



Parliament of
South Australia

INTERIM REPORT

OF THE

SELECT COMMITTEE

ON

FAMILIES SA

Laid on the Table of the Legislative Council and ordered to be printed on 11 November 2008

Third Session, Fifty-First Parliament 2008

1. Select Committee on Families SA

Terms of reference

- I. A Select Committee of the Legislative Council of South Australia was established on 14 March 2007 into Families SA and any predecessor entity in existence since proclamation of the Children's Protection Act 1993, to examine and report on—
 - (a) The policies and procedures of Families SA in dealing with children, and in particular:
 - i. where reports of suspected substance abuse by the parents or carers of children have been made;
 - ii. where reports of suspected substance abuse of a child by the parents or carers of children have been made;
 - iii. where reports of suspected abuse and neglect of children have been made;
 - iv. the circumstances in which children are removed from the parents or carers of children and the criteria, assessment and follow-up of the persons designated to subsequently care for those children at risk (and the priority with which the natural parent, grandparents or other family members are considered as the primary carers of choice for those children);
 - v. the medical and psychological evaluations undertaken of the parents or carers of children where allegations of abuse or neglect have been made, including appropriate assessment of the levels of addiction that may exist and the support provided by the Department to rehabilitate and reunite the family;
 - vi. the models, methods and processes used to preserve the family unit prior to removal of children;
 - vii. the procedures used by the Department to prove allegations made against parents or carers through psychological evaluation of parties concerned and other investigative processes;
 - viii. the frequency of implementation, monitoring and evaluation of Family Preservation Plans, the effectiveness of such plans and the means and timeframe of implementation; and
 - ix. the obligation of the Department and any of its predecessors to abide by orders of the Court for ongoing assessment and supervised visitation and reunification.
 - (b) The compliance of staff with the practices, policies and procedures of Families SA and any predecessor entity.
 - (c) The involvement and/or interventions of Families SA as a part to any Family or Youth Court matters.
 - (d) The substance, content and spirit of submissions made by Families SA and any predecessor entity to any authority, court or tribunal in relation to its duty of care.
 - (e) The level of influence of the Department on independent professional assessors.
 - (f) The obligations and duty of care of the Department in making decisions affecting the welfare of children and, in particular, to provide evidence (and the standard of that evidence) to any entity, including any court.
 - (g) Any other related matter.

- II. The Select Committee will allow evidence of a retrospective breach in policy to be presented in camera and not on the record.
- III. However individual matters relating to alleged perpetrators of child sex abuse subject to a current or past investigation by the Children in State Care Inquiry, or are presently under review by SAPOL, or are before the criminal courts, are not to be considered by the Select Committee.

Membership

The Select Committee is made up of the following members:

- The Hon. C V Schaefer MLC (Chairperson)
- The Hon. A M Bressington MLC
- The Hon. A L Evans MLC (inception to July 2008)
- The Hon. R D Lawson MLC
- The Hon. R L Brokenshire MLC (18 August 2008 to conclusion)

Secretary

Mr Guy Dickson

Research Officer

Dr Pam Carroll.

2. Progress to date

Following its appointment, the Select Committee advertised in The Advertiser and all South Australian regional papers on Saturday 14 April 2007, inviting submissions from interested persons and organisations. An approach was also made to various organisations inviting them to make submissions or to give evidence. To date, 86 submissions have been received—many on a confidential basis—and evidence from 22 witnesses has been heard. A list of submissions and witnesses (with personal identifiers removed) will be provided as part of the Committee's final report.

The Select Committee has met on 18 occasions, commencing 25 June 2007, to hear evidence. Hearings are continuing.

3. The Interim Report

Amongst the extensive evidence presented to the Select Committee to date, a discrete body of material and submissions has been received concerning the SOS Children's Village which operated as a licensed foster care provider at Seaford Rise between 1996 and 2004.

We consider that the subject of the establishment, operation and ultimate closure of the Village raises significant issues about the operation of Families SA and relevant to Terms of Reference (a) and (g). The Select Committee resolved to deliver this interim report on that topic.

4. Terminology

“The Department” means Families SA and includes its predecessors under various names including the Department for Family and Community Services and the Department of Human Services.

“SOS Kinderdorf” means “SOS Kinderdorf International”, a non-government organisation headquartered in Austria under whose auspices the SOS organisations operate.

“SOS” means SOS Children’s Villages Australia (SA) Inc, a body established under the auspices of SOS Kinderdorf and incorporated in South Australia for the purpose of operating the Village referred to below.

“The Village” means the facilities established and operated by SOS at Seaford Rise.

“Mr Wayland” refers to Ellis BJ Wayland AM, RFD ED, who was at all material times Executive Chairman of SOS.

5. SOS-Kinderdorf International

SOS Kinderdorf is an international organisation which provides “family-like” care for children who are abandoned, neglected or orphaned. It operates in over 130 countries. SOS Kinderdorf, through affiliated organisations, provides homes for more than 60,000 children and adolescents in 450 “villages”. The organisation was established in 1949. It is headquartered in Innsbruck, Austria. It claims to be the world’s largest private welfare organisation.

SOS Kinderdorf operates “villages” which provide children with “long-term” and “family-like” care. These are the two essential pillars of the SOS Kinderdorf mode of operation.

SOS Kinderdorf is politically and denominationally independent. It has NGO consultative status with the United Nations Economic and Social Council. In 2001, SOS Kinderdorf was runner-up for the Nobel Peace Prize. It is a highly credible and well-credentialled organisation.

6. Proposed South Australian Operation: SOS Children’s Village Australia (SA) Inc.

In 1993, SOS Kinderdorf approached the Department and other non-government agencies concerning the possibility of establishing a village in South Australia.¹ Informal discussions ensued and a more formal written proposal was sent to the Department by letter dated 18 March 1994.²

The essential elements of the SOS Kinderdorf proposal as contained in that letter were:

- That SOS would be incorporated and be controlled by a local management committee and registered as a professional foster care service.
- That the organisation would build a “village” comprising “good quality family homes for eight families” (approximately 40 children) in a suburb recommended by the Department.
- That the local organisation would remain affiliated with SOS Kinderdorf to “ensure a high standard of service is maintained”, to “benefit from their extensive experience” and to “enjoy substantial financial support”.

It was proposed that the organisation would target children who were wards of the state and in need of long term care, especially

¹ Hon ES Ashenden: Hansard, House of Assembly, 3 April 1996, p 1384

² Letter dated 18 March 1994 from Burckhardt Deyerling, Project Manager, SOS Kinderdorf to FAYS

- sibling groups (due to their being difficult to place in private foster care)
- those experiencing multiple placements
- those from a non-English speaking background (ideally living with a carer from their cultural background)
- those with a slight handicap who could nevertheless live in a “normal” house without competing with other children in the house for the carer’s sole attention.

Financially, SOS-Kinderdorf proposed that it would be responsible for:

- the capital cost of land and construction, though they stated that “any assistance from the authorities would of course be warmly welcomed”
- all costs to select, employ and train 15 staff
- all other establishment costs.

It was proposed that the Department pay the normal child allowance for private foster carers during the first two years and SOS would then consider applying for government subsidies “in line with other Non Governmental Organisations”. It was envisaged that an Australia wide fund raising campaign would make up any financial shortfall between Government payments and actual running costs. SOS Kinderdorf would meet any expenses “not covered by local fund raising”³.

It is important to stress that the letter of 18 March 1994 emphasised the SOS objective and philosophy of giving to those who came into its care a “family-like sense of belonging” through childhood and adolescence until they are able to begin an independent life (with no set upper age limit). This sense of “family” was to be reinforced by appointing to each home a woman who would be designated as the “mother”.

SOS selected and acquired thirteen allotments of land in the newly-developing suburb of Seaford Rise. By December 1995, it had obtained the necessary planning and building approvals for the construction of a group of individual family homes.

The new development was welcomed by the Hon David Wotton, Minister for Family and Community Services. However, the village concept did not enjoy bi-partisan support. The Opposition accused the Minister of returning foster children to “institutionalised care”, and its spokesperson expressed “serious reservations” about the project.⁴ Political support was also expressed for local residents who claimed not to have been consulted about the establishment of a children’s village within their suburb.⁵

7. SOS Children’s Village operations

The village opened in September 1996 and the first child was placed the following month, pursuant to a document dated 18 October 1996: “the Protocol”⁶.

³ ibid

⁴ Lea Stevens (Member for Elizabeth), Hansard, House of Assembly, 19 March 1996, p. 1101-2, 1109; 3 April 1996, p 1383

⁵ ibid

⁶ Protocol for Interaction between SOS Children’s Villages Australia (SA) Inc and the Department for Family and Community Services, signed 18 November 1996

The Protocol set out the roles and responsibilities of both parties. It stipulated that the Department had ultimate responsibility for all children in accordance with Section 51 of the *Children's Protection Act 1993* and that SOS was responsible for providing the children with care in accord with the National Base-line Out-of-Home Care standards, community expectations and with their own specified tenets.

SOS was duly licensed as a foster care agency. The village comprised 11 houses, eight of which were family houses. Each house had five bedrooms, one with an ensuite bathroom, two bathrooms (one with a toilet) and a separate toilet. The village had capacity to house up to 40 children. Between 1996 and 2005, a total of 72 individual children were placed in the village.⁷

In 1997, the Department accepted SOS into its required competitive tendering process for determining Alternative Care Service Providers. SOS declined to tender because of the "very specific form of care" which SOS offered. However, SOS stated that they would "welcome from anywhere the specific groups of children for whom our service has been intended and designed, i.e. sibling groups who should be placed together and children with a history of multiple failed placements".⁸

8. Funding issues

In the original SOS Kinderdorf letter of proposal dated 18 March 1994, it was stated that "after ... two years, we would like to be considered for Government subsidies in line with other Non Governmental organisations". The letter continued:

An Australia wide fund raising campaign would contribute towards the financial shortfall between Government payments and actual running cost. Any expenditure not covered by this local fund raising will be met by SOS Kinderdorf International.

Although Mr Wayland told the Select Committee that SOS never asked the Government for funding and operated with complete financial independence from the Government, indirect funding was derived from State and Federal sources. Ms Beth Dunning, Executive Director of Families SA, told the Select Committee that SOS had been reluctant to enter into funding agreements with the Department as this was contrary to SOS's model of autonomy. She said that the regular subsidy payment for each young person living in the village was paid and carers were also provided with a carer subsidy as is given to all foster carers. Ms Dunning estimated that the state Department and the Federal Department of Social Security provided SOS with about one third of its running costs with the remainder covered by SOS.

Although the village was supported by substantial corporate and other financial donations,⁹ by January 2000, it was found that local fundraising by SOS was not as successful as anticipated and the Village remained outside of the Departmentally-funded "Alternative Care System". The Department accepted that SOS provided for children "who cannot be placed by the service system"¹⁰ and eventually made a \$50,000 one-off payment to SOS. This amount was cobbled together as follows:

- Anglicare SA committed \$20,000 of unspent brokerage from their Alternative Care program
- FAYS contributed \$20,000 from the Children's Payments budget

⁷ Beth Dunning, Executive Director, Families SA; Evidence to Select Committee, 30 November 2007, p 144

⁸ Letter dated 25 February 1997, SOS to the Department

⁹ E Wayland memo, 17 October 2000

¹⁰ Departmental Minute dated 19 January 2000 to Minister for Human Services

- \$10,000 from the Family and Community Development Program.

It was recommended to the Minister that ongoing recurrent funding for later years could be pursued by the Community Services Branch and Treasury.¹¹

It should be noted that the reason provided by Anglicare for its gesture in releasing \$20,000 was because, in its view, “SOS Kinderdorf fills an important niche in the Alternative Care System” and the funding “is an important element in ensuring that these new ventures are given every chance of succeeding”.¹² The Department itself described Anglicare’s contribution as “a gesture of good will and a demonstrated commitment to improving the efficiencies in the current service system”.¹³

It should be noted that even with one-off grants, the operation of the SOS village resulted in considerable financial savings to the government. Mr Wayland said that it cost SOS “roughly \$780,000 pa” to run the village.¹⁴ In 2004, when the government took over the village, it allocated \$1.2m annually to fund operations and spent \$900,000 to “change the model over to a government model”. By 2006, the cost had risen to \$1.5m pa.¹⁵

Recent reports have indicated that the average annual cost incurred by the Department for each child in the alternative care system (including Departmentally-staffed housing) is \$270,000 and that the total annual expenditure was \$16 million in 2007-08.¹⁶ This evidence suggests that the savings made in the SOS model of care were considerably greater than earlier evidence suggests.

9. Operational Differences

Although the capacity of the village was 40 children, by 2000, there were 26 children in residence. By that stage, a number of differences had developed between SOS and the Department. The Protocol signed in 1996 did not truly reflect the arrangements which SOS believed it had with the Department. SOS complained of “a lack of understanding and focus” on its mission to provide “long term care of children”.¹⁷ These differences led to proposed changes to the Protocol which were discussed at a meeting on 17 October 2000 along with other issues as follows:

- SOS considered young people with a history of violence/aggression were not suitable for placement in the village and it was agreed that such children were “beyond the capacity of the village”.
- In response to SOS claims that it was not provided with sufficient background on children, the Department agreed to provide SOS with the child’s previous school, medical and psychological reports.
- It was agreed to implement a planned transitional process including overnight and short term stays to introduce a young person into the village, thus giving SOS considerably more information and time with which to decide whether they could meet the needs of that young person without jeopardising the wellbeing of other young people already in the village.
- It was noted that children with no prior history of violence would, due to grief, loss and anxiety, sometimes “act out” once they were in a secure environment. Further, young people transitioning into adolescence were prone to “act out” and test the

¹¹ ibid

¹² Letter dated 16 December 1999, Anglicare Executive Manager to DHS, Community Services Branch

¹³ Letter dated 19 January 2000, DHS, Community Services Branch to Minister for Human Services

¹⁴ E Wayland, Evidence to Select Committee, 16 November 2007, p 132

¹⁵ B Dunning, Evidence to Select Committee, 30 November 2007, pp 145, 146

¹⁶ J Mazel and J Ullianich, Evidence to Budget and Finance Committee, 13 October 2008, pp 606 - 607

¹⁷ Letter dated 17/8/2000 SOS (SA) to Manager, Operations Policy and Planning, FAYS

boundaries and thus, if they were the older sibling of a group, possibly jeopardise placement for the younger siblings (given sibling groups were to stay together). It was agreed that such children would be handled by SOS staff with (in the case of adolescents especially) assistance from the Department using its connections with other government and non-government providers who work with adolescents.

Proposed changes to the Protocol included:

- updated and additional information about Departmental principles, role and responsibility and the legislative framework in which placement decisions were made
- additional information about SOS's role and principles as the existing protocol made no mention of the world wide standing of SOS — its history, status, experience and expertise in long-term care. It was felt that such additional information would help foster a more respectful relationship between the two parties.

The seriousness of the situation was reflected in Mr Wayland's notes of the meeting on 17 October 2000.¹⁸ He recorded that:

the vision of SOS for the... Village (in the eyes of everyone in SOS involved in the inception days) was dramatically different to what has turned out to be the reality.

The fundamental and essential problem was the placement of children in the SOS Village with severe behavioural problems which, despite determined efforts to cope with, had proven to be beyond the capabilities of the Village, and more particularly the SOS Mothers and Aunts.

Mr Wayland wrote, as the "bottom line", that SOS:

cannot continue to operate in a profile which is diametrically in conflict with an ethos and operating profile which has been developed over 50 years in virtually every country in the world.

However, he concluded on a positive note:

We are prepared to invest further financial and complementary resources in the expansion of our mission to Australian children. With the implementation of the new protocols and operating practices, SOS believed that it was well positioned to enhance the lives of many Australian children who might otherwise never realise their full potential because of the lack of resources which needed to be dedicated to them.¹⁹

A new Protocol ("the Second Protocol") was finally signed on 31 October 2001. An internal memorandum was issued to advise Departmental staff that FAYS and SOS had agreed that young people with a history of perpetrating physical violence or aggression towards others were beyond its capabilities.

Mr Wayland believed that the Second Protocol had resolved the most important difficulty, ie, the placement of children with severe behavioural problems. He acknowledged that such children had proven to be "beyond the capabilities of the Village, and more particularly the SOS Mothers and Aunts." He also acknowledged that SOS did not initially fully appreciate the complexities of long term child care in a first world country like Australia. Nevertheless, on reflection, SOS had experienced the same learning curve when setting up in Canada, Europe and the USA.

¹⁸ E Wayland, notes of "essential points discussed" at meeting with Departmental officers, 17 October 2000

¹⁹ *ibid*

One of the ongoing differences between SOS and the Department concerned family reunification. Mr Wayland said that, in his opinion, SOS's philosophy of providing long term childcare was at complete odds with the Departmental philosophy of birth family reunification at all costs. He said: "the Department used us as a bus stop: a convenient place to park kids while they exercised their reunification program. The Department was moving kids in and out and SOS could not handle that".²⁰

SOS claimed that its worldwide experience was that "mandatory reunification is not in the best interests of the child".²¹ However, family reunification is a key element under the *Children's Protection Act 1993* which requires that, in determining the best interests of a child, consideration must be given to the need to "preserve and strengthen relationships" between the child and its family.²²

Mr Wayland illustrated the difference in approach to reunification in the following passages of evidence.

I have seen the Department come down every second weekend and forcefully drag two little girls (at that stage they would have been three and five, maybe the older one was six), and I mean forcefully drag them; they were clinging to their SOS mother's legs. They would forcibly take them out and put them in a government car to take them back for reunification with their drug abusive mother. This went on every second weekend. When those kids came back, they were so traumatised you just wouldn't believe. It got so bad that, on one occasion, the elder girl, who was sitting in the back seat, took off her jacket and threw it over the social worker's head while she was driving, screaming that she wanted to go back to her SOS mother.

QUESTION: What is the SOS model, or philosophy, about reunification with birth parents ...?

We subscribe to the internationally acclaimed model ... SOS believe that the most appropriate place for any child is with their birth parents. We adhere to that as a basic philosophy ... But the international model says that, if you try and try and try reunification for a period of 18 months ... and it clearly does not work, then you cease that reunification.

... if reunification has not worked for [18 months] you are just wasting time and money and you are traumatising the child because every failed reunification just compounds the trauma. If it hasn't worked for 18 months, then you sever that relationship with the birth parents until the child is 14 and can make their own decision.²³

10. Closure of SOS Children's Village

On 12 February 2004 SOS notified the Department that, in one month, SOS would cease operations at the village.²⁴ At that stage, seven of the eleven homes in the village were being utilised and 24 children and young people were being accommodated. The SOS decision followed protracted discussions and negotiations between SOS, the Department and the Minister. The Department subsequently took over the operation of the village. Initially, it rented nine of the houses from SOS and, in June 2004, purchased nine of the eleven houses from SOS. Since 12 March 2004, the village has continued to operate, staffed by Departmental employees and by an external agency.²⁵

²⁰ E Wayland, Evidence to Select Committee, p 130

²¹ SOS News – Newsletter of SOS Children's Villages Australia, Issue 10

²² Section 4(4) *Children's Protection Act 1993*

²³ E Wayland, Evidence to Select Committee, p 136

²⁴ Hon J Weatherill, House of Assembly, Hansard, 4 April 2005, 20089

²⁵ Steve Denholm, Manager Transitional Accommodation, Families SA, Evidence to the Select Committee, pp 151-152

The reasons why SOS ceased to operate the village have been the subject of bitter claim and counter-claim as shown in the following sections of this report.

11. SOS's Reasons for withdrawal

Mr Wayland gave a number of reasons why SOS ceased to operate the village. He claimed that SOS was “forced to close by Union action and government mismanagement.”²⁶

He said:

The bureaucrats ... argued that the SOS model, based as it is on motherhood, was too simplistic and out of date ... They still argue that children in care, having suffered separation from their birth families, need more sophisticated care than a mother can give, ie, case workers and social workers supported by psychologists, psychiatrists, therapists, mentors, counsellors etc etc.

[T]he bureaucrats... simply did not want SOS. The reasons were hidden behind a veil of bureaucratic secrecy.

[The] SOS model is based, fundamentally, on a “mother”. As such, this terminology was politically incorrect and the only term acceptable to the Department was “carer”. Even children in care were to be referred to as “clients” and not “children”.²⁷

Mr Wayland believed that the views of the SOS mothers and workers were subjugated to Departmental social workers who insisted that they, not the SOS workers, “were the only people who could decide every aspect of the children’s lives”.²⁸ Also, the Department refused to take SOS into its confidence on “vitaly important aspects of the children’s histories”.²⁹

Mr Wayland argued that it was significant that the first Protocol had not acknowledged the worldwide standing of SOS. In consequence, he believed that an appropriately respectful relationship between the two parties was never established. This led to SOS being required “to focus all of its resources on coping with traumatised children”³⁰ even though this was never the intended role or purpose of SOS. For these reasons, communications, attitudes and relationships between SOS and Departmental branch management, and social workers in particular, broke down.

Mr Wayland claimed that the government caved in to the demands of the Australian Services Union (ASU) which sought to classify the SOS “mothers” as “carers” under the relevant industrial award. He defended the conditions under which mothers worked. He said they were paid \$40,000 pa (this remuneration may be contrasted with the allowances paid to foster carers—currently between \$7,118 and \$15,396 depending on the age of the child and out of which the carer must pay expenses such as electricity, water, petrol and food/bedding for the child³¹) and that SOS provided accommodation, paid living expenses and petrol costs.

He said:

we could not possibly meet the ASU pay demands which would result in massive additional operating expenses.

²⁶ SOS News, Issue 10

²⁷ ibid

²⁸ ibid

²⁹ ibid

³⁰ Letter dated 17 August 2000, Ellis Wayland to Manager, Operations Policy and Planning, DHS

³¹ Alternative Care Support Payments effective from 1 October 2008, <http://www.familiesandcommunities.sa.gov.au/>

... they wanted the mothers paid double time for sleeping in their own home, time and a half if they had to attend to the child, a lunch break and, if they were required to serve meals, a loading because they were cooking, another loading if they were suffering any sort of stress because of child behaviour, and so it went on; it was just absurd.³²

Although there was no formal ruling from the Industrial Relations Commission, Mr Wayland was resigned to the fact that it would uphold the ASU claims. The effect would be that

SOS mothers would be replaced by public servant house teams of residential care workers working in shifts and that meals would be provided by commercial caterers and houses cleaned by commercial contractors.³³

Mr Wayland asserted that the action of the union was not a worker-driven process. He said it was the union and not the workers that wanted the SOS “mothers” and “aunts” to come under an award. He said that only three of the mothers were “notionally” supportive of their union’s move but the majority of workers were against it and literally begged the union to not proceed. He claimed that union involvement in day to day village life meant that “mothers” were no longer able to cuddle the children, move the beds as one would in a “normal” family or even go to the beach for a swim. Mothers were required to have special qualifications if they wished to take children to the beach. Ms Dunning dismissed these claims as “ludicrous and untrue”.³⁴

Mr Wayland took “great umbrage” at any suggestion that lack of funding was a reason for village closure. Nevertheless he argued that the SOS human and financial efforts were focussed “on a minority of violent children and very little on developing the potential of the majority of children.” This led, amongst other negative results, to the community having a “tarnished” image of the village in a situation where it was important that the community saw the village in a positive light as the village owed its viability to the community’s financial and moral support (e.g. the Variety Club and the Order of St Lazarus had supported the village to the sum of \$90,000 and \$25,000 respectively).

Mr Wayland also considered that the Departmental policy on reunification with birth parents as a primary objective conflicted with the SOS experience worldwide, which was that mandatory reunification is not necessarily in the best interests of the child.

In summary, Mr Wayland believed that the conflicts eventually became irreconcilable and led to the decision to close down the village.

12. The Government’s response

The Government, through Minister Weatherill, disputed Mr Wayland’s claims. The Minister said that the Government was “forced to take over” because SOS “did not want to continue” in that role³⁵ and, further, that the SOS model was “dodgy”, unsustainable and not capable of working in the Australian industrial context³⁶ as it had women—SOS “mothers”—working under oppressive terms and working conditions which caused them to seek help from their industrial union.

³² E Wayland, Evidence to Select Committee, p 131

³³ SOS News, issue 10

³⁴ Beth Dunning, Evidence to Select Committee, p 147

³⁵ House of Assembly Hansard, 14 April 2005

³⁶ House of Assembly Hansard, 9 November, 2004, p769

The Minister also claimed that SOS was “sustained by Government subsidies for a number of years” with additional “one-off” grants and further support in the form of “substantial” and “non-standard” numbers of hours and resources via Noarlunga FAYS social workers providing professional development and support for the SOS “mothers”. Minister Weatherill stated that “substantial Government resources went into sustaining [the SOS] model because it was not sustainable on its own”.³⁷ Further, SOS, wishing to remain autonomous, was reluctant to enter into a funding agreement with the department.

Ms Dunning stated that the Department was unaware that SOS was “in trouble” until it was told that SOS’s international sponsor was withdrawing funding and that the operation would therefore need to close. She understood that SOS-Kinderdorf was requiring SOS to be financially self-sufficient by 2006, thus the latter needed to raise about \$235,000 to support its operation. She also understood that industrial action influenced the decision to withdraw.

The SOS “mothers” work conditions were described as “third world”. However, Mr Wayland claimed that the workers were happy and did not want the Union to intervene in their work conditions. Minister Weatherill claimed that, when he investigated, he found this not to be the case and that furthermore, the union had a log of 80 work complaints to investigate.³⁸

Minister Weatherill also claimed³⁹ that when SOS withdrew, the government had no option but to purchase the village from SOS as there were 27 children living there at the time and a chronic state shortage of foster carers to take them. (A number of these children were sibling groups that needed to be kept together.) The Government was required to pay market value to purchase the homes.

13. Conclusions

13.1 The Select Committee believes that the SOS Village made a significant and worthwhile contribution to the South Australian child protection system during the 10 years of its operation. The Committee considers that the circumstances which ultimately led to the cessation of the involvement of SOS in the Village were deplorable and reflect poorly on the Department and on the Government. In particular, the claim of Minister Weatherill that the SOS model of care was “dodgy” was both offensive and unwarranted.

13.2 The Select Committee believes that the Department was not sufficiently flexible in its thinking or practice to accommodate the model of care offered by SOS. We accept the point, emphasised by the Department, that it (through delegation from the Minister) has legal powers and responsibilities for young people under the guardianship of the Minister. This legal point was confirmed in the two protocols which governed relationships between SOS and the Department. However, the Department was overly rigid in its application of the rules and unnecessarily restricted the capacity of SOS staff in handling residents.

13.3 The evidence received by the Select Committee (confirmed by the Hansard record of Parliamentary proceedings), establishes that the government which came into office in March 2002 was not sympathetic to the SOS model as to the employment of “mothers” with 24 hour-a-day responsibilities. This model was also anathema to the Australian Services Union which was accustomed to Award conditions, penalty rates, meal breaks and the like. Given Minister Weatherill’s stated view that the

³⁷ ibid

³⁸ Hon J Weatherill, House of Assembly, Hansard, 9 November 2004, p 77

³⁹ House of Assembly Hansard, 9 November, 2004, p769

SOS model was “unsustainable in the Australian industrial context”, it is not surprising that the government did not provide the political leadership and the financial and other assistance which would have enabled the SOS village to prosper.

- 13.4 The fact that the government was prepared to purchase the village in 2004 and continue to operate it at a vastly increased cost demonstrates that the government recognised the need for such a facility. It also suggests that the government was antipathetic to the involvement of non-government enterprise in general and to SOS, in particular. The victims of this blinkered approach were the young people who had benefited from the care and support provided by SOS. South Australia is the poorer for the departure of a dedicated, internationally-acclaimed care provider.
- 13.5 There was (and is) a need in South Australia for long-term care of children and young people under the guardianship of the Minister. The SOS village fulfilled a valuable role in meeting this need, especially in relation to keeping sibling groups together. When SOS withdrew, the government had to step in and take over the village and discharge its obligation at far greater cost and with no demonstrable improvement in outcomes.
- 13.6 It is not sufficient for the Department to dismiss the SOS model of care on the ground that it only worked in so-called Third World countries. Whilst it is true that the model operated internationally by SOS Kinderdorf and its affiliates enjoys great success in many countries where the operational environment is different from the situation in Australia, that is not to say that, with appropriate adaptations and flexibility, the model was incapable of successful implementation in South Australia. The reason for the closure of the SOS village was not that the model was deficient. The SOS village closed because neither the government nor the Department was prepared to support it.
- 13.7 The Select Committee accepts Mr Wayland’s claim that the Department viewed the concept of a “mother” as the central feature of the SOS model of care as “politically incorrect”, “simplistic” and “out of date”. In our view, the disdain displayed by some in the Department towards the SOS nomenclature, illustrates Mr Wayland’s point that the SOS model was not valued.
- 13.8 The Select Committee also considers that the criticism of the Department’s approach to family reunification is warranted and that its reunification practices require re-examination.
- 13.9 The Select Committee concludes that the Department was never fully committed to allowing SOS to follow the model of care and the style of operation which it developed and used internationally. This is evidenced by the fact that the Department continued to place children suffering severe behavioural problems with SOS. This led to frequent short term placements. The Department well knew that the village was not intended for seriously dysfunctional and physically violent children.
- 13.10 The Committee accepts that the SOS Chairman, Mr EJB Wayland, is an assertive and forceful character who showed a high level of commitment to providing a service proven worldwide for children in need of care. He admitted that he had no prior professional experience in the field of child protection or the care sector. There is no doubt that he was frustrated by what he saw as bureaucratic obstruction and indifference as well as trade union bloody-mindedness. Perhaps if he had been more diplomatic, the SOS village might have struggled on. However, it could not

have survived for long in the face of the demands of the Australian Services Union and entrenched attitudes and inflexibility of the Department and the government.

14. Recommendations

The Select Committee will make detailed recommendations in a later report. However, evidence taken in relation to the SOS experience supports the following interim recommendations:

- 14.1 The Department should be encouraged to foster new and innovative models of care and service delivery. In particular, non-government organisations like SOS should be actively encouraged to participate in the field of providing care.
- 14.2 Departmental policies and practices should require that relationships between it and providers (whether they be an individual, an organisation or a family) should be based upon a true partnership in which the powers and responsibilities are more equally shared between the provider and the Department.
- 14.3 Departmental practices and policies in relation to family reunification should be re-examined and adjusted in light of the research findings of Dr Paul Del Fabbro and others. In particular, reunification should not be universally demanded, but should be “targeted”, time-limited and subject to change if parents do not demonstrate sufficient progress for their child’s developmental and emotional needs.⁴⁰

The Hon C V Schaefer MLC
Chairperson
Select Committee on Families SA
11 November 2008

⁴⁰ P Del Fabbro, H Jennings, N Rogers, R Wilson and M Borgas: *Certainty for Children in Care*, July 2007