeatedly changes the subject
- is easily distracted or restless when listening
- is violent or appears over-excited/exuberant.

Literacy and sensory flags



Behavioural flags

- does not read or write well
- has hearing impairment or is deaf
- has a visual impairment or is blind.