

Cultural Diversity and Child Protection

*A review of the Australian research on the needs
of culturally and linguistically diverse (CALD)
and refugee children and families*



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GLOSSARY OF ABBREVIATIONS

CALD = Culturally and linguistically diverse.
NESB = Non-English speaking background.
CPS = Child Protection System.
DFV = Domestic and Family Violence.
OOHC = Out-of-Home Care.
UHM = Unaccompanied Humanitarian Minors.

DIAC = Department of Immigration and
Citizenship.
ABS = Australian Bureau of Statistics.
AIHW = Australian Institute of Health and
Welfare. UNHCR = United Nations High
Commissioner for Refugees.

Biography: Jatinder Kaur

Jatinder has ten years experience working in policy, research and social work practice. She spent three years as a frontline child protection worker in South East Queensland. She completed her studies at the University of Queensland (UQ) and holds a Bachelor of Arts (Psychology) and a Masters in Social Administration (Child Protection, Community Development and Social Research). In 2006, as part of her Masters degree she



explored cross cultural competence for child protection workers and their engagement with families from CALD backgrounds. She designed and developed the Cross Cultural Child Protection Survey (CCCPS), which is an assessment tool that can provide agencies with evidence-based information on the training and professional development needs of child protection workers. This research was the first of its kind to be conducted in Australia and she has presented her research findings at national and international conferences and has published two research papers in Australian peer reviewed journals.

Since publishing her research in 2007, she has advocated for the needs of CALD and refugee children to be recognised by child protection authorities and the need for cultural competency training for frontline practitioners. Some of the projects she has been involved with include: being filmed in a DVD teaching resource developed by Griffith University titled 'Cross Cultural Practice in Social Work and Human Services'. She developed a one day training workshop 'Working with CALD and refugee communities in the Child and Family Welfare setting' which has been endorsed by the Australian Association of Social Workers (AASW) for continuing professional development credit points. Prior to this there was no similar training available for social workers and is now being delivered in all major cities across Australia.

In 2011 as part of her advocacy, she was invited by an NGO (Care With Me) to present a submission to the Protecting Victoria's Vulnerable Children Inquiry (PVVCI). This submission outlined the relevant research evidence, the current multicultural and child protection policy frameworks and identified gaps within policy, practice and service provision. The final PVVCI Report (Cummins Report) tabled in Victorian Parliament (February 2012) included three recommendations and a dedicated chapter (13) on meeting the needs of CALD families in the child protection system, based on information provided in this submission and community consultation with CALD and refugee community groups. She is a member of the National Framework for Protecting Children's 'Common Approach to Assessment, Referral and Support (CAARS) Taskforce. Most recently was appointed by Senator Kate Lundy as an independent expert panel member on the Access and Equity Inquiry Panel which is an initiative under the Australian Government's Multicultural Policy.

In 2011, she established JK Diversity Consultants to bridge the gap between multicultural issues and mainstream government agencies and departments (at both federal and state levels).

Executive Summary

Australia is a multicultural society with a rich diversity of cultures, languages, religions and ethnicities, with one in four Australians born overseas (5.3 million) (ABS Census 2011). Governments at both Commonwealth and State levels have developed multicultural policy frameworks, which aim to address the needs of migrants and refugees who settle in Australia. However, the knowledge from multicultural policies and refugee sector has not necessarily been incorporated into child protection practice, policy frameworks and legislation. As a consequence there has been a significant gap in the research and practice knowledge in addressing and recognising the needs of families from culturally and linguistically diverse (CALD) and refugee backgrounds (with the exception of NSW Department of Family and Community Services).

It is widely acknowledged through the various research audits (Higgins, Adams, Bromfield, Richardson and Aldana, 2005; Cashmore, Higgins, Bromfield and Scott 2006) that there is a general lack of research on specific cultural groups or cultural issues in the Australian Child Protection System (CPS). Most recently a National Research Audit was undertaken as part of the National Framework for Protecting Australia's Children 2009-2020 and, identified that 'there is limited research regarding cultural issues within statutory child protection services in Australia' and proposed that a future research priority should focus on families from CALD backgrounds (McDonald et al, 2011, p38-39).

Thus, to begin to fill this gap, a review of the current research available so far would be helpful to establish at least 'baseline knowledge' in this area. The aim of this paper is to:

- review the available Australian research on the interface between Child Protection System (CPS) and families from CALD and refugee backgrounds;
- identify gaps within research knowledge and propose future research priorities;
- develop recommendations for ways in which practitioners and policymakers can begin to address the current gaps in service delivery, data collection, policy and practice guidelines.

This paper is the first publication of its kind to review the available research literature on CALD and refugee families in the Australian Child Protection System (CPS). There have been two previous literature reviews: Dr Hurriyet Babacan (2006) on 'Literature Review: Service/Response Models in Child Protection for Culturally Diverse communities' which was commissioned by the Queensland Department of Child Safety and is unpublished (I was provided a copy by the author). The second literature review was conducted by Dr Pooja Sawrikar (2009), as part of a 3 year research study on CALD communities in the NSW CPS and is published online¹. Sawrikar's (2009) literature review identified that *'the national and state-based research on the needs of CALD children in the CPS is nascent but limited...similarly, the international literature is relatively scant'* (p27).

¹http://www.community.nsw.gov.au/DOCSWR/_assets/main/documents/RESEARCH_CALD_FAMILIES_SUMMARY.PDF

This research review was supported by a grant from the Australian Government and commenced in July 2011 and finalised in June 2012. The methodology utilised in this review included: published (peer reviewed academic journal articles) and unpublished (e.g. student thesis) and published and unpublished commissioned research reports that included any reference to: culturally and linguistically diverse (CALD), refugee, unaccompanied humanitarian minors (UHM), child protection system (CPS), Out-of-Home Care (OOHC), family support services and cultural competency. This review was able to identify 13 publications describing Australian research completed between 1996 up to June 2012. Some of these publications were not identified in the recent National Research Audit (2011) and as such this review will contribute to the evidence base into identifying the needs of CALD and refugee families in the Australian CPS.

SUMMARY OF FINDINGS

WHAT WE KNOW

The emerging research on CALD and refugee communities coming to the attention of Australian CPS has identified:

- While risk factors common to all families are prevalent, (e.g. Domestic and Family Violence, substance abuse and mental illness) CALD and refugee families face a number of unique risk factors and challenges which may lead to their involvement with the Australian CPS.
- Both CALD and refugee communities would benefit from early intervention and prevention strategies focusing on: ‘accepted parenting practices in Australia’, specifically targeting physical discipline and neglect.
- Parents from CALD or refugee backgrounds were not aware of the statutory role of the child protection system and would benefit from a community education on the role of statutory child protection authorities (in their own language).
- The need for culturally tailored community awareness program for both CALD and refugee communities on Australian laws relating to Domestic and Family Violence (DFV).
- The need for frontline child protection caseworkers to develop cross cultural competence when working with both CALD and refugee communities in CPS; and
- Children from inter-racial backgrounds who were in OOHC displayed cultural identity confusion and self esteem issues.

WHAT WE DON'T KNOW

- There has been very limited research conducted on identifying the needs of CALD and refugee communities who become involved with CPS. Currently, we don't have the data or research evidence to know:
- What the prevalence of child abuse and neglect is amongst both CALD and refugee communities in Australia;

- The placement needs of CALD and Refugee and Unaccompanied Humanitarian Minors (UHM) children and young people in OOHC; and
- What early intervention and prevention strategies are effective in working with both CALD and refugee communities in addressing child maltreatment?

FUTURE RESEARCH PRIORITIES COULD FOCUS ON:

- Examining the needs and placement of CALD, refugee children and UHM young people in OOHC;
- Examine the child protection assessment frameworks when working with CALD and refugee families and explore the possibility of developing a national consistent child protection assessment framework;
- Examining the recruitment, retention and support need of carers (foster and kinship) who have either CALD or refugee children/young people placed in their care;
- Exploring the incidence of sexual abuse and forced child marriages for both CALD and refugee communities and the involvement of CPS;
- Cultural competency of child protection practitioners when working with both CALD and refugee communities in CPS; and
- Early intervention and prevention strategies targeting both CALD and refugee communities that can reduce the incidence of child maltreatment in these communities; and
- Examining the current challenges faced by law enforcement and legal practitioners when working with both CALD and refugee families in child protection proceedings.

In conducting this research review the following recommendations are made to child protection practitioners and policymakers, to address the current gaps in service delivery, data collection, policy and practice guidelines:

RECOMMENDATIONS

POLICY LEVEL

1. The National Framework for Protecting Australia's Children 2009-2020 to include strategies and provisions for meeting the needs of CALD and refugee children and families into the second action plan (2012-2015).
2. Through COAG, each state and territory child protection departments to commence collecting data capturing: ethnicity, language spoken and religion of children and families of CALD and refugee backgrounds, who are both coming to the attention (notifications) and entering the OOHC system.
3. Departments to incorporate provisions for CALD and refugee communities in their child protection policy, legislation and practice guidelines.

4. Departments to develop communication strategies for CALD and refugee families on:
 - Australian Child Protection System and its statutory role;
 - Early intervention and prevention awareness information on: ‘What is child abuse?’ and accepted Australian parenting practices;
 - Culturally tailored information on the harms of physical discipline and Domestic and Family Violence.

SERVICE LEVEL

5. Departments to develop ‘culturally responsive’ service models for children and families from CALD and refugee backgrounds, these strategies to include:
 - Recruitment and retention of culturally diverse child protection workforce and bi-cultural staff;
 - Development of Interpreter guidelines and training on the use of interpreters for frontline child protection practitioners;
 - Recruitment strategies of foster and kinship carers from CALD and refugee backgrounds;
 - Development of practice guidelines for ‘working with CALD and refugee families’; and
 - Development of cultural support plans for CALD and refugee children and young people who are placed in OOHC.
6. Departments to include provision of ‘cultural sensitive’ considerations (e.g. diverse child rearing practices, cultural norms and traditions) into assessment frameworks and standard risk assessment tools (e.g. structured decision making tools).

PRACTITIONER LEVEL

7. Governments and NGO’s to incorporate ‘cultural competency’ training for frontline practitioners working in Child and Family Welfare context.

Introduction

As a multicultural society, Australia's population has shifted significantly in its diversity of cultures, religions and languages through the continued growth of overseas migration. Since World War II, over six million migrants have settled in Australia. Australia is also a signatory to the United Nations 1951 Convention relating to the status of refugees (the Refugee Convention). It is one of the few countries that take part in the United Nations High Commissioner for Refugees (UNHCR) resettlement program, accepting quotas of refugees on an annual basis. In 2010-11 a total 13 799 refugee and humanitarian visas were granted (DIAC Annual Report, 2011).

The recent Australian Bureau of Statistics (ABS) 2011 Census² data showed that:

- Australia's resident population was 21.5 million, of this there were 5.3 million people who were born overseas.
- Approximately 47% of all Australians were either born overseas or had at least one overseas born parent.
- 82% of overseas born population live in capital cities with Perth, Sydney and Melbourne with highest proportion.
- Almost 49% of longer standing migrants (predominantly European heritage) and 67% of recent arrivals (Asian countries) spoke a language other than English at home.
- There are over 260 languages spoken in Australia including Indigenous Languages. The most common languages (other than English) spoken at home were: Mandarin, Italian, Arabic, Cantonese and Greek.

Child Protection authorities need to understand this shift in Australian population demographics, as families and children that come to the attention of the child protection system (CPS) will increasingly be from culturally, linguistically and religiously diverse backgrounds and to ensure that the delivery of child protection services is culturally responsive to the needs of CALD and refugee communities.

CULTURAL DIVERSITY IN CALD & REFUGEE COMMUNITIES

The international research literature from the US, UK, and Canada has explored the challenges faced by CALD and refugee families who come to the attention and become involved in the CPS and OOH. According to Korbin (2002) CPS's need to understand the nexus between culture and child maltreatment, through cultural competence. She has identified three levels which need to be considered when formulating culturally appropriate definitions of child maltreatment:

²Cultural Diversity in Australia - Reflecting a Nation: Stories from the 2011 Census <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/2071.0main+features902012-2013#>

1. Acknowledgement of cultural difference in child rearing practices and beliefs;
2. Recognition that deviations from the culturally appropriate child-rearing practices of any specific cultural group are considered by that cultural group to be abusive;
3. Knowledge of the circumstances that exist where societal harm undermines children's well being beyond the control of the parent (e.g. poverty).

Professionals working with CALD or refugee communities need to understand the diversity and cultural differences in child rearing practices. This was first explored by Karamoa et al who provide a framework to distinguish between those 'traditions that can cause harm (e.g. female genital mutilation) and ones which can positively enhance the child's cultural identity (e.g. breast feeding and showing respect)' (p415). The following Table 1. outlines examples of diverse child rearing practices within CALD and refugee communities. These examples are drawn from the research literature and highlight the different professional interpretation that can occur within CPS.



TABLE 1: EXAMPLES OF DIVERSE CHILD REARING PRACTICES PRACTICE

| PRACTICE | CULTURAL GROUPS | PROFESSIONAL INTERPRETATION |
|-----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Display of affection towards children (there is little fondling and kissing infants once child becomes toddler) and young people. | <ul style="list-style-type: none"> • West African • Arabic communities • Asia-Pacific (Chinese, Japanese, Korean, Singaporean, Vietnamese, Malaysian) | May be misinterpreted as parent not displaying ‘obvious signs of affection towards the child’. However affection may be displayed in different ways (as deemed by that culture) through good physical attention (bathing, skin-care and braiding hair), monetary reward and praise (p 74, Chand, 2000). |
| Education attainment of children and young people | <ul style="list-style-type: none"> • Asia-Pacific • Indian | Parents may exert undue pressure for children and young people to perform well in academic studies, which may be viewed as ‘emotionally abusive’ by professionals. In Sawrikar 2011 study found that for Chinese families, in some cases ‘physical punishment’ was used to emphasise the importance of education and scholarly achievement (p42). |
| Respect for Parents and Elders | <ul style="list-style-type: none"> • African • Indian • Asia-Pacific | Collectivist cultural practice of ‘filial piety’ which places expectations that children are subordinate to the parents’ wishes and must be obedient and loyal to their parents and look after their parents needs. This is a common issue that arises with parents who hold onto ‘traditional parenting’ beliefs and their children/young people adopt western individualistic beliefs, which leads to inter-generational conflict (see Renzaho 2011 for more detail). |
| Traditional natural remedies (e.g. coining, herbal/homeopathic remedies, cupping, threading, massage) | <ul style="list-style-type: none"> • Asia-Pacific • Indian | Professionals may misinterpret as possible physical abuse (cupping and coining leave bruise marks) on the body. Media report in 2009 covered the case of an Indian couple living in Australia, who were convicted of manslaughter for not seeking conventional medical treatment for their nine month old baby girl (she suffered from eczema), instead treating her with homeopathic drops. |



RISK FACTORS FOR CHILD ABUSE AND NEGLECT IN CALD AND REFUGEE FAMILIES

There are a number of theoretical perspectives that describe how risk factors might be hypothesised to impact on parenting and family environments which lead to child abuse and neglect. Some of these include: **Social Stress Theory**: this perspective suggests that social and environmental stress factors may have greater influence on child maltreatment in lower socioeconomic families than in middle class families (Browne, K. 2002).

- Bronfenbrenner's (1979) **Ecological framework or Ecosystem theory**, which is useful in understanding how different systems impact on children and families³. Fontes (2005) included a separate category for 'ethnic culture' when working with CALD communities as an ideal way for CPS to understand how the families 'ethnic culture' intersects with different systems (p4).
- However, a significant gap exists regarding the knowledge and research centred on refugee's pre-settlement experience (e.g. pre-flight, flight, migration and residing in refugee camp) and its impact on the refugee parenting and carer experience. Williams (2009) research from South Australia addresses this gap as she developed an ecological framework model of refugee parenting in pre-settlement phase which 'offers ways to conceptualise and potentially reduce the likelihood of parent-child conflict within resettlement contexts and prevent their presentation within systems of child protection' (p42-46).

It is imperative that child protection authorities seek to understand the many causal factors involved in child maltreatment and develop a cultural perspective which encompasses culture, ethnicity, religion and language when working with CALD or refugee families in the CPS. It is widely acknowledged within the literature that there are common risk factors that bring families to the attention of the CPS which include domestic violence, substance abuse and mental illness (Bromfield, Lamont, Parker and Horsfall, 2010) along with socio-economic disadvantage. While families from both CALD and refugee backgrounds are also subject to the above risk factors, they also experience a number of unique challenges and stressors that may impact on them and lead to their involvement with CPS. These can include (but are not limited to) (see Sawrikar, 2009, for a more detailed analysis on p35-40):

- Migration and acculturative stress
- Displaced sense of belonging and cultural identity
- Perceived or experienced racism and discrimination
- Intergenerational conflict
- Low English proficiency
- Insufficient awareness of institutional systems and local services available
- Loss or lack extended family and social community supports
- Poor settlement experience in period after arrival in new country
- Socioeconomic disadvantage.

³Bronfenbrenner's four "nested" systems are the microsystem (e.g. home, family and local community); mesosystem (formal systems e.g. school, social services); exosystem (external environments which indirectly influence development, e.g., parental workplace) and macro-systems (government and larger society).

In stage 3 of the study by Sawrikar (2011a, pp22-23), these kinds of risk factors were grouped into three possible types of issues:

1. **Cultural:** physical abuse, inadequate supervision, traditional cultural practices, culture difference in 'child centred' family functioning, academic pressure and exposure to trauma;
2. **Migration-related:** lack of awareness about child protection laws and agencies, lack of extended family support and generational difference in migration and language issues; and
3. **Generalist:** homelessness, poverty, mental health issues, domestic violence and alcohol or drug issues.

Importantly, this research shows that risk factors for CALD children entering the CPS are not all cultural in nature (Sawrikar 2011a) and as such practitioners need to work in holistic approach in dealing with multiple factors contributing to CALD families who enter the CPS. The migration experience (forced and voluntary) and family separation for both CALD and refugee communities is a significant factor for the individual families functioning and parenting capacity and their ability to successfully resettle in a new host country (Babacan 2006, p5-6). In the case of refugee families, the SA study identified the following risk factors that precipitated CPS involvement (see Lewig et al 2009, for a more detailed analysis on pp37-39):

- Communication and language barriers
- Pre-migration experience including trauma and separation of extended family
- Issues associated with domestic violence such as alcohol abuse, mental illness and in some families acceptance of physical violence towards women
- Cultural differences in parenting style
- Lack of family support, particularly for women who are sole parents with a large number of children
- Traditional patriarchal family structures
- Lack of information about acceptable family practices.

In a recent Victorian study by Renzaho, Green, Mellor, Swinburn (2011) which examined parenting in a new culture for newly arrived African refugee families, found that African parents tend to remain authoritarian in their role and attempts to control their children, based on the traditional collectivist values. The authors identified a number of strategies for policy makers to consider when working with African families raising their children in the Australian context. Thus, it seems that parenting style is a key issue for refugee families of African background. However as with CALD families, it is important not to focus on factors such as parenting style (which characterise the cultural group) to the exclusion of systemic factors such as socioeconomic disadvantage or characteristics of how assessments and judgments are made in the CPS. There is considerable variation and diversity in parenting practices within different migrant and refugee cultural groups (Giglio, 1997, Sawrikar 2009). The literature has also identified the need for comprehensive health assessments for newly arrived refugee children and for medical practitioners to undertake health assessment for 'evidence of previous, recent and ongoing child

abuse or neglect' (Davidson et al 2004, p566). Coincidentally, there is also growing interest in the medical literature on 'cultural practice' in the context of child maltreatment such as: coining, faith healing, female circumcision, medical neglect and bruising in CALD children (Raman and Hodes, 2012, p34).

Consequently, there are a number of protective factors that have been identified for both CALD and refugee communities. These include a strong sense of cultural identity and belonging, resilience (overcoming the experience of civil war and trauma) and a collectivist parenting culture (child is raised within the community) (Lewig et al 2009; Babacan 2006). In Layton's Report (2003) some of the protective factors and argument for under-representation in CPS were attributed to the fact CALD families 'have often migrated to Australia in order to improve the life chances of their children and therefore have strong protective relationships, high attachments and expectations about their children's outcomes'. It is important that practitioners and policy makers undertake a balanced approach which ensures that both risk and protective factors are considered and incorporated into the assessment framework when working with CALD or refugee families who come to the attention of the CPS.

COMMUNICATION AND LANGUAGE CONSIDERATIONS

Professionals need to also consider factors related to linguistic diversity, low English proficiency and the use of interpreters when working with CALD and refugee communities. The ABS Census 2011 data identified that there are more than 260 languages spoken in Australia. The literature has identified that the coexistence of multiple languages has been commonly cited as a language barrier to communication, as Harrison, (2006) contends that Australian social workers need to adopt a political perspective on language that moved beyond remedying problems in cross-lingual communication and acknowledges the importance of language rights. Practitioners need to identify the importance of understanding there are cultural differences in nonverbal communication as well as verbal communication (Lynch and Hanson, 2004) and that communicating and engaging with migrant and refugee families is difficult as those individuals display; mistrust of authority, fear of exposure, past experiences of oppression as barriers to access of services (Segal and Maydas, 2005). Research from the UK has identified that language barriers present significant difficulties (e.g. conducting assessments and seeking information regarding child maltreatment) for families from non-English speaking background when interacting with statutory child protection authorities (Thoburn, Chand and Proctor, 2005). The importance of language identity and use of interpreters was further highlighted during 'The Victoria Climbié' child death inquiry (Laming 2003). Where Lord Laming's report identified that various professionals (e.g. medical staff and social workers) did not consider the culture and first language spoken in the home. Lord Laming found this failure seriously compromised Victoria Climbié ability to disclose the abuse and subsequently contributed to her death (Lord Laming Report 2003).

There are also a number of challenges facing law enforcement and legal practitioners when working with both CALD and refugee families in child protection proceedings. In a recent

report by the Australian Family Law Council (Feb 2011) on 'Improving the Family Law system for clients from CALD backgrounds' identified the following barriers faced by people from CALD backgrounds in being able access the family law system:

“These include a lack of knowledge about the law and a lack of awareness of available services; language and literacy barriers, cultural and religious barriers that inhibit help-seeking outside the community; negative perceptions of the courts and family relationships services; social isolation; lack of collaboration between migrant services and the family law system; a fear of government agencies; a lack of culturally responsive services and bicultural personnel; legislative factors and cost and resource issues (p3)⁴.”

For families from CALD and refugee backgrounds the concept of child protection and legislation may be unfamiliar, as formal CPS may not exist in their country of origin (Layton Report, 2003). For some communities, issues concerning the family have traditionally been dealt within the family or community setting, rather than by government statutory authorities (Babacan 2006). It is important that child protection practitioners, legal practitioners, law enforcement agencies and policymakers are aware and seek to address the multiple barriers faced by CALD and refugee families who become involved with CPS and legal court proceedings (see Sawrikar and Katz, 2008, for more detailed information). This review has identified there is a significant gap in the research and practice knowledge regarding the interface between CALD and refugee communities and child protection court proceedings.

CHILD PROTECTION ASSESSMENT FRAMEWORKS

The international literature has identified that child protection caseworkers use contradictory approaches when intervening with families from CALD or refugee background, which can either be a heavy-handed approach or reluctance to intervene (Maitra, 2005). The research by Lisa Fontes, in the US has identified these two approaches, as either “false positive” where caseworkers incorrectly assume an act is abusive (Fontes, 2005, p64) or “false negative” where caseworkers fail to recognise a given practice as maltreatment, using cultural practice as justification (Fontes, 2005 p77). Both of these approaches influence how families from CALD or refugee backgrounds are represented and treated in CPS. For example in the US, there is an over-representation of African-American, Native-American and Hispanic-American children in the child welfare system, in reported cases of child maltreatment and in foster care, as compared to their percentages in the population (Child Welfare Outcomes Report 2006-2009, U.S. Department of Health and Human Services).

⁴<http://www.ag.gov.au/FamilyLawCouncil/Publications/ReportstotheAttorneyGeneral/Pages/Indigenousandculturallyandlinguisticallydiverseclientsinthefamilylawsystem.aspxKey>

In Sawrikar's (2009, pp29-34) review of the International literature, she found that there were three main hypotheses as to why ethnic minority groups may be over-represented in the CPS:

1. Higher representation in the CPS is justified because rates of abuse or neglect are higher in these CALD groups;
2. Higher representation in the CPS occurs because of the 'exposure bias';
3. Higher representation in the CPS occurs because of culturally inappropriate or insensitive service delivery.

In addition to these, Sawrikar (2009) also proposes a fourth hypothesis: that overrepresentation of CALD families in CPS may also be attributed to family dysfunction in CALD families as a consequence of hardships, stressors (e.g. socioeconomic disadvantage, racism and migration stress). Sawrikar (2009) argues that *'each hypothesis highlights different but important aspects of culturally appropriate and sensitive service provision..debates over whether culture, poverty or institutional racism contributes **more** to the over-representation of CALD children in the CPS are seen as less useful, than developing a holistic approach that can help address the effects of all three causes'* (p34). However, significant gaps in the literature remain on the prevention of abuse in culturally distinct groups. There is need for more research to understand the role of culture in treatment efficacy for maltreated children (Raman and Hodes, 2012, p34). This review was only able to identify one research study (Kaur 2007 and 2009) which explored and examined child protection assessment frameworks used when working with CALD families in the Queensland CPS. Future research could investigate the various assessment frameworks utilised across Australian CPS when working with CALD and refugee families and provide the necessary evidence to support a national consistent child protection assessment framework across all states and territories.

AUSTRALIAN CHILD PROTECTION SYSTEM

Australia does not have a unified statutory child protection system. Each state and territory has its own legislation, policy and practice guidelines with regards to child protection and welfare issues (Bromfield and Higgins, 2005). However in 2009, the Council of Australian Governments (COAG) endorsed the National Framework for Protecting Australia's Children 2009-2020⁵, which represents a high level of collaboration between the Australian Government, State and Territory governments and non-government organisations to protect children. There is a focus on developing a nationally consistent approach to the formal child protection systems and national standards in OOHC. The National Framework includes the following six supporting outcomes:

1. Children live in safe and supportive families and communities;
2. Children and families access adequate support to promote safety and enable early intervention;
3. Risk factors for child abuse and neglect are addressed;

⁵http://www.fahcsia.gov.au/sa/families/pubs/framework_protecting_children/Pages/default.aspx

4. Children who have been abused or neglected receive the support and care they need for their safety and wellbeing;
5. Indigenous children are supported and safe in their families and communities; and
6. Child sexual abuse and exploitation is prevented and survivors receive adequate support.

At present this National Framework does not include any specific strategies or considerations for meeting the needs of families and children from CALD or refugee backgrounds. Since 2009, the author has raised this issue with the relevant Minister's and senior representatives from the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). However, there has been very little progress to date, in addressing this gap in the National Framework.

The number of children and young people from CALD and refugee backgrounds coming to the attention of child protection authorities and the number of children and young people from CALD and refugee backgrounds placed in OOHC is currently unknown.

According to the most recent Australian Institute of Health and Welfare [AIHW] annual national report on Child Protection in Australia (AIHW 2012), the number of child protection notifications recorded in 2010-11 was 237,273. As at 30 June 2010, there were more than 37,500 children in OOHC across Australia, of which there were 12,358 Aboriginal and Torres Strait Islander children in OOHC, a rate of 51.7 per 1,000 children. However the number of children and young people from CALD and refugee backgrounds coming to the attention of child protection authorities and the number of children and young people from CALD and refugee backgrounds placed in OOHC is currently unknown⁶. In 2011, the author undertook a scoping research study in conjunction with the Centre for Excellence in Child and Family Welfare and funded services in Victoria to capture data on the number of CALD and refugee children in OOHC across Victoria (see full details on next page and published report). A total of 19 Community Service Organisations completed the survey from across all eight regions. The data sample identified a total number of 2,053 children and young people across these services, which is approximately 20% of the total population of children and young people in OOHC across Victoria (n=6,735). The cultural demographics of this sample included: Anglo-Australian (n=1515); Aboriginal/Torres Strait Islander (n=258); CALD (n=250) and Refugee (Unaccompanied Humanitarian Minors) (n=30). This data clearly showed that approximately 13% of the children and young people in OOHC are from CALD or refugee backgrounds and on par with the number of Indigenous children and young people in this sample. However, without accurate data, child protection authorities are not able to develop services and programs to meet the needs of CALD and refugee children and young people.

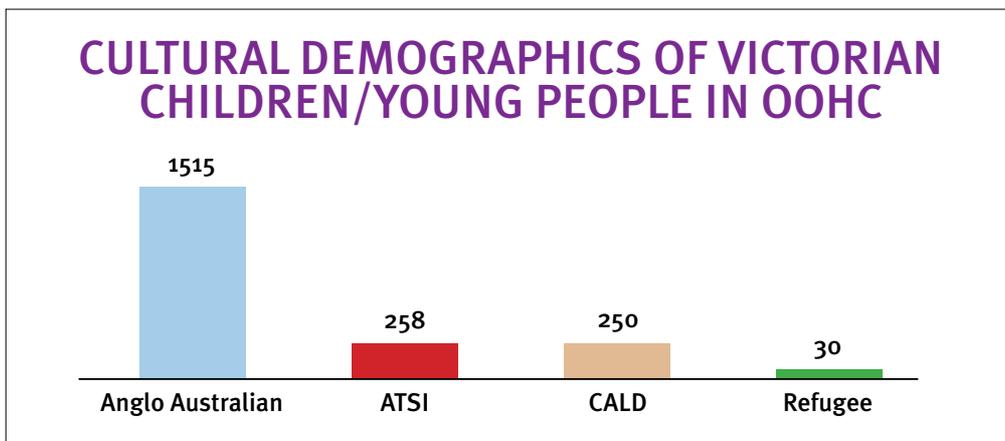
⁶In Sawrikar (2009) NSW study research conducted by the NSW department suggests that approximately 20% of children in the NSW CPS speak a language other than English at home.

SCOPING STUDY ON CALD & REFUGEE CHILDREN & YOUNG PEOPLE IN OOHC IN VICTORIA

Currently in Victoria there are approximately 6,735 children and young people in OOHC, however the Department of Human Services (DHS) and the child and family welfare sector have not been able to identify the number of children and young people from CALD or Refugee backgrounds within the current data collection systems. The 'Scoping Research study'⁷ was conducted by the author, (JK Diversity Consultants) with Care With Me (CWME) and the Centre for Excellence for Child and family Welfare (CFECFW). Ms Kaur developed a 1-page survey for community service organisations (CSO) which provide OOHC services (foster care, residential and kinship care programs) to capture data on the number of CALD and refugee children across Victoria. Data was collected over 3 month period from December 2011 to February 2012, this survey was circulated to all CSOs through CFECFW and each CSO was requested to provide a snapshot of number of children and young people placed in their service and their cultural demographics as at 31st December 2011.

A total of 19 CSOs completed the survey from across all eight regions. The data sample identified a total number of 2,053 children and young people across these services, which is approximately 20% of the total population of children and young people in OOHC across Victoria (n=6,735). The graph below illustrates the cultural demographics of the sample: Anglo- Australia (n=1515); Aboriginal/Torres Strait Islander (n=258); CALD (n=250) and Refugee (n=30). Upon closer examination there would appear to be more children and young people from refugee background, however agencies identified them from their ethnic background instead of 'refugee' background (e.g. Sudanese, Dinka).

This study showed that approximately 13% of the children and young people in OOHC are from CALD or refugee backgrounds and on par with the number of Aboriginal or Torres Strait Islander children and young people in the Victorian OOHC system.



⁷The Scoping Research study Report was launched on the 28 June 2012 and is available online: Centre for Excellence in Child and Family Welfare Inc website at <http://www.cfecfw.asn.au/> and Care With Me website at <http://www.cwme.org.au/>. It is anticipated that this study will assist the Victorian child protection system and child and family welfare sector in developing culturally responsive services for CALD and refugee children and young people who come into OOHC.

This lack of data on CALD and refugee children is a significant issue as child protection authorities are unable to identify whether there is under-reporting or over-reporting of child abuse and neglect within CALD and refugee communities and how these families are treated once they come to the attention of CPS. For example, there is concern that CALD and refugee families are invisible in the CPS. Babacan's (2006) literature review highlighted that 'CALD communities appeared to be under-represented in reported incidences of child abuse' (p12). This issue was also identified by Hon Robyn Layton (Layton Report, 2003) comprehensive review of the South Australian Child Protection System. In chapter 25, she identifies that CALD families are likely to be "invisible" in CPS for the following reasons:

- They do not come into contact with CPS because of fears about services, especially government services, particularly where parents and families may have fled oppressive regimes;
- CALD families have limited awareness of or access to these services (CPS);
- Service providers (CPS) do not necessarily have the skills to identify children's protective needs in these families from CALD background;
- Multicultural Services, coming into contact with CALD families, may be more reluctant to report child abuse concerns either because of fears of how mainstream services may treat CALD families or the impact this might have on the services' relationship with the wider community.

This also has an impact on child protection authorities ability to establish culturally relevant responses and service provision for CALD and refugee families and children across the CPS (e.g. screening of notifications, investigation and assessment, removal of child and OOHC care placement). The National Research Audit (2011) identified this data gap issue and highlighted that 'the audit was unable to determine whether the content gaps related to lack of interest and/or expertise on behalf of researchers or to a lack of reliable and accessible data' (McDonald et al 2011). Recently the UN Committee on the Rights of the Child issued its concluding observations on Australia and made a number of recommendations including the need for the Australian Government to improve its data collection to include data relating to ethnicity, language and country of origin of children and young people.⁸

CURRENTLY AVAILABLE AUSTRALIAN RESEARCH

There has been limited research conducted in Australia on the 'availability, accessibility and appropriateness of child protection and Out-of-Home Care service provision for minority ethnic families' (Chuan and Flynn, 2006, p29). The methodology utilised in this review included published (journal articles) and unpublished papers (e.g. student thesis, commissioned reports) and reports that included any reference to: culturally and linguistically diverse (CALD), refugee, unaccompanied humanitarian minors, child protection, Out-of-Home Care, family support services and cultural competency. This review was able to identify 13 publications describing Australian research completed between 1996 up to June 2012.

⁸<http://www2.ohchr.org/english/bodies/crc/crcs60.htm>

A summary of the research conducted with both CALD and refugee communities in the child protection system, is outlined in Table 2. As the findings show, the majority of the research was undertaken from the period 2005 to present (2012) indicating that interest in this area has only recently garnered some momentum. During the period from 2005-2012, two large scale research studies were conducted. The first study was with refugee families and their presentation to the South Australian CPS by Lewig, Arney, Salveron (2005-2009). The second study aimed to identify how best to meet the cultural and linguistic needs of CALD clients in the NSW CPS, conducted by Sawrikar (2007-2011).

There have been eight smaller exploratory research studies; the topics have ranged from the needs of CALD children and young people in OOHC in QLD, WA, and NSW; to a Queensland study which explored existing child protection assessment frameworks used when working with CALD families in the Qld CPS. The other studies have been included in Table 2, as they identify areas for future research and exploration within the child protection continuum. For example:

- The cultural identity of CALD children and young people in OOHC;
- Refugee parenting experience in a new culture;
- Data identification of CALD children and families in Australian CPS; and
- Experiences of unaccompanied humanitarian minors (UHM) children/young people in OOHC.



TABLE 2: AUSTRALIAN RESEARCH ON CALD AND REFUGEE FAMILIES IN CPS

| Research Area | Author | Methodology | Sample |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|----------------------------------------------------------------------------|--------|
| Child Protection and Cultural Differences: Issues for Non- English Speaking Background (NESB) Communities | Giglio (1997) Published | Article written for the National Child Protection Clearinghouse Newsletter | N/A |
| Relevant Findings/Outcomes of review | | | |
| <p>This is the earliest publication to raise the profile of some of the factors relevant to working with families from various cultural backgrounds and the challenges faced by CALD communities within CPS. The article provides background information on:</p> <ul style="list-style-type: none"> • Barriers to reporting of abuse; • Migration and cultural difference; • Child rearing practices; • Training and information programs; • Primary intervention. | | | |

| Research Area | Author | Methodology | Sample |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|------------------------------------------------------|----------------------------------------------|
| Ethnicity and Child Discipline: Implications for Child Protection | Eduardo Farate (2000) Unpublished Master Thesis | Quantitative and Qualitative in (1996-2000) WA study | N=65 caseworker N=2 Ethnic community leaders |
| Relevant Findings/Outcomes of review | | | |
| <p>Research study identified:</p> <ul style="list-style-type: none"> • Need for community culturally specific awareness for CALD groups on child protection system • Need for cultural competency training for caseworkers • Ensuring CALD families had access to interpreters in a timely manner • Ensure the collection of ethnic-specific data to develop programs. | | | |

| Research Area | Author | Methodology | Sample |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------------------------------|--------|
| Literature Review: Service Response in Child Protection for Culturally Diverse Communities | Babacan (2006) Unpublished report. | Commissioned for Qld Department of Child Safety | N/A |
| Relevant Findings/Outcomes of review | | | |
| <p>This was first Australian literature review on issues of child protection in culturally diverse communities. Babacan (2006, pp83-87) outlined 9 recommendations for the Department:</p> <ol style="list-style-type: none"> 1. Need to define child protection across cultures; 2. Need for community awareness and education programs on child protection issues; 3. Need for further research into risk of harm for CALD communities; 4. Need for appropriate data collection which record language, ethnicity and religion; 5. Need for policy and service development for CALD communities; 6. Need to develop practice frameworks that are culturally sensitive in child protection; 7. Need to develop specialised cultural competence training in Child Protection 8. Need to develop Out-of- Home Care and Kinship Care protocols and guidelines 9. Need to develop appropriate service delivery models which target CALD communities | | | |

| Research Area | Author | Methodology | Sample |
|--------------------------------------------------------------|-------------------------------------|------------------------|-------------------------------------------------|
| Children and Young People of CALD backgrounds in OOHC in NSW | Chuan and Flynn (2006) Published | Qualitative, NSW study | N=11, (10 NGO OOHC staff and 1 DoCS caseworker) |

Relevant Findings/Outcomes of review

Small exploratory research study into needs of CALD children and young people (YP) in OOHC study in NSW. Research study findings were grouped into themes:

- Individualized planning to meet cultural needs (as there was limited/low number of CALD groups in OOHC, most OOHC agencies chose to adopt individual methods of supporting children from CALD backgrounds).
- Matching of CALD children/Young People with carers or staff (ideally the first preference would be to place a CALD child with Carers/staff from CALD backgrounds, however it was not always possible).
- Many OOHC agencies reported that they would like to recruit more foster carers and staff from CALD backgrounds.
- OOHC Agency level implications: Policies, Resources and Training (at the time of this research, policies were being developed for OOHC agencies to meet accreditation requirements).
- Access to client data on specific language groups, country of origin, religious and dietary requirements, information about trauma and loss (particularly on newly arrived refugees).
- Cultural Competence Training for OOHC staff and Carers in developing strategies to support cultural identity of CALD children in OOHC.
- Systemic Implications: Data and Research: Need for CPS to develop adequate OOHC data collection regarding CALD status.
- Need for research to be conducted on CALD children and young people in OOHC in Australia.

| Research Area | Author | Methodology | Sample |
|-----------------------------------------------------------------------------|-----------------------------------|-----------------------------------------|------------------|
| Assessment Frameworks and Cultural Competence in working with CALD families | Kaur (2007 and 2009) Published | Qualitative and Quantitative, Qld study | N=66 Caseworkers |

Relevant Findings/Outcomes of review

First Australian exploratory study to assess cultural competency of caseworkers. Research study identified:

- Key concerns in the provisions of child protection practice, policy and service delivery when working with CALD families in CPS. Some of these concerns included: caseworkers identifying their lack of preparedness of working with CALD communities, limited knowledge on various CALD groups and diverse child rearing practices, Caseworkers did not receive adequate training and knowledge for working with CALD families.
- Study highlighted the need for future research into and knowledge about cross cultural competence in child protection practice; how CALD families are treated in CPS across Australia; role and use of interpreters when conducting assessments with CALD families.

| Research Area | Author | Methodology | Sample |
|-----------------------------------------------|-----------------------------------|------------------------|--------------------------------------------|
| Children and Young people NESB in OOHC in NSW | Burke and Paxman (2008) Published | Qualitative, NSW study | N=11 Caseworkers and 28 Case file reviews. |

Relevant Findings/Outcomes of review

Small exploratory study commissioned by NSW DoCS. Sample group included children and young people (YP) from Arabic speaking and Vietnamese backgrounds. In general this study found through interviews and file reviews that caseworkers consider the cultural background of children when placing them in OOHC. In general the process of OOHC of CALD children/YP had the following priorities in relation to culture:

1. Kinship
2. Finding a culturally matched carer.
3. Ensuring culturally appropriate strategies for placement situations where there is not a cultural match.

Study identified the following difficulties affected casework practice with CALD families:

- Lack of multicultural carers and caseworkers;
- Lack of CALD specific carer training and resources (translated material);
- Need for more cultural awareness education through professional development for caseworkers.

| Research Area | Author | Methodology | Sample |
|---------------------------------------------------|-----------------------------------------|-------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Working with Refugee Families in Child Protection | Lewig, Arney, Salveron (2009) Published | Quantitative and Qualitative, 3 year study (2005-2009) SA study groups: African, Middle Eastern Vietnamese. | Stage 1: Analysis of child protection data Stage 2: Interview with N=55 Caseworkers Stage 3: Focus group with 130 participants from 8 refugee groups: African, Middle Eastern, Vietnamese. |

Relevant Findings/Outcomes of review

First Australian research study to explore refugee families coming to the attention of the CPS. The study examined the prevalence of child protection notifications involving refugee families. Study found that most common harm type reported was neglect (leaving children alone without adult supervision); physical abuse and exposure to domestic violence. Study identified the need for culturally competent child protection practice. Study also identified the need for more early intervention and prevention strategies for newly arrived refugee families.

| Research Area | Author | Methodology | Sample |
|------------------------------|------------------------------------|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Refugee Parenting Experience | Williams (2008 and 2009) Published | SA study on refugee families. Qualitative. | N=35 3 Refugee Focus groups (1-8 people per group). Sudanese Women's Group (Dinka and Nuer). African Men's group (Congo, Ethiopia, Liberia, Somalia and Sudan). Afghani and Iraqi women's groups. |

Relevant Findings/Outcomes of review

Research study developed an Ecological framework to unpack and examine themes regarding cultural beliefs and values held by refugee participants on parenting process. Study found that refugee participants all shared a common background from traditional cultures and societies which influenced their refugee parenting experience (e.g. fleeing war and persecution).

| Research Area | Author | Methodology | Sample |
|-----------------------------------------------------------|------------------------------------|------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CALD children and families in NSW Child Protection System | Sawrikar (2009 and 2011) Published | Quantitative and Qualitative, 3 year study (2007-2009) NSW study caseworkers | Stage1: Literature Review, Stage2: Review of 120 random case files from 4 target groups: Chinese, Lebanese, Pacific Islander, Vietnamese. The study also included reference group with case files from Anglo Australian and Indigenous families. Stage 3: Semi structured interviews with N=29 Parents/ Carers and N=17 DHS |

Relevant Findings/Outcomes of review

First Australian research to explore the needs of CALD children and families in CPS. Study found that most common primary type of abuse in CALD groups was physical abuse. The second was neglect (inadequate supervision).

Stage 2 and 3 found that three main issues facing CALD families in CPS were:

- Lack of awareness about DHS and their statutory power
- Fear of authority because of shame on family
- Fear of breach of confidentiality despite having ethnically matched interpreters.

The study identified culturally appropriate practice as:

- Consultation with multicultural caseworker
- Culturally appropriate analysis for families
- Culturally sensitive engagement with families.

The study found that a 1-1 relationship between caseworker and CALD family is crucial in ensuring positive outcomes for CALD families but needs to be supported by structural-level responses that are culturally competent.

| Research Area | Author | Methodology | Sample |
|-----------------------------------------------------|-----------------------|-------------------------------------------------------------------------------------|----------------------------------|
| Exploration of Identity for children in OOHC in Qld | Moss (2009) Published | Multi-method approach (Qualitative and Quantitative, art drawings) Queensland study | N=20, Children, N=11 Caseworkers |

Relevant Findings/Outcomes of review

This study's primary focus was on Indigenous children. The sample included interracial children from non-indigenous backgrounds (Anglo/Afro, Anglo/Dutch and Chinese). These children from interracial backgrounds who were in OOHC, displayed identity confusion and self esteem issues.

| Research Area | Author | Methodology | Sample |
|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|-------------------|--------|
| Experiences of unaccompanied asylum seeking children in and leaving the OOHC in UK and Australia. | Barrie and Mendes (2011) Published | Literature Review | N/A |
| Relevant Findings/Outcomes of review | | | |
| This literature review identified lack of Australian research into the experiences of unaccompanied children in OOHC and on leaving the OOHC system. | | | |

| Research Area | Author | Methodology | Sample |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-------------------|------------------------------------------------------------------------------------------------------------------|
| Identification of Cultural Linguistic background of families involved with CPS in Australia | Moore, (2011) Unpublished | Qualitative study | N=8, Nonrandom sample of key informants from various government, NGO, migrant resource centre and ATSI services. |
| Relevant Findings/Outcomes of review | | | |
| This small exploratory study found that the identification of culturally and linguistically diverse backgrounds of children and families within the child protection system would be beneficial, as this would decrease discrimination faced by CALD families in CPS. Such identification will assist policy and practice to provide more culturally relevant and responsive services. | | | |

| Research Area | Author | Methodology | Sample |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|------------------------------|----------------------------------------------------------------------------------------|
| Parenting, family functioning and lifestyle in a new culture: the case of African migrants in Melbourne, Victoria, Australia | Renzaho, Green, Mellor and Swinburn (2011) Published | Qualitative, Victorian study | N=85 participants, 10 focus groups with Somalia, Sudanese and Ethiopian Refugee groups |
| Relevant Findings/Outcomes of review | | | |
| <p>This study explored parenting styles among African refugees and assessed inter-generational issues related to parenting in a new culture and their impact on family functioning.</p> <p>The study found three discrete themes which identified that African parents were restrictive in their parenting:</p> <ol style="list-style-type: none"> 1. Parenting-related issues (obedience and expectations, close scrutiny of children's behaviours and social environment, discipline and reward) 2. Family relations and family functioning (family roles, relations and bonding, father as disciplinarian, mother as the nurturer, 3. Lifestyle change and health (African parents experiencing different lifestyle expectations in Australia in comparison to country of origin (e.g. children not wanting to eat traditional food, children adopting western cultural values). | | | |

The remaining sections explore findings from the research outlined in Table 2, in more detail with the intention of identifying what is and is not known about the needs and experiences of CALD and refugee families in the CPS at present, as well as gaps that will need to be addressed in future research.

KEY MESSAGES FROM AUSTRALIAN RESEARCH EVIDENCE

Since the earliest publication by Giglio (1997) which highlighted the need for practitioners to 'examine the individual circumstances of each case; culture is not an excuse for inappropriate behaviour, but taking into consideration specific cultural issues will not only enhance case management, but lead to a more collaborative partnership between professionals and families from non-English speaking backgrounds' (p9). There has been gradual recognition of the unique circumstances and vulnerable factors which impact on both CALD and refugee communities and their presentation to CPS, however policy-makers have been unaware or reluctant to recognise this vulnerable client group.

The research evidence has highlighted the following gaps within policy, practice frameworks and service delivery when working with CALD and refugee communities, to be addressed across all states and territories in Australia.

THERE IS A NEED FOR THE CPS TO:

- *collect data on CALD and refugee communities (Farate 2000; Babacan 2006; Chuan and Flynn 2006; Kaur 2007; Sawrikar 2009, Moore 2011);*
- *develop culturally responsive service delivery specific to CALD and refugee communities (Farate 2000; Babacan 2006; Chuan and Flynn 2006; Kaur 2007; Lewig et al 2009; Sawrikar 2009, Moore 2011);*
- *develop community education and awareness campaigns targeting CALD and refugee communities (as they maybe not be familiar with formal CPS) (Farate 2000; Babacan 2006; Lewig et al 2009; Sawrikar 2009);*
- *develop cultural competence training for frontline caseworkers (Farate 2000; Babacan 2006; Kaur 2007; Lewig et al 2009 and Sawrikar 2009), and*
- *develop culturally responsive placement options for CALD and refugee (unaccompanied humanitarian minors (UHM) children and young people who require OOHC (Babacan 2006; Chuan and Flynn 2006; Kaur 2009; Burke and Paxman 2008; Sawrikar 2011, Moss 2009, Barrie and Mendes 2011).*

CALD AND REFUGEE COMMUNITIES IN THE CHILD PROTECTION SYSTEM

Five main subtypes of child abuse and neglect (maltreatment) are identified in the literature:⁹

1. Physical abuse
2. Neglect
3. Sexual abuse
4. Emotional maltreatment
5. Witnessing of Domestic and Family Violence (DFV).

To date there is paucity of research regarding the needs of families who are not English speaking Anglo-Saxons/Celtics or Indigenous/Aboriginal Australians. The two major research studies (Lewig et al, 2009; Sawrikar 2011a) explored the reporting and presentation of abuse/harm types within both CALD and refugee families to CPS and the findings are summarised below.

PHYSICAL ABUSE

In the study by Sawrikar (2011) with CALD communities in NSW, 120 random case files of four CALD groups were examined: (Chinese, Lebanese, Pacific Islander [Samoan and Tongan] and Vietnamese), along with two reference groups: Anglo Saxon and Indigenous (20 in each group). Sawrikar (2011a) found that physical abuse was the most common primary type of abuse among the four CALD groups, in comparison to both Anglo Saxon and Indigenous group, whose primary abuse type was sexual abuse within the sample of case files reviewed (n=20 Anglo-Saxon and n=20 Indigenous).

In the SA study (Lewig et al 2009) with refugee communities, stage one involved a 12 month analysis of the number of notifications recorded for families from refugee background. The data from this study showed that there were 81 families from refugee background that were identified by the intake teams and were subject to 145 notifications, The most common type of abuse that brought refugee families into contact with SA CPS were:

- incidences of neglect (supervisory) 28 notifications;
- physical abuse - 18 notifications;
- and emotional (exposure to domestic violence) - 15 notifications.

From the 145 notifications recorded only eight percent (n=12) were substantiated, with only two children removed from their family and placed in care overnight for short period before being returned to their family (Lewig et al, 2009, (Table 7.3) on pp47-64).

The NSW study revealed that physical abuse is possibly more prevalent in CALD communities when compared to Anglo-Saxon and Indigenous families. This could be attributed to traditional child rearing practices and the use of physical discipline as a means to control children and exert parental authority. Over the past 30 years, in western countries community attitudes have changed considerably to favour the child's right to safety and

⁹More information about subtypes of abuse can be found at: <http://www.aifs.gov.au/nch/pubs/sheets/rs6/rs6.html>

to be free from physical punishment (Sawrikar, 2009). Some CALD and refugee groups tend to hold onto traditional parenting styles that reinforce obedience and respect through corporal punishment and strict compliance of rules and expectations in their children (Renzaho, Green, Mellor, Swinburn, 2011). However, further research and exploration into: prevalence of child abuse and neglect amongst both CALD and refugee communities: diverse child rearing practices and different cultural attitudes towards the use of physical discipline with children and young people, would be beneficial.



EMOTIONAL MALTREATMENT AND WITNESSING DOMESTIC AND FAMILY VIOLENCE

These two harm types have been combined as most state and territories regard the exposure of DFV as a category of emotional abuse/maltreatment. Sawrikar (2011a) found that emotional abuse was the most common secondary type of abuse for all six cultural groups highlighting cross-cultural similarities in the experience of children who have entered the CPS. This could be partly attributed to mental health and behavioural issues observed for the children, as a consequence of abuse and neglect. In the SA study there were fifteen (15) notifications recorded under emotional abuse (which also covered witnessing DFV). From these notifications there were four investigations which resulted in two cases being substantiated.

WITNESS OF DOMESTIC AND FAMILY VIOLENCE

Both studies found that DFV was one of the most common issue experienced by CALD and refugee children and families (Sawrikar 2011b and Lewig et al 2009). Families experiencing DFV were also dealing with issues of: custody and access issues, parental separation, family breakdown, racial discrimination, pre-arrival experience of domestic violence and community pressure to keep the family intact. Other factors included parental substance abuse, financial hardship and parental or child mental illness (Lewig et al, 2009). There has been little research to date examining the prevalence and impact of DFV in both refugee families (Lewig et al 2009) and CALD communities and their presentation to the CPS.

However the prevalence of DFV in CALD and refugee communities does not usually occur in a vacuum, but in combination with multiple factors including: social isolation, limited English proficiency, unemployment, trauma, gender roles and traditional values and patriarchal beliefs (Rees and Pease, 2006). Some authors argue that the 'western Anglo feminist' perspective may not be culturally sensitive or appropriate to the needs of migrant and refugee women experiencing DFV. Practitioners need to recognise the ways in which newly arrived communities experience DFV and the intersections of systems based on ethnicity, religion, culture, class and nationality (Dimopoulos, 2010). Child protection authorities need to consider all of these factors as part of their assessment and whether the child is at risk of harm and maltreatment.

NEGLECT

In the SA study the most common harm type was neglect (Lewig et al 2009). The NSW study (Sawrikar 2011b), found that neglect (supervisory neglect or 'inadequate supervision') was the second most common type of incident that brought CALD families into contact with the CPS. The researchers found that 'neglect' occurred when children were left alone without adult supervision, particularly in large single mother headed households (Lewig et al, 2009). Both researchers noted that the underlying factor in many neglect cases was social isolation and a lack of family and social support with child raising for both CALD and refugee families. This further highlights the necessity of accurate data collection for families from CALD or refugee backgrounds, as this would enable CPS to develop culturally tailored responses to specific ethnic or community group which are experiencing these issues.

SEXUAL ABUSE

The proportion of families from CALD or refugee backgrounds being reported to CPS for sexual abuse or 'at risk of sexual harm' was proportionally less in comparison to other harm types. For example in the SA study there were only five 5 notifications recorded under 'Sexual' and 'Sexual extra-familial', of which there was one investigation and no substantiation for families from refugee backgrounds (Lewig et al 2009, p54). In Sawrikar (2011) review of 120 randomly selected case files, the NSW study found the following number of cases which had 'sexual abuse' (including risk of sexual harm, assault or abuse) as the primary abuse harm type across all six cultural groups:

| CULTURAL BACKGROUND | TOTAL NUMBER OF RANDOM CASE FILES REVIEWED | NUMBER OF SEXUAL ABUSE CASES |
|---------------------|--------------------------------------------|------------------------------|
| Anglo-Saxon | N=20 | 11 |
| Indigenous | N=20 | 8 |
| Pacific Islander | N=20 | 4 |
| Chinese | N=20 | 4 |
| Vietnamese | N=20 | 3 |
| Lebanese | N=20 | 0 |

As both studies highlight, the number of cases recorded for sexual abuse for CALD and refugee communities was minimal within both data sets. However this is not to infer that sexual abuse does not occur within CALD and refugee communities. This is a critical area for future research, as Sawrikar (2011) argues 'characteristics within a culture may be used by a perpetrator to defend their harmful behaviour' (p157). There is very little research that has explored the topic of sexual abuse and sexual assault within CALD and refugee communities in the child protection context. However, in a recent Issues paper by Allimant and Ostapiej-Piatkowski (2011) has highlighted the nature of violence experienced by CALD and refugee women. This can be through pre-migration journey where they might have experienced: rape, sexual assault, war, civil unrest, refugee and detention camps. Once they arrive in Australia they are further vulnerable and at risk of physical and sexual violence. Children (predominantly girls) accompanying these women are further at risk of either experiencing similar experiences or have been exposed to sexual violence and may not have a protective parent, if the mother is also the victim of physical and sexual violence. Another vulnerable group are women and girls who have been raped and become pregnant as a result of rape. Further investigation needs to be conducted regarding the impact of trauma and the associated stigma for these women and girls and the outcomes for the offspring of these 'rapes' and their resettlement experience in a new host country (Eckert and Hofling, 2008).

FORCED CHILD SERVILLE MARRIAGES

Most recently the media raised concerns on an ‘underground’ practice of forced and servile child marriages occurring within some culturally diverse and refugee community groups in Australia. The media article¹⁰ reported a number of recent court cases involving child protection authorities and the Family Law court to intervene when it became apparent that young girl(s) were being forced into marriage without their consent (in 2010, the Victorian Department of Human Services successfully applied for an order from the Family Court to prevent the parents of a 14 year old girl from being taken overseas to be married to another minor).

In response to these concerns the Attorney General released a discussion paper (November 2011), which identified a number of factors which contributed to this practice: control unwanted behaviour and sexuality; prevent unsuitable relationship (outside ethnic, cultural, religious or caste group); protect ‘family honour’; protect perceived cultural and religious ideals; settle debts, ensure property and wealth remain within family and assist claims for residence and citizenship (p4)¹¹. Some of the harmful consequences associated with forced and servile marriage include: interruption of education; emotional and physical abuse; rape and unwanted pregnancy. However, this practice is not condoned by any religious faith or prescribed in any religious texts. A report commissioned by Good Shepherd on ‘*Hidden Exploitation: Women in forced labour, marriage and migration*’ (February 2012) identified that ‘there has been little research in the Australian community about forced marriage and that forced marriage itself is misunderstood in the Australian community’ (p17). The report recommended that further research be undertaken to develop knowledge into this issue and its prevalence in Australia and identified the need to ‘develop multilingual guidelines and awareness raising material about forced marriages and the intersection between forced marriage, trafficking, slavery and domestic violence’ (p18). On 30 May 2012, the Attorney General introduced legislation¹² (30 May 2012) which criminalises forced and servile child marriages, the proposed amendments to the Commonwealth Criminal Code 2012 Bill include penalties for up to 7 years in jail for anyone found guilty of committing this crime.

However, it is critical that the Australian Government and state jurisdictions undertake community education and awareness campaigns with the relevant CALD and refugee community groups on this issue, so that they are made aware of the implications of the new legislation. This would also ensure that the rights of children¹³, specifically young girls, are maintained and that the community is not further stigmatised by inappropriately continuing this cultural practice in Australia.

¹⁰<http://www.theaustralian.com.au/news/features/the-wedding-vow-when-australian-girls-are-sold-into-marriage/story-e6frg8h6-1226264687995>

¹¹Australia is a signatory to the UN Conventions on the Rights of the Child.

¹²AGD: Discussion paper on Forced and Servile Marriage (Feb 2012) <http://www.ag.gov.au/Documents/Discussion%20Paper%20for%20Public%20Release%20-%20forced%20and%20servile%20marriage.pdf>

¹³Nicola Roxon Media Release <http://www.attorneygeneral.gov.au/Media-releases/Pages/2012/Second%20Quarter/30-May-2012---New-laws-to-crack-down-on-forced-marriage,-people-trafficking,-slavery-and-organ-trafficking.aspx>

It is important that practitioners and policy makers undertake a balanced approach which ensures that both risk and protective factors are considered and incorporated into the assessment framework when working with CALD or refugee families who come to the attention of the Child Protection System.

EXPERIENCES OF CALD AND REFUGEE FAMILIES WITH CPS

Both the NSW study and SA study examined the experience of both CALD and refugee families once they are in the statutory child protection system. Both studies found similar challenges faced by both CALD and refugee backgrounds when they become involved with CPS. These factors included: lack of awareness of what constitutes child abuse and neglect in Australian laws, the role and legal power of statutory authorities, and tensions between Australian laws and cultural norms (Lewig, Arney, Salveron 2010 and Sawrikar 2011c Final Report). Additional factors for refugee parents included: the changing roles and expectations of refugee children and limited supports in the parenting role and wider community (Lewig, Arney, Salveron, 2010). In the NSW study, families from CALD backgrounds also identified a fear of authority because of shame for the family and fear of a breach of confidentiality despite having ethnically-matched interpreters or multicultural caseworkers (Sawrikar, 2011c Final report). Both studies identified the 'critical significance of culturally competent child protection practice' when working with both CALD and refugee children and families (Lewig et al 2009 and Sawrikar 2009). In 2007, the author developed the Cross Cultural Child Protection Survey (CCCPS), which is an innovative assessment tool which can provide child protection agencies with evidence-based information on the training and the professional development needs of frontline child protection workers when working with culturally diverse families. In 2011, the author also developed a 1 day training workshop on 'Working with CALD and refugee communities in the Child and Family Welfare setting' which has been endorsed by the Australian Association of Social Workers (AASW) for continuing professional development credit points (as there was no training available for social workers and human service workers) and is being delivered across Australia. Appendix A includes a 'Cross-Cultural Assessment' checklist to assist practitioners when working with CALD and refugee families in child protection setting which has been developed by the author.

CALD & REFUGEE CHILDREN & YOUNG PEOPLE IN OUT OF HOME CARE

To date, there has been no empirical Australian research examining practices and policies that address the needs of both CALD and refugee children and young people who are in the OOHC system (Bromfield and Osborn, 2007). This gap was further highlighted in the recent National Research Audit (McDonald et al 2011). The findings from the preliminary exploratory studies undertaken by Chuan and Flynn, 2006; Burke and Paxman 2008 and Moss 2011, have identified the need for Australian CPS to develop policy and practice guidelines for practitioners and for OOHC agencies and carers (kinship/foster) to meet the cultural, religious and language needs of both CALD and refugee children and young people who are placed in OOHC.

In a recent article by Cameron, Frydenberg and Jackson (2012) on young refugee in Australia identified that Unaccompanied Humanitarian Minors (UHM) are at *'heightened risk of social exclusion and mental illness (p46),.. 'based on their exposure to military involvement, sexual violence, gross deprivation, exploitation and abuse during the pre-flight and flight experiences'* (p47). In a critical literature review by Barrie and Mendes (2011) on the experiences of UHMs and OOHC in UK and Australia found that there was limited research and awareness in Australia on the experiences of UHMs children and young people who are placed in OOHC and recommended further research to focus on building the evidence base and understanding the placement needs of UHM young people in OOHC.

Most recently, Multicultural Youth Affairs Network (May 2012) developed a good practice guide to case management with young people from refugee backgrounds, focusing on providing a holistic framework for identifying, targeting and meeting the diverse needs of young people from refugee backgrounds, you can order this guide online. <http://www.myan.org.au/nsw/>.



Conclusion

Since 2007, the author has been advocating and raising the profile on the needs of CALD and refugee children and families that become involved with the Australian child protection system. It is anticipated that this research review will assist policymakers, practitioners, and legal professionals with a 'baseline' knowledge on the issues impacting on CALD and refugee communities who come to the attention of CPS. This paper is the first publication of its kind to review the available research literature on CALD and refugee families in the Australian CPS. This paper has summarised the key findings from the available research (published and unpublished) and provides recommendations for policy makers and practitioners to address the current gaps in: research; data collection, service delivery, policy and practice guidelines, as a matter of priority to ensure that CALD and refugee communities do not become over-represented in the child protection statistics and in Out-of-Home Care.

The challenges faced by CALD and refugee families in being able to navigate the CPS are extensive and it is timely that policy makers and practitioners develop strategies which are culturally sensitive and responsive to meet the needs of CALD and refugee families within its service provision and not utilise a 'one size fits all' approach. As Sawrikar (2009) pointed out "the representation of CALD children in CPS and delivering child protection services to CALD children in ways that are sensitive of their cultural needs, are as significant as they are with Indigenous children" (p26). This review has identified critical gaps existing in the Australian research evidence regarding families from CALD and refugee backgrounds across the child protection continuum. It is hoped that this paper will stimulate further research and interest by practitioners and academia and expand the Australian research evidence into CALD and refugee children, young people and families.

APPENDIX A: CROSS CULTURAL COMPETENCE IN CHILD PROTECTION

McPhatter (1997) proposed that Cultural Competence within child welfare setting was ‘the ability to transform knowledge and cultural awareness into healthy, psychosocial interventions that support and sustain healthy client-system functioning within appropriate cultural context (p261)’. The three key elements that are commonly identified in the development of cultural competence include: developing cultural awareness, including self awareness about one’s own culture; acquiring knowledge about other cultures and developing cross-cultural skills. The Cross-Cultural Assessment checklist is a practice guide for practitioners working with CALD and refugee families (adapted from NSW DoCS Practice Guide for OOHC services on assessing the needs of CALD children and families in OOHC¹⁴, 2008).

| CROSS-CULTURAL ASSESSMENT CHECKLIST | |
|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| STAGES OF INTERVENTION | CULTURAL CONSIDERATIONS AND PRACTICE RESPONSE |
| Initial meeting/ interview with family | Identify the family’s cultural, linguistic and religious identity. |
| Cross-Cultural Communication | Check with families level of English proficiency and understanding. Check if family requires a professional interpreter. Check the relevant language and dialect. Organise professional interpreter who is NAATI accredited (face-to-face or via telephone). |
| Engagement | Be respectful and self aware. Seek advice around cultural norms for that family (e.g. shaking hands, eye contact, and gender dynamics) prior to meeting. Possibly seek separate interviews with mother, father and child/young person. |
| Assessment: Risk of harm and neglect Protective and risk factors Family strengths and needs Parenting practices and capacity | Seek from family : Cultural perspective with regards to diverse child rearing practices. Awareness of Australian Child Protection Laws and child maltreatment. Issues around settlement and migration. Mental health concerns (social isolation, torture and trauma experience). |
| Social and Community Supports | Ascertain whether the family is linked with: Informal supports: Family, friends and local community or church. Formal support services: multicultural or settlement service, family support service, neighbourhood centre. |
| Cultural Maintenance and Placement options | When CALD or refugee child/young person is placed in OOHC: Explore placement with kinship carer/carers from the same community group as child/young person. Develop a Cultural Support Plan (include maintenance of language culture, and religious observance) for child/young person. Link carer with relevant training, information and community supports (if they are not from the same cultural background as child and young person). |

¹⁴http://www.community.nsw.gov.au/docswr/_assets/main/documents/oohc_cald.pdf

CULTURALLY SPECIFIC RESOURCES

The NSW Government (Department of Family and Community Services) has developed the following brochures and fact sheets which have been translated into a number 17 languages (Arabic, Chinese, Croatian, Dari, Dinka, Farsi, Fijian, Korean, Macedonian, Russian, Samoan, Somali, Spanish, Tamil, Tongan, Turkish and Vietnamese). The topics covered include:

- Parenting
- Spot It, Help Stop It and Child Abuse and Neglect (in 17 languages);
- Domestic Violence (in 17 Languages); and
- Being Parent can be tough (in 17 Languages).

http://www.community.nsw.gov.au/parents_carers_and_families/publications_for_parents_carers_and_families.html

NSW Practice Guide for funded Out-of-Home Care services: Assessing the needs of CALD children and families in OOHC (2008), online: http://www.community.nsw.gov.au/docswr/_assets/main/documents/oohc_cald.pdf

NSW Research to Practice Sheet: Culturally Appropriate Service Provision for children and families in the NSW CPS: http://www.community.nsw.gov.au/DOCSWR/_assets/main/documents/RESEARCH_CALD_FAMILIES_SUMMARY.PDF

Raising Children In Australia: A resource kit for early childhood services working with parents from African backgrounds (2007) by The Victorian Foundation for Survivors of Torture Inc and Horn of Africa Communities Network Inc, www.foundationhouse.org.au/LiteratureRetrieve.aspx?ID=24938

In 2009, Multicultural Development Association (Qld) received funding from FAHCSIA to develop the 'Safe Communities for Children' resources for newly arrived refugee families. These resources include fact sheets, booklets and a DVD which have been translated into four (4) Languages: English, Arabic (Sudanese), Dari, Kirundi and Swahili and Rohingya:

- What is Child Abuse?
- What is Neglect?
- Domestic and Family Violence and children
- Your family and Child Safety

You can purchase this kit by contacting MDA on Ph: (07) 3337 5400, see website: <http://www.mdainc.org.au/index.php?s=dvd>.

Qld Department of Child Safety: Practice Paper on 'Working with people from Culturally and Linguistically Diverse backgrounds' (June 2010), <http://www.communities.qld.gov.au/resources/childsafety/practice-manual/prac-paperworking-cald.pdf>

A good practice guide to case management with young people from refugee backgrounds developed by Multicultural Youth Affairs Network (May 2012). You can order online. <http://www.myan.org.au/nsw/>

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