NSW Department of Communities and Justice

Have your say to inform the NSW Department of Communities and Justice Multicultural Plan 2022-2025.

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1.   Introduction

Refugee Communities Advocacy Network (RCAN) welcomes the opportunity to make a submission to inform the development of DCJ Multicultural Plan 2022-2025. Refugees, former refugees and asylum seekers lead and drive RCAN. RCAN reflects the views of people with refugee lived experience and advocates for their needs to be met. RCAN believes that refuges and asylum seekers must be involved in decisions that have direct impact on them individually, their families and as communities.

Since 2000, NSW has settled nearly 100,000 refugees through Australia's humanitarian program. In addition, NSW has a significant number of people seeking asylum including illegal maritime arrivals (or boat people). In this submission, people seeking asylum refer particularly to illegal maritime arrival.

This submission responds to the following set of questions:

- How does DCJ deliver Services?
- How does DCJ plan services with multicultural communities?
- How could DCJ demonstrate leadership?
- How does DCJ engage with multicultural communities?

RCAN recommends the following:

- DCJ Develops a comprehensive information strategy to facilitate communication with refugee communities including about DCJ;
- Service access barriers include issues with using the Translator and Interpreter Service (TIS), lack of understanding of the service system, and fear that engaging with service providers might inadvertently bring authorities unnecessary attention to problems best dealt with by family or community,
- DCJ considers developing a comprehensive cultural diversity inclusion policy that requires DCJ and its agencies to address barriers experienced by clients with culturally diverse backgrounds at a structural level,
- Principles for engagement and delivery of services and programs could include gaining knowledge about the existing multicultural communities through data analysis, establishing a feedback mechanism, participation of multicultural communities in the design and delivery of services and programs,
- DCJ could improve engagement and communication with multicultural communities through the use of its culturally diverse workforce to reach out to multicultural communities, improve the level of cultural diversity among senior staff within DCJ, and include multicultural community organisations in the delivery of support service through funding them.

2.   How does DCJ deliver services?

- How do you or your clients access information about DCJ programs and services?
- What barriers do you or your clients experience when accessing DCJ programs and services?
- How can DCJ make it easier to access its programs and services?

Access to a service is about the right to use the service. Most services offered by DCJ are freely available to most people in the community. For most people to use DCJ services, they need to know about the availability of services. Therefore, an effective information strategy to communicate available services must be developed to ensure that those eligible or who have the right to use services are aware of the services and how to make the most of them.

Refugees learn about DCJ services from community-based service providers. Such service providers are either funded by DCJ directly or are funded to help refugees navigate the services system. In addition, DCJ directly engages with community groups to address their concerns or identify needs.

DCJ is a complicated department as it brings together departments and agencies that historically do not work with each other directly. It can be a daunting task to try to make sense of it all. To make this situation more difficult for refugees, there is no coordinated strategy to inform them.

Information provided about specific services delivered by DCJ needs to go beyond letting community members know about the existence of services but also address the underlying rationale for having a particular service operate in the way it does. For example, recently arrived refugees often do not understand child protection and the way it works. Refugee parents are constantly worried that their children would be removed from them. Most refugee parents do not understand or have a different understanding of concepts such as significant risk of harm, child neglect or child abuse. Without a clear understanding of these terms, refugee parents would not be sure about what to do to ensure their children are safe. Due to fear of child removal, refugee parents would not seek help from child protection authorities when they need that help. Therefore, letting refugee parents know that there are child protection services does not automatically lead to them using child protection services to ensure that their children are looked after appropriately.

In the same light, knowledge of legal services does not mean that recently arrived refugees understand how these services work. It can be confusing for recently arrived refugees who might have come from countries where legal support services are not available. For many refugees, authorities such as the police or security services in their home countries had the power to arrest without a court order. There are no legal support services that could defend them. In those countries, the legal system is so different from the Australian legal system that the legal support services available in Australia make little sense, if any.

Provision of information on the DCJ website in English and producing translated material to inform community groups about available services is insufficient. DCJ must consider the complexity of the services system and the underpinning concepts which make it possible for individual agencies to run in the way they do. DCJ must undertake a co-design process to develop a comprehensive information strategy in which recently arrived refugees would participate in all stages, including deciding how the final strategy would look.

The co-designed comprehensive information strategy could draw on some innovative work that some DCJ own agencies are undertaking or DCJ funded organisations have developed. For example, DCJ has delivered information sessions, including running a series of mock courts to assist recently arrived refugees to understand how the court system works. The Department of Families and Community Services (FACS) funded STARTTS Families in Cultural Transition (FiCT) Program, which provided newly arrived refugee communities with information about how family and child services system works through a ten-week program ensuring that concepts underpinning services are discussed and reflected upon including their legal underpinning.

Beyond the provision of information about DCJ services, several barriers hinder access to services. Barriers include limited English language proficiency, lack of understanding of the service system, and fear that engaging with service providers might inadvertently bring authorities unnecessary attention to problems best dealt with by family or community.

The lack of understanding of the services system could result from the fact that recently arrived refugees come from countries where there are no service systems established. In such context, family and community provide support for the individual needs. It would be the elders in the family and the community who direct and support their younger community members. Therefore, the idea that strangers deliver a support service in unfamiliar settings called the office would be disorienting.

Some recently arrived refugees might be reluctant to engage with services. They may fear that they would implicate themselves unintentionally. For example, there could be fear engaging with child protection in fear that reaching out to child protection for help might bring unwarranted attention to their parenting style. Also, there might be a reluctance to engage with law enforcement authorities due to fear that one would get in trouble or more trouble if they were already in trouble. This could also reflect a lack of trust in government and government agencies due to experiences with government and authorities before coming to Australia.

These barriers are not new. Anyone who works with refugee, including DCJ agencies, would be aware of these barriers. The challenge for agencies is to come up with an effective way to address these barriers. There are no easy solutions.

Some DCJ agencies use the TIS. It is not clear to what extend DCJ overall uses the TIS. Therefore, the first thing DCJ could do is identify what agencies within DCJ are using the TIS. This information should be available internally within DCJ. This way, clients who use TIS could be identified and followed up to learn how they experienced TIS and whether they have suggestions about how it could be improved. DCJ could also speak to community groups about the extent to which their community members access the TIS service and the barriers they experience in using it. Information obtained about the TIS from clients and community groups could then be analysed and used to develop strategies that improve the quality of that service and therefore improve access to services offered by DCJ.

The lack of knowledge about services system could be addressed by developing effective communication mechanisms, including using an effective information strategy. As suggested earlier, recently arrived migrants need to be educated about DCJ and its services by developing an effective information strategy. Such a strategy would address unfounded fears about authorities. The information strategy developed should focus the attention of newly arrived migrants on the fact that government departments and agencies are accountable to the public. That is to say that clients have the right to disagree with DCJ and their agencies and seek a review of decisions that impact them. They should also be educated about lodging complaints if they feel that the service is not living up to their expectations.

The best way to deliver programs and services in a culturally inclusive way is to develop a comprehensive cultural diversity inclusion policy that requires DCJ and its agencies to address structural barriers experienced by clients with culturally diverse backgrounds. It was challenging to find any comprehensive cultural diversity policy or strategy that requires DCJ and its agencies to pay address barriers experienced by culturally diverse communities, including recently arrived refugees and migrants. That lack of DCJ wide strategy or policy means that the delivery of

programs and services under DCJ will continuously fall short of addressing the needs of its culturally diverse clients. It is encouraging that DCJ is now consulting with the community to develop a multicultural strategy. Such a strategy needs to be comprehensive, well-resourced and has the power to compel each DCJ agency to address barriers experienced by clients with culturally diverse backgrounds.

3. How does DCJ plan services with multicultural communities

- How can DCJ better plan to engage and deliver services and programs to new and existing multicultural communities?
- How does your organisation collect data about client's cultural backgrounds, and what data do you collect?
- How can DCJ improve its communication with multicultural communities?

As pointed out above, DCJ needs to develop a department-wide cultural diversity strategy that provides a framework for addressing barriers experienced by culturally diverse clients in using DCJ services. Such a strategy would lay down principles for engaging and delivering services and programs to new and existing multicultural communities. Principles for engagement and delivery could include gaining knowledge about existing multicultural communities through data analysis, establishing a feedback mechanism, participation of multicultural communities in the design and delivery of services and programs.

Planning engagement and delivery of services and programs require a good understanding of multicultural communities. This knowledge could be generated through analysing demographic data to establish characteristics of the multicultural communities of interest. Census data could identify multicultural communities, including ancestry, country of birth, time of arrival, where multicultural communities are settled, their English language proficiency, economic status, family composition, age groups, and level of service need. Such demographic data from Census could be supplemented by other data sources, including the Settlement Database that provides information about migrant arrivals. Demographic data on cultural diversity generated by local health districts could provide valuable details on multicultural communities. A review of academic literature on migration and settlement could provide important insight into multicultural communities. Another source of data is data collected by the various DCJ agencies in their work with multicultural communities. The triangulation of all this information could significantly improve the understanding of multicultural communities that DCJ assist.

Establishing a feedback mechanism or loop is critical in planning engagement and delivering services and programs for multicultural communities. DCJ must regularly receive feedback from multicultural communities about the appropriateness and effectiveness of engagement and delivery of services and programs. This would ensure that emerging challenges are identified in a timely fashion and responded to immediately. A feedback mechanism or loop could be implemented by establishing multicultural reference groups, including multicultural community members on boards and holding regular forums to hear from multicultural community members about how DCJ is faring from their perspective as service recipients.

Multicultural communities must be included in the design of services and programs. Participation of multicultural communities in the design of services and programs ensures that their concerns and perspectives inform the development of programs and services. Co-design of services and programs is an effective way of engaging with multicultural communities. Multicultural

communities are empowered this way to participate at a higher level. This also suggests that multicultural communities could become partners in the delivery of services and programs. Multicultural community organisations can play a significant role in the delivery of services through receiving funding from DCJ. This approach could be a game-changer for multicultural communities. In addition, multicultural communities could participate in planning service and program evaluation to ensure that evaluation is culturally sensitive and at the same time producing high-quality results.

4.   How DCJ can demonstrate leadership in culturally inclusive practices

- How can DCJ better support open communication and collaboration with multicultural communities?
- What should DCJ consider when developing, implementing and reviewing programs and services?
- What can DCJ do to improve outcomes for multicultural communities?

DCJ can support open communication and collaboration with multicultural communities through several strategies. Firstly, DCJ must use its culturally diverse workforce to reach out to multicultural communities. This ensures that communication and collaboration are culturally sensitive and appropriate. Staff with culturally diverse backgrounds would understand the cultural communication subtilities. They would also understand the most effective way to work with their communities to enhance effective collaboration with DCJ.

Secondly, multicultural communities are often active participants in resolving challenges they experience as they settle in the broader community. In fact, for refugee communities, the work of settlement support after the initial settlement period when government invest in supporting their community members settle is often carried on by refugee communities themselves with little government support. Therefore, one way of opening communication and collaboration with multicultural communities is for DCJ to establish a funding stream that offers financial support to multicultural community organisations (also known as ethnic community organisations). Such funding must be structured, so that funded organisations continue to operate independently and develop structures and critical skills that ensure their sustainability into the future.

Another way of improving communication and collaboration with multicultural communities is to ensure that people with multicultural backgrounds are represented at the various senior levels of DCJ. This is not just about promoting cultural diversity at the senior level but also about ensuring that open communication with multicultural communities happens at the most senior level. This would improve decision making and ensure that the concerns of multicultural communities are understood at all levels. Currently, not just at DCJ but across government departments and agencies, staff with multicultural backgrounds are fairly represented at the service delivery level and, to some extent, at the lower managerial levels. This means that challenges and barriers experienced by multicultural communities are not well understood at the senior levels of government agencies which contributes to difficulties in developing effective communication and collaboration strategies with multicultural communities. It is likely that resources needed to facilitate open communication and collaboration with multicultural communities are not made available since senior staff members are not clear about the advice they receive from junior staff who are in direct contact with multicultural communities.

The lack of open communication and collaboration hinders the development, implementation and reviewing of services and programs. As discussed above, the participation of multicultural

communities in identifying needs and challenges, identifying solutions, planning and developing services and programs, and evaluation is critical. DCJ needs to consider various ways to ensure that multicultural communities genuinely participate. That way, outcomes can be achieved for multicultural communities.

5.   How can DCJ engage with multicultural communities?

- What opportunities have you had with DCJ for meaningful and effective engagement?
- What issues are experienced by your organisation when engaging with DCJ?
- What can DCJ do to improve its engagement with multicultural communities?

Opportunities for engagement with multicultural communities have been discussed above. Likewise, ways to improve engagement with multicultural communities have been discussed. DCJ is a super department meaning that DCJ is made up of several government departments and agencies. The structure of the department is complex. DCJ is a network of ministers and their departments, statutory and executive agencies. The breadth and width of the work DCJ undertakes are difficult to comprehend. This could mean that access to the right people at the right level within DCJ to address issues and concerns multicultural communities have is almost impossible. This cloud also suggests that concerns raised by DCJ staff at the lower level might not make their way up through the maze of agencies. It might be the case that issues understood in one way by one department might be understood differently by other departments who eventually might take on the issues based on their location in the hierarchy of the organisations, not because of their expertise.

6.   Conclusion

The submission identified critical issues and suggested areas of action DCJ could consider. DCJ must develop a comprehensive department-wide multicultural plan that is well resourced and has enough power to assist DCJ agencies in becoming the most responsive organisations in government to the challenges multicultural communities face in accessing services and in improving their participation in identifying service needs, planning services and programs and delivery of the co-designed services and programs.