



Refugee Council of Australia

The Honourable Joe Ludwig MP
Minister for Human Services
Parliament House
Canberra ACT 2600

29 February 2008

Dear Minister Ludwig,

SUBMISSION TO THE REVIEW OF THE JOB CAPACITY ASSESSMENT PROGRAM

INTRODUCTION

The Refugee Council of Australia wishes to thank the Minister for Human Services for the opportunity to contribute our views on the Job Capacity Assessment Program. This submission will specifically address the Job Capacity Assessment Program as it relates to refugee and humanitarian entrants. As you will be aware the Refugee Council was contracted to provide a training module on refugees for Job Capacity Assessors and this module contains information and guidance on a number of areas of the JCA assessments. At this stage we are unaware of the status of the module and would be keen to receive feedback on its usage. The following response has been informed by the consultations conducted as part of the process of preparing the training module and through other issues raised with the Council in other fora.

Please note that 'refugee' and 'humanitarian entrant' are used throughout the submission interchangeably and refer to entrants under both the Refugee Program and the Special Humanitarian Program.

JOB CAPACITY ASSESSMENT GUIDELINES – ASSESSMENT AND REFERRAL

Initial Referral to JCA

RCOA continues to be concerned about the timing of humanitarian entrants attending Job Capacity Assessments. Refugees now attend JCA interviews five weeks after arrival in the country and while this is an improvement on the previous cases where some refugees were being interviewed two weeks after arrival, there are still many concerns that this is too early in the settlement process.

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The Refugee Council of Australia represents
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in Australia and around the world

When the first JCA interview takes place, it is likely that many new humanitarian entrants will be just settling into rental accommodation and getting used to paying rent, trying to navigate the public transport system, manage English language training for themselves and their children (especially difficult if illiterate in their own language) and generally trying to adjust to a lifestyle that may be entirely different to anything that they have experienced before. They are usually experiencing information overload and will have been introduced to a huge array of different service providers as well as private and governmental institutions. It is likely that those who have arrived under the Special Humanitarian Program (SHP) will not have received any intensive settlement support and won't have acquired permanent accommodation yet.

This is a very difficult and stressful stage of the settlement process that can have a significant impact on the confidence and self esteem of new entrants. Understanding the concept of a Job Capacity Assessment is often difficult at this stage and the interview itself can cause unnecessary stress and anxiety, and in some cases re-traumatisation.

Of particular concern is the requirement that humanitarian minors over the age of 16 and who are enrolled in schooling must also attend a JCA. This usually requires the student to take time out of school to attend the interview and sends the wrong message about the importance of education.

Recently arrived humanitarian entrants often find navigating the Centrelink system extremely confusing and the JCA adds another level of complexity. It is therefore extremely important that when refugees are referred to a JCA they have had the role of the JCA clearly explained to them in their own language prior to attending the interview. In consultations conducted by the Refugee Council, many service providers expressed confusion about the JCA interviews themselves and believed that many refugees attended JCA interviews with a very limited understanding of its purpose and the role of the JCA provider. This led to refugees failing to bring appropriate medical evidence where required, being unprepared for the questions asked and having unrealistic expectations of the JCA provider. The fact that Centrelink is also a JCA provider adds to the confusion.

In our consultations there were many suggestions about the sort of information that would be useful for JCA assessors to have prior to the assessments. Many assessors believed that a report from the settlement provider regarding the client's stage of settlement and any other issues that may be relevant would be useful. While this may not be viable in all cases, it would at least be useful if included in the referral was information about when the refugee arrived, country of birth, country of first asylum, language spoken and English class enrolment.

Assessment

In the consultations both case workers and JCA assessors agreed that in most cases having a caseworker or advocate accompany the refugee to the interview was a positive thing. The caseworkers were able to support clients and their presence generally put clients at ease. The caseworkers were also able to assist with the interview by prompting the client or adding necessary information. Unfortunately the attendance of settlement caseworkers at JCA interviews varied greatly across and within States and Territories, as did the roles that they were prepared to play within the interviews. It would be advantageous if a consistent, national approach could be established and RCOA would recommend that the role of accompanying refugees and humanitarian entrants (when required) to JCA interviews be taken up by all IHSS providers.

Conducting an appropriate assessment of whether a refugee client is ready for work can be quite difficult. Some refugees want to work straight away and contribute to their new country, even if they are not really ready to work. Many do not want to be perceived as a burden and will be reluctant to disclose any impediments to them working. Others may hold back information without realising its relevance. A common problem in interviews with refugee clients is the tendency to answer every question with a "Yes". This could be due to nervousness about questions relating to income support, not fully understanding the question or just wanting to please the assessor with a

positive response. All these issues present a major barrier for assessors and may result in inappropriate assessments.

Clarity around the assessment process is, therefore, essential and the assessors should clearly explain the following to all refugee interviewees:

- What the JCA is and is not;
- The role of the JCA assessor;
- That this is meeting a one-off meeting;
- Confidentiality, including how that relates to interpreters;
- What will happen in the meeting and how long it may go for;
- What will happen after the assessment;
- What the referral process is and why the refugee has been referred; and
- How they can access the assessment;

The attendance of caseworkers will assist in addressing some of the issues that may arise during the assessments. It is also important that accredited interpreters be used wherever possible and this should be a requirement for all providers. However even when using interpreters, assessors should be aware that there will be bureaucratic words and concepts that do not translate easily and assessors may need to simplify their language or repeat some sentences in a number of ways to ensure that the information is understood. RCOA recommends that all assessors receive training in working with interpreters. Further information on interview techniques is contained in the training module, however the use of open-ended questions is important if assessors are to illicit more than Yes/No answers.

Assessors need to be aware of the dangers of assessing a humanitarian entrant as 'job ready' too early. Some refugees who are placed in jobs when they are not emotionally or psychologically ready will be unable to sustain the employment. This can in turn effect their self esteem and confidence and result in a patchy work history that may impact on their long term employment prospects. Placing refugees in employment too early also raises concerns about health and safety in the workplace if they are unable to read or understand English. Those unaware of their rights within the work place may also be more vulnerable to exploitative work practices.

Referral from JCA, including Job Capacity Account

Refugees will often have special needs that generalist services may not necessarily be able to address. It is important that JCA assessors are aware of what services are available in their area, how to refer to these services and when it is appropriate to refer. If assessors are unaware of referral options they should contact the local Integrated Humanitarian Settlement Scheme (IHSS) provider for information. The IHSS provider will have the best understanding of services that are either specifically targeted, or offer appropriate assistance, to refugees in a particular area.

Concerns were raised in the Council's consultation about Job Capacity Assessors making inappropriate referrals to torture and trauma providers, sometimes out of lack of understanding about the service available to refugees and sometimes because they simply did not know where else to refer. This can have a detrimental effect on the client if they are referred to torture and trauma services too early in the settlement process when they are not at a stage to be able to deal with these issues.

Many assessors spoke about the limited range of providers under the Job Capacity Account to whom it was appropriate to refer refugees. Additional efforts are required to encourage organisations providing appropriate services to establish themselves as Job Capacity Account providers. The current arrangements are more conducive to the private sector and many NGOs who could potentially establish themselves as Job Capacity Account services are either completely unaware of the process, find the process too onerous, or find that it does not fit with their organisation's mission.

It was reported in the consultations that most refugees were coming out of the JCA with a referral to a Job Network provider. There was general consensus that in most cases the Job Network was unable to provide the level of assistance that many refugees required to enable them to move into sustainable employment.

APPROPRIATENESS AND RANGE OF QUALIFICATIONS OF JOB CAPACITY ASSESSORS

From the perspective of the Refugee Council, the actual qualifications of Job Capacity Assessors are less important than ensuring that assessors have an understanding of:

- The diversity of the refugee experience and how this may impact on the settlement process and refugees' capacity to look for employment;
- The impact of torture and trauma on the interview process and refugees' capacity to answer questions;
- The specific employment barriers faced by refugees;
- Sensitivities around gender and cultural issues;
- The use of interpreters; and
- The difficulties around recognising overseas qualifications

Clearly allied health professionals will tend to draw on their specific professional knowledge within the assessments, however this should be contained to what is relevant for the assessment. Assessors sometimes find it difficult to avoid some of the sensitive aspects of the refugee experience and concentrate solely on those aspects when conducting the assessment. At times clients will want to tell their story, especially if they feel comfortable and at ease in the environment. It is important on these occasions that they are provided with professional support and where appropriate referred to other services that may be able to help them. It is, however, inappropriate for JCA assessors, regardless of their professional background, to provide counselling.

APPROPRIATENESS OF ATTENDANCE ARRANGEMENTS

The settlement process can be a daunting experience for many refugees. In the first few months refugees are bombarded with information and appointments, including the JCA interview. For many refugees the processes and systems, especially regarding Centrelink and welfare payments, are entirely alien and difficult to understand. Correspondence about refugees' JCA assessment is sent in English that many refugees in their first few months in Australia are unable to read. It is also difficult to clearly attain the purpose and importance of the interview from the letter. As a result, some refugees will miss their appointments.

Additionally, because of the way interviews are allocated, not all interviews will be held in a location proximate to where the refugee lives. A number of refugees have missed their interviews because they simply couldn't get to the interview or there was no explanation of how to get there. Most refugees will be reliant on public transport and for those living in more marginal areas, this may be quite limited.

There is also much confusion regarding the role of the JCA and the role Centrelink. This is further complicated by the fact that in some cases Centrelink is also the JCA provider. As a result some refugees will present at the Centrelink office, when the interview is with another agency. Others will miss their appointment because they have a schedule conflict and they are either unaware that they need to notify the JCA to change the time, or they do not have the English skills or the confidence to do this. In many cases they will be unaware that there is a problem until their payments are cut. It is often at this point that refugees approach their local settlement provider because they are unaware of why their payments have been stopped. Settlement providers will then undergo what can be a lengthy process of trying to negotiate with Centrelink to remove the suspension of payments.

The current method of informing refugees of JCA appointments needs to be reviewed. There needs to be a system in place where refugees can have the JCA explained to them prior to receiving a letter and where there are safeguards in place to ensure that non-attendance does not result in suspension of payments. One way of simplifying this process may be for all refugee and humanitarian clients to be referred to Centrelink (with which they are familiar) for their JCA appointment.

KEY STRENGTHS OF THE CURRENT PROGRAM AND LESSONS FOR THE FUTURE

Most refugees and humanitarian entrants aspire to gaining sustainable employment in Australia. However for most, this will require English language tuition, support and further training. The JCA provides an opportunity for the needs of refugees to be assessed and has the potential to provide referrals for assistance that will help them move one step closer to employment. Unfortunately a significant employment services gap exists so those who are ready to find employment are rarely able to receive the level of support and assistance that they need through the current Job Network system. Other services that could assist refugees to become 'job ready' are not currently Job Capacity Account providers. Further work needs to occur to ensure that JCA's are able to make appropriate referrals that are in the best interests of their refugee clients.

In the absence of appropriate supports and services for refugees there need to be options for those refugee clients who are clearly not job ready and who are not currently in a position to benefit from any of the available referral options. This may mean recommendations to Centrelink for the extension of the mutual obligation exemption periods.