



Part 4: Major protective system elements

Chapter 13:

Meeting the needs of children and young people from
culturally and linguistically diverse communities

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Key points

- Victoria's multicultural society consists of more than 230 countries from around the world. Some migrant families experience challenges in parenting, and in trying to adapt to Australian norms and laws.
- Research indicates that there are cultural, structural and service-related barriers that ethnic minority families experience when they migrate to a new country. Migrants can experience hardships and stressors that can impinge on their ability to provide good care for their children.
- These factors are compounded by the challenges of parenting in a new culture. Many culturally and linguistically diverse families may not understand or necessarily agree with all of Australia's law and norms about gender equality, child rearing and parenting.
- There is a lack of data about culturally and linguistically diverse children and young people and their interaction with Victoria's system for protecting children.
- It is important to develop culturally appropriate policies and programs that uphold the rule of law in Victoria and Australia, yet recognise the importance of the values, beliefs, culture and background of different communities. There is a need to better integrate migrants through positive parenting and education programs about Australian culture and norms.
- Victorian child protection services intervene when child abuse and neglect is suspected. It is important that the family services and child protection workforce is culturally competent when managing these interventions with culturally and linguistically diverse communities.
- The Inquiry recommends that data be collected to help determine whether services currently provided are culturally appropriate. Recommendations are also made about including issues relating to culturally and linguistically diverse children in the Council of Australian Governments' national framework.

13.1 Introduction

The exact numbers of children and young people from culturally and linguistically diverse backgrounds involved in Victoria's system for protecting children is not known. There is no mandatory requirement for Department of Human Services (DHS) child protection practitioners to record a child's or young person's ethnicity when a report of child abuse and neglect is made. Completion of data fields such as the child's or parents' country of birth, or main language spoken at home other than English, or the child's cultural ancestry identity, is not mandatory. Analysis of 'country of birth' data from child protection reports in 2009-10 conducted for the Inquiry showed that this field was recorded in only 2 per cent of reports (unpublished DHS data). Due to the very small sample, the Inquiry has concluded that this data is not of sufficient quality to be useful in analysis about the number of children from culturally and linguistically diverse communities who are in Victoria's system for protecting children, and how they are treated.

However, the Inquiry did hear from members of culturally and linguistically diverse communities through its consultation processes and has considered the available research. Both suggest there are matters that need to be addressed. As part of one of the most culturally, linguistically and religiously diverse nations in the world (Victorian Government 2011d), with a sizeable migration program and international obligations to provide asylum for refugees, Victoria receives many families from around the world. Logic suggests these families may experience difficulties in settling in a new land and, without appropriate support, their children may become vulnerable to abuse and neglect.

Cultural diversity

For the purposes of this Inquiry, the term 'culturally and linguistically diverse' refers to a person who is born either overseas or in Australia, and whose parents originate from a country where English is not the main language at home.

Victoria's cultural diversity is reflected in the fact that of a population of 4,932,234 at the time of the 2006 Census:

- 23.8 per cent (1,173,204) were born overseas in more than 230 countries;
- 43.6 per cent (2,152,279) were born overseas or had at least one parent born overseas;
- 72.8 per cent (853,966) of those born overseas came from a non-English speaking background;
- 20.4 per cent (1,007,435) speak a language other than English at home;
- Approximately 20 per cent of Victoria's population aged 17 years of age or younger speak a second language at home (Australian Bureau of Statistics (ABS) 2006b); and
- 68.7 per cent (3,390,804) identify themselves as members of one of 120 different types of religions (ABS 2006b, in Victorian Multicultural Commission 2009, p. 10).

Migrants arrive in Victoria under different circumstances. In 2010-11, more than 21,000 people arrived to settle in Victoria. Of these almost 25 per cent were children and young people under the age of 18. The largest group of migrants (44.8 per cent) arrived under skilled migration or other workforce related programs; 41.5 per cent related to family reunification and 13.7 per cent were under the humanitarian category (Table 13.1). While not all of these migrants are likely to be of culturally and linguistically diverse background it can be expected that many are.

Table 13.1 Overseas migrant arrivals by migration category, Victoria, 2010-11

Type of migration	Adult population (18-65+)	Children and young people (0-17)	Total entrants
Family	7,531	1,397	8,928 (41.5%)
Skilled or workforce	6,855	2,772	9,627 (44.8%)
Humanitarian	1,749	1,186	2,935 (13%)
Total	16,135	5,355	21,490 (100%)

Source: Department of Immigration and Citizenship (DIAC) 2011a

13.2 Challenges for newly arrived families of culturally and linguistically diverse backgrounds

Migrants travel to new lands in search of opportunity for themselves and for their children. Families of culturally and linguistically diverse backgrounds bring different cultural experiences, religious faiths and societal norms when emigrating to Australia. This may present a number of challenges in parenting in a new culture. Furthermore, parents of culturally and linguistically diverse backgrounds may not understand or necessarily agree with all of Australia's laws and norms about gender equality, child rearing and parenting, for example, with respect to discipline or giving a child responsibility for the care of a younger sibling.

Research into African migrant families coming to Australia, for example, examined how parenting in a new culture is a pressing challenge for these families that often leads to family conflict (Renzaho 2009). This research highlighted issues that arise when two differing parenting styles collide. African migrant families come from a culture based on an authoritarian parenting style that centres on the collective family, respect of elders, corporal punishment and interdependence. Traditional gender roles and strong patriarchal structures are also common (The Victorian Foundation of the Survivors of Torture & Horn of Africa Communities Network Inc. 2007). This is in contrast to the Australian parenting style that promotes the individual, self-determination, independence and where the public debate on corporal punishment includes some suggestions of making smacking illegal, reflecting community ambivalence about this form of discipline.

A limited awareness of Australian child rearing norms and child protection laws may increase the likelihood that newly arrived culturally and linguistically diverse families come to the attention of child protection authorities. Many newly arrived migrant families find themselves with competing cultural priorities – that of their cultural heritage and Australian norms and rule of law.

Victoria has laws protecting children and young people that are related to Australian cultural norms. In relation to some norms, there have been very significant intergenerational changes, for example, a reduction in the use and acceptance of physical discipline. The degree of physical punishment that a parent or carer can use with a child is subject to legal regulation in Australia. In most states and territories, corporal punishment by a parent or carer is lawful, provided that it does not cause physical injury and is carried out for the purpose of correction, and that it is 'reasonable' having regarded the child's age and method of punishment. The Inquiry believes that cultural misunderstandings and sensitivities to cultural differences cannot mean that culturally and linguistically diverse children should be less protected in the way required by Australian law.

Many families of culturally and linguistically diverse backgrounds settle smoothly in Australia, however, some culturally and linguistically diverse families are highly vulnerable, particularly newly arrived refugees.

Refugees

Refugees often suffer physical, emotional and mental scars from their experiences of torture and trauma in their country of origin. They may have experienced war, famine, persecution or a range of other dangerous circumstances, including living and surviving in refugee camps for lengthy periods of time. Each year there are approximately 3,000-3,500 humanitarian entrants (refugees) in Victoria, most recently from the Horn of Africa, the Middle East and Afghanistan (Victorian Refugee Health Network 2010).

Australia is a signatory to the United Nations 1951 *Convention relating to the Status of Refugees* (the Refugees Convention) and is one of the few countries that take part in the United Nations High Commissioner for Refugees resettlement program, accepting quotas of refugees on an annual basis. The settlement experience for many refugees can be a very difficult time, with feelings of homesickness, isolation and culture shock having an impact on people's ability to start a new life in Australia.

This may be compounded by a background of poverty, low levels of formal education, and little or no knowledge of English. Their day-to-day existence before arriving in Australia may have been in a refugee camp and they may have no familiarity with aspects of life in a developed economy, for example, renting a house. Other factors that may increase vulnerability, include:

- Experience of psychological trauma (due to persecution, imprisonment or war);
- Experience of being a widow (most refugees are female-headed households);
- Culturally accepted views on family violence;
- Housing issues;
- Unemployment;
- Health issues;
- Language barriers; and
- Social isolation.

This was conveyed by a verbal submission to the Inquiry when Ms Marantelli stated that many refugee families that come to Australia from African and Middle Eastern countries have common experiences of trauma, dislocation and poverty. For many of these families, parenting styles that were normative in their countries of origin are not endorsed in Australia. Refugee families are also often bewildered and confused about the role of government in family life. In their home countries, governments rarely intervene in family matters, which are usually resolved by elders within the family unit, or by religious and community leaders. As a result, many people from culturally and linguistically diverse backgrounds experience significant challenges and barriers (Ms Marantelli, Melbourne Public Sitting).

13.3 Factors that impact on the vulnerability of children from culturally and linguistically diverse communities

While Australian and Victorian law and cultural norms are the environment in which children and young people are protected from harm, knowledge of the cultural beliefs and practices of different communities improves understanding of the potential vulnerability of children and of appropriate service responses.

Korbin has identified the cultural factors that are likely to increase or decrease the incidence of child abuse and neglect:

- Cultural value of children – when a culture values its children because they are bearers of tradition, because they perpetuate the family or lineage, and because of their economic contributions, they are likely to be treated well;
- Beliefs about specific categories of children – a cultural group may value children, but not necessarily all children. Some children may be considered inadequate or unacceptable to cultural standards and as a result fail to receive the same standard of care according to children in general;
- Beliefs about age capabilities and development stages of children – cultures vary in terms of the age at which children are expected to behave in certain ways. The age at which children have a sense of self may vary under different cultural beliefs, therefore punishment before the age of wrong-doing would be pointless; and
- Embeddedness of child rearing in family and community networks – a network of concerned individuals beyond the biological parents is a powerful deterrent to child abuse and neglect. If the community or a wide variety of individuals are concerned about the wellbeing of children, general standards of child care are more than likely to be ensured (Korbin 1981, pp. 205-209).

Very little research has been undertaken in Australia into specific cultural groups or cultural issues in Australian child protection. Relevant studies have been conducted in South Australia and New South Wales.

In 2005 the South Australian Department for Families and Communities commissioned the Australian Centre for Child Protection to examine the extent to which newly arrived refugee families were coming into contact with the child protection system and the issues and influences that brought them into contact with this system. The *Working with Refugee Families Project* found that the most predominant types of incidents and factors that contributed to child protection reports were concerned with alleged physical abuse, family violence and leaving children alone without adult supervision (supervisory neglect).

In 2007 the New South Wales Department of Community Services commissioned a large-scale research project on how to best meet the cultural and linguistic needs of children and families in the child protection system (Sawrikar 2009). The research comprised a review of international literature, which identified that the hardships and stressors migrants experience can impinge on their ability to provide good care for their children. Having an awareness of these stressors can help increase service sensitivity to their cultural needs. The stressors include:

- Migration stress – language barriers, financial insecurity, employment and housing, a lack of traditional support mechanisms such as family and friends, and racism or misunderstandings due to cultural differences;
- Acculturative stress – the conflict between cultural preservation and cultural adaptation;
- Displaced sense of belonging and cultural identity – a feeling of difference from other Australians because of cultural practices and beliefs, language, race, physical appearance, religion and skin colour;
- Racism and discrimination; and
- Intergenerational conflict – conflict between children and their carers can result if children reject traditional values and integrate with the local culture, which can bring culturally and linguistically diverse children to the attention of the child protection system (Sawrikar 2009).

Sawrikar identified three main hypotheses to explain why minority ethnic groups are over-represented internationally in child protection systems:

- Rates of abuse or neglect are higher in these culturally and linguistically diverse groups. The implication of this hypothesis is that a difference in culture is the cause of abuse or neglect, and which then introduces them into the child protection system;
- The increased likelihood of coming to the attention of child welfare agencies because of socioeconomic disadvantage. The implication of this hypothesis is that poverty, and not culture, reflects a systematic bias that introduces them into the child protection system; and
- Culturally inappropriate or insensitive service delivery. The implication of this hypothesis is that culturally biased institutional processes and organisational practices introduce culturally and linguistically diverse families into the child protection system (Chand & Thoburn 2005; Korbin 2002, in Sawrikar 2009, p. 9).

Importantly, this Inquiry is unable to identify whether reporting rates of abuse or neglect are higher in culturally and linguistically diverse communities or not due to the lack of data as identified in section 13.1. The absence of data about culturally and linguistically diverse children and young people and their interaction with the system for protecting children means that the extent of the problem of child abuse and neglect in culturally and linguistically diverse communities is unknown. This is not unique to Victoria and is an issue throughout the country. Previous inquiries into child protection have not addressed this issue. Importantly, lack of data also means there is no empirical evidence to inform system-level policy changes or service responses.

Submissions to the Inquiry have commented on the lack of data on culturally and linguistically diverse families and their interaction with Victoria's system for protection children.

... the number of children and young people from culturally and linguistically diverse backgrounds coming to the attention of child protection authorities is unknown, that is across Australia, not just Victoria. It is not because culturally diverse families are not being reported to authorities, it is predominately because departments do not record demographic information of culturally and linguistically diverse families, yet they are able to record the status of Aboriginal and Torres Strait Islander families (Ms Kaur, Melbourne Public Sitting).

... available data is structured in such a way that it is difficult for those working with migrant and refugee young people to drill down and establish the extent of the representation in Victorian child protection system, as well as how they are faring in regards to their physical health and wellbeing, social competence, emotional maturity, language and cognitive skills, communication skills and general knowledge (Ms Marantelli, Centre for Multicultural Youth, Melbourne Public Sitting).

As outlined in Chapter 4, the absence of data is an issue across the system. The Inquiry considers that it is important to address this data shortage as it is possible that vulnerability, and therefore the risk of abuse and neglect, is higher in some culturally and linguistically diverse communities than for the population as a whole.

Recommendation 37

To improve knowledge and data on vulnerable children of culturally and linguistically diverse backgrounds so that the appropriateness of current service provision can be considered:

- The Department of Human Services should collect data to record and track children and young people of culturally and linguistically diverse backgrounds who are involved with the child protection system, and the family services sector; and
- The Department of Education and Early Childhood Development should include data on the experiences of vulnerable children and young people of culturally and linguistically diverse backgrounds (including in Victoria's system for protection children) in *The State of Victoria's Children* report.

13.4 Legislative context

A number of Victorian statutes safeguard cultural diversity in Victoria while upholding the rule of law, the rights of children and outlining processes relating to their protection from abuse or neglect. The *Multicultural Victoria Act 2011* (MV Act) sits alongside the *Charter of Human Rights and Responsibilities Act 2006*, and the *Children, Youth and Families Act 2005* (CYF Act) in protecting the cultural rights and preserving cultural identity of culturally and linguistically diverse children in Victoria's system for protection children.

The MV Act enshrines a number of key principles under Section 4 that include:

- An entitlement to mutual respect and understanding regardless of background;
- A duty on all Victorians to promote and preserve diversity within the context of shared laws, values, aspirations and responsibilities; and
- A responsibility for all Victorians to abide by state laws and respect democratic processes.

The principles of multiculturalism in the MV Act most pertinent to protecting vulnerable children and their families from a culturally and linguistically diverse background are:

- Section 3 (e) – all individuals in Victoria have a responsibility to abide by the state's laws and respect the democratic processes under which those laws are made; and
- Section 4 – the Parliament further recognises that Victoria's diversity should be reflected in a whole-of-government approach to policy development, implementation and evaluation.

The MV Act also requires the preparation of cultural diversity plans by government departments that outline key developments relating to service provision to culturally and linguistically diverse communities. In summary, these provisions provide that diversity should be preserved, promoted and reflected in whole-of-government policy and implementation, and all Victorians should abide by the state's laws.

Under section 19 (1) of the *Charter of Human Rights and Responsibilities Act 2006*, all people from different cultural, religious, racial or linguistically diverse backgrounds must not be denied the right to enjoy his or her culture, to practise his or her religion, or use his or her language.

Under Section 10 of the CYF Act, the best interests of a child must always be paramount when making a decision, or taking action. These best interest principles apply to all children, no matter what their background. In addition consideration must be given to the child's cultural identity and religious faiths (if any) and, where a child with a particular cultural identity is placed in out-of-home care with a caregiver who is not a member of that cultural community, the desirability of the child retaining a connection with their culture.

Section 11 of the CYF Act requires the provision of information in the appropriate language, the provision of interpreters and the attendance of cultural supports during the statutory child protection intervention process. In particular the Secretary of DHS or community service must consider:

- That those involved in the decision making process should be provided with sufficient information, in a language and by a method that they can understand, and through an interpreter if necessary, to allow them to participate fully in the process (subsection (h), CYF Act); and
- If a child has a particular cultural identity, a member of the appropriate cultural community who is chosen or agreed to by the child or by his or her parents should be permitted to attend meetings held as part of the decision making process (subsection (i), CYF Act).

Section 176 of the CYF Act provides a mandatory requirement to develop cultural plans for Aboriginal children entering custody and guardianship orders. Cultural plans for Aboriginal children and young people enshrine the importance of being connected to their community and culture. The plans aim to educate children and young people about their heritage and provide them with a sense of belonging. In contrast, there is no mandatory requirement under the CYF Act for cultural plans for children and young people from culturally and linguistically diverse backgrounds – they are prepared at the discretion of the case worker. While no data is available, it is estimated that currently only a small minority of children and young people from culturally and linguistically diverse backgrounds have cultural plans. In ideal circumstances, best outcomes are also achieved by building partnerships with ethnic organisations to assist DHS in the development of cultural plans for culturally and linguistically diverse families.

The CYF Act also provides for the Minister for Community Services to determine performance standards for registered community service organisations (CSOs). The following standards applying to CSOs under Part 3.3 Division 4 of the CYF Act were gazetted by the Minister for Community Services in 2007:

- Standard 2 – support the provision of culturally competent services which are responsive to the needs of children, youth and their families; and
- Standard 3 – staff, carers and volunteers are culturally competent and demonstrate an awareness and appreciation of the needs of Aboriginal and culturally and linguistically diverse children, youth and families.

Finding 8

The Inquiry finds that compliance with Standards 2 and 3 relating to the provision of culturally competent services by community service organisations cannot be assessed reliably because of the lack of data and information on children of culturally and linguistically diverse background within Victoria's system for protecting children.

Child protection and out-of-home care services are also required to follow the *Charter for Children in Out-of-Home-Care*. This charter lists what a child can expect from those people who look after them and work with them when they are in care. It includes the right to be able to take part in family traditions and be able to learn about and be involved with cultural and religious groups that are important to the child or young person. Unfortunately the Inquiry has found that it is not possible to assess the extent to which children and young people in out-of-home care from culturally and linguistically diverse backgrounds are having their cultural and religious needs met.

13.5 Policy context and service provision

Both the Commonwealth Government and the Victorian Government have responsibilities for and deliver services to families and children of culturally and linguistically diverse backgrounds.

13.5.1 Commonwealth Government

Migration policy, refugee resettlement and multiculturalism are the responsibility of the Commonwealth Government, in particular the Department of Immigration and Citizenship (DIAC). It is also worth noting that the Council of Australian Governments' *National Framework for Protecting Australia's Children 2009-2020* is silent on issues relating to children or young people of culturally and linguistically diverse backgrounds.

DIAC is also responsible for providing settlement support to newly arrived refugees and delivers this through the Humanitarian Settlement Services (HSS) program, which provides intensive settlement support to newly arrived humanitarian clients on arrival and throughout their initial settlement period (DIAC 2011b).

Support through the HSS program is tailored to individual needs, including the specific needs of young people. A case management approach oversees and coordinates the delivery of services to clients including airport reception and transit assistance, property induction and initial food provision, assisting clients to register with Centrelink, Medicare, banks, schools and an Adult Migrant English Program provider as well as assistance in relation to health needs. HSS endeavours to strengthen the ability of humanitarian clients to participate in the economic and social life of Australia and to access services beyond the initial settlement period.

An onshore orientation program is also available to all clients aged 15 and over that sets out critical skills and knowledge culturally and linguistically diverse clients need to live and function independently in Australian society.

Exit from the HSS program is based on clients achieving clearly defined settlement outcomes. These include:

- Residing in long-term accommodation (generally a lease of at least six months in duration);
- Being linked to the required services identified in their case management plan;
- School-aged children are enrolled in and attending school; and
- An assessment that clients have understood the messages of the orientation program and hold the skills and knowledge to independently access services.

It is expected these settlement outcomes will generally be reached between six to 12 months of a refugee's arrival.

13.5.2 Victorian Government

In Victoria the development of legislative and policy frameworks, as well as the delivery of services relating to culturally and linguistically diverse communities, is the responsibility of the Victorian Multicultural Commission (VMC), an independent statutory authority. Victorian government departments and agencies that have a role in the broader system for protecting vulnerable children have a range of policy and service approaches in dealing with issues affecting culturally and linguistically diverse communities.

Victorian Multicultural Commission

A key role of the VMC is to ensure a whole-of-government approach to multicultural affairs by ensuring Victoria's culturally and linguistically diverse community needs are represented in public policy and services. It is noteworthy that the Victorian Children's Council, a key advisory body to the Premier and the Minister for Community Services on children, does not have a member with expertise in the issues facing the culturally and linguistically diverse community. Chapter 20 recommends that this is addressed.

The VMC supports sustainable settlement outcomes in local communities for humanitarian entrants to Victoria through the *Refugee Action Plan* (approximately \$1 million per annum). Metropolitan and regional partnerships are developed where refugees settle throughout Victoria under the plan, and funding is provided to key agencies to develop programs to meet local needs. The *Refugee Action Plan* aims to assist refugees to:

- Participate and engage with their new local community;
- Access services including meeting their health needs;
- Identify local issues and concerns;
- Plan tailored, community-owned projects to address issues;
- Improve skills and advocacy for refugees; and
- Enhanced local capacity and improved settlement outcomes.

Examples of *Refugee Action Plan* initiatives focused on parenting and family relationships are given in Table 13.2.

Table 13.2 Relevant *Refugee Action Plan* initiatives

Program	Agency	Communities	Description
Health and wellbeing information sessions	New Hope Foundation	Chin, Karen, Karenni, Burundi, Congolese, Sudanese, Liberian and East African women	Provision of information on health, family safety and wellbeing (with a family relationships component) to enable women to become better informed about the range of mainstream services that they can access for support.
Scienceworks mothers' group	New Hope Foundation	Chin, Karen, Karenni, Burundi, Congolese, Sudanese, Liberian and East African women	Link mothers of preschool-aged children to Scienceworks and provide an opportunity to connect and learn how to play with their children, learning about science together. The program aims to assist mothers: to bond and connect with their kids through play and education; to educate them on the importance of preschool education; and provide strategies that are not language constrained.
Information sessions about Australian services and systems	Ethnic Council of Shepparton and District	Iraqi, Afghani, Sudanese and Congolese	These are provided to improve access and reduce barriers to accessing employment services, the private and public housing system and relating to child protection law within Australia.

Source: Inquiry analysis

Other activities occurring through the *Refugee Action Plan* that aim to build the capacity of families and parents and link them into support services include: men's health and employment programs; women and children's playgroups; social outings for isolated women; Mother's Day celebrations; and other social activities.

The Inquiry notes that refugee settlement is a responsibility of the Commonwealth Government consistent with Australia's international conventions. The Inquiry considers that the adequacy of services for recently arrived humanitarian migrants, particularly with respect to parenting in a new culture and advice about parenting support services, requires further attention. This should be the responsibility of the Commonwealth and state governments. The Inquiry also considers that the needs of children and young people of culturally and linguistically diverse backgrounds should be addressed in the *National Framework for Protecting Australia's Children 2009-2020*.

Recommendation 38

The Victorian Government, through the Council of Australian Governments, should seek inclusion of the needs of recently arrived children and families of culturally and linguistically diverse backgrounds in the *National Framework for Protecting Australia's Children 2009-2020*, in particular:

- The need to provide advice and information about Australian laws and norms regarding the rights and responsibilities of children and parents; and
- Appropriate resettlement services for refugees to prevent abuse and neglect of refugee children.

Department of Human Services

The delivery of culturally appropriate, responsive and equitable services is an expectation across all DHS programs and funded CSOs. DHS' approach includes: a cultural diversity guide; a language services policy and interpreting services; the provision of a refugee program; support for family violence services for immigrant women; and specific placement practices discussed below.

Cultural Diversity Guide

DHS has developed the *Cultural Diversity Guide* (DHS 2006a) to assist programs and CSOs by:

- Supporting the human services system to meet obligations under whole-of-government reporting on responsiveness to cultural diversity;
- Identifying a range of strategies to improve cultural responsiveness and levers to effect cultural change;
- Illustrating the different strategies and levels with examples of good multicultural practice that are already in place; and
- Providing guidance on additional resources and supports for programs and agencies in managing diversity.

The *Cultural Diversity Guide* provides key strategies and best practice including:

- Understanding culturally and linguistically diverse clients and their needs;
- Building better partnerships with multicultural and ethno-specific agencies;
- A more responsive culturally diverse workforce;
- Using language services to best effect; and
- Encouraging participation and decision making with members of culturally and linguistically diverse communities.

Language Services Policy

DHS' *Language Services Policy* (DHS 2005) outlines the requirements necessary to enable people with low English proficiency to access professional interpreting and translating services when making significant life decisions and where essential information is being communicated. The three minimum language requirements of the policy are:

- Clients who are not able to communicate through written or spoken English have access to information in their preferred language;
- Language services are provided by appropriately qualified staff accredited by the National Accreditation Authority for Translators and Interpreters Inc.; and
- People, including family members under the age of 18, are not used as interpreters.

Interpreting services

Organisations that receive funding from DHS' Children, Youth and Families Division are eligible to access interpreters. Annual funding of approximately \$90,000 provides interpreter services for program-specific needs for DHS funded agencies in:

- Family services;
- Sexual assault and family violence services;
- Family intervention services;
- Youth services and youth justice; and
- Placement and support services.

DHS child protection practitioners, on the other hand, can access interpreter services on a fee-for-service basis for which no dedicated funds are provided.

Information provided by DHS to the Inquiry indicates that the allocated budget does not meet demand and is exhausted quickly each month.

Refugee Minor Program

In addition, DHS has coordinated government departments to provide the Refugee Minor Program, which delivers a statewide service to support the settlement process of unaccompanied humanitarian minors and ensures they receive care arrangements. An unaccompanied humanitarian minor is defined as being under 18 years old, unaccompanied by their parents, holding a refugee or humanitarian visa and referred by DIAC. Referrals to the program come from DIAC, after the unaccompanied humanitarian minors have been assessed and granted a permanent visa. The Refugee Minor Program is jointly funded by the Commonwealth and Victorian Government at a total of \$5 million per annum.

Unaccompanied humanitarian minors who arrive in Australia and do not have a close adult relative aged over 21 years are classified as wards of the Commonwealth Minister for Immigration. The Victorian Minister for Community Services has the delegated guardianship responsibility for all unaccompanied humanitarian minors living in Victoria designated as wards by the Commonwealth. To this extent, there is a joint responsibility of care for these young people.

The Refugee Minor Program provides support to highly vulnerable humanitarian minors from disadvantaged culturally and linguistically diverse backgrounds to transition into Australian cultural norms. The program provides direct services to clients to assist them (and their relatives or carers) to develop key settlement competencies while also establishing and maintaining partnerships with other key agencies in the community. Clients can be given assistance on a variety of issues ranging from accommodation and financial support to physical and emotional health needs, cultural and religious continuity, education, social and recreational needs and developing or maintaining client/family connectedness. According to data provided by DHS, the Refugee Minor Program currently assists 380 clients, of whom 218 are aged 15 to 18 years old.

Family violence services

Despite the lack of specific statistics on the prevalence of family violence in migrant families, it is known that being newly settled does expose families to stresses that increase the risk of intimate partner violence. Women from immigrant and refugee backgrounds face greater obstacles when attempting to escape family violence. These obstacles compromise their safety and wellbeing.

In 2010-11 DHS provided \$874,000 to the Domestic Violence Resource Centre to provide a range of family violence services in Victoria. One of these services is the Immigrant Women's Domestic Violence Service (IWDVS), which provides:

- Joint case management with relevant family violence services and other relevant services in Victoria to support women and children experiencing family violence;
- Information, support and referral for women in crisis; and
- Secondary consultations to service providers.

The IWDVS brokers services in the family violence service system and works in conjunction with these services to provide support to the clients.

Placement practice

When DHS is undertaking a placement referral, there is a practice standard to encourage the identification of a child or young person's ethnicity, culture and religion. The matching process is informed by the information contained in the placement referral. The *Looking After Children – Care and Placement Plan* is intended to identify the child or young person's needs and describes how these needs will be met. Under this plan, carers and residential workers should be informed about how these children and young people will participate and sustain cultural and community events relevant to their background and observe and practice religious beliefs and activities.

However, feedback to the Inquiry indicates poor adherence to these practices. Children and young people are placed with families from different cultural and religious backgrounds, often without a cultural plan or advice about meeting a child's cultural and religious needs to assist the carers. Ms M, a respite and emergency foster carer, advised the Inquiry of a young Muslim boy who came into her care from a small country town. The boy was previously placed with a carer who struggled with his behaviour. It became apparent that the difficulties in caring for the child were related to cultural and religious differences and it was only after Ms M, by chance, was able to connect the child with an elder of the same cultural background that the placement ran smoothly (Ms M, Shepparton Public Sitting). This example highlights the need for care arrangements to address the cultural identity of children and young people, and for appropriate support to be given to carers and children.

Similarly, Mr Assafiri advised the Inquiry about the difficulties young Muslim children face when they are placed into non-Muslim foster care. Mr Assafiri outlined the cultural barriers he faced growing up as a young Muslim child in foster care from the age of six. Mr Assafiri explained that he grew up without a sense of identity and that this had lasting effects on his ability to finish his education, develop meaningful relationships and find a place to live that he called home.

Although everybody's life is different, the one thing I have learned is the importance of establishing a connection with either an individual or a small community (Mr Assafiri, Broadmeadows Public Sitting).

Mr Assafiri suggested greater early intervention support with culturally and linguistically diverse families to assist them with life's challenges to find harmony between two competing cultures – the Middle Eastern and Western culture. Building supports for culturally and linguistically diverse families will not only benefit the parents and the children but the community as a whole by building resilience and respect (Mr Assafiri, Broadmeadows Public Sitting).

Department of Health

The Department of Health (DOH) provides a number of programs to provide general health and mental health services to refugees and their families. The Refugee Health Nurse Program (\$1.8 million per annum) provides a response to the poor and complex health issues of arriving refugees. It aims to:

- Increase refugees' access to primary health services;
- Improve the response of health services to refugees' needs; and
- Enable refugee communities to improve their health and wellbeing.

The refugee health nurse is based in community health services and employs community health nurses, with expertise in working with culturally and linguistically diverse and marginalised communities to provide a coordinated health response to newly arrived refugees, including children and young people. The program:

- Operates in areas with high numbers of newly arrived refugees;
- Supports a coordinated model of care, and acknowledges the importance of early identification and intervention in health issues in the early stages of settlement; and
- Aims to improve the health of refugees through: disease management and prevention; the development of referral networks and collaborative relationships with general practitioners and other health providers; connection with social support; and orientation programs.

The Migrant Mental Health Taskforce is a joint venture between the Victorian Mental Health Reform Council and the VMC. It is a statewide program that improves access and responsiveness to mental health services for culturally and linguistically diverse communities. It includes the development of migrant community ambassadors to build culturally connected responses to mental health services, and to better coordinate funding and organisational activities by streamlining multicultural mental health services organisations.

DOH provides approximately \$345,000 per annum to the Victorian Foundation for Survivors of Torture (Foundation House) to deliver a range of mental health and support services to people from refugee backgrounds who have survived torture or war-related trauma. Foundation House provides direct services to clients in the form of counselling, advocacy, family support, group work, psycho-education, information sessions and complementary therapies. Direct services to clients are coupled with referral, training and education roles aimed at developing and strengthening the resources of various communities and service providers.

Foundation House also:

- Offers training and consultancy to other service providers who have contact with survivors of torture and trauma;
- Develops resources to enhance the understanding of the needs of survivors among health and welfare professionals, government and the wider community;
- Works with government, community groups and other providers to develop services and programs to meet the needs of survivors;
- Works with the Commonwealth and state governments to ensure relevant policies are sensitive to the needs of survivors;
- Works with international organisations towards the elimination of torture and trauma; and
- Conducts and contributes to research through a partnership with La Trobe University's Refugee Health Research Centre.

Foundation House's primary locations are in Brunswick and Dandenong and a number of services are provided on an outreach basis across Melbourne and in regional areas of Victoria.

DOH also has also established the Victorian Transcultural Psychiatry Unit to enhance training, support and to assist with language and cultural barriers that present obstacles for culturally and linguistically diverse communities when accessing appropriate mental health treatment and care.

The Inquiry has been unable to ascertain the extent to which these services address risk factors that may impact on the involvement of children and young people of culturally and linguistically diverse backgrounds in the time available to the Inquiry.

Department of Education and Early Childhood Development

In 2010-11 approximately 3,400 school-aged children and young people of culturally and linguistically diverse backgrounds emigrated to Victoria, of whom approximately 900 were refugees (DIAC 2011a).

The Department of Education and Early Childhood Development's (DEECD) multicultural strategy, *Education for Global and Multicultural Citizenship*, has a number of objectives including:

- Improving educational outcomes for all students relevant to global and multicultural citizenship;
- Developing the intercultural literacies that students, parents, educators and leadership groups need;

- Enhancing the engagement, wellbeing and sense of belonging for all students; and
- Building and sustaining school-community partnerships that prepare all students for global and multicultural citizenship (DEECD 2009a).

An example of this strategy in practice includes strengthened consultation with established culturally and linguistically diverse community groups to promote parental participation in schools and early childhood programs.

DEECD provides additional support to refugee students with disrupted schooling to improve educational outcomes and build the capacity of schools to meet the extra needs of these students. Multicultural education aides bridge the gap in knowledge and understanding between students and teachers, and between school and families. By working one-on-one, aides help students understand school and develop their learning and social skills. Refugee students also qualify for the Education Maintenance Allowance, a payment provided to families on a low income to support their child's education up to the age of 16.

DEECD also provides a range of maternal and child health (MCH) services to engage and sustain services to culturally and linguistically diverse communities that include the following:

- Additional home visits to mothers from culturally and linguistically diverse communities where there is a traditional 'lying in' period where both mother and baby have to stay at home for 40 days;
- Professional interpreters to enable accurate transfer of information and assistance to culturally and linguistically diverse clients;
- Cultural playgroups and women's groups to enhance parenting and family functioning, encourage families to attend MCH visits;
- Active recruitment of bi-lingual MCH nurses and supported playgroup facilitators;
- Translated health promotion materials to families;
- Assisting culturally and linguistically diverse clients to access other services such as Births Deaths and Marriages, Centrelink, housing services and child care; and
- Cultural competence training (provided in 2010-11 to 450 MCH nurses).

There is a vast array of programs across government agencies that promote and address the needs of culturally and linguistically diverse communities in Victoria – some involve engagement with the Commonwealth. However, many of these programs are unrelated. In the absence of data about the number of culturally and linguistically diverse communities involved and accessing parenting support services or responding to abuse and neglect, it is hard to draw conclusions on the effectiveness of these programs.

13.6 Culturally competent service provision

Meeting the needs of a diverse culturally and linguistically diverse population is a challenge for governments in Australia. Developing the cultural competence of the workforce and recognising the importance of values, beliefs and culture, as well as the background of different communities will result in improved service provision (see Chapter 12 for a definition of cultural competence). To effectively meet the needs of all children and young people, services must recognise cultural differences and, where appropriate, provide culturally competent support.

From an operational perspective, cultural competence is the integration and transformation of knowledge about individuals and groups of people into specific standards, policies, practices and attitudes used in suitable cultural settings, increasing the quality of services and producing better outcomes (Davis 1997).

Little is known about the extent to which families of culturally and linguistically diverse backgrounds access family services compared with other families, or whether the kind of service they receive meets their needs effectively. International literature points to three key barriers that ethnic minority families may experience (Sawrikar & Katz 2008, p. 6):

- Cultural barriers – includes language barriers, cultural norms that prohibit seeking extra-familial support, traditional gender roles that prevent men from engaging with services or discussing family difficulties, and fear of authorities;
- Structural barriers – includes practical barriers accessing services and lack of knowledge or understanding of available services; and
- Service-related barriers – a service is considered culturally inappropriate or is not perceived as relevant due to lack of cultural diversity in the workforce or there is a concern that they will not be understood or will be stereotyped or judged.

It is difficult for some families of culturally and linguistically diverse backgrounds to understand the role of family services agencies and child protection, particularly for those with a fear of authority and a lack of understanding of family services and child protection processes. This fear can mean that many parents are scared that their children will be taken away (The Victorian Foundation for Survivors of Torture Inc & Horn of Africa Communities Network Inc. 2007, pp. 23, 43-47). A lack of cultural awareness by workers around traditional childrearing practices was highlighted as an issue for refugee families settling in Australia (Lewig et al. 2009). Moreover, culturally and linguistically diverse families fear that case workers misunderstand or disrespect their cultural needs (Sawrikar 2009).

Addressing the needs of African families at a Melbourne Public Sitting, Mr Smith highlighted that greater communication with African communities was required to promote better understanding the Australian cultural norms and to prevent the need for DHS to become involved with these families (Mr Smith, Melbourne Public Sitting).

A major finding of the South Australian study was the 'critical significance of culturally competent child protection practice when working with refugee families' (Lewig et al. 2009). The researchers made recommendations for working appropriately with refugee families:

- Families needed support to build stronger relationships between parents and their children, including enhancing communication skills within the family, as well as stronger collaboration with parents and their children's schools;
- Parents also needed additional information on parenting practices in Australia and child protection laws; and
- Parents needed culturally appropriate information about services and supports available to assist them in their parenting roles.

Community participants in the research emphasised the importance of engaging collaboratively with communities in the development of interventions to support refugee families, especially encouraging the involvement of older community members and providing places for communities to gather socially.

Implications for child protection practice identified by Sawrikar (2009) include:

- Effective education and training in cultural competency will help case workers provide effective treatment for the culturally and linguistically diverse family, rather than attributing responsibility and blame to the family for the occurrence of the abuse or neglect to a culturally and linguistically diverse child;
- Individual relationships with the case worker and the culturally and linguistically diverse family is the most crucial aspect of culturally appropriate service delivery and systemic organisation change is required to ensure all culturally and linguistically diverse families that enter the child protection system can be provided this benefit; and
- Case workers should consider the appropriateness of case-matching when selecting an interpreter.

In Chapter 16, the Inquiry investigates the need for improving the level of cultural competence of integrated family services and statutory child protection services. A culturally competent workforce in this regard includes a better understanding of culturally and linguistically diverse communities through better education and training.

13.6.1 Themes arising from submissions

Feedback through the Inquiry's Public Sitings and written submission process on issues related to culturally and linguistically diverse communities and their interaction with child protection was surprisingly limited, given that culturally and linguistically diverse families are significantly represented in our general population. This Inquiry believes this is a result of a number of factors including the cultural barriers identified by Sawrikar (2009), as referred to earlier in this chapter:

The challenge for culturally and linguistically diverse communities is their ability to navigate the child protection system and being able to identify their needs to policymakers for increased and improvement in service provision (Mr Kaur, Melbourne Public Sitting).

Nonetheless the Inquiry was informed by a number of verbal submissions, written submissions and by the consultation with community workers arranged by the Ethnic Communities Council of Victoria. Three key themes arose:

- The need for improved focus of prevention and early intervention services;
- Whether services should be delivered through mainstream agencies or targeted and;
- Culturally appropriate service provision.

Prevention and early intervention

Improved prevention and early intervention strategies focusing on culturally and linguistically diverse families were raised in a number of submissions. Children and families from culturally and linguistically diverse backgrounds are at high risk and yet there are very few preventative or early interventions designed to ensure they do not become involved with the tertiary end of the service system. Working with culturally and linguistically diverse communities requires outreach and community development. Community education and information is required to ensure culturally and linguistically diverse communities, particularly new arrivals from migrant and refugee communities, understand how child protection works in Australia, and what their rights and responsibilities are (Windermere Child and Family Services submission, p. 13).

The Victorian Council of Social Services (VCOSS) argued that while culturally and linguistically diverse families may attend initial MCH appointments, many of these families do not re-engage with universal services again until school, which means they may miss out on many early intervention and prevention supports. More assertive outreach services are required to ensure services more effectively reach out to these families (VCOSS submission, p. 28).

During a visit to the City of Hume MCH services clinic at Broadmeadows, the Inquiry was informed about the important role MCH nurses play in identifying and responding to vulnerable children and their families in need. On average more than 2,000 families in the City of Hume use the universal MCH service, with 99 per cent take up by mothers in the first year of their child's life. The Inquiry was advised that for many culturally and linguistically diverse families, in particular for those of a traditional Muslim background, this may be the only universal services being accessed and bringing isolated women outside their homes.

Mainstream or dedicated services

The Royal Children's Hospital (RCH) argued that all groups (including culturally and linguistically diverse) should have access to services that meet their individual needs in mainstream services to avoid these groups from being marginalised. Increased training in these universal services on cultural awareness is seen as more appropriate than a separate service (RCH submission, p. 3).

However, the Social Work Department of the RCH and Wadja Aboriginal Family Place submission (p. 3) argued that the child protection system is founded on Western, Anglo-Saxon values, policies and staffing. It strongly recommended that services for culturally and linguistically diverse families be enhanced.

VCOSS argued that there is a clear need for dedicated support to assist families to understand expectations about child-rearing practices and that this information cannot just be in written form as this will not target harder to reach communities (VCOSS submission, p. 28). VCOSS also called for resources to ensure ongoing cultural competence training for staff in universal services to ensure these services are better placed to work with these families.

Culturally appropriate service provision

A consistent theme raised in submissions concerned the variation in practice by DHS when dealing with families of Aboriginal or Torres Strait Islander background and of culturally and linguistically diverse background. In a verbal submission to the Inquiry, Ms Katar outlined that different placement processes apply when removing Aboriginal and culturally and linguistically diverse children from their homes. If an Aboriginal child is removed from their family, the order of placement is: first, the child's extended family; second, the child's indigenous community; and third, other Indigenous people. Only if an appropriate placement cannot be found within these three groups will the child be placed with a non-Indigenous carer. The same principles should apply to children from a culturally and linguistically diverse background (Ms Katar, Dandenong Public Sitting).

Imam Bardi advised the Inquiry that in Australia there are refugees from Sudan, Iraq, Kuwait, Bosnia and Kosovar, and stated that authorities have not recruited culturally diverse carers who would have a better understanding of the cultural competence in these communities (Imam Bardi, Shepparton Public Sitting).

The importance of children and young people of culturally and linguistically diverse backgrounds being connected with their culture and religion when placed in community care was outlined by Mr Taha, representing the Islamic Council of Victoria at the Melbourne Public Sitting, drawing on his work with troubled ethnic youth in prisons and detention centres (Mr Taha, Melbourne Public Sitting).

Care with Me, an organisation with the aim of engaging and supporting culturally and religiously diverse Muslim families by securing Muslim foster carers, organised written submissions and oral presentations by a range of speakers at numerous Public Sittings throughout Victoria. These submissions outlined the various needs of culturally and linguistically diverse communities in Australia, and highlighted the need for increased funding, training and specialised services. Care with Me made the following recommendations:

- Increased government funding for ethnic-specific family services and better out-of-home care support for culturally and linguistically diverse families;
- Support for ethnic CSOs to implement best practice cultural practices and matching for children and young people in out-of-home care;
- Improved standards of accreditation of DHS case workers that includes ongoing cultural training and a knowledge base to engage ethnic organisations for advice and assistance meeting specific cultural needs; and
- An evaluation of current cultural practices, record keeping and statistical reporting within DHS (Care with Me submission, p. 7).

The RCH and Wadja Aboriginal Family Place submission (p. 3) called for tertiary education places for students from culturally and linguistically diverse backgrounds to develop the capacity of the child protection and family services systems to meet the needs of culturally and linguistically diverse families. The submission suggests that DHS considers the appointment of cultural advisers from key culturally and linguistically diverse communities to better inform the department of cultural differences and norms. They also recommend that access to interpreters be improved through increased funding for interpreting services, arguing that, at present, there are situations where interpreters are not available or utilised thereby increasing the vulnerability and powerlessness of families entering Victoria's system for protecting children.

DHS has provided practice advice to practitioners about working with families of culturally and linguistically diverse communities. If the child has a particular cultural identity, a member of the appropriate cultural community who is chosen or agreed to by the child or by his or her parent should be permitted to attend meetings held as part of the decision making process. The Inquiry is unable to make a judgment on the use of this practice advice due to an absence of data related to the degree of compliance by statutory child protection staff.

13.6.2 Consultation with culturally and linguistically diverse community workers

In 2010 the Ethnic Communities' Council of Victoria (ECCV), the peak advocacy body representing ethnic and multicultural communities, was advised that newly arrived communities had become fearful of statutory child protection intervention and removal of children. After concerns had been discussed with culturally and linguistically diverse community members and workers in relation to vulnerable families and child protection practices, ECCV convened a roundtable between the workers and DHS in September 2010.

A summary paper prepared for the September 2010 roundtable with DHS contained recommendations in relation to:

- Developing culturally responsive practice for working with families from newly arrived refugee communities;
- Developing effective language strategies when working with families and children from newly arrived refugee communities;
- Strengthening the services offered to unaccompanied minors;
- Building the capacity of family services to appropriately manage the support needs of newly arrived refugee families;
- Improving methods of addressing family violence and sexual assault in newly arrived refugee communities; and
- Improving data collection across DHS' Children, Youth and Families Division to include the collection of refugee status, country of birth and preferred language.

It is understood that the change of government after the State election in November 2010, and the commencement of this Inquiry has placed these issues temporarily on hold.

The Inquiry notes that the ECCV's roundtable recommendations are supported by the Inquiry's own consultations and recommendations. A timetable for implementation of the Inquiry recommendations is contained in Chapter 22. The Inquiry has not, however, addressed all these recommendations in detail.

Matter for attention 8

The Inquiry draws the Government's attention to the need to continue discussions with groups such as the Ethnic Community Council of Victoria's community workers concerning the need to ensure services to protect children from abuse and neglect meet the needs of the culturally and linguistically diverse communities and are delivered in a culturally competent manner.

The Inquiry sought advice from the ECCV about how to best consult with communities on issues affecting culturally and linguistically diverse communities. As a result, the ECCV assisted the Inquiry to convene a consultation with culturally and linguistically diverse community and settlement workers and other representatives of newly arrived communities with experience working with vulnerable families engaging with child protection and related services.

The Inquiry's consultation with culturally and linguistically diverse workers was held in August 2011 and was attended by 12 community workers. The workers' comments reinforced earlier advice to the Inquiry about a lack of uniform DHS data on the ethnicity of clients. Further, they felt there was no systemic utilisation of cultural knowledge or systematic way to help a family that may have different cultural needs. The workers reported that there is a need for better support to culturally and linguistically diverse families to keep their children at home through culturally appropriate programs and, if placements are required, these should be made within their own cultural community. It was felt that child protection staff lack training in cultural issues and do not adequately engage culturally and linguistically diverse agencies.

The community workers reported that the Family and Reproductive Rights Education Program, a program funded by DHS to work with women from cultures in which female circumcision has traditionally been practised, is not integrated with child protection practice and there is little collaboration. A community worker provided an example of trying to work collaboratively with DHS to organise a meeting for families where female circumcision is an issue so that DHS could educate the community about its role. The child protection practitioners agreed to attend in business hours when families were unavailable due to work commitments.

13.6.3 Summary of consultation input

In summary, feedback from the Inquiry's consultation process about improvements to the system is that there is a need:

- To assist children and young people of culturally and linguistically diverse backgrounds to thrive and develop in their families, and local culture, while maintaining their place in their community, through providing support and education to vulnerable culturally and linguistically diverse families;
- To develop culturally appropriate community education programs that include a focus on positive parenting skills and family strengths for culturally and linguistically diverse families;
- For a community-wide acknowledgement that newly arrived culturally and linguistically diverse families are vulnerable when they first arrive in Australia and that culturally responsive services are required to manage their transition;
- For additional resources to fund support for culturally competent education and therapeutic programs to assist culturally and linguistically diverse families;
- To improve the collection of data and recording of information (ethnicity, culture and religion) by DHS and other government departments related to the prevalence of child abuse within culturally and linguistically diverse communities;
- For a culturally competent child protection intervention model using the Indigenous model that focuses on family and friendship connections as a starting point;
- For collaborative partnerships between statutory child protection and culturally and linguistically diverse community agencies;
- To attract more carers from culturally and linguistically diverse backgrounds to provide better placements for children of culturally and linguistically diverse backgrounds;
- For more appropriate use and availability of interpreters within the system for protecting children and young people;
- To improve cultural competence of child protection workers through better training and education; and
- The importance of capturing the history of the child or young person while in care.

13.7 Conclusion

The evidence before the Inquiry suggests there are particular problems confronting some families of culturally and linguistically diverse backgrounds in settling into a new culture. With social norms in Australia about parenting and the rights of children often being different from their homeland, some families of culturally and linguistically diverse background may become involved with statutory child protection services. However, the absence of data makes analysis of the extent of the problem impossible.

As some children (and their families) from culturally and linguistically diverse communities will find themselves within the statutory child protection system, workforces and programs engaging these families will need to meet the cultural and religious needs of children in a respectful and accommodating way.

Service provision must become more culturally appropriate and the workforce more culturally competent. The issue of cultural competence of the workforce is addressed further in Chapter 16.