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Dear Premier

Royal Commission Terms of Reference

Thank you for the opportunity to provide a response to the draft terms of reference established for the Royal Commission into the effectiveness of the state's child protection regime.

As you know SACOSS is the peak body for the social and community services sector in SA and we have a deep and sustained interest in this issue and its implications for some of our state's most vulnerable children and families. We note that because of their particular interest and involvement in this arena a number of our members have directly provided feedback on the terms of reference and we commend these views to you. This includes the views expressed in submissions by the Child & Family Welfare Association who are the peak body representing NGO's working in this arena. SACOSS hopes we can add to these reflections.

SACOSS believes that almost more important than the Commission being an in-depth investigation into recent allegations about sexual abuse by a Families SA staff member, this is a crucial opportunity to reconsider how we generate a system that:

- ensures that children taken into the care of the state are supported and nurtured to grow and develop into confident and competent adults; and
- supports and strengthens families who are currently failing to adequately care for their children so that children are not at risk and do not need to be taken into state care in the first place.

There have been a series of inquiries into the child protection system over years – all of which have generated a range of recommendations to improve arrangements. With this in mind we believe that one of the most helpful roles this Royal Commission can play would be to examine not only this specific (and any related) incident(s) and what might have been done to prevent it, but to audit the implementation of previous recommendations. *This should be added as a separate and explicit consideration in a new sub-paragraph under the 5th term of reference.*

Similarly, it would be appropriate to examine practices from other jurisdictions and countries which appear to achieve the best possible care and protection arrangements, and to consider the feasibility of implementation in South Australia. Again, this must extend to those arrangements that prevent children from ever needing to enter the system of care in the first place, and *it should be an explicit term of reference.*

The terms of reference must also call for specific consideration of a number of overarching issues, such as:

- whether it is desirable to have a system where the mutually antagonistic functions of gathering evidence about the capacity of families to care for their children and subsequently prosecuting this case sits in the same place as the support we offer families to improve their circumstances and become the best parents they can be;
- what types of investments/activities would have a high likelihood of decreasing our need as a community to have a system of child protection; and
- why there is a vast overrepresentation of young Aboriginal people in our system, and whether there are culturally-specific responses that would:
 - immediately decrease the likelihood of those young children ending up in our care system; and,
 - make the experience of any Aboriginal child in the care system nurturing and highly developmental.

Further, SACOSS believes that in all its examinations the Commission must be charged with providing a cost-benefit analysis of any recommendations or measures adopted. For example, it is clearly desirable that we make every effort to screen out and prevent people likely to behave exploitatively from taking up roles caring for vulnerable children and adults. However, those efforts should be balanced so as to yield maximum benefit for minimal costs. Under current screening obligations there has been a huge blowout in costs for screening activities and it is not clear that those costs are in proportion to the gains. Additionally the new regulatory requirements have almost certainly had some unintended detrimental consequences. For example, parents must now subject themselves for screening before assuming volunteer roles in school classrooms. This means that a number of people are likely to exclude themselves from these roles – many of whom we actually might want to be in these roles because of their developmental capacity.

Finally, we also believe that the terms of reference for this Royal Commission must be framed in a way that ensures urgent and needed reform of our child protection system does not wait for or hinge on the conclusion of the Commission itself. Many of the difficult issues that confront our attempts to care for children through our system of child protection are widely recognised. To this end we agree it is desirable to consider a staged examination with interim reporting arrangements to allow crucial reform to be implemented alongside the work of the Commission.

Again, we thank you for the opportunity to provide comment on the Terms of Reference for what we believe is an important inquiry and potentially a watershed in child protection in this state.

Yours,



Ross Womersley
Executive Director, SACOSS