



PEAKCARE

QUEENSLAND INC.

Better lives for children & families

2010

Culture Matters

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Acknowledgements

This report has been prepared for PeakCare Queensland (PCQ) by Kathryn Mettler with significant contribution from the Ethnic Communities Council of Queensland (ECCQ), peak body for the multicultural sector in Queensland. The development of this consultation process was reviewed and approved by the Multicultural Child Protection Working Group, convened by ECCQ.

Thanks particularly to the Multicultural Development Association, the Queensland Program of Assistance to Survivors of Torture and Trauma, and Mercy Family Services for their support.

Most importantly thanks to all the community members who contributed to these consultations; their honesty and their willingness to share and contribute have been immeasurable.



Content

1. Foreword
2. Executive Summary
3. Terminology and definitions
 - 3.1 Culturally and Linguistically Diverse
 - 3.2 Cultural Competency
 - 3.3 Child Protection System
 - 3.4 Child Safety
4. Background to the Consultation
 - 4.1 The state of child protection in Australia
 - 4.2 Cultural concerns in child protection practice
 - 4.3 Migration experiences & their effects in relation to settling to Australia
 - 4.4 Multicultural policies
 - 4.5 Cultural competence in child protection practice
5. Consultation Process
 - 5.1 Methodology
 - 5.2 Scope of the Consultation
6. Themes from the Consultations
 - 6.1 Provision of information
 - 6.2 Settlement issues
 - 6.3 Parenting techniques
 - 6.4 Effective communication
 - 6.5 Racism and discrimination
 - 6.6 Inter-generational conflicts
 - 6.7 Paradigms for practice
 - 6.8 Engagement with families
 - 6.9 Diversity in the workforce
7. Recommendations
8. Discussion
 - 8.1 More information is urgently required
 - 8.2 More services at the prevention and early intervention phases
 - 8.3 Multicultural versus mainstream services
9. Final Thoughts



1. Foreword

PeakCare is the Queensland peak body for child protection service providers across the state. We are also a member of national peak bodies which focus on the wellbeing of children and families. Child protection is our core focus. Our vision is healthy and safe children, young people, families and communities who are strong and connected. We believe in social inclusion and work in partnership to pursue excellence in policy development, planning, implementation and delivery of services to promote the safety and well being of children, young people and their families.

As an organisation committed to positive life opportunities and support for children and their families, the issue of child and family well being across Queensland's diverse population is of particular concern to us. For a number of years PeakCare has recognized the importance of providing culturally appropriate services to children and families. In January of 2009, PeakCare conducted research into cultural competency among child protection service providers. The knowledge gained from this research signalled the need to further examine definitions and understandings of cultural competency in child protection practice.

As a result of these findings, PeakCare sought the help of the Multicultural Child Protection Working Group (MCPWG) in identifying how to explore notions of cultural competency in child protection practice. Following many robust discussions, PeakCare commissioned a series of exploratory conversations with various cultural community members. PeakCare is now pleased to present the results and recommendations from this consultation process.

At the outset PeakCare would like to acknowledge the significant contribution of the Ethnic Communities Council of Queensland in this consultation process. PeakCare would also like to thank the participants of this consultation for their time, honesty and the openness with which they shared their thoughts and experiences. The themes from this consultation came through quite clearly, and the corresponding recommendations from this report fit into many of the initiatives outlined in the *National Framework for Protecting Australia's Children* and *First Three-Year Implementation Plan*.

It is PeakCare's hope that this report will serve as an important stepping stone towards improving the ability of child protection services to meet the needs of Queensland's culturally and linguistically diverse children and families.

Gail Slocombe
Executive Director
PeakCare Queensland



The Ethnic Communities Council of Queensland (ECCQ) is the peak body for ethnic communities and the multicultural sector in Queensland. ECCQ was established in 1976 to represent the interests of the many people from culturally and linguistically diverse backgrounds (CALD) who are part of the broad social community of Queensland, and to promote multiculturalism. ECCQ contributes to national policy and debate on all matters concerning ethnic communities and multiculturalism through its affiliation with the Canberra-based Federation of Ethnic Communities Councils of Australia (FECCA). ECCQ's Mission is to ensure that all people from diverse cultural and linguistic backgrounds have equal access to services and can fully participate in all aspects of a cohesive and harmonious Queensland.

Over the past decade, ECCQ has become increasingly concerned about the lack of representation of CALD issues in child protection matters. In 2005 ECCQ was invited onto the Statewide Child Protection Partnership Taskforce established by the department of Child Safety following the Foster review and the Government's acceptance of the recommendations.

To support and inform its work on the TaskForce, ECCQ established the Multicultural Child Protection Working Group (MCPWG) to identify and address the concerns of CALD communities in child protection matters. The issues identified by this multi-agency working group include the on-going failure to engage interpreters when required, increasing concerns around cultural competencies of the child protection workforce, and apparent increasing cases of CALD families coming to the attention of Child Safety Services.

Through the MCPWG, ECCQ is dedicated to working with stakeholders to improve child protection services for CALD families. ECCQ affirms the important messages to be taken from this body of work, including the importance of working with CALD communities in partnership to improve outcomes for children and families.

Ian Muil
Executive Manager
Ethnic Communities Council of Queensland



2. Executive Summary

The reported levels of child abuse and neglect in Australia are continuing to grow at an unprecedented and alarming rate, placing enormous demands on the child protection system to respond efficiently and effectively.

In response to these demands, the Commonwealth Government launched in 2009 the *National Framework for Protecting Australia's Children*. While this document promotes significant reform to improve the child protection system, it is completely silent on the needs and issues concerning children and families from culturally and linguistically diverse backgrounds.

While little is known about the current state of involvement children and families from different ethnic backgrounds have in Queensland's child protection system, international research often shows an over-representation of children from particular ethnicities in child welfare agencies in comparison with their representation in the overall population. One of the hypotheses for this over-representation is the inability of child protection systems to respond to cultural diversity in appropriate ways. International research has also unveiled systemic racism in child protection systems, which in turn lead to detrimental outcomes for children and families.

The Queensland Government has developed the *Multicultural Queensland: Making a World of Difference* policy; however there has been little examination as to whether or not this policy has been effective in improving services for children and families from non-English speaking backgrounds.

Many child protection services funded by the Department of Communities are required via their service agreements to "provide culturally competent services" in order to address Queensland's diverse population. While this requirement is a positive step towards inclusive practice, there remains much confusion around what this requirement actually entails. Definitions of cultural competency are many and varied, and there is currently no standard tool or measurement used to gauge cultural competency in Queensland's child protection sector.

In response to the current sector-wide confusion around definitions of cultural competency, PeakCare sought to develop greater understanding of cultural competency in child protection services by engaging with various cultural communities around child protection issues.

Through the Multicultural Child Protection Working Group (MCPWG), convened by the Ethnic Communities Council of Queensland, individuals from various ethnic communities were invited to participate in conversations about how to construct a culturally competent child protection system.

Over a period of three months, PeakCare conducted a number of exploratory discussions with people from a dozen different ethnic backgrounds. Based on these discussions, nine dominant themes were identified as being fundamental to cultural competency in Queensland's child protection system. They include:

- The provision of information to cultural groups and communities



- Improved understanding settlement issues
- Exploration of different parenting techniques
- Effective communication
- Elimination of racism and discrimination
- Support through inter-generational conflicts
- Culturally diverse and appropriate paradigms for practice
- Engagement with families; and
- Diversity in the workforce

Each of these themes are discussed within this report, with examples and explanations from the participants themselves. In relation to these dominant themes, participants identified several recommendations in the following areas:

- Provision of information to migrant families
- Training initiatives for the child protection workforce
- Support for migrants
- Engagement with families
- Access to interpreters
- Rights and responsibilities of both parents and children
- Diversifying the child protection workforce and statutory care system; and
- Investment to increase the evidence base

Participants were very passionate and articulate in how they felt the child protection system is currently failing to promote good outcomes for families from their cultural communities, however the desire to work with both government and non-government agencies to improve these outcomes was strong. At the heart of these consultations, it was apparent that families want what is best for their children and would like to see a child protection system that works *with* them to achieve these goals.

As Queensland's diversity continues to flourish, it is of utmost importance that the child protection system be inclusive of the diversity of children and families it seeks to support. While this consultation process is limited in scope, the themes identified by participants were overwhelmingly consistent, providing an improved understanding and corresponding recommendations on how both government and non-government agencies may develop their ability to provide culturally sensitive and appropriate services to children and families.



3. Terminology and Definitions

3.1 Culturally and Linguistically Diverse

‘Culturally and Linguistically Diverse’ (CALD) is a popular term used to denote communities and individuals who identify themselves as having a culture distinct from the general population. Not all people identify with the term CALD, and may more readily identify with other terms such as non-English speaking, bi- or trans-cultural. In Australia, the term CALD officially replaced ‘Non-English Speaking Background’ (NESB) in 1996 (Sawrikar 2009).

Despite the common use of this term, there has been a conscious effort to limit the use of the term ‘CALD’ throughout this consultation process as it presents several difficulties. Firstly the term is problematic as it promotes a form of “ethnic clumping”, which is to say that it identifies people from the non-dominant cultural identity as belonging to one large homogenous group. As Berlin (2002) notes: “Classifying people on the basis of group membership only gives us the illusion that we are being culturally sensitive, when, in fact, we are failing to look beyond the easy characterizations for the particular and specific ways that this person is understanding, feeling and acting” (p 144). As we seek to improve our level of cultural awareness and understanding we must keep in mind that cultures vary significantly from one to another, even within the same country or same language group; and furthermore there are individual people which make up all cultural groups, meaning that individual differences still exist between persons identifying from the same cultural group. Using the term ‘CALD’ can inhibit this mindfulness. Secondly the term promotes a sense of “otherness” which focuses on differences only, rather than both differences and similarities between the dominant cultural group and the ‘other’.

Lastly caution must be exercised to ensure that someone who may appear outside of, or different from the dominant Anglo-Caucasian Australian culture, due for example to physical characteristics or language, may in fact identify as being Australian, not CALD. As Australia’s diversity continues to grow we must promote the practice of asking individuals which cultural group they themselves identify with rather than make assumptions.

3.2 Cultural Competency

Cultural competence has very broad meanings and there are hundreds of definitions available. For the purpose of this consultation, cultural competency is defined as:

The ability of individuals and systems to respond respectfully and effectively to people of all cultures, classes, races, ethnic backgrounds and religions in a manner that recognizes, affirms, and values the cultural differences and similarities and the worth of individuals, families, and communities and protects and preserves the dignity of each (Seattle King County Dept of Public Health 1994).



Cultural competency specific to child protection practice is the core focus of this consultation and will be explored further throughout this report.

3.3 Child Protection System

For the purposes of this report the Child Protection System refers to all supports and services provided to vulnerable children and their families, whether they are preventative, consist of early interventions, or statutory interventions.

3.4 Child Safety

When Child Safety is discussed in this paper, it is in reference to the tertiary end of child protection services including notifications, assessments, substantiations, and the statutory care system. It is of interest to note that throughout these consultations, most participants referred only to 'child safety', not to child protection. During discussions there emerged two hypotheses for this: the first being that until only recently child safety services were provided by a stand-alone department, the other being that most families and communities did not seem to have any contact with prevention and early intervention services, rather only became known to the child protection system through the tertiary end of interventions.

4. Background to the Consultation

4.1 The state of child protection in Australia

The health and safety of children in Australia is becoming an overwhelming concern. The Child Protection system is in crisis with current statistics signaling the need for a dramatic overhaul in how Australia addresses the needs of children and young people. The number of children coming into care is indicative of the inability of the current child protection system to address the very abuse and neglect it seeks to identify and prevent (PeakCare 2007).

The *Child Protection Australia 2008-09 Report* states that in the twelve months leading up to the report the number of children subject to a notification increased by 6.2% to 207,462, and the number of children on care and protection orders has increased by 8.5% to 35,409 children. Overwhelmingly, the number of children on care and protection orders in Australia has increased by a staggering 47% in the past five years (AIHW 2010).

In Queensland, the Department of Communities (2010) states the number of child protection intakes has increased by 77% over five years (from 53,503 in 2004-05, to 94,570 in 2009-10) and the *2008-09 Final Report* states approximately 1 in 7 children, and 1 in 4.5 Indigenous children had some form of contact with the then Department of Child Safety.



The sheer volume of notifications and intakes places high stress on the child protection system to respond efficiently and effectively. The number of substantiated notifications is of grave concern, as is the ability of the system to address the abuse and neglect suffered by young people. Statistics of re-notifications continue to be high bringing into question the ability of the system to adequately prevent harm from re-occurring.

Furthermore, children brought into the out of home care system are too often found to be neglected by a system which consistently fails to meet their needs: research indicates that young people leaving the care system have less educational qualifications, are younger parents, are more likely to be homeless, have higher levels of unemployment, offending behaviour and mental health issues than their peers outside the care system (FaHCSIA 2010). These repeated reports of poor outcomes for children in the care system cause significant doubt as to the ability of the current child protection system to address the harm experienced by, and promote the health and wellbeing of, children and young people.

4.2 Cultural Concerns in Child Protection Practice

In order to address the state of child protection affairs in Australia, the Commonwealth Government has released the *National Framework for Protecting Australia's Children 2009-2020*; from which stems the *Implementing the First Three-year Action Plan, 2009-2012*. Unfortunately, these new initiatives serve an indication of the on-going lack of representation of Australia's cultural diversity in child protection matters: **the *National Framework for Protecting Australia's Children*, and the *First Three-year Action Plan* both fail to recognize or address Australia's culturally diverse communities and their needs.**

Cultural diversity has been a noticeable feature of the Australian population for many decades (FECCA 2008); Australia is increasingly one of the most culturally diverse nations in the world. The Australian Bureau of Statistics (ABS) estimated that at June 2009 one quarter of Australia's resident population were born overseas. This amounts to 5.8 million people, and numbers are expected to rise as every year more people migrate to, than emigrate from, Australia. (Australian Bureau of Statistics 2010).

Queensland reflects this diversity, as approximately one third of Queenslanders were either born overseas themselves or have at least one parent born overseas (ABS 2010). In keeping with national trends, the number of people migrating to Queensland from overseas is expected to continue to rise (Caniglia, Bourke and Whiley 2010).

In both Australia and Queensland specifically, research identifies a significant over-representation of Aboriginal and Torres Strait Islander children coming to the attention of child protection bodies. In Queensland, Aboriginal and Torres Strait Islander children are 4 times more likely to be notified for alleged harm or risk of harm, 6.5 times more likely to be substantiated for abuse or neglect, 7.6 times more likely to be subject to a care and protection order, and 7.9 times more likely to be living away from home than non-Indigenous children (Combined Voices 2010). Due to Australia's history of inappropriate and detrimental



interventions in Aboriginal and Torres Strait Islander families, the child protection system should be particularly vigilant to not repeat the mistakes of the past by continuing to intervene in culturally inappropriate ways.

There is little knowledge about how communities and families from different ethnic backgrounds are faring in the child protection system. Data collection with regard to ethnicity in Queensland's child protection system has been confined to Aboriginal and Torres Strait Islander children and families; consequently there is little way to identify whether there has been under- or over-reporting of child protection concerns in other cultural groups. Consequently, any trends occurring in the nature of involvement of children from different ethnic backgrounds with child protection services is unknown and unable to be explored.

Internationally, research has found that there are both over- and under-representations of various ethnic groups in child protection and child welfare systems in comparison to their respective percentages in the overall population. One American study conducted by Pelczarski and Kemp (2006) confirmed particular cultures being over-represented in referrals to child protection services. Other research from the United States has shown over-representations of African American, Native American and Latin American children in child welfare systems (Chibnall, Dutch, Jones-Harden, Brown, Gourdine, Smith, Boone and Snyder 2003); another study conducted by Dubanoski and Snyder (1980) found that Japanese Americans were under-represented in child abuse reports whereas Samoan-Americans were over-represented.

Some authors have argued that these over- and under-representations point to contradictory approaches in child protection interventions with persons from CALD backgrounds wherein some officers may use a more severe approach and others are reluctant to take any action (Kaur 2007). These interventions can be described as instances of 'false-negatives' wherein abuse and maltreatment are ignored using cultural practice as justification; or 'false-positives' wherein families from ethnic backgrounds are subject to racial bias and/or ethnocentric bias on behalf of the reporter or investigator (Kaur 2007).

Perhaps one of the most recent prominent examples of a 'false-negative' is the case of Victoria Climbié in the United Kingdom. The *Victoria Climbié Inquiry* (2003) which examined the death of Victoria, an African child living in England and known to the English child welfare system, highlights the need to examine how culture can play a part in the failure to respond to child abuse. The inquiry found that fear of appearing racist, or alternatively attempts to be culturally competent by attributing the fear Victoria held towards her caregivers as culturally bound, or the marks on her body as a result of having grown up in the Ivory Coast, led to a failure on the part of child protection and health care workers to take appropriate action. In the *Inquiry*, Lord Laming writes:

Several times during this Inquiry I found myself wondering whether a failure by a particular professional to take action to protect Victoria, may have been partly due to that professional losing sight of the fact that her needs were the



same as those of any other seven-year-old girl, from whatever cultural background... Fear of being accused of racism can stop people acting when otherwise they would... what cannot be ignored is that we live in a culturally diverse society and that safeguards must be in place to ensure that skin colour does not influence either the assessment of need or the quality of services delivered (Laming 2003 p 345).

In this case, as well as others identified in English studies, incomplete assessments of abuse were found which 'seriously compromised the safety and well-being' (Kaur 2007) of children from ethnic minorities.

In contrast to incidences of 'false negatives', the issue of 'false positives' can lead to over-representation of particular ethnic groups in child protection services. Chand and Thoburn (2005 as cited in Sawrikar 2009) present three different hypotheses as to why ethnic groups may be over-represented in child protection systems; they include 1) higher representation due to higher rates of abuse 2) higher representation due to increased exposure stemming from socio-economic disadvantage, and 3) higher representation due to culturally inappropriate or insensitive service delivery, also referred to as institutional racism. The third hypothesis is of particular interest to this consultation report as it calls into question the ability of our child protection system to respond to cultural diversity in appropriate and effective manners which value and respect cultural differences.

4.3 Migration experiences and their effects in relation to settling to Australia

Queensland's culturally diverse population requires social services to take into account the process of migration and settlement and how these may impact families and communities. Settlement issues faced by migrants present added complexity to an already struggling child protection system. In order to understand the prevalence of cultural dynamics in child protection in Australia, there must be some examination of the experiences of migrants to Australia, the challenges they face and how these may impact on parenting and child-rearing practice.

Australian research points to a number of challenges migrants may experience. Sarantakos summarizes the challenges families face as:

- Social
 - including economic problems, poverty, unemployment, housing, cultural estrangement, social isolation, social alienation, racism, discrimination and exploitation;
- Familial
 - including changes in children's behaviour, choice of marital partner, alienation from 'Australianised' children, weakening of extended family, intergenerational conflict, filial responsibility and choice of friends, dating, outings, social activities, occupational choice, education, pursuit of spare time, household management and female employment; and
- Personal



- Including language and communication problems, cultural conflict, lack of self esteem and self-confidence (1996 p 70).

In addition to these challenges, experiences of racism remain significant for migrants to Australia. Research by the Australian Research Alliance for Children and Youth has found that migrants “often experience various levels of both overt and covert racism which makes the adjustment process more difficult” (Sims, Guilfoyle, Kulisa, Targowska, and Teather, 2008, p 3) and furthermore:

Being subject to active prejudice and discriminatory behaviours is not an uncommon experience, and many migrants report daily incidences of racism. Negative community experiences contribute to the increased sense of social isolation, and it is not uncommon for some migrants to stop attempting to become socially included because of these experiences (Sims, Guilfoyle, Kulisa, Targowska, and Teather, 2008, p 5).

Migration experiences compounded by experiences of racism and social exclusion combine to make accessing services very difficult for families, often at the times when they may need it most. The 2005 *Changing the Wheels Report* identifies many barriers for persons migrating from overseas trying to access support services in Australia. With regards to family and child protection services, these barriers include a lack of information about what help is available, fear of authorities due to past experiences, and fear of losing their children. The report provides one person’s personal perspective on the child protection system:

The fear is much more than that children may be taken away – it is that children will be lost and destroyed in a system that is out of control – that fear is not only with family but also with some of us who work in the agencies – we have no reason to feel that children entering such a system will be taken care of any better than they are with their families (Multicultural Development Association and Queensland Council of Social Services, 2005, p 17).

Thus the appropriateness of services and their perceived ability to provide effective interventions which promote good outcomes for both children and families may be another barrier which prevents families from accessing assistance when needed.

4.4 Multicultural Policies

The Queensland Government has made commitments to multiculturalism through policies aimed at promoting diversity and cultural awareness. The *Multicultural Queensland: Making a World of Difference* policy and the *Language Services Policy* both attempt to improve the responsiveness of services to cultural diversity. While the Multicultural Policy *Making a World of Difference* is currently under review, one of the strategies of the policy has been to strengthen multiculturalism in the Queensland public sector via Multicultural Action Plans (MAPs), which are required to be developed and implemented by all State Departments.



Despite the existence of such policies for a number of years, however, their success in promoting positive outcomes for people from diverse backgrounds remains unknown as there has not been any systematic review of whether or not service users are finding the services they receive from Government Departments to be culturally appropriate.

Another identified concern with the MAPs is that there is generally no budgeted funding to enable implementation of the plans; departments and services are expected to meet the goals set out in the MAPs under their existing funding. Therefore while there may be some commitment to the development of multicultural policies, they are severely hampered in their ability to influence service delivery in welfare sectors which remain chronically under-funded. With regards to child protection concerns there remains sparse research which examines the experiences of persons from diverse ethnic backgrounds, and how, if at all, the current multicultural policies have improved outcomes for these children and families.

An additional Government initiative towards improving services for clients has been the insertion into service agreements of the requirement that department-funded services be culturally competent. Funded services are mandated to meet this requirement as they must be 100% compliant with the provisions set out in their service agreements in order to continue to receive funding. The success of this policy in ensuring culturally appropriate services is also unknown, however, as there has not been a systematic review process to see if clients feel the services they receive are in fact culturally respectful.

4.5 Cultural Competence in Child Protection

Many of the above-mentioned policies assert the need for services to be 'culturally competent'. Policies based on definitions of cultural competence present several difficulties, however, as meanings and definitions of cultural competency remain varied, and the skills, knowledge and competencies required are not explicitly stated. Current research suggests there is a common lack of understanding on meanings of cultural competency and its relevance in practice (Bean 2006). PeakCare receives regular feedback from its members with regard to overarching, sector wide confusion about working definitions of cultural competency in the child protection system.

At present there is no standard measure for cultural competency in the Queensland child protection system and questions remain as to whether clients are receiving services which meet their cultural needs and which take into account cultural considerations. Many non-government department-funded service providers acknowledge the difficulty of having cultural competency written into their service agreements without clearly articulated and standardized measures to evaluate cultural competency. Without agreed definitions and measures, the requirement to be 100% compliant with expectations of cultural competency is confusing and organizations are left to self-determine whether they meet this requirement or not.



The need for a culturally competent child protection system, however, remains crucial in protecting children and promoting good outcomes for families. For several years the MCPWG has documented cases wherein the lack of cultural competency among service providers and/or Child Safety Services has led to detrimental effects for children and families from non-English speaking backgrounds. The MCPWG has reported ongoing, systemic difficulties with the implementation of existing multicultural policies; lack of funding for CALD-specific research, projects and services; lack of responsive program development and service delivery; and lack of targeted resources. Anecdotal evidence collected by the MCPWG indicates communities and families from various cultural backgrounds are not receiving culturally appropriate services and service providers also report difficulties in providing for clients with distinct cultural needs within a service delivery system which is unable or unwilling to respond to them.

One of the prevailing difficulties in attaining a culturally competent child protection system, is the lack of definition as to what exactly this means. Cultural competence in child protection is a complex issue as definitions of harm, abuse, and protective behavior, are culturally bound (Connolly, Crichton-Hill and Ward 2006). As noted by Sawrikar, “Understanding the balance between ‘cultural difference’ in the way abuse and neglect manifests, and ‘human sameness’ in the right to a safe childhood, is a crucial task for caseworkers in Australia” (2009 p 23). Cultural competency provides a number of difficulties in practice:

First, it is a problematic concept because it inherently keeps Whiteness at the center, with some “otherized” culture as the topic matter on which to become competent (Pon, 2009). It also becomes a slippery slope toward stereotyping when culture is discussed as a fixed entity that can be known about a group of people (Sakamoto, 2007). Further, the concept of culture has historically almost been exclusively limited to race, when culture is much more complicated and encompassing (Evergreen & Cullen, 2008; Sakamoto, 2007). In other words, while cultural competency was built from critical race theory and its “first tenet... race matters” (Hopson, 2009, p. 441), what was hoped to be achieved has not been adequately protected from turning into an overly-simplistic essentialism (Pon, 2009). (Evergreen and Robertson 2010 p 60).

Despite these difficulties, diversity and multiculturalism still need to be promoted and understood as inappropriate or offensive interventions can lead to detrimental outcomes for families and children, and the failure to respond appropriately may allow abuse or neglect to continue.

It has been stated by some authors that the term ‘cultural competency’ is ineffective or unattainable, and have argued that other terms such as ‘cultural sensitivity’ or ‘cultural humility’ are more accurate (Evergreen and Cullen 2010). It is not the intention of this report to examine the use of the term ‘culturally competent’ in itself, rather to explore what the nature of cultural competency *is* in relation to child protection practice.



5. Consultation Process

Due to the current state of child protection in Australia, the diversity of people within the Queensland population, the experiences of migrants to Australia, the complexity of culture and working cross-culturally, the detrimental consequences to culturally inappropriate service delivery and the overall lack of data pertaining to culturally diverse families in the child protection system, there exists a need to understand what ‘culturally competent child protection service delivery’ really means, what it encompasses, and how it functions. In order to begin our understanding of culturally competent service delivery in child protection, PeakCare sought to undertake a number of exploratory conversations with people from Non-English speaking backgrounds to develop an understanding of what a culturally competent child protection system would consist of.

This consultation sought to explore understandings of cultural competency in child protection from the perspectives of persons from diverse ethnic backgrounds. At the outset it should be acknowledged that culture will shape how cultural competency is evaluated. As stated by Evergreen and Robertson: “culture is present in who we are as evaluators *and* in our evaluands” (2010 p 59). Essential to this consultation therefore was my understanding of my own cultural identity and self-location. While I am also a migrant to Australia, my experiences may differ significantly from those of some of the participants for a number of reasons: my first language is English, I have a Western middle-class upbringing relatively similar to that of the dominant Anglo-Caucasian Australian population, and I have come to Australia by choice, not by necessity to escape war or civil unrest. My ability to ‘relate’ to the participants in some ways comes from my own experiences of migrating to countries where I do not speak the language (I have previously lived in Europe and South America), my own frustrations in adapting to Australian culture, my experiences of being someone who ‘looks different’, speaks with a non-Australian accent, and my own experiences of inter-generational conflict having grown up in a bi-cultural family. As part of my introduction to the consultations, I made sure to note my own cultural background with participants as an important part of building an open and transparent environment for discussions.

Intrinsic to child protection practice are issues of power and control wherein the child protection worker, particularly statutory workers, have enormous power over the family they are working with. There are already volumes written on this topic and it is not the intention of this report to further review them here. It must be mentioned, however, that this consultation sought to explore manners through which these powers are exacerbated through differences of race, color, ethnicity, and language, and how to redress oppressive practices in a system which has the ability to exercise tremendous power over those it provides services to.

Thus in exploring concepts of cultural competency, it is essential that those who require culturally sensitive services be consulted with to define what this means. This consultation process therefore sought to discuss cultural competency with individuals who have migrated to Australia from overseas. As previously mentioned, oppressive practice in child protection is highly prevalent as child protection workers have significant power



over their clients. This consultation process sought to redress this power imbalance by working *with*, rather than working *over* individuals who identify themselves as being outside the dominant Australian culture.

5.1 Methodology

Potential participants were contacted via the MCPWG membership organizations. Through the MCPWG, PeakCare asked both groups and individuals to register their interest in participating in conversations around cultural competency in child protection. While pre-existing natural groups were sought out so as to make the process non-burdensome and easily accessible, other participants preferred having conversations on a one-to-one individual basis. Participants were informed about the consultation's purpose, and it was explained that their participation was completely voluntary.

Each discussion was reviewed and the dominant themes and recommendations from each conversation were identified. Following the compilation of themes and recommendations, participants were presented with the opportunity to comment and provide feedback on the draft report to ensure consistency and validity of content. Final recommendations from participants were integrated before the publication of this report.

5.2 Scope of the consultation

Consultation sessions were completed with seventeen individuals from twelve different ethnic backgrounds. All participants were immigrants to Australia and identify as coming from non-English speaking backgrounds. Participants were predominantly female; there were only two male participants. All participants were living in the greater Brisbane area. Some participants have been living in Australia for several years already, whereas others had only arrived in Australia a short time ago. Some participants came to Australia as refugees, whereas others migrated by choice. Participants included community advocates, community elders, and bi-cultural workers. Consultation discussions took place throughout the months of June, July and August 2010. Interpreters were provided when requested.

The views expressed in this report cannot be taken to represent the views of all migrants to Queensland as the number of participants in this consultation is relatively small, and the ethnic backgrounds of participants are not representative of Queensland's diverse population. Furthermore this report has not separated the responses of refugee respondents from non-refugee respondents, nor has there been examination as to whether there are differences between new and emerging communities and those who have been living in Australia for some time.

Despite these limitations, however, the strength of this report lies within the unanimity of responses from participants: the themes brought forward from these discussions were unanimous in that all participants made comments about the same issues affecting their communities. Participants were passionate and very articulate



in explaining what the issues facing their communities are and what they felt would be of most benefit to the children in their communities; the themes presented below were consistent among all the cultural groups interviewed. While there is much more work needing to be done to understand cultural competency in child protection practice, the overwhelming consistency of the themes presented in this report provide a positive foundation.

6. Themes from the Consultations

Based on the responses from participants, nine dominant themes have been identified which would improve the cultural competency of child protection services in Queensland.

6.1 A culturally competent child protection system would provide information to migrant families regarding child protection legislation and the child protection system

Overwhelmingly, participants stated better education and understanding of regarding the child protection system in Queensland would improve outcomes for families and communities. Every participant stated that there is a lack of understanding in their cultural community about what is expected of Australian parents and that most are unaware of the child protection legislation and its consequences until they themselves, or someone they know, become involved with child safety services.

Participants identified that most people in their cultural communities are unaware of what services are available to them. They do not know how to access services or what the services may offer. Therefore families often do not get help they may need until they are the subject of a notification. As one participant explained:

“There is no knowledge of available services to help families – often the very notion of ‘child care services’ is a foreign concept to us, so we don’t know that it even exists. We need to educate the communities on the services available to them. When the parents are overwhelmed and stressed, this is when the kids get hurt”

Participants strongly felt a culturally competent child protection system would ensure communities were given knowledge of and access to culturally appropriate services before the family reached the threshold for statutory intervention. Participants felt that it is due to many difficulties experienced by migrating families that children may be mistreated or neglected. If families were more aware of the services available to them early on, then they could receive the help they required before needing statutory intervention.

All participants also spoke of the need for more information regarding child safety legislation. Participants stated there is confusion around statutory interventions, what they consist of and how they function. As one participant stated:

“People involved with child safety are always running around because they never get the truth. They get some information from their community



members, some information from their neighbor or whoever might have got involved with child safety, and they get the wrong information but they never get the truth of what is really in the child safety legislation or the child safety system”

Participants stated that information regarding not only what is in the legislation but also knowing the possible consequences for breach of the law would ensure families understand the implications of their actions.

Many participants identified that having a government body responsible for the protection of children is a foreign concept to them. Participants provided explanations of how the protection of children takes place in their native countries; these tend to rely on the involvement of the extended family and/or the community at large. Many participants spoke about how strange it seems to have the government involved in the protection of children when this is not the case in their home countries. One participant explained:

“We don’t have child safety, we don’t have aged care, we don’t have social security as would be recognized here. We have our justice system, but each village is policed by the people of that village. Domestic disputes get resolved by elders, not by police”.

Participants provided stories about how in their home countries the children in their communities would often go to live with extended family members if parenting them was becoming too difficult. Participants also explained how the extended family and neighbors were all actively involved in ensuring children were safe. Participants stated that since the very notion of a statutory child protection system is quite foreign to them; there is much work to be done in helping them understand how Australia’s systems function.

Some participants also spoke of difficulty in understanding the system due to the language used. For example, while it was widely acknowledged throughout these consultations that no culture condones harming children, how harm is defined and which actions constitute harm can vary significantly between cultures and is bound by language and context. One participant explained:

“There is no word in our language for ‘harm’, we don’t have that language. We don’t see harm the same way”.

Understanding legislation which relies heavily upon definitions of harm would therefore require exploration of language and context. Similarly, many participants acknowledged the most commonly accepted forms of discipline in their culture are ‘spanking’ and ‘smacking’ and used these terms interchangeably with the word ‘discipline’. Participants explained that parents discipline their children because they love them and because they want what is best for them; that disciplining children is required to ensure they grow into responsible adults. Thus many do not understand why children are removed from their parents when the parents discipline their children as this discipline is an act of love, and parental responsibility. It became clear during these consultations that much attention needs to be given to the use of



language as the word “discipline” so often was taken to mean “smacking”; when a parent is told they are not allowed to ‘smack’ their child, they might hear they are not allowed to ‘discipline’ their child. Differences and nuances in language can render understanding legislation which relies heavily on definitions and occurrence of harm very difficult to grasp.

Finally participants commented that while ignorance of the law is no excuse for breach of the law, there must be some responsibility on government to either provide information regarding the law to newly-arrived residents, or provide information on where they can go to gain understanding of the law. One participant explained how the lack of information during a removal can lead to compounded difficulties for families:

“We don’t want bad things to happen just because of ignorance. People will fight with police to save their children if they don’t understand why their children are being taken. This leads them into even more trouble”.

This is particularly poignant for those who arrive from foreign lands where customs, expectations, rights and responsibilities are considerably different to Australian norms. Families from refugee backgrounds may have previous experience with severely punitive authoritative interventions and may react strongly if there is no understanding as to why the police are removing their children in Australia. Participants argued the provision of information on the law is especially important when the consequence for breach of the law is the removal of one’s children.

6.2 A culturally competent child protection system would understand the settlement process for newly arriving families and allow a timeframe for change and integration

Participants explained that a culturally competent child protection system would try to understand families, the difficulties families are facing and what each family feels would be of most help to them. Sometimes extra support in the form of counselling, help with child care, alcohol addiction, employment, housing or other services would best serve the family’s needs. While participants acknowledged the need to maintain the safety of children, participants felt that the role of child safety services should be to *“help parents keep children safe, not just remove children”*.

One participant explained that families need extra support when they migrate to Australia as people from her home country do not develop the same skills growing up as Australians do. She explained that the skills her people have are those they require for living in their home country, not necessarily those which are required for living in Australia. She explained:

“Adjusting is hard because the way of life is so different. Here the stresses are about paying bills and stuff like that, in [my home country] they don’t pay bills. They live off the land, they don’t have those stresses, they don’t have to pay mortgages because they built their own homes. They only have to pay for



the power and their phones, that's it, that's as hard as it gets. To bring up families there it's quite relaxing, when they come here it's quite different. Back home they live just above the poverty line, but they're happy. You know families come here and both parents have to work, they might not have any friends or support system, they only have each other at home, when things get heated there's no grandparents to step into protect the kids, that's why things get rough here. And then with alcohol, it becomes a way of escaping, and it's in those conditions that our kids are being abused".

This same participant explained that if migrants were provided with support such as budgeting classes and employment services there would be better outcomes for families. These thoughts were echoed by other participants who stressed that sometimes children are abused when parents are unable to cope with the changes they are experiencing by moving to Australia. Participants stated parents are struggling with their parenting duties because of the stresses they face moving to Australia such as having difficulty finding work, both parents having to do shift work, having to learn how to budget, learning a new culture, language, and a new way of life.

Those from refugee backgrounds also spoke of the extreme difficulty in adjusting to life in Australia. Participants stated that as refugees they are given only one orientation session in their home country before moving to Australia, but they require much more support once they are here. Many participants cited the help they received from settlement and support agencies as instrumental in their ability to adapt to Australian life; however more information and support during the years after arrival would be helpful.

It was acknowledged that involvement with child safety services most often compounds settlement difficulties for families. This issue was most pronounced among respondents from refugee backgrounds. Participants spoke of how it is very difficult to develop trust and respect for a government that removes one's children. Participants stated people in their community come to Australia with many hopes and dreams of a better life, and while they still have many struggles adjusting to Australian culture, the one difficulty which makes them want to return to their home country is when their children are taken away. Participants spoke of how their biggest hope when they come to Australia is a better life for their children. It is therefore very difficult to adjust to life in Australia if their children are removed by child safety services. One participant explained:

"... Families are left distressed and confused; they spend so much time crying, all the time crying and crying. Sometimes parents are so angry they cannot work with Child Safety because they are just so angry all they can say is they want their kids back, they are breaking down and cannot do anything else but say 'I want my kids back'. Even when parents feel they have done everything Child Safety asks them to do, they don't get their kids back".



Participants stated a culturally competent child protection system would understand the strengths of each family as well as their struggles, and work with both parents and children to develop their ability to integrate successfully into Australian life.

6.3 A culturally competent child protection system would support migrant parents in learning new parenting techniques

Participants stated that while it is accepted that there are different laws in Australia, if parents are told they are no longer allowed to parent in their own way, then there needs to be some support to help parents adapt and learn new parenting skills. Participants stated that parents in their cultural communities are feeling very frustrated as they feel they have lost the ability to parent in the ways they know how. Difficulties arise for migrant parents when they are told what they *cannot* do to discipline their child, however they are not told what they *can* do. Participants stated that it is very difficult to understand how to change parenting practices when people have been parenting in these ways for decades. One participant shared this story:

“One woman told me her children were not going to school. The school called her and said she must send the children to school, that it is her responsibility as a parent to make sure the children go to school. She was really upset. She told me she is trying, but the kids refuse to go, they say they don’t like it. She said ‘What can I do? If we were back home, I could smack them and they would go running to school. But here I can’t, I can’t do anything’. It was so sad to see her feel so helpless. She really wanted her kids to go to school but she didn’t know what to do”.

Participants spoke of the need for child protection agencies to work *with* parents. They stated that if the government agencies did not approve of their way of parenting, then they needed to provide support in developing new parenting techniques. One participant stated they know of one mother who had her children removed and was told she would have to go to parenting classes before her children could be returned. Child Safety Services however refused to provide parenting classes, stating they focus on the child only, not the family. This mother then felt very frustrated as she was being told what she had to do, but was offered no help or direction in how to follow through with these demands. This particular woman did not know where to go for parenting classes, nor who to contact, she did not have any means to pay for classes, nor any means of transport to attend them.

In addition to being taught and supported through new parenting techniques, participants also felt that there needs to be some time allowance for parents to adopt new practices. As one participant stated:

“They (Child Safety Services) are going against one hundred years of doing things”

Another stated:

“We need to be given a transition period. We are new to this country, this culture, this system. We need to be taught in Australian culture. We need time to transition, to adapt, to learn how to act under new laws. We need to



find a common ground, a way to get positive outcomes for our children without dividing the family”

Participants agreed that people in their cultural communities acknowledged they would need to change and adapt to Australia, but that these changes take time.

6.4 A culturally competent child protection system would facilitate effective communication between all persons

Participants identified the ability to communicate effectively with those from non-English speaking backgrounds as a crucial skill in delivering culturally competent services. Participants stated that there are still times when people from their communities are refused interpreters. Some people are also unaware of the fact that they have the right to request an interpreter, so they never ask, and there is consequently no engagement of interpreter services.

In addition to using interpreters when required, participants identified ‘checking in’ with clients as another manner of ensuring what is being said has been understood. Asking clients to repeat back the information they have been given is one way of ensuring understanding. One participant stated:

“Take into consideration some of our people say ‘yes yes yes’ but make sure that they understand, use interpreters, and if they are not ready to have meetings face to face with the interpreter, use a telephone interpreter”

Participants explained that effective cross-cultural communication in child protection goes beyond just using interpreters; it is important for workers to consult with parents and other family members, not just the child. One participant explained that it is very disrespectful in his culture to value what the child says above what an adult will say. When pressed about how to ensure a child’s safety in such a situation, he stated that it would be important for the child safety worker to interview both the child and the adult. Failure to engage with the adults in the home would hinder any cooperative relationship between the family and the worker. This participant further explained that valuing the opinion of the family is of great importance when working with other cultures, stating:

“If you (the professional) are able to ask questions, ask them ‘Is this good for you?’, then people will be open if you are willing to be open with them. Tell them ‘I don’t know how to do things the way you want for your culture’, ask them how they want to do things [in a way] that works for them”

Participants explained the child protection system is foreign and confusing to many, and effective communication is required for families to understand what is happening, why their family is subject to government interventions, and what they can do to improve their situation. Effective communication is important in order to build a relationship with the family and the child, but also in order to promote good



outcomes for children, as parents must understand where the problems are in order to address them.

A culturally competent system would therefore employ interpreters whenever needed and would facilitate good cross-cultural communication by understanding families' notions and understandings of child protection.

6.5 A culturally competent child protection system would be free of racism and discrimination

Some participants spoke of on-going racism and discrimination experienced at the hands of either particular workers, or by a system with discriminatory practices. One example was given where a parent had their children removed but was allowed supervised visits. During these visits the parent was told she is not allowed to speak to her children in their mother tongue, she had to speak in English. This significantly hindered the woman's ability to communicate with her children, and she was very fearful that her children would lose their language as they were living in an English-speaking foster home. Failure to allow families to speak in their native tongue or share their native food during access visits is demonstrative of ethno-centric bias which contravenes human rights. These examples of racism within child protection practice must be challenged and eliminated.

Participants also acknowledged that there are stereotypes about people from their cultural background which come into play during child protection investigations. One participant stated:

"People think because one African is aggressive, that all Africans are aggressive. They think because the kids are African, they are being hit by their parents. Me, I am African, but my parents never hit me. They (child protection workers) have to understand not to generalize"

While most participants identified that having child protection workers consult with community elders or other representatives is a way to diminish prejudice and facilitate culturally appropriate practice, there were also concerns about the stereotyping that accompanies this practice. One participant explained this by saying that community leaders cannot speak on behalf of everyone; there are still individual differences, family differences, clan differences, and ethnic differences within the same culture or language group. Participants identified that while it is important for people to learn about the cultural background of those they work with, it is equally important to get to know each individual family, their circumstances and their values. One participant explained:

"Me for example I am "X" [cultural background], but I don't believe all "X" [cultural background] people are the same. Me and my brother we are very different, we behave differently, we have different things which we believe are important for us"



Respondents agreed that while learning about other cultural practices, values and belief systems is important, it is equally important not to assume that someone who belongs to a particular culture will hold these same values and beliefs.

From a more systemic perspective, one participant spoke of their frustration in trying to collaborate with child protection services stating:

“I think it goes back to their colonial way of thinking, you know, that we all need to be taken care of, that we’re not capable of being able to do this for ourselves.... Often it seems government don’t trust people from our [cultural] background, they think we are going to take their money and run or spend it on things we shouldn’t. The look at us sideways and say: ‘Are you capable? Are you capable of thinking that way?’”

This participant spoke of how they are actively working within their cultural community to improve outcomes for families and children, and yet they receive no support from any government bodies. Many participants stated that collaboration with ethnic communities is vital to good outcomes, however this must be done in a way that is respectful of individual differences.

6.6 A culturally competent child protection system would understand and support the family through inter-generational conflicts, acknowledging the difficulties encountered by both children and parents

Participants spoke of the difficulties and conflicts between parents and their children in migrating to Australia. Participants identified that children are “given more rights” in Australia than their home countries, but “they are not taught their responsibilities”. One participant explained:

“Teenagers everywhere are difficult, but add the cultural conflict and it becomes a very difficult situation”

Many participants identified that children are able to learn English more quickly than their parents which results in a power imbalance between the child’s ability to communicate and advocate for themselves and the parent’s ability to do the same. This is particularly of concern in child protection matters when interpreters are not engaged, when children are used as interpreters, or when there is only engagement with the young person as the parent(s) cannot communicate in English.

Many respondents from African backgrounds spoke of the alarming rates of teenage pregnancies in their communities. It is felt this is a direct result from cultural changes wherein parents are not able to raise their children the way they did in their native countries, and due to the fact that teenage pregnancies are more socially accepted in Australian society. Participants explained teenage pregnancy is becoming a significant source of conflict between parents and children. Participants stated that teen pregnancy is a very difficult situation for their community members as often time young parents do not know how to care for their



children and thus there is heavy reliance on the newborn's grandparents to step in and care for the baby. The disruption in schooling for teenage parents is also a large concern.

"Our kids are learning that at age 18 they can do whatever they want, they can leave home. They don't have the skills yet to live on their own. But here they are taught that they can just leave. And we can't say anything to them because we are scared. You can't discipline them, you can't do anything because of the law, they will take your child. Then they get pregnant and they return home for their parents to care for them and their baby".

Participants also stated parents feel they cannot compete with the promises given by Child Safety Services. As one person stated, children in school hear that "if you go to child safety, they give you money and new clothes, you get to have whatever you want". Some children are now lying in order to get taken in by child safety services because they want new clothes and they want money. One participant explained:

"The problem for a lot of kids is the money. The kids tell each other that when you go to child safety, they baby you, they give you money and everything else you want. We don't give our kids money, we give them education, we give them food and the clothing they want. We give them everything we are able to give.... The kids lie to get into child safety; they are using the law against their parents. Parents now, all they can do is shout. Kids go to child safety and say their parents don't feed them, make them sleep on the floor but it is not true... We are trying to accept these things, so please, child safety don't give them money".

Several participants stated that children have been told parents are not allowed to hit their children in Australia and are using this information to avoid discipline; they are threatening their parents saying "you can't hit me here, or I will call Child Safety". Children who misbehave do so with the knowledge that their parents have been stripped of their ability to discipline them in the ways they know how. Parents feel that they are at a loss in ensuring their children are following the rules and developing into responsible adults. One participated stated

"Children are telling their parents 'I can do whatever I want, this is a free country'"

While participants acknowledged it is good for children to know their rights, they felt that children must also learn their responsibilities, such as being honest and going to school. Without being taught their responsibilities, children are learning to think they can do whatever they want without any consequences. Ensuring children and parents are supported through adjusting to new rights and responsibilities would promote better outcomes for children and families.

Finally another source of inter-generational conflict is the fear by many parents of their children's loss of culture. Participants acknowledge that their children are growing up in a new country with a different culture, however they do not want them to forget where they came from and what their values are. Children in turn want to



fit in at school, they want to make new friends and they want to appear to be the same as everyone else. This can lead parents to feel that their children are rejecting their heritage and embracing a way of life that they do not yet understand. These fears are compounded when families have their children removed and placed with foster families of a different culture. A culturally competent child protection system would therefore ensure and promote ways through which children could be supported to maintain their cultural identity by, for example, continuing to celebrate important holidays and milestones in traditional ways, cook traditional food, practice their customs and maintain their language.

6.7 A culturally competent child protection system would acknowledge different ways of supporting families; would examine child protection issues from various paradigms

Participants stated they feel there is a belief in Australia that the Australian way is the best way to do things. Participants felt however that there are opportunities for Australians to learn about other ways of doing things which may be beneficial for families and children. Participants stated that when Child Safety Services become involved with their families they are often made to feel that they are bad parents. Participants stated those in their communities with Child Safety involvement have found the process of investigation intimidating as they are unaware of their rights, do not understand what is being investigated, why their family is being investigated and what the investigators are looking for.

Participants spoke of how definitions of harm and neglect are culturally bound. For example, a number of participants identified that in their country of origin it is normal for three generations of a family to live in one home, and that children are sometimes two or three to one room. Participants stated they have heard that these things are considered unusual and may bring them to the attention of Child Safety Services.

One participant gave this specific example of how different cultural practices have had an impact on Child Safety involvement in her community:

“One family while being investigated had workers open their fridge and cupboards to check to see how much food was in the house. They found only a few things and a bag of rice. The workers told the parent this amount of food was not enough. The parent felt intimidated and did not understand why this was a problem because in her country, she would attend the markets every day to purchase the things she needed for the day’s meals. She would buy little in advance, except things like rice, which was available in large quantities and would keep for a long time. She thought buying vegetables and fruits days in advance was a risk as they may go bad and she would then need to throw them out. She explained that this would be wasteful and that her family could not afford to waste food”

Another participant gave the example of a ten year old child being left to look after siblings – the participant explained that this would be considered quite acceptable in their own culture, but it is considered neglectful in Australia. Another participant explained this same example further, saying that in their home country, the



community is set up in a different way which allows families and neighbors to watch over each other's children:

"[Back home] if I go out to the shops, I just tell my neighbor I am going and they will immediately respond if there is anything that happens. The community environment gives the feeling that the community is safe. Even if the child is in the street playing, I know the community will look after my child, it is not me alone. This is missing in Australia, we can't do that anymore. But these differences have to be explained to the community member who still acts in this way, like they're at home. The point is to educate individual families about their obligations as parents, why it is different here."

Understanding the Western notion of neglect is very difficult for migrants as some of the practices seen as neglectful in Australia are not viewed as such in their countries of origin. A culturally competent child protection system would therefore explore notions and understandings of harm and neglect from different cultural frameworks. The child protection system should examine the intent behind behaviors, not just the behaviors themselves from a strictly Western point of view.

6.8 A culturally competent system would engage with families

Participants spoke of how parents feel punished rather than supported, and treated like bad parents. Parents in their community feel completely helpless in child protection investigations because they don't know what their rights are and they don't understand what is happening to their family. One participant stated:

"Child safety needs to communicate with the parents, explain what is happening, explain what child protection law says, how the system is, identify with the parents what do they think would help this child, even though child protection has their way of dealing with cases, ask the parents if they prefer any other way and then try to marry the two together. Even if child protection is taking the child, the parents will be better if they explain everything, they know where their child is going, they know what is expected of them, whether they can go and visit the child or not. It is all about making sure parents understand what is happening and why".

These sentiments were often reiterated, with many stating that there needs to be more engagement with families.

6.9 A culturally competent child protection system would have a competent, well-supported and culturally diverse work force.

Participants stated that it would be beneficial for people from their own cultural background to be working in the child protection system in order to improve culturally appropriate service delivery. As one participant stated:

"Best practice would be to have [my culture] people working with [my culture] people. Where this is not possible, then (child safety) staff need significant



amount of training and someone they can speak to for advice, debrief on cultural issues.... They need to be well-versed in culture. Things like pronouncing names properly, pronouncing words properly, understanding some of the language, knowing to remove your shoes when entering someone's home, these things go a long way as they are small signs of respect; very small and simple acts but they are recognized and people (families) will take the time to speak with you (child protection services). This will lead to better plans for families, and this is what we want".

Some participants identified that having people from their own cultural background would improve the ability of families to trust child protection workers and communicate in a manner they are comfortable with. While there was some acknowledgement that this is not always possible, participants stated that a more culturally diverse workforce would improve culturally-sensitive service delivery through heightened awareness of cultural issues and concerns in child protection matters.

7. Recommendations

The following recommendations were developed with the participants based on the discussions outlined in Section 6.

- 1. That information regarding Queensland's child protection legislation, child protection system, and child and family services be provided to culturally diverse communities through:**
 - a) providing accurate information to community leaders, elders and organizations for dissemination
 - b) culturally-based media such as radio stations and newspapers
 - c) TAFE and other educational institutions via 'English as a Second Language' courses

As explored in Section 6.1, all participants identified the need of their communities for more education regarding the child protection system. Participants further stated that the manner in which this education is provided is of high importance. Participants stated that holding 'information sessions' may not be successful for a number of reasons: firstly the potential participants do not know the session is happening, or they are unsure as to why this information would be useful to them. Other difficulties encountered by community members to attend information sessions include language barriers, lack of transportation, work commitments, and finding child care for the length of the session. Participants explained that if the potential participants do not understand the purpose of the session, do not understand what the session is about, or have any relationship to the people delivering the information, then attendance will be low. Participants identified that one way to address this is to have people in their own cultural communities, such as community leaders, elders and organizations, or culturally-based media, provide the information.



Participants stated the provision of the information needs to be done in a way that is culturally appropriate and relevant:

“The government has to learn to do things in a way that people understand, not in the way the government thinks it should be, but in a way the people can relate to”.

Participants spoke of the need for resourcing for people from their own cultural background to learn about the child protection system and legislation, who could then provide this information to the community. Participants emphasized that information needs to be given in a language they can understand, not just using interpreters, but in a language which recognizes and affirms their own values and frames of reference. One participant stated that the most successful way to do this would be to have people from the same cultural background providing information to participants:

“Define behaviors that are risky or unacceptable within an appropriate cultural framework by using our people to deliver that message. We don’t understand hitting your children as harm, we grew up with that, we have to explain to people that in the society where we live now, it’s not normal, that you can go to jail for doing stuff like that. People respond ‘but we’ve been doing it like that for years’ and I’ll say, ‘yeah but we have to change, because the law is different’. So it’s their understanding of what’s required... How can an Australian explain harm to a [person from my culture] when we don’t have this as part of our language? It’s not a vocabulary that we have.”

Another participant explained how the manner of the presenter is important – for example, someone who stands up at the front of the room and writes things down with their back to the audience will not be effective in getting their message across; the presenter needs to sit with people and chat, discuss, share food, and laugh. Participants confirmed that the manner in which the information is presented will have a large impact on how well the information is received and understood.

Participants stated that using local ethnic radio stations and newspapers would be another appropriate way of disseminating information to their cultural communities. Another suggestion from participants was to ensure migrants who are attending ‘English as a Second Language’ classes through TAFE be provided with child protection information as part of their classes. Participants identified that this would be a good way for information to reach a number of new migrants.

2. That training for the child protection workforce incorporate:

- a) learning about the migration and settlement process for immigrant families, including how migration can affect parenting practices, and how to support families during this process
- b) understanding of the complexities of language and how to minimize barriers to effective cross-cultural communication
- c) identification and exploration of one’s own culture, ethno-centric racism, oppression and human rights within child protection practice
- d) cultural curiosity, not cultural stigmas and stereotypes



- e) exploration of inter-generational difficulties encountered by migrant families and provide methods to support both parents and children through these conflicts
- f) how to conduct cultural assessments which allow for examination of the intentions and rationale behind parents' behaviors

As was explored in section 4.3, the migration process can present significant challenges to families. In order to promote healthy and happy families, migration and settlement must be understood by those charged with providing services to children and families. Training which includes an exploration of these issues and how to support families through these transition periods is required.

As was identified by participants, using interpreters is important, but it is not the sole means of ensuring effective cross-cultural communication. Training for the child protection sector must explore cross-cultural communication to ensure workers are able to communicate effectively. Participants argued it is important for differences between cultures to be understood by both parents new to Australian culture, and by those working in the child protection system; concepts must be interpreted into a language which is understood by those from other countries and presented in a way which is congruent with one's own values. Participants strongly agreed that no culture condones harming children, only that definitions of harm will vary across cultures. Participants stated that a culturally competent child protection system would recognize the importance of cultural differences and allow them to inform practice.

Participants identified that understanding another culture is important, but it is impossible to really understand someone else's culture until one first understands their own, and how this affects their own cross-cultural communication. Training for all persons working with children and families must therefore explore how one's own cultural values, beliefs and norms come into play when working with people different from one's own culture. This training must incorporate understanding one's own cultural background and how this affects their own communication style – as one respondent stated:

“People need to know their own culture before they can understand someone else’s.”

Participants agreed the child protection workforce cannot be expected to know everything about the culture of their clients. Thus while being culturally competent may encompass knowledge about specific cultures, it is of more importance that the child protection workforce understand how their own culture may influence their decision-making and understanding. Training which promotes the discussion of culture between child protection workers and clients would be beneficial as it encourages cultural curiosity and a desire to learn.

Additionally, participants consistently identified that support for families through inter-generational conflicts, particularly those experienced by families whose children



are growing up in a culture different to that of their parents would promote better outcomes for children and families.

Finally, participants agreed that, without question, children must be protected from harm. However the current child protection system defines harm from a Western paradigm and may not be congruent with other cultural practices. When this is the case, child protection assessments which examine the behaviours of parents and carers must take into account the rationale and intentions behind behaviours which, in a Western paradigm, may be considered harmful but in another culture is considered to be good parenting. Failure to do so can lead to children being removed from their families when in fact there is a parent who is both willing and able to protect and care for the child.

3. That services be provided to migrant families through:

- a) on-going culturally appropriate family support and settlement services
- b) parenting classes which are respectful of cultural differences and teach alternative parenting and disciplinary methods deemed acceptable in Australia
- c) employing cultural support workers who have an understanding of the child protection system and who may be consulted with by both child protection workers and families in the community

While it is acknowledged there are significant settlement and support services for refugee families, many respondents stated that there remain many families who require more support in order to help them settle successfully. Participants identified that on-going support during the initial settlement process would facilitate good outcomes for both children and their families and would pay dividends in the long-term.

Participants confirmed that parents want what is best for their children and believe they know what is best for their children. When their parenting practices are contradictory to child protection laws, a culturally competent child protection system would work with the parents to develop new parenting skills which allow them to maintain their values and affirm their importance in their child's life. Providing parenting classes would provide parents who are new to Australian culture opportunities to learn about how to parent in manners deemed acceptable in Australia.

Another one of the recommendations identified by participants is the implementation of 'cultural support workers'. This position could be similar to that of the 'Recognized Entities' for Aboriginal and Torres Strait Islander children. This practice would significantly help families understand the child protection system, what is happening to children brought into care, and support the family in navigating through the requirements for re-unification. By using language and contexts the family can understand and identify with, this approach facilitates a common understanding:



“It’s like the first day at school, you have a buddy that walks you through the school; we need people indentified who will walk us through the system, someone to explain to families what is happening in a manner and language that they understand”

By engaging a cultural support worker, families can have information given to them using a framework and value system they can understand and relate to. This is particularly important for cultures wherein statutory child protection bodies are a foreign concept. Child Protection workers would also benefit from the opportunity to consult with the cultural support worker and learn best methods of engaging with families from different ethnic backgrounds.

Some participants felt it important, however, that families have the right to decline such support. Some agreed that there are families who might not want this support due to issues of public shame or not wanting their personal business to be known by other members of their community. The important point then is to offer families this choice, and for workers to have an identified cultural support person with whom they can consult. As developing mutually respectful relationships is a corner-stone of good practice, this would lead to better outcomes for children and families.

The Department of Child Protection in Western Australia has implemented a similar process to their case planning stating:

When a case involving families and children from a CaLD background is opened, the Field Worker should consult with the Senior CaLD Advisor (or other relevant CaLD person). This aims to ensure that cultural diversity issues are taken into consideration and adequately addressed in case and safety planning (Government of Western Australia 2010).

It would be beneficial for Queensland to look into WA’s process and see how to successfully implement similar support.

4. That the entire child protection system consist of a streamlined approach wherein families are supported and engaged throughout

Participants stated that a culturally competent system would be more inclusive of families. Participants felt that failure to work with the family was detrimental to the well-being of children, because *“every child is part of a family”*. There were discussions of how child protection would be better served by a family-centered approach rather than a child-centered approach:

“Move from child-focus to family focus, because the child is part of a family, and regardless of how bad parents might be, children still want to be with their parents. Segregating the family and making them different, pigeon-holing different people in the family doesn’t work, you’re actually breaking the



family fabric apart. When you pull everyone together and you work as a family there are more long-term benefits. Because the grandparents are getting educated, the parents are getting educated, the grandparents are watching the parents making sure they're doing what they're supposed to do. The children have the grandparents there to help them. They still have the feeling of "well we're still a family, we're going to stay a family" and it's important for them to be a part of that process. Doing the whole thing together works better. It just works better".

Participants felt that if Child Safety Services removed children from their parents, then they should also have an obligation to work with the parents to reunite the family. Rather than punish families by removing their children and giving them a list of requirements to meet, workers must combine efforts with the family to identify how to improve the family situation so that it is safe for children to live at home. Where there are changes required on behalf of the family system to achieve this, then the system which removed the children must also provide support to implement these changes. Participants spoke of the difficulties families face when involved with child safety services, in that they do not know what is happening to their children. Participants agreed that removing a child without engaging the family is disrespectful to the family and therefore hinders the process of promoting the well-being of children.

For families from refugee backgrounds the removal of children by police or child protection workers can trigger past experiences of children being kidnapped by authority figures; such a process can be horrifically traumatizing. For families who have come to Australia to escape war and civil unrest, there are immeasurable hopes and dreams placed in positive futures for their children:

"Our parents think 'ok, I would rather stay in my country, but because of the conflict, it is not safe. I have already lived, but for my child I want proper education, peace, stable conditions'. They come with that love for their children; they come a long way to come here so they (child safety) have to understand that love, it is not that they are bad parents".

For many families the removal of children is equivalent to the removal of their hope. For these reasons there is a high need for support to be provided to the entire family post-removal.

Participants discussed that many of their cultures are more communal in comparison to Australian culture and that failure to work with an entire family to resolve child protection issues "*just does not make sense*". If the child is not safe with the family, participants stated the child needs to be protected while the family receives help to improve their ability to protect the child.

5. That all barriers to engaging interpreters are removed.



Throughout the consultation, participants identified that lack of funding for interpreters continues to be a reason given for lack of engagement of interpreters. Participants believed all persons working in the child protection system, both government and non-government workers, should have access to interpreters without restriction, and should receive training on when to use interpreters and how to work effectively with interpreters.

6. That both parents and children are made aware of:

- a) their rights and responsibilities in Australia as children or adults
- b) the complaints process they may pursue in order to address discriminatory practices

Respondents acknowledged that children have more rights in Australia than many of their home countries, and difficulties arise when children are made aware of these rights without learning their responsibilities:

The Department needs to make an effort to work with parents. Have lessons about what rights and responsibilities are as parents and as children. Just because it's a free country it doesn't mean people can do whatever they want. [Our] children are taught their rights, but not their responsibilities. The parents don't have any information about how the system works, they don't know how to discipline in Australia.

Participants felt that children are using their new-found rights against their parents which in turn is preventing parents from disciplining them, meaning children are “getting away with doing whatever they want”. Participants stated that it is understood children’s rights in Australia differ to those in their home country however the understanding of these rights must be accompanied with an understanding of their responsibilities as children.

Participants identified that families involved with the child protection system are unaware of their rights throughout intervention processes and are unaware of how to address being treated unfairly. A culturally competent child protection system would ensure children and parents are made aware of their rights and how to address any perceived breaches of those rights thereby upholding the dignity of all persons.

7. That more effort be made to diversify the child protection workforce through:

- a) investigation into the obstacles facing people from various ethnic groups looking to work in the child protection system and identification of ways to reduce these
- b) investigation into the obstacles faced by various ethnic families to become



foster carers, and identification of ways to reduce these

Participants identified difficulties including language barriers and lack of understanding/knowledge of educational requirements as some of the barriers inhibiting a more culturally diverse workforce. Further investigation to identify the barriers and consequently how to address these would improve the ability of the child protection system to recruit workers from culturally diverse backgrounds.

Many participants identified that one of their fears at having their children removed is that they will lose their cultural heritage, understandings, values and practices if they are placed with a carer from a different cultural background. Efforts to diversify the foster care system would be beneficial, as children would have a higher likelihood of maintaining their cultural heritage. One participant identified that there are many people in her cultural community who would like to become foster carers, but they do not know how:

“We are foster carers in our culture, we do it already, we just don’t know the process here, our people don’t know about blue cards, what it is or how to get one; but it is in our nature, we care for each other’s children just like foster carers”

Identification of the barriers migrants face in becoming foster carers would allow for initiatives to increase the cultural diversity of the foster care system.

8. That there be more investment into increasing the evidence base through:

- a) mandatory data collection regarding the ethnic and cultural identification of clients
- b) research *with* CALD families who have had involvement with child protection services to gain further understanding of their experiences and to inform practice standards

The collection of data is a critical first-step in enabling the child protection system to adequately meet its obligations to children and families by identifying who is accessing services. Good data collection would allow for identification of any over- or under-representation of different ethnic groups and would enable analysis of the reasons for these representations. Without the collection of data on the ethnic and cultural identification in Queensland’s child protection system, the ability of this system to function in culturally appropriate manners remains elementary at best.

There is currently no identified research in Queensland which has explored the experiences of families from different cultural backgrounds who have had involvement with child protection services. Understanding these experiences would provide good insight into how to improve services for families and young people.



8. Discussion

8.1 More information is needed

While there is no statistical information identifying the cultural makeup of families with involvement in child safety services, it was quite clear throughout these consultations that there is significant anger, frustration and sadness in many communities. Many participants told stories of how they felt their community members have been treated unfairly by interventions which were ineffective, inappropriate or unwarranted. From particular groups I received the impression that Child Safety involvement was quite high and that families were suffering significant pain and trauma through investigations and particularly the removal of their children.

Further examination into the views and experiences of refugees may provide greater insight into culturally competent service provision for persons settling in Australia under varying circumstances.

8.2 More services at the primary prevention and early intervention phases are required

As previously mentioned, most participants spoke only of “child safety” in reference to government services, investigations and interventions. Despite attempts to focus the conversations on the entire range of child protection services, from prevention through to statutory interventions, respondents spoke almost exclusively of tertiary interventions. There are a number of hypotheses for this, including:

- 1) Until fairly recently Queensland had a stand-alone Department of Child Safety which was solely responsible for investigations and statutory interventions. ‘Child Safety’ was thus the popular term used for government interventions relating to the safety and well-being of children
- 2) There are barriers for many CALD families and communities in accessing prevention and early intervention services, including lack of awareness of the existence of these services, how to access them, and the ability of organizations to provide culturally relevant services
- 3) There are not enough prevention and early intervention programs and services which meet the needs of CALD communities, and therefore families do not come to the attention of child protection services until a notification is made

All of these may be contributing to the current understanding of child protection services in culturally diverse communities. However, as the *National Framework for Protecting Australia’s Children* seeks to implement a public health model which focuses services at the primary prevention and early intervention phases, there must be some examination into how this can be done effectively with diverse communities, as there is clearly a need for more support before statutory interventions are required.

8.3 Multicultural versus mainstream services

A prominent issue stemming from these consultations is the need to explore how best to provide services in a multicultural State such as Queensland. While many



participants recognized the need for multicultural services which cater specifically to persons from CALD backgrounds, one participant felt this practice potentially maintains 'segregation' of services and poses problems for both clients and service providers. This participant argued that if there is continuous promotion of 'multicultural' services as distinct from 'mainstream' services, divisions in accessibility, quality of services, funding provisions, and ultimately outcomes, are created.

Segregation of services into 'mainstream' and 'multicultural' denies the ability for persons to access services from the organization they choose. For example, someone who identifies from a non-English speaking background may be told to access 'multicultural' services because the 'mainstream' service is not funded to provide services to CALD clients. Similarly, someone presenting from the dominant Anglo-Caucasian background may not receive services from an ethno-specific agency.

This leads to questions of funding, as different organizations receive funds to provide services to different populations. If, for example, the Vietnamese-Australian population is accessing services more often than the Greek-Australian population, does this mean there should be more funding allocated to the Vietnamese population? Or should funding be based on cultural representation in the overall population? How much funding should be allocated to 'mainstream' organizations for cultural competency training when there are culturally-specific programs available? With segregated services, how is the need to be able to work cross-culturally evaluated? Does having 'multicultural' services then absolve those working in the 'mainstream' of their obligation to be culturally competent?

Furthermore, this practice is unsustainable as future generations may identify as both belonging to Anglo-Australian background, but having a cultural history distinct from their peers. For example, children who are born in Australia to Nigerian parents may primarily identify as Australian, however have Nigerian physical appearance and have a familial culture which is different to that experienced by Anglo-Australians. One particular participant gave this example:

"The Sudanese community has been here for almost 20 years. The kids who are born here, they will get married here; are we going to tell them they have to go to 'multicultural' services? They will not call themselves Sudanese, they might have never been to Sudan, they were born here and they grew up here. They call themselves Australian. But the mainstream community will not accept them as mainstream. Where do they fit?"

Finally, segregating services based on the cultural community of service-users also means that newly-arriving communities will not have services available to them until their community is more established, leading to a lag in culturally-relevant available services, arguably when families are needing them most. Requirements for 'multicultural'-specific services also present difficulties in implementation for rural communities where cultural diversity may be minimal.

Thus rather than segregate services into 'mainstream' and 'multicultural', one participant argued for a service system where workers are able to respond in effective



ways to clients, no matter their heritage or cultural identity. True multiculturalism would be inclusive of all cultures, including the Anglo-Australian culture. In this sense, learning to work in a culturally competent manner extends beyond race, and denotes the ability to work respectfully no matter another person's race, religion, disability, or sexual orientation.

One participant proposed no separation of 'mainstream' and 'multicultural' services. He said people want culture-specific services because they are frustrated with service delivery as it is; current services do not meet their cultural needs. But rather than separate services into 'multicultural' and 'mainstream', the system should be able to respond in flexible, culturally appropriate ways; that a cohesive community must promote togetherness, not perpetuate segregation.

Thus while culture-specific organizations may be required as a short-term solution to providing culturally competent services, there is a need for further examination of whether this is the best way forward. A child from any cultural background is first and foremost a child, and the emphasis within the child protection system must be on the fact that it seeks to protect a child, regardless of ethnicity or culture.

9. Final Thoughts

Throughout these consultations the fundamental importance of relationships was made quite clear. While there were significant attempts to ensure my role as facilitator in these discussions for PeakCare was clearly articulated, there was some hesitancy among a number of participants who wanted to know who I represented, who I was going to give this information to, and what the outcomes of this consultation would be. At times, the emotions of anger, frustration and sadness were explicit. Participants often described the anger felt by their community members at '*the government who takes our children away*', and the overwhelming sadness at having their families torn apart. These emotions were particularly poignant among refugee respondents who stated that families whose parents bring their children out of war and terror to come to Australia to then have their children removed because they have 'failed to protect them' seems absurd.

Overwhelmingly participants stated there is a desire among their communities to work *with* government agencies to bring about positive outcomes for their children. In order to do this, there must be some relationship-building between families, communities, government and non-government agencies. There exists fear and mistrust of the child protection system, and much work needs to be done to repair some of the hurt which has already taken place and promote mutually-respectful relationships built on trust and transparency.

The over-arching theme from these consultations, is that parents and families want to be treated with respect and empathy, they want a child protection system that is willing to work with them to promote what is best for their children. This is consistent with the findings from the *Family Inclusion in Child Protection Practice* report (Family Inclusion Network 2007) which additionally emphasizes the importance of working with parents to promote the best interests of the child. The key message to be taken from these consultations is that



quite clearly there are particular concerns to be taken into account when working with ethnically diverse families, however good outcomes for children, regardless of their cultural background, requires support and positive relationships between child protection agencies and families.

Finally, the recommendations outlined in this report fit succinctly with the *National Framework* and are applicable within the immediate priorities set out in the *First Three-year Implementation Plan*. Currently, there is no mention in either of these documents of the needs and concerns specific to the many cultures who now call Australia home; however it is PeakCare's hope that this report challenges this lack of representation and provides a good foundation to improve the child protection system's capacity to respond appropriately and effectively to persons from all cultural backgrounds.



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