

Our ref: DHS/23/03665 & DHS/23/03029



Ms Alison Sandy
Seven Network
560 Sir Samiel Griffith Drive
MOUNT COOT-THA QLD 4066

Sent by email: [REDACTED]

Office of the Chief Executive

Level 8 North
Riverside Building
North Terrace
Adelaide SA 5000

GPO Box 292
Adelaide SA 5001

DX115

Tel: 08 8413 9050
Fax: 08 8413 9002

ABN 11 525 031 744

Dear Ms Sandy,

Freedom of Information - Determination

I refer to your applications under the *Freedom of Information Act 1991* (the FOI Act), received by the Department of Human Services (DHS) on 8 May and 24 May 2023 seeking access to:

DHS/23/03665

Documents, specifically reports, ministerial/executive briefing notes, correspondence (limited to the Department Secretary/Director-General/Chief executive) relating to official misconduct involving disability care workers. Please exclude duplicates, documents that have already been publicly released, media reports/releases/articles and correspondence with media. Please note, I do not consent to information captured in documents being deemed irrelevant without consultation. However, I do consent to personal details of third parties such as email addresses and phone numbers being redacted. Timeframe: From 1 January, 2022 to the date the application is validated (20/4/2023).

DHS/23/03029

I am seeking all "outstanding" official misconduct which aren't substantiated (meaning an investigation was undertaken and the allegations were unsubstantiated) relating to disability workers, which would include the initial complaint including when it was made, where it's at, what action if any has been taken (ie. alleged perpetrator is suspended without pay; or suspended with pay). Timeframe search: since 1 January 2022 to the date of this application. Please exclude duplicates, documents that have already been publicly released, media releases/reports/articles and correspondence with media. Please note, I consent to personal information such as contact numbers/email addresses being redacted, but I don't consent to information being deemed irrelevant without consultation. Timeframe: 1/1/2022 – 24/5/2023

I apologise that DHS did not make a determination within 30 days as required by the FOI Act. However, DHS has continued to process your application outside of this timeframe. Section 19(2)(a) of the Act provides that an agency can release documents outside of the thirty-day timeframe, and this is still taken to be a determination under the FOI Act.

Thank you for your ongoing discussions with the Senior FOI Officer about narrowing the scope of the two applications. I have deemed the scope of the two applications to be too broad and that the information requested captures too many documents. The *Misconduct Tracking Register* (for the relevant period) created by the DHS Incident Management Unit addresses the narrowed scope of both of your applications and relates only to matters deemed on *prima facie* evidence to warrant investigation by the DHS Misconduct Team.

Determination

One document was located that fits within the scope of the requests and I have determined as follows:

- One document to be released in part.

The document contains information relating to the personal affairs of third parties. I consider that it would be unreasonable to disclose this information, and determine the information exempt pursuant to clauses 6(1), 6(2) and 6(3a) of Schedule 1 of the FOI Act. In accordance with section 20(4) of the Act, I consider that you would wish for access to the rest of the document after exempt information is removed and am therefore releasing this document to you in part.

Please note that the redacted information in the 'Incident/Narrative' section of the document does not contain further information about the incident, but rather contains the internal tracking updates of the IMU and is considered out of scope.

Exemption clauses

Clause 6 – Documents affecting personal affairs

- (1) *A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*
- (2) *A document is an exempt document if it contains allegations or suggestions of criminal or other improper conduct on the part of a person (living or dead) the truth of which has not been established by judicial process and the disclosure of which would be unreasonable.*
- (3) *A document is not an exempt document by virtue of subclause (1) or (2) merely because it contains information concerning the person by or on whose behalf an application for access to the document is made.*
- (3a) *A document is an exempt document if it contains matter—*
 - (a) *consisting of information concerning a person who is presently under the age of 18 years or suffering from mental illness, impairment or infirmity or concerning such a person's family or circumstances, or information of any kind furnished by a person who was under that age or suffering from mental illness, impairment or infirmity when the information was furnished; and*

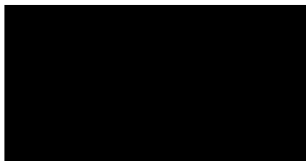
(b) the disclosure of which would be unreasonable having regard to the need to protect that person's welfare.

If you are dissatisfied with my determination, you can seek an internal review by writing to the Chief Executive, DHS, as the Principal Officer of the agency. Your request should be sent within 30 days of your receipt of this letter. A copy of the FOI Review Rights and Appeals is attached to this determination.

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your FOI application, and the documents to which you are given access, may be published on the agency's disclosure log. A copy of PC045 can be found at <https://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>

If you have any questions in relation to this matter, please contact the FOI Team on telephone (08) 8413 9094 or by email at DHSFreedomofInformation@sa.gov.au. If you disagree with publication, you will need to advise the FOI Team within two weeks of the date of this determination.

Yours sincerely,



Amanda Stone

ACCREDITED FREEDOM OF INFORMATION OFFICER

22 / 03 / 2024

Encl: Schedule of Documents
 FOI Review Rights and Appeals
 Documents for release

DOCUMENT SCHEDULE

DHS/23/03665 & DHS/23/03029 – Alison Sandy

<i>Document number</i>	<i>Document description</i>	<i>Exemption clauses</i>	<i>Released (part/full/ refused)</i>
1	Misconduct Tracking Register	Clause 6(1) Clause 6(2) Clause 6(3a)	Partial Release

Your Rights to Review and Appeal

Freedom of Information Act 1991

INTERNAL REVIEW

If you are dissatisfied with a determination made by the Department of Human Services in relation to:

- an FOI application for access to a document, or
- a request for amendment to your personal records; or
- a request to pay an advanced deposit or further fees and charges.

you are entitled to apply for an Internal Review of that determination.

How do I make a request for Internal Review?

To make an application for an Internal Review you must:

- write a letter or lodge an Internal Review application to the Principal Officer of the Department of Human Services, and
- include the application fee of **\$40.75**.

The Department of Human Services accepts payment by money order or cheque.

What if I have a concession card?

In some cases, the fee for an Internal Review can be waived. If you are the holder of a current concession card or if you can satisfy the agency that the payment of the fee would cause financial hardship, the agency may waive or remit the application fee.

If you are a concession cardholder you will need to provide evidence, eg: you should attach a copy of your concession card when you make the application. Alternatively, you should provide written reasons as to why the payment of a fee would cause you financial hardship.

How long does an Internal Review take?

If you wish to make an application for Internal Review, you need to do so within 30 calendar days after the date of the determination.

You will be advised of the outcome of your Internal Review application within 14 calendar days of it being received by the agency.

If the agency does not deal with your Internal Review application within 14 calendar days, you are entitled to an External Review by the Ombudsman SA.

When can't I apply for an Internal Review

If the determination was made by the Chief Executive of the Department of Human Services, and you are dissatisfied with that determination you cannot apply for an Internal Review. You can apply for an External Review by the Ombudsman SA or SACAT.

If you are dissatisfied with a decision to extend the timeframe to deal with your application, you cannot apply for an Internal Review. You can however seek an External Review by the Ombudsman SA.

Do I have to pay for a review of a fee or charge?

Fees and charges are in accordance with section 53(3) of the FOI Act. Specifically, where an Agency determines a fee or charge you disagree with, it must, review that fee or charge and where appropriate reduce the fee.

A person seeking a review of a fee or charge is not required to pay an application fee or any other charge in relation to this review. Where the agency decides not to reduce the fee or charge and you are still dissatisfied, you can apply to the Ombudsman SA for an External Review.

EXTERNAL REVIEW

Where a person is aggrieved by an agency's determination and that person has gone through the Internal Review process (or there was no right to Internal Review), that person can choose to apply to the Ombudsman SA or go directly to SACAT for an External Review. However, if an application for review of a determination has been made to the Ombudsman SA, SACAT cannot review the matter until that application has been decided.

Commencing a review with SACAT bars any right to apply for a review by the Ombudsman.

After an Internal Review has been completed, or where you are unable to apply for an Internal Review, and you are dissatisfied with the decision, you have the right to apply for an External Review.

How long will an External Review take and how much will it cost?

If you wish to make an application for an External Review you must do so within 30 (calendar) days after the date of the determination. However, the Ombudsman SA can extend this time limit. There is no statutory time limit for External Review. The time taken to complete the review will depend on the size and complexity of your original request and the current workload of the officers who will be undertaking the review. You should discuss any concerns you have directly with the Ombudsman SA.

There is no fee or charge for investigations undertaken by the Ombudsman SA.

Telephone: (08) 8226 8699
Toll free: 1800 182 150 (outside metro SA only)
Facsimile: (08) 8226 8602
Email: ombudsman@ombudsman.sa.gov.au

POSTAL ADDRESS
PO Box 3651, Rundle Mall SA 5000

APPEAL TO THE SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (SACAT)

Where a person is aggrieved by an agency's determination and that decision was made:

- by an accredited FOI officer who was not the principal officer of the agency; and
- without the direction of the principal officer or without the direction of a person or body to which the principal officer is responsible,

that person must first apply to the agency for an Internal Review before applying to SACAT.

There is a filing fee applicable for this type of application. Payment can be made online by credit card at the time of completing the online form, or by using one of the other options outlined in the payment section of the online form.

If you have any further questions please call SACAT on 1800 723 767 (and press menu option 3). The postal address for SACAT is GPO Box 2361, Adelaide SA 5001.

Reporting status	Employee/Client	Employee ID Number	Division	Act	Work Status	Investigation Team Ref	Date Received by Misconduct Team	PMO	Incident/ Narrative	Status	Sanction	Date additional info requested	Date additional Info received	Number of Days to get additional Info	Time with Misconduct Team less days to get Info	Days since received by Misconduct Team	Date Finalised
	Clause 6(1)		Disability Services	Clause 6(1)		SIU/13231	23	Andrew Thredgold	Clause 6(1), Clause 6(2) Out of scope	Finalised - Allegations Not Proven	N/A			0	31	31	18-May-23
			Disability Services			SIU/13214	23	Andrew Thredgold	Clause 6(1), Clause 6(2) Out of scope	Finalised - Insufficient Evidence of Misconduct	N/A			0	5	5	03-Apr-23
			Disability Services		Resigned	SIU/13229	23	Andrew Thredgold	Alleged to have accepted shifts on Dimensions that [redacted] did not attend and was remunerated for. Out of scope	Finalised - Allegations Proven	N/A			0	81	81	06-Jun-23
			Disability Services			SIU/13223	23	Eleni Chrisakis	Subject refused to empty clients urine bottle. Separate incident agency staff ask for assistance to change client as other staff busy. Subject refused and swore at agency staff. Out of scope	Finalised - Allegations Proven	Single Warning			0	69	69	20-Apr-23
			Disability Services			SIU/13210	23	Andrew Thredgold	Clause 6(1), Clause 6(2) Out of scope	Finalised - Allegations Not Proven	N/A			0	50	50	29-Mar-23
			Disability Services			SIU/13198	22	Andrew Thredgold	Clause 6(1), Clause 6(2) Out of scope	Finalised - Insufficient Evidence of Misconduct	N/A			0	46	46	31-Jan-23
			Disability Services	Employment Terminated		SIU/13213	22	Andrew Thredgold	Allegation that DHS staff member pushed DHS client causing [redacted] to fall to the ground. Out of scope	Finalised - Allegations Proven	Termination of Employment			0	175	175	22-May-23

	Clause 6(1)		Disability Services	Clause 6(1)	Employment Terminated	SIU/13208	22	Eleni Chrisakis	Employee allegedly slapped client multiple times whilst changing client into night clothing. Out of scope	Finalised - Allegations Proven	Termination of Employment	30-Jan-23	08-Mar-23	37	174	211	08-Jun-23
			Disability Services		Suspension Revoked	SIU/13211	22	Eleni Chrisakis	Clause 6(1), Clause 6(2) Out of scope	Finalised - Insufficient Evidence of Misconduct	N/A	12-Jan-23	31-Jan-23	19	113	132	15-Mar-23
			Disability Services			SIU/13193	22	Andrew Thredgold	Clause 6(1), Clause 6(2) Out of scope	Finalised - Allegations Not Proven	N/A	01-Feb-23	14-Feb-23	13	125	138	01-Mar-23
			Disability Services		Suspension Revoked	SIU/13168	22	Eleni Chrisakis	Clause 6(1), Clause 6(2) Out of scope	Finalised - Allegations Not Proven	N/A			0	141	141	17-Feb-23
			Disability Services			SIU/13197	22	Andrew Thredgold	Employee allegedly consumed Oxycodone meant for client and substituted clients medication with paracetamol. Out of scope	Finalised - Allegations Proven	Single Warning			0	169	169	15-Mar-23

	Clause 6(1)		Disability Services	Clause 6(1)		SIU/13192	Clause 6(1)	2	Sarah Blandamer	Clause 6(1), Clause 6(2) Out of scope	Finalised - Matter Discontinued	N/A			0	50	50	14-Oct-22
			Disability Services			SIU/13176		2	Sarah Blandamer	Clause 6(1), Clause 6(2) Out of scope	Finalised - Matter Discontinued	N/A			0	60	60	14-Oct-22
			Disability Services			SIU/13177		2	Sarah Blandamer	Clause 6(1), Clause 6(2) Out of scope	Finalised - Matter Discontinued	N/A			0	119	119	28-Nov-22
			Disability Services			SIU/13180		2	Alex Wright	Clause 6(1), Clause 6(2) Out of scope	Finalised - Matter Discontinued	N/A			0	74	74	14-Oct-22
			Disability Services			SIU/13160			Sarah Blandamer	Clause 6(1), Clause 6(2) Out of scope	Finalised - Matter Discontinued	N/A			0	26	26	01-Aug-22
			Disability Services			SIU/13167		22	Alex Wright	Clause 6(1), Clause 6(2) Out of scope	Finalised - Matter Discontinued	N/A			0	136	136	14-Oct-22
			Disability Services			SIU/13157		22	Sarah Blandamer	Alleged to have verbally threatened worker and acted inappropriately towards client. Out of scope	Finalised - Allegations Proven	Managerial Caution			0	190	190	06-Dec-22
			Disability Services			SIU/13100		22	Alex Wright	Clause 6(1), Clause 6(2) Out of	Finalised - Insufficient Evidence of Misconduct	N/A			0	70	70	18-Jul-22
			Disability Services			SIU/13161		22	Alex Wright	Alleged use of government vehicle for personal use. Out of scope	Finalised - Allegations Proven	Single Warning			0	66	66	07-Jul-22
			Disability Services	Suspension Revoked		SIU/13159		2	Sarah Blandamer	Alleged use of force against client. Out of scope	Finalised - Allegations Proven	Managerial Caution	09-Jun-22	05-Jul-22	26	182	208	21-Nov-22
			Disability Services			SIU/13151		22	Alex Wright	Alleged discourteous and disrespectful behaviour. Out of scope	Finalised - Allegations Proven	Warning			0	89	89	20-Jun-22
			Disability Services			SIU/13142		22	Alex Wright	Clause 6(1), Clause 6(2) Out of scope	Finalised - Matter Discontinued	N/A			0	206	206	14-Oct-22
			Disability Services			SIU/13145		22	Sarah Blandamer	Clause 6(1), Clause 6(2) Out of scope	Finalised - Matter Discontinued	N/A			0	217	217	14-Oct-22

	Clause 6(1)		Disability Services	Clause 6(1)	Resigned	SIU/13134	22	Sarah Blandamer	Various allegations of neglect concerning clients. Out of scope	Finalised - Allegations Proven	Single Warning			0	285	285	06-Dec-22
			Disability Services		Resigned	SIU/13140	22	Sarah Blandamer	Alleged to have worked for both DHS and SA Health. Out of scope	Finalised - Allegations Proven	No Sanction Issued	19-May-22	02-Aug-22	75	200	275	16-Nov-22
			Disability Services			SIU/13117	22	Sarah Blandamer	Clause 6(1), Clause 6(2) Out of scope	Finalised - Insufficient Evidence of Misconduct	N/A			0	179	179	08-Aug-22
			Disability Services			SIU/13135	22	Alex Wright	Alleged failure to ensure client had adequate sun protection. Client sustained severe sunburn. Out of scope	Finalised - Allegations Proven	Warning			0	120	120	08-Jun-22
			Disability Services			SIU/13132	22	Sarah Blandamer	Clause 6(1), Clause 6(2) Out of scope	Finalised - Matter Discontinued	No Sanction Issued			0	218	218	14-Sep-22
			Disability Services	Employment Terminated		SIU/13109	22	Unallocated	Alleged conflict of interests and use of government resources when setting up disability services business and approaching DHS clients. Out of scope	Finalised - Allegations Proven	Termination of Employment	15-Feb-22	22-May-22	96	240	336	19-Dec-22
			Disability Services			SIU/13101	22	Alex Wright	Alleged Insecurely stored medication in pantry, did not administer medication for clients and signed that medication had been administered. Out of scope	Finalised - Allegations Proven	Managerial Caution			0	122	122	06-May-22