

Special Report

THE YOUTH COURT
OF NEW ZEALAND

TE KOOTI TAIOHI
O AOTEAROA

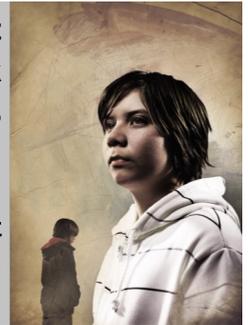
Talking Trouble NZ

Language and communication difficulties: children and young people involved with the legal system

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“Have you ever wondered if young people completely understand what you’re saying to them? How easy it is for them to participate in the talk involved in your work? How common are oral language competence issues in the young people who are involved in the legal system?”

Speech-language therapist Sally Kedge recently presented to the Youth Court Judges about the prevalence of young people in our system with language and communication difficulties. Sally shares some of her insights in this field of work.



The speech-language therapists from **Talking Trouble NZ** are helping to answer questions like those above.

International research indicates that about **60% of the young people involved in youth justice systems have significant difficulties with oral language** (e.g. Bryan K, Freer J, Furlong C. Language and communication difficulties in juvenile offenders. International Journal of language and communication difficulties, 2007; 42, 505-520.)

Although the New Zealand research in this area has only just started, we have no reason to think that this will be a very different statistic. This means that many of the young people progressing through our courts are likely to be vulnerable; they may not fully understand what is being said to them and it may not be easy for them to get across their ideas and feelings. Participating in talking situations designed to help them may well be challenging. Currently in New Zealand, they are highly unlikely to have been assessed or treated by a speech-language therapist.

Our oral language competence is not usually something we need to give much thought to (unless we are perhaps travelling to a different country where a different language from our own is spoken), yet it allows us to do so much. We need to be able to talk and understand to participate in education, manage our relationships, deal with our emotions, express our thoughts and ideas and negotiate when someone does not agree with us. Oral language also underpins the development of reading, writing and spelling. The literacy needs of young and adult offenders are often talked about, but it is highly likely that many of those with literacy problems may also be struggling with spoken language.

Tama’s Story

Tama’s story illustrates many of the issues. It is based on a real young person but all identifying information has been removed and his name has been changed.

At Tama’s Family Group Conference a plan was made and the importance of sticking to this plan was stressed to Tama. He nodded when asked if he understood what he had to do. He shook his head when he was asked if he had any questions.

When asked later about the content of the plan and the conditions of bail, Tama was unable to explain what he had to do. He had not been able to follow the talk that went on around him at the Family Group Conference. He found it hard to answer any of the questions but knew that it was important to cooperate as best as he could. He could not follow the jargon and complex vocabulary. He was confused by time concepts and complicated grammar. He could not read sufficiently well to understand the documentation. **He later breached the conditions of his bail.**

Speech-language therapy role?

It’s extremely rare for young people in NZ over 8 to receive a speech-language therapy assessment. However, if Tama received an assessment, what information would it provide, and can anything be done to help him?



Talking Trouble NZ: Tama's Story

Speech-language therapists are interested in the following information:

<u>Understanding of spoken language</u>	<u>Expressive language</u>
Can he hear?	What is the quality of his talk like?
Can he listen and remember?	Grammar?
Can he make sense of what others say?	Vocabulary?
Knowledge of vocabulary and concepts like time / emotion words?	Speech sounds?
Complexity of grammar?	Fluency and voice?
Read between the lines?	What can he do with talking?
Deal with non-literal language? Sarcasm? Jokes?	Explain his role in an event?
Does he realise when he hasn't understood what he hears?	Reason?
<u>Social use of language</u>	Problem solve?
How does he relate to peers and adults?	Resolve conflict?
How does he use aspects of communication like tone of voice, eye contact, tone of voice, taking turns to talk, etc?	Express his perspective or emotions?
<u>Related information</u>	
How is he progressing with:	
Non-verbal skills? Reading and writing? Progress in education? Friendships?	
Mental health? Behaviour? Substance abuse?	

When the important adults in Tama's life were asked about his oral language, they said things like this: **"He talks OK. He can talk in sentences.** He gets what you're saying and knows what's going on. He's pretty quiet and keeps himself to himself. **He just chooses not to participate. He can't be bothered."**

An Audiologist established that Tama had mild problems with his hearing. Although these hearing difficulties were not stopping him from hearing what was said to him completely, they would mean that he would need to concentrate harder than his peers with good hearing and noisy environments would be challenging. Hearing difficulties are common in vulnerable young people and are often undiagnosed and untreated.

Listening, remembering and fully understanding what others say are challenging skills for Tama. He is very easily distracted, especially when the topic does not interest him much. Even when he is trying hard, he finds it difficult to stay focused on the information being talked about, especially if the words are

complicated and the sentences are long and complex. Busy, noisy situations are particularly tricky, but **a lot of the language Tama hears wafts over him without him tuning in properly, a bit like a radio on in the background.**

Others might not be aware of this as Tama tries hard to comply with people – he nods, says yes if anyone asks him if he understands and uses his eyes to watch what others are doing to help him work out what he is expected to do. **He does not always realise that he has not fully understood what he has heard.** He has begun to think that everything is difficult for him and there is not much point trying at anything challenging and this has started to damage his self-esteem and confidence.

Tama understands the language addressed to him if it is about what he can see in front of him, is short, has easy words and simple grammar and is about a topic that he is interested in. **He is often confused by more complicated vocabulary e.g. legal terms, emotion words, words to do with time and**

complex grammar is confusing for him. Reading between the lines to understand inferred meanings is hard and it can be hard for him to understand others' points of view or perspective on events. Sarcasm and metaphor are often missed by Tama.

Tama can talk. He can use short sentences and he has no speech sound difficulties. He does not stammer and his voice sounds like others of his age. **On the surface his talking seems fine.**

However the quality of his talk is highly compromised compared to other teenagers of his age. His sentences are short and use basic grammar and he does not always have the vocabulary he needs, relying on 'thing' to fill in the gaps. It is clear that **Tama finds it challenging to explain his role in an event, reason, problem solve, resolve conflict, express his perspective or emotions.** It is hard for him to interact with his peers with ease. He tends to be on the outside of any group.

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Tama does not have a medical diagnosis and this is common for many of the young people who have oral language difficulties. Oral language problems are associated with conditions like Autism Spectrum Disorders, Traumatic Brain Injury, Attention Deficit Hyperactivity Disorder, Conduct Disorder, Foetal Alcohol Spectrum Disorders, learning difficulties and intellectual impairments but oral language difficulties often occur without any other condition being present.

It is also common that Tama's oral language difficulties have been **undetected and untreated**. Sometimes this is because young people become skilled at hiding their problems because they are embarrassed, ashamed or don't know how to seek assistance but also because professionals are not clear about what to look for and speech language therapy services are rarely used for older children currently. Adolescence can be a challenging time for many, and may mask underlying oral language problems which do not disappear with age. Superficial skills with talking often mask more significant problems and we often hear the comment, 'he swears really well'. Children and young people with language difficulties are often described as rude, uncooperative, slow, unmotivated or quiet, and although they may be any or all of these things, such a presentation may hide an oral language competence issue. Vulnerable young people are often transient which makes it difficult for professionals to share information and gain a thorough assessment of their skills and needs.

Oral language difficulties can compromise the success of interventions designed to help vulnerable young people – most involve talking (and often literacy). Anger management, stress management, Family Group Conferences, counselling, Court Hearings and classrooms are all highly verbal settings.

Changes may need to be made to the way the talk in these settings is conducted to support the 60% of vulnerable young people who may be struggling with oral language.

What did this mean for Tama?

The key adults supporting Tama needed to know how to recognise his oral language difficulties and know how to change their own talk. They needed to know what he can be expected to understand (**about at a 7 to 8 year old level**). They needed to know when he might struggle to participate and how to support him with strategies for breaking down information e.g. what his FGC plan means he has to do, using visuals to give him information, checking understanding (without just saying 'do you understand?'), **teaching important vocabulary e.g. what 'breaching bail' means**. His teachers needed to consider how they delivered instructions and the curriculum content in the light of his oral language profile and he needed an individual education plan that aimed to explicitly build his oral skills. He needed ongoing input from a speech-language therapist.

What does all this mean for NZ?

We need a response that is specific to NZ and addresses our **unique cultural and linguistic situation**. There are implications for children and young people going through both Care and Protection and Youth Justice systems. How can we ensure that language difficulties are not missed? How can we address any gaps in skills? What do effective interventions look like? Who do they target, the young people themselves or the adults?

If a young person has a communication need, how adults talk and interact with them can make a big difference. They will engage and want to participate. They will understand more and are less likely to disengage. Adults will spend less time managing behaviour. Education, skills

training, or any other interventions will be more successful.

Lord Ramsbotham (UK) HM Chief Inspector of Prisons has been a strong advocate for involving speech-language therapists in the justice system, and in 2006 he commented:

"I have to admit that in all the years I have been looking at prisons and the treatment of offenders, I **have never found anything so capable of doing so much for so many people at so little cost as the work that Speech and Language Therapists carry out**. When I went to the young offender establishment at Polmont I was walking with the governor, who told me that **if, by some mischance, he had to get rid of all his staff, the last one out of the gate would be his Speech and Language Therapist.**"

Talking Trouble NZ has made a start on tackling these issues in New Zealand and has started a research programme, professional development workshops, and networking but more is needed.

Please contact talkingtroublenz@gmail.com for reference lists, further information or to go on our mailing list.

Relevant resources

www.talkingtroublenz.org (our own organisation)
<http://www.theadvocatesgateway.org> (extremely comprehensive resources about communication for legal professionals)
http://www.rcslt.org/about/docs/rcslt_justice_evidence_dossier_final (Royal College of Speech Language Therapist's 2012 research review)
<http://www.sentencetrouble.info> (UK professional development resources for youth justice)
<http://pamelasnow.blogspot.co.nz/p/blog-page.html> (Australian Researcher)