

Enquiries To: Jade Franklin  
 Manager HR and Business Relationships  
 People Performance and Excellence  
 Telephone: [REDACTED]  
 File Ref: [REDACTED]



Queensland  
 Government

Health Support Queensland

Department of  
**Health**

Amanda Reeves  
 [REDACTED]  
 [REDACTED]

Dear Amanda,

I refer to your previous discussion with Ms Kara Frederiksen, Principal Advisor, Rehabilitation and Wellbeing, Health Support Queensland (HSQ) in relation to your return to work on 3 February 2016.

To assist in ensuring, to the extent possible, that your transition back into the workforce meets yours and HSQ needs, I wanted to write to you to:

- (a) address the concerns you have raised;
- (b) respond to your proposed conditions on your return to work; and
- (c) provide you with an opportunity to consider the proposed options as provided in this letter

Once you have had the opportunity to consider this letter, I am available if you have any questions or would like to discuss this matter further.

### **Background**

You have been on leave since 30 November 2016 from your position as Senior Scientist in the Forensic and Scientific Services (**FSS**) unit of HSQ.

During our meeting on 19 January 2017 which you attended with John-Anthony Hodges, Lawyer, as your support person, you advised that you were ready and able to return to work.

However, given your significant period of sick leave, prior to returning to work, I requested that you obtain medical clearance to confirm that you were medically fit to return to work.

I have been advised by Ms Frederiksen, that you attended a medical examination on Tuesday, 31 January 2016 and forwarded her a copy of your full medical clearance confirming your intention to return to work.

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You have however raised two issues with Ms Frederiksen via telephone on 1 February 2017 regarding your return to work:

- (1) you have concerns regarding the management action that was taken in relation to Mr Allan McNevin, Senior Scientist Forensic DNA (Mr McNevin) in response to the matters you raised regarding the meeting of 9 June 2016; and
- (2) you questioned why Mr McNevin was able to remain in his substantive position while the Livingstones Investigation was undertaken.

I will address each of the matters you raised in our conversation with Mr Jade Franklin, Manager Human Resources and Business Relationships, Ms Frederiksen and myself on 2 February 2017 in turn below.

### **(1) Grievance against Mr McNevin**

#### Background

Regarding the matters you raised against Mr McNevin in relation to the incident that occurred on 9 June 2016. At the time of the incident internal management action was taken to address the behaviour of Mr McNevin on 9 June 2016. Ms Deborah Whelan, Acting Managing Scientist Forensic DNA Analysis has advised me that during her time backfilling in this role she met with Mr McNevin to address his behaviour during this meeting. I am advised through the course of this action Mr McNevin apologised to you for his behaviour. As part of this process, HSQ attempted to arrange a mediation session between yourself and Mr McNevin to resolve any residual matters, but you declined to participate in this mediation. Additionally, whilst Ms Whelan was on leave, Ms Paula Brisotto team leader attempted to organise a 'facilitated discussion' between Mr McNevin and yourself which would be chaired by Mr Jade Franklin from Human Resources. You declined to participate in this discussion. On review of the local management action taken, coupled with your ongoing dissatisfaction with the local management action I decided to seek approval to engage an external investigator to obtain an independent view of the events of 9 June 2016.

As I have advised you, the Livingstones investigation is still ongoing and it is expected that the investigation report will be finalised in the coming weeks. With that said, in the absence of receiving this investigation report, I remain satisfied with all steps taken to date by Ms Whelan and Ms Brisotto to attempt to resolve the matter at the local level.

### **(2) Reasons for Mr McNevin to currently remain in his substantive role**

As you are aware, the Livingstones investigation is still ongoing and as such no action will be taken until the outcomes and recommendations from the investigation are able to be fully considered by the relevant delegate, Ms Sharon Kelly, General Manager Community and Scientific Support. I acknowledge the comment you made by telephone on 1 February 2017 that Mr McNevin should not be able to remain in his substantive position, however, at this stage the outcome of the independent investigation is still pending and in the absence of a finalised process I do not have a valid reason to remove Mr McNevin from his substantive position.

### **(3) Outstanding issues with the scientific process**

You have previously raised issues with the integrity of the scientific tests that are undertaken in relation to testing semen samples which could effect the outcome of criminal proceedings relating to sexual assault cases.

I take your concerns seriously, particularly given the potential implications of such testing being unreliable (namely that the evidence could not be relied upon and/or challenged in relation to Queensland Police Service's criminal prosecutions).

As you are aware, I have engaged an external expert, to undertake a further scientific investigation and provide a report (Scientific Report). The Scientific Report is expected to be provided within approximately 3 to 4 weeks.

In our meeting on 19 January 2017, you indicated your eagerness to return to work however you accepted your ability to undertake peer review work regarding sexual assault case reporting and/or attendance at court as an expert witness in sexual assault cases would not be appropriate considering your ongoing concerns and the pending Scientific Review.

Ms Frederiksen has advised on 24 January 2017 you proposed the following work arrangements to assist in your return to your substantive role. These arrangements included the following:

1. No court duties until investigations are finalised
2. Not attend management meetings (e.g. those with HP5s and above) or meetings on feedback proposals, or full team meetings (i.e. everyone in DNA) at this stage - receive updates on meetings from your line Manager Justin Howes
3. Can attend own team meetings
4. Can do some case management, e.g. initial results interpretation, but not go to Court
5. Perhaps not do sexual assault cases that need semen screening
6. Could do peer reviews, but not be the reporter
7. Not do any sign-off on projects either at moment

We considered the above work arrangements however operationally these arrangements were not able to be accommodated and sustained on a short term basis.

However, on 2 February 2017 when you spoke to Ms Frederiksen you provided a full medical clearance, which confirmed your intention to return to your substantive position and the full duties of this position including the work associated with sexual assault cases.

As you will appreciate:

- (1) the preparation of the report and attending court as an expert witness in relation to semen samples is a significant portion of your role, and must be considered an inherent requirement of your current position;
- (2) it is not operationally viable to separate this testing from other tests due to the complexities of the testing system and the unreasonable amount of time, resources and expense that would be required to accommodate such a request, particularly for a relatively short period of time, pending the delivery of the Scientific Report.

### Available options

Given that you are fit to return to work and are ready and able to do so HSQ is prepared to find you suitable alternative duties to your current role whilst the independent reviews are being finalised. HSQ considers, taking into account the issues identified above, that at this stage there are at least 2 options open to you:

- (1) you can undertake a temporary role participating in scientific research. This is within the scope of your expertise, role and duties. You would undertake this task full-time at your same classification and pay rate, or;
- (2) you can undertake a temporary Scientist role working within Pathology Queensland. This is within the scope of your expertise, role and duties. You would undertake this task full-time at your same classification and pay rate. Please contact us if this is the option that you are considering for more information.

### Next steps

Please advise as soon as possible, but not later than 7 February 2017 of your preferred option. We note this timeframe is relatively short however would like to support you with your return to work as soon as possible. If you have any concerns with meeting this timeline please contact me to discuss this further.

I appreciate that this may be a difficult time for you. Employee assistance offers a confidential counselling service which is free of charge to all employees of HSQ for up to six sessions per calendar year. Access to this service is by self-referral. Please contact Optum on [REDACTED] More information on employee assistance can be found at <http://qhps.health.qld.gov.au/eap>.

Please feel free to call me if you have any questions or would like to arrange a further meeting to discuss this letter.

Yours sincerely [REDACTED]

Mr Paul Csoban  
Executive Director, Forensic and Scientific Services  
**Health Support Queensland**

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