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23 June 2011

## **ECCV SUBMISSION TO THE STATE GOVERNMENT OF VICTORIA**

### ***PROTECTING VICTORIA'S VULNERABLE CHILDREN INQUIRY***

The Ethnic Communities' Council of Victoria Inc (eccv) welcomes the opportunity to present a submission to the State Government of Victoria in relation to the *Protecting Victoria's Vulnerable Children Inquiry*

The eccv is the state-wide peak advocacy body representing ethnic and multicultural communities in Victoria. For over 30 years eccv has remained the principal liaison point between ethnic communities, government and the wider community in Victoria. The eccv has been a key player in building Victoria as a successful, harmonious and multicultural society.

The eccv supports the inquiry's aim to investigate the systematic problems within Victoria's child protection system and to strengthen and improve the protection and support of young and vulnerable Victorians.

The eccv maintains that there is a need for agencies and child protection staff to better understand the needs of families from refugee backgrounds and to identify service responses to better meet those needs, such as using a family centred approach, culturally appropriate approaches and use of language services.

The eccv also recognises the need for newly arrived communities to better understand the child protection, family services and family violence service systems, including Australian laws and cultural expectations and the role and purpose of available supports.

### **Addressing the Terms of Reference**

#### ***Risk Factors and Preventative Strategies***

**1.1.4: Do the current strategies need to be modified to accommodate the needs of Victoria's Aboriginal communities, diverse cultural groups and children and families at risk in urban and regional contexts?**

A recent project conducted by The University of South Australia (2009) found that the most common types of incidents resulting in notifications of refugee families to the South Australian child protection system were: (1) *incidences of physical abuse*, a number of which related to the practice of physical discipline by parents, (2) *incidences of neglect*, primarily arising from children being left alone without adult supervision and occurring primarily in large, single mother headed households, and (3), exposure of children to *domestic violence incidents*.

The authors of the research found that the key factors contributing to child protection involvement with families of refugee background were:

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- Communication and language barriers which impact on refugee parents' awareness of acceptable parenting practices.
- Pre-migration experiences including trauma and separation from extended family.
- Issues associated with domestic violence such as alcohol abuse, mental illness and in some families acceptance of physical violence toward women.
- Cultural difference in parenting style including the acceptance by some refugee families of the use of physical punishment to discipline children and a cultural background of collective parenting.
- Lack of family support, particularly for women who are sole parents of families where there is large number of children.
- Traditional patriarchal family structures where the role of men, women and children are clearly defined.
- Lack of information about acceptable family practices in Australia.

In order to help resolve protection issues and help child protection and its funded community service agencies bring positive outcomes for refugee families, the eccv notes that it is important for child protection practitioners and community service staff to be well informed on how best to safeguard and promote the wellbeing of children within a pre- and post-resettlement context

In light of all of the above the eccv make the following recommendation:

**Recommendation 1.**

**The development of culturally responsive practice for working with families from newly arrived refugee communities. This includes:**

- Cultural awareness and responsive practice training to strengthen the cultural competency of DHS staff.
- Funded Community Service Organisations to participate in cultural awareness and responsive practice training to enhance their skills in culturally competent family intervention and community development practices.
- The development of web based refugee trans-cultural resource kit for child protection and community service staff.
- Strengthening links with communities, particularly community elders through a range of community engagement activities and education information sessions.
- Leading practice in child protection training for frontline and middle managers to include cultural competency training.
- The development of a Specialist Assessment Guide for child protection and community service staff, to assist and support staff when working with families from a refugee background.

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## ***Strategies to enhance early identification and intervention***

**2.1.3: Specialist adult focused services in the field of drug and alcohol treatment, domestic violence, mental health disability, homelessness, financial counselling, problem gambling, correctional services, refugee resettlement and migrant services.**

The eccv recommends the improvement of adult focused services designed to address family violence and sexual assault in newly arrived refugee communities. Family Violence is interpreted within the context of the definition under the new Family Violence Protection Act 2008. The eccv recognises that family violence is a gendered issue and a violation of human rights.

Research and evidence overwhelmingly shows that the victims of family violence and sexual assault are predominantly women and children, with the perpetrators of violence being men. There is a need to ensure the refugee experience of trauma, including sexual assault, war and torture, are incorporated into assessments and inform and guide interventions.

The eccv recognises that incidents of family violence are more likely to occur at a later stage of a family's transition (approximately 18 months) into settlement rather than when newly arrived. This time frame could be a significant consideration in the prevention of family violence and sexual assault in refugee background families.

### **Recommendation 2:**

#### **Improving methods of addressing family violence and sexual assault in newly arrived refugee communities**

- To support funded services to deliver strategies that improve the awareness and understanding among refugee women, men and communities about their rights and responsibilities and the family violence and sexual assault services available to them.
- To ensure that the implementation of policies and programs (within mainstream family services and child protection) for working with families from a refugee background recognise that family violence and sexual assault are two primary issues that impact on children's' health, wellbeing and safety.
- To ensure that family services and child protection staff can access training in the use of the Victorian Family Violence Risk Assessment and Risk Management Framework and that the Framework includes the refugee pre and post resettlement context.
- To continue to support the building of linkages to strengthen relationships between mainstream family support, family violence and sexual assault services and ethno-specific services.
- To consider the development of innovative programs designed to engage refugee men who are wanting to address their violent behaviour.

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## ***Family Services***

### **3.3.3: Do the current services accommodate the needs of vulnerable children and families from diverse ethnic and cultural backgrounds?**

As part of the Victorian government's Refugee Health and Wellbeing Action Plan, a Statewide Working Group (the Group) was established and charged with the task of providing the Minister for Community Services with advice on family strengthening for newly arrived communities. The Group determined that there are weaknesses in the language services that are provided to non-English speaking and newly arrived communities. The Group highlighted the difficulties associated with working with interpreters in child protection and family services. The Group emphasised the following concerns:

- A lack of interpreter availability for newly arrived community languages (particularly when there were emergency child protection investigations required).
- Insufficient time allocated to meetings.
- Interpreters speaking on behalf of service users, and
- Issues of confidentiality and cultural acceptability.

Furthermore, because of concerns about the translation of particular words and phrases, the Group agreed that interpreters need to be trained in the concepts associated with child abuse and neglect, family violence and sexual assault. However, the Group is of the view that practitioners should also be able to explain their service provision to anyone regardless of English proficiency and in simple English. Discussion in simple English can be interpreted without special training.

The Group also found that access to the On-Call Interpreter Service for Children, Youth and Families Community Service Organisations is inadequate to meet the needs of the sector.

#### **Recommendation 3:**

##### **Developing effective language strategies when working with families and children from newly arrived refugee communities, including:**

- Training for DHS and community service staff in engaging and working with interpreters.
- Funding be made available for key child protection, family services, family violence and sexual assault documents and consent forms to be translated into significant community languages.
- Issues relating to interpreter availability and quality to be communicated to the existing language service providers and to the National Accreditation Authority for Translators and Interpreters (NAATI).
- Review of the current child protection policy relating to the use of language services.
- To test demand for language services by opening up the Children, Youth and Families (CY&F) credit line for a period of three months to identify the resourcing required to support community service organisations compliance with the DHS Language Service Policy, and access language services as required for service delivery.

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For families receiving support from secondary support services, such as family services, the Group identified that there is limited capacity for these services to conduct community development and strengthening activities due to current policy directions and funding methodologies.

A key theme is the limited transition between the specialist settlement services and the mainstream secondary service supports, such as family services. Anecdotally, in the Southern Metropolitan Region, where there are high settlement numbers of families from refugee backgrounds, children and young people are over-represented in the child protection system and under-represented in the family services data.

This over representation potentially indicates that families are coming to the attention of the tertiary systems at the point of crisis, rather than linking into the preventative and early intervention universal and secondary support systems.

In 2007 the Victorian Foundation for the Survivors of Torture (Foundation House) commenced a family strengthening strategy focussing on integration of the family support needs of families from refugee backgrounds into the existing mainstream service system. The two year intensive action research process to date has focused on raising the awareness of mainstream family support agencies regarding issues faced by families from refugee backgrounds (by establishing relationships between the family support sector and a number of refugee communities).

**Recommendation 4:**

**Building the capacity of family services to appropriately manage the support needs of newly arrived refugee families, this includes:**

- Seeking additional funding to support an integrated model of shared care.
- Foundation House to report back to the department on the outcomes of their meeting with Commonwealth counterparts to determine opportunities for a funding partnership.
- Developing a strategy to build the capacity of family service providers to engage with refugee families.

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## ***Statutory child protection services, including reporting, assessment, investigation procedures and responses***

### **3.4: What are the strengths and weaknesses of our current statutory child protection services in relation to responding to and assessing suspected child maltreatment?**

Thorough data collection is a vital tool for monitoring the status and progress of key social phenomena and trends in child abuse and neglect. In Victoria the statistical record kept by child protection, family services and family violence and sexual assault services related to refugee children and families is deficient. However the leadership shown by the Refugee Minor Program in improving data collection is acknowledged and should be emulated. The child protection program has agreed to prioritise the inclusion of data fields relating to the client's refugee status, country of birth and language service needs in the next data system changes, scheduled to be rolled out in November 2010. However, the eccv believes that the department and its funded agencies need to give higher priority to statistical record keeping and to build an evidence-based culture for policy making.

#### **Recommendation 5:**

**That improvements in data collection be made across the Children, Youth and Families Division of the department to improve policy and practice. This includes:**

- The inclusion of data fields in the child protection data base to enable the collection of refugee status, country of birth and preferred language.
- Child protection and community service staff to receive support through training, data guides and help desk advice to assist staff to understand the relevance and importance of collecting and recording client demographic information.
- Program and Service Advisors to supply regular feedback to funded agencies by following up on data quality issues.

## ***Out-of-home care, including permanency planning and transitions***

### **3.5.3: What might need to be done to meet the needs and improve the outcomes of children in out-of-home care and those leaving care regarding:**

- **The needs of children from culturally and linguistically diverse backgrounds**

The eccv seeks to express its concern regarding the provision of care to unaccompanied refugee minors. The Refugee Minor Program (RMP) has identified considerable challenges in the program structure and funding from the Commonwealth which delegates responsibility to the State. These challenges have been further exacerbated by the current trend of significant numbers of unaccompanied humanitarian minors arriving as asylum seekers. A high number of these young people are being settled in Victoria.

The eccv has identified the following concerns:

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- Disparity between the State and Commonwealth governments in the levels of carer reimbursement.
- Limited number of culturally appropriate placement options and supported residential facilities.
- No capacity to provide an afterhours response service.
- A limited ability to adequately respond to the particular vulnerabilities of this group, many of whom present with high risk behaviours.
- The need to develop a protocol between RMP and Child Protection.

**Recommendation 6:**

**Strengthening the services offered to unaccompanied minors**

- The development of a state wide protocol between child protection and the RMP
- The RMP to be appropriately resourced to provide a consultation point for the child protection and youth justice programs on engaging and working with refugee families
- The development of a state wide protocol between RMP and youth justice
- Further exploration of ways in which parity can be reached in the reimbursement of RMP home based carers and State accredited carers
- Out of home care service to be expanded to include access (when required) for unaccompanied refugee minors. The out of home care service is to be used as a last resort when all other options have been exhausted (i.e., placement within their own community is preferable).

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