



Using a Communication Facilitator

The importance of being able to convey and understand messages is fundamental to a good working relationship between legal professionals and clients. A breakdown in communication between a person who uses augmentative and alternative communication * (AAC) and a legal professional can lead to serious problems. Using the services of a communication facilitator can enhance communication between the person using AAC and the legal community and thus facilitate access to services and justice. People who use AAC typically do not need sign language interpreters, however they may need someone who is familiar with AAC and who knows how they communicate. It is important to note that unlike sign language interpreting services, there is no service or standards of practice to regulate the role and responsibilities of communication facilitators for people who use AAC. Therefore it is important that these guidelines be shared with the client and his / her communication facilitator so that there is an understanding of the roles and responsibilities involved.

Please note this document is part of a series of resources available at www.accpc.ca

In the following guidelines, the person using AAC is referred to as the client and the communication facilitator is referred to as the facilitator.

BACKGROUND INFORMATION

The role of a communication facilitator is to assist with the communication between a client who uses AAC and his / her legal professional.

Not all clients who use AAC will require or want to use a communication facilitator. This must be an individual decision and the client must give permission before the lawyer seeks such services.

Unlike sign language, AAC is not a language with a defined set of signs and structures to support communication. Each person who uses AAC has unique ways of communicating that depend on their physical, sensory, linguistic and cognitive needs and skills, access to communication systems and services etc. Sign language interpreters are not trained in facilitating communica-

tion for people who use AAC.

While there are professional standards and ethics for foreign language interpreters or sign language interpreters, there are no standards in place for communication facilitators who support people who use AAC. The following guidelines are suggestions only and should be customized for each client.

THE ROLE OF A FACILITATOR

Depending on the individual communication needs of the client, a facilitator may be required to:

- Read aloud what the client selects;
- Interpret the client's body language, vocalizations, gestures etc.;

- Verify that the message is accurate;
 - Interpret and probe for meaning in situations where the client does not have the vocabulary or skills needed to convey his / her message independently;
 - If necessary, assist the client understanding what the legal professional is saying;
 - Support the client in reading and writing activities relating to the legal matters.
- Facilitation should be done in a manner that allows the client maximum control in directing his / her message (e.g. client communicates items that lead the facilitator to reasonable guessing of his / her intended message).
 - It is the responsibility of the legal professional to ensure authenticity of the client's communication by:
 - Observing the facilitation process between facilitator and client;
 - Knowing how the client signals Yes and No and uses his / her AAC systems;
 - Ensuring that the facilitator is "lead" by the client's communication and that reasonable meanings are deduced;
 - Verifying meaning and accuracy directly with the client.
 - The facilitator should not convey information about the client unless requested by the client and only in the presence of the legal professional (e.g. in a situation where the client is experiencing challenges communicating about a complex series of events of which the facilitator has some prior background knowledge).
 - The facilitator should not participate in advising the client or in providing opinions to the client.

WHEN TO USE A FACILITATOR

- The client may request the services of a facili-

tator if he / she feels that you may not be able to communicate well with him / her.

- You may request a facilitator if you are inexperienced in communicating with a person who uses AAC, or if you feel that the process of "interpreting" the person's communication detracts from your ability to focus on providing legal services.
- If you are requesting a facilitator, the client must give his / her consent and should select and / or approve the facilitator.

FINDING A FACILITATOR

An appropriate communication facilitator for a person who uses AAC is someone who:

- Is selected by the client as someone he / she trusts and with whom he / she communicates well.
- Knows how the client communicates in all modalities (i.e. using communication display, device, body language, gestures, personalized signs, vocalizations, any speech that the person has etc.).
- Ideally, has known the client for a significant time period and is somewhat familiar with the client's life, although caution should be demonstrated to ensure this person is not in an abusive power relationship with the client.
- If the client cannot identify an appropriate communication facilitator, or if the nature of the legal matter requires a facilitator who is unfamiliar with the client and his / her situation, it is recommended that a facilitator have extensive experience interacting with people who use AAC. This person could be a speech language pathologist, occupational therapist, educator, or consumer advocate who has extensive working experience in AAC. It is also useful if

the facilitator has had experience facilitating people who use AAC in the legal system.

- Resources to find a communication facilitator:
AAC clinics in local rehabilitation centre
www.accpc.ca
www.isaac.org

PAYING A FACILITATOR

If the client cannot provide a communication facilitator (i.e. a family member, friend, paid advocate from a disability organization, an outreach attendant etc.), payment for this service will have to be discussed by the lawyer and client.

ENGAGING A FACILITATOR

- When you have secured a communication facilitator, have the facilitator sign a confidentiality form and the client sign a form consenting to use the facilitator.
- Provide the facilitator with these guidelines and ask him / her to review them directly with the client so that you all have an understanding of your roles within the communication process.
- If the facilitator is unfamiliar with the client, provide sufficient time for them to acquaint themselves with each and the communication process. This can range from two - three hours. In some cases, it may take much longer.
- Never discuss the client's issues with the facilitator without the permission of the client.
- During the session, always talk to the client, not to the facilitator.
- Ensure that it is the client's communication that you are receiving by observing how the client directs the facilitator through selecting items on his / her AAC system, that the facilitator suggests meanings that are reasonably based on the

items provided by the client, and that the client verifies the meaning of his / her messages via his / her Yes / No responses. Ensure that the facilitator asks the client for permission to elaborate on messages as another indicator of the client's control over the communication process.

- If you want to make sure you understand a message from the client, obtain her / his permission to ask the facilitator to elaborate – e.g. “Is it okay if I ask [name] to help us with this question so that I can clearly understand what you are communicating?”
- In cases where the client knows the facilitator, interpreter behavior such as attempting to exert control over the interview or intimidating or talking for the client could indicate a relationship of power and control over the client. In such cases, speak privately with the client about finding another facilitator. Avoid confronting the communication facilitator directly, since doing so may increase the client's vulnerability to abuse.

GUIDELINES FOR FACILITATORS

- Ensure that you know how the client communicates.
- Inform and demonstrate to the legal professional how the client communicates using his / her AAC system, any signals / gestures that the client uses and how the client will verify meaning (e.g. communicate Yes and No).
- Remain neutral and impartial on all topics discussed. You must refrain from altering a message for political, religious, moral or philosophical reasons or out of any other biased or subjective considerations. If you are unable to do this, you should withdraw from the communication facilitation assignment.

- Sit to the side of the client (ask the client which side she / he prefers) and slightly behind, but in a position where you can see when she / he wants to begin communicating. When facilitating, move your chair forward to a place where it is easiest to "read" the client's communication. When you are finished facilitating, move back to encourage conversation between the client and the legal professional.
- Avoid being too animated or drawing attention to yourself. Use your eyes and body language to direct the legal professional to converse directly with the client.
- Avoid private "talk" with the client during the discussions. Do not engage in laughing, teasing or joking behavior.
- Do not comment, ask questions or engage in the discussion unless you are invited to do so by the legal professional or the client.
- Say the letter / word / picture / symbol selected by the client out loud and then – if he/she does not correct you – proceed to the next item. Make sure that the legal professional hears each item and that he/she knows the client's signal to correct any misinterpretations. In this way, the legal professional can observe the client's actual communications.
- When the client has completed a message - repeat all the items as provided by the client. For example, if the client communicates "Woman glasses bad," say these exact words to the legal professional. In some situations the legal professional may want clarification (i.e. Are you saying that a woman who wears glasses is bad?) and in other situations, he /she may want to explore related areas of questioning (i.e. Tell me more about the woman with glasses or tell me why the woman is bad). Avoid leading the interview as this is the role of the legal professional.
- Ask the client to verify the meaning of his / her messages. Ensure that the legal professional observes these verifications.
- For long messages, you may need to write down what the person is communicating. When you are finished interpreting, destroy or shred any written notes you have made. (If the legal professional is required to keep a record of written notes, the client must be informed before the session of why and how this record will be used.)
- If you are familiar with the client, find out from him / her and the legal professional if you can provide information in situations where the client experiences difficulty communicating a complex series of events. Depending on the legal matter, this may or may not be allowed. In such situations, ensure that the client has selected the topic, has a means of directing you to speak on his / her behalf (e.g. Please tell that story) and that he/she verifies what you are saying in the presence of the legal professional.
- If the client does not have the vocabulary he / she needs and if you know the context (person, place, etc.), ask the client's permission to suggest some words within that category. Inform the legal professional that you need to elicit information from the client in this way. For example, you might say to the client: "Are you talking about someone who works with you?" Client signals "Yes." "Is it a man?" Client signals "Yes." "Do you want me to say some names of the men who work with you? " etc.
- If the client needs new vocabulary provide vocabulary in his / her device or display and support him / her to become familiar with it. For displays on abuse, crimes and legal matters see www.aacsafeguarding.ca
- If the client needs support to understand what

is being discussed you may need to rephrase what the legal professional is saying using plain language, short sentences, breaking down instructions into smaller parts and using concepts that are familiar to the client. Having these questions ahead of time, gives the facilitator an opportunity to prepare the questions.

- If the client has difficulty with some concepts, explain this to the legal professional and try to find ways to support him / her in compensating for this (i.e. use associations to help the client communicate about time - "Can you remember what you did that day? Was it a day you went swimming? A day you went to your literacy class?", etc.).
- If the client needs assistance in understanding what the legal professional is saying, you can rephrase, simplify or explain what is meant. Do not hesitate to request clarification if you need the legal professional to explain things to you.
- Avoid figures of speech that can be confusing (rule of thumb, tongue in cheek, etc.) and metaphors (two peas in a pod, heard through the grapevine, etc.).
- Use closed response sets to help direct the client to the context (e.g. if the question is about a place, support the client by turning to the page of places in her / his display).
- Add information to support words that the client may not know. Use examples that are relevant to his or her life (e.g. "The lawyer is asking about the staff – that's the people who work with you, the people who get you up in the morning, help you at meal time," etc.).
- Use pictures to support understanding. For ex-

ample, the legal professional might talk about different options and want to know the client's preference. You might point to pictures / words or symbols that represent the options as they are being spoken (e.g. "You could tell the police [point to police picture], tell the manager [point to manager picture], get someone to help you write a letter" [point to picture of letter]). The client can then see and hear the possibilities at the same time and can use the pictures to convey his / her choice.

- Know the client's style of responding. If he / she is comfortable telling you that she / he does not understand, use frequent verifications (e.g. "Do you understand?"). If she / he doesn't feel comfortable with this method, or demonstrates a tendency to please or comply, use your discretion in employing a combination of the strategies to support comprehension.

RESOURCES

www.accpc.ca - Equal Justice Project¹

* Augmentative and Alternative Communication (AAC) refers to communication systems that people use to communicate. AAC includes picture, word and / or letter boards and voice output devices. People use AAC systems in different ways.

¹ Resources for Legal Professionals