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The COAT: Communication Observation Assessment Tool

Identifying communication barriers and opportunities – FUTURE INTERACTIONS version

Talking Trouble Aotearoa NZ

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Introduction

The COAT: Communication Observation Assessment Tool: Identifying communication barriers and opportunities – FUTURE INTERACTIONS version has been developed by Talking Trouble speech-language therapists to help stakeholders who work in justice settings consider how they can create a communication accessible context which will enable effective participation by those who need to understand and have their say.

The various interactions that take place in legal settings are often extremely complex and place high demands on the communication skills of those involved. The complexity within legal processes and interactions can disadvantage those with different ways of thinking, knowing and communicating. Lay people who need to participate in legal processes do not always share the same communication and linguistic profiles as the professionals involved. The communication style and conventions typically used in legal spaces may be highly familiar and comfortable for those who work in these contexts but can be confusing and impenetrable for others. The legal professionals often have developed specific ways of using language and communicating that privilege complex vocabulary and grammatical structures in both written and spoken communication.

Communication breakdowns can be hidden or go unnoticed. Participants may not know when they have misunderstood something or may not be able to advocate for accommodations that would enable more effective communication. Practitioners may be aware that some participants might find communicating in legal situations challenging. These practitioners may want to adapt the communication environment and their own communication but may not know how. The communication context needs to be carefully considered and a range of communication accommodations may need to carefully designed and implemented.

We have developed the Communication Observation Assessment Tool (COAT) to be a reflective analysis tool that helps stakeholders consider the communication demands involved in the various stages of a legal process. The analysis aims to identify any potential communication barriers that may arise for any party involved and will allow the practitioners to consider practical and effective communication accommodations they could implement. Communication accommodations might be needed for a wide range of reasons, and these might involve changing the communication environment as well as changing the way in which the people involved talk, write or interact. There might be additional resources or expertise required. This tool could be used to consider any legal process and consider the communication demands involved for any of the stakeholders who need to take part.

This tool has been designed, reflecting our understanding that
- Language, culture and communication are inseparable.
- Everyone has the right to understand, participate in and have a say in decisions that are important to them.

- Neurodiversity is normal. Everyone has different ways of communicating. Rather than expecting everyone to communicate in the same way, we should be willing to adapt our communication to enable the other person to be more successful.
- Society and organisations can disadvantage those who struggle with speech, language or communication through a preference for overly complex processes, information and interactions.

Background to the development of this tool

This FUTURE INTERACTIONS version of the COAT builds on a previous version we created when providing professional development on communication accessibility to justice practitioners. The original version was created to help stakeholders in justice settings reflect on previous interactions they had had with a specific participant during their work. The professional development process that we designed using the previous version of the COAT allowed practitioners to draw on their own experiences and expertise and combine this with our knowledge and skills – we are specialist speech-language therapists who work as communication assistants in legal settings in New Zealand.

We designed the questions in the previous version of the COAT to prompt practitioners to reflect in depth on what might have enabled effective and successful communication in their context, and what might have been communication barriers. Each practitioner did their own individual reflection on a specific interaction they had been involved in in the past. They could choose the specific participant they wanted to think about and they were asked to consider the interaction they had had with that participant in depth e.g. where it took place, what it was about, at what stage the interaction occurred etc. The group then discussed their individual reflections (without any discussion that would identify the participants or specific interactions they had each reflected on). This allowed the justice professionals to identify communication issues they felt needed addressing in their work in the future. They were able to identify effective communication practices, strategies and resources that some of them were already using that they wanted to share or develop further. They also identified communication barriers that they wanted to address. We were then able to help the stakeholders understand more about factors that can impact on effective communication, particularly within legal settings and explore some of the communication barriers that can arise when participants in justice settings need to deal with the complex linguistic communication often involved. Together we were able to co-design a range of accommodations that addressed many of the common communication issues that often arise for individuals who need to have their say and understand in legal processes. This helped the stakeholders build more effective communication tools to use within their work so they could enable participants to move more smoothly through the legal system, potentially avoiding some of the common confusion, alienation and distress that can arise when communication issues are not addressed.

This FUTURE INTERACTIONS version of the COAT differs from the previous version which was about reflecting on a PAST interaction. This version aims to help practitioners consider the various stages that might be involved in a FUTURE potential communication justice context. An individual practitioner could use the COAT, or it could be used in a multidisciplinary team reflective process where legal professionals work with others such as communication assistants, psychologists and those with cultural and linguistic expertise.

In your context, is there a particular type of interaction that is relevant for you to consider?

As you reflect on the communication context that will be involved, consider the following:

Communication tends to be most effective when the participant feels safe, has some control over the way the interaction happens and can communicate in the way that works best for them. Consider a range of different ways you could adapt the proceedings and your communication.

1) What is likely to **work well** for language and communication?

2) What might be **'communication bottlenecks' or barriers** – what could be adapted or removed to create more effective communication?

It is often helpful to consider the various stages that will be involved in a process so you can plan for how you are going to facilitate effective communication in the interactions that will arise. For each stage, you need to consider

1) What the participant will need to understand?
2) What the participant will need to express?

This will help you work out what communication accommodations or strategies will address someone's specific needs. This planning is efficient – it is usually much more effective to carefully plan in advance for effective communication, than try to sort out a communication breakdown that arises. This planning can preserve mana as well as save time. You are aiming to ensure that the participant has a smooth communication experience - they can understand all they need to in whatever form that involves (oral language, written language, sign), and they can have their say and express what they may want or need to. Most people are unlikely to alert you to communication issues if they do arise, particularly in settings where there is a hierarchy operating or perceptions of power differences.

Consider what you can do at each stage of your process to enable effective communication:

BEFORE the interaction	DURING the interaction	AFTER the interaction

The COAT questions in the remainder of the document will prompt you consider the interaction in depth.

A. ENTERING THE PROCESS	Comment on any anticipated communication barriers or Communication strategies/resources/expertise that may be required
What role does the person you're considering have in this process? . What information will they be given about their role and the purpose of the interaction/proceedings? Is there anyone navigating them through this process? What do they know about you and your role? Can you do anything to begin forming a connection/positive working relationship?	

What is in place to help ensure they have understood this information?	
Do they have any choice about the role they will play? If so, how has that been communicated to them and do they thoroughly understand this?	
Are there others who also may need to be given information about their role and the process (e.g., whānau, other community members or other professionals involved with this person)?	
B. WHO WILL BE INVOLVED	Comment on any anticipated communication barriers or Communication strategies/resources/expertise that may be required
Who will be involved in the interaction that you are considering? List the participants and their communication partners (this might be you or someone else/others)	

The communication partner(s) Who will this participant or the participants be talking to (the communication partner(s) – will that be one person or several? What are the characteristics of the communication partner's communication – what do you know about them that will help to identify anything that is likely to make communication easier/harder? How flexible might the communication partners be to adapting their own communication? Do the communication partners know how they might need to change the way they communicate? Will the participant need to participate in different interactions in this process – will these be similar or will they present different communication demands?	

Whose role is to identify any communication needs – does this individual have the relevant skills and knowledge to do this accurately and know what steps may then be required?	
The participant(s) Is there one participant's communication needs you need to consider or many? What do you know about this person's communication profile – are there any factors that might mean that they require communication accommodations to be implemented? If you are thinking about many participants, do they share similar communication profiles or characteristics? What has the individual had to say about their own communication needs? Who has asked them and has this been done in a way that would enable them to express what they may need? Bear in mind that processes are often unfamiliar so people may not realise what they will be required to understand or express and many people may feel	

7

uncomfortable discussing any communication access needs with others, especially when they do not know them.

Are children involved in the interaction? How will their specific communication needs be considered? If children are involved in processes designed for adults, there will be communication accommodations you will need to consider. What will be needed will depend on the age and developmental stage of the children concerned.

You will need to consider any disabilities that might be relevant for any participant involved but you need to bear in mind that the person may not consider a diagnosis or disability relevant to them and/or they may not have had the opportunity to explore their own communication and what factors might be relevant.

The objective and subjective language and communication grounds that are provided on page 19 of the Ministry of Justice's Communication Assistant Quality Framework might be useful to consider. https://www.justice.govt.nz/about/lawyers-and-service-providers/service-providers/communication-assistance/

Languages and culture Will everyone speak the same first language? If not, will be there an interpreter? Will the interpreter share the same cultural context and dialect as the person? Will anything need to be read or written by participants – what languages will be involved in that? What do you know about the literacy profiles of the participants – what languages are involved and how comfortable and proficient are people with reading and writing in those languages? How will cultural aspects of communication be considered?	
# C. WHERE	Comment on any anticipated communication barriers or Communication strategies/resources/expertise that may be required
Where will the interaction happen?	

Is there any flexibility about where this will occur?	
What will that be like as a place for the person to communicate in – anything helpful or unhelpful to consider?	
How will that space be set up to make it as comfortable to communicate in as it can be?	
Consider the seating, the distance between individuals – will everyone be able to see what they need to see – faces, object, documents and hear what they need to be able to hear?	
Consider the space where the person need to wait as well as the space in which they will need to interact	
Has the person been into that space before? Can they before the interaction occurs? If they can't visit the space physically, can they see it in photographs or in a video?	

D. THE INTERACTION	Comment on any anticipated communication barriers or Communication strategies/resources/expertise that may be required
What will happen and how long will it last?	
What will it be about?	
How will the person be kept informed about what will be happening next?	
What modes of communication will be involved? Will it be purely oral or will it also involve written or visual materials?	
Will the interaction involve the person EXPRESSING THEIR VIEWS or will they be expected to UNDERSTAND information others are expressing?	
Will communication be directed to an individual or will the person need to pay attention to and understand communication that is taking place between others?	

11

Will that communication be between two people, or will one person be speaking to a small group or large group?	
Will the communication take place between people in a shared physical space or across audio or audio-visual modes? (We have created other materials to help justice professionals consider the communication demands involved in audio-visual contexts - https://talkingtroublenz.org/wp-content/uploads/2020/05/PROFES1.pdf and there are also versions of this material for participants themselves: https://talkingtroublenz.org/wp-content/uploads/2020/05/PLANNI2.pdf (version on 4 pages) https://talkingtroublenz.org/wp-content/uploads/2020/05/PLANNI1.pdf (single page easier version))	
Will the person have to answer questions?	
How will the linguistic structure of those questions be planned so they are as clearly expressed and unambiguous as possible?	
How will leading questions be avoided?	

12

How will changes in topic or focus' be communicated clearly to the person? e.g., "We've finished talking about X. Now I need to ask you about Y"…

What training have stakeholders had about the linguistic structure of questions? The Advocates Gateway toolkits https://www.theadvocatesgateway.org/toolkits-1-1-1 and the Benchmark Guidelines https://www.benchmark.org.nz/guidelines might be useful to consider and also specific recommendations may be required if an individual has a disability or a particular communication difficulty or need. A Communication Assistant might be required.

Will questions be written down – could they be if the person would find it easier to read and consider a question before answering?

If someone feels they cannot orally express a response to a question, can they write down their response, or respond by pointing to visuals (I agree/I don't agree)?

Does the person know that they can say if they cannot remember something, they're not sure, or they don't know the answer to a question they are asked?

Will the participant have any say in how the interaction happens, how it begins, how it ends, breaks etc. How will they know if they have any autonomy? How will they let you know if they need a break, don't want to discuss a topic/answer a question?	
E. MONITORING OF EFFECTIVE COMMUNICATION	Comment on any anticipated communication barriers or Communication strategies/resources/expertise that may be required
How will you be able to tell if the communication that occurs is effective? How will monitoring of effective communication occur (your communication and the communication of the participant) and who will be responsible for this monitoring? How will people let you know if they don't understand what they have been asked or what others are saying? (Bearing in mind that many people are unlikely to highlight communication breakdowns in situations where there are hierarchies at play, and that asking, 'do you understand that?' is not an effective way of checking understanding) How will anyone (including the participant) involved alert others to any communication breakdowns or issues that arise?	

14

F. FEELINGS	Comment on any anticipated communication barriers or Communication strategies/resources/expertise that may be required
What might be triggering or stressful for the person in this process?	
What can be done to mitigate that, and how will they know what they can do when they feel stressed, distressed, or overwhelmed?	
What points of this process cause *you* anxiety or disquiet as a professional in this process, and what is available to you to address this?	
Any comments about how you think the participants might be feeling or what their mindset might be about this?	
At the end of the process what happens next and how is this communicated to those who need to know? Does the person get a text, letter or anything thanking them for their contribution, assuring them they've been heard/reinforcing the influence they've had/difference they've made, informing or reminding them what the outcome was or what will happen next?	

15

G. WHAT ELSE IS IMPORTANT	Comment on any anticipated communication barriers or Communication strategies/resources/expertise that may be required
What else have we NOT asked you yet about the communication that will be involved in these interactions?	

H. REFLECTION AT POST-PROCESS	Comment on any anticipated communication barriers or Communication strategies/resources/expertise that may be required
Thinking about the communication environment and the communication between the communication partner(s) and the participant: What helped? What did not help? What could have been done differently? What is the opinion of the participants about these questions?	

A short page of tips titled *'Actions to take to improve communication accessibility in legal spaces',* and other resources can be found on our website. https://talkingtroublenz.org/links-and-resources/
If you need the expertise of a speech-language therapist/communication assistant, please contact us. contact@talkingtrouble.nz

16