



**Livingstones**

EMPLOYMENT • RELATIONSHIP • ADVISORS

action positive

# External Investigation into DNA Analysis Team – Forensic and Scientific Services

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Health Support Queensland

Prepared for  
**Gary Uhlmann**  
Chief Executive

Prepared by  
**Mark Brady**  
Principal Consultant

- Employment & Industrial Relations
- Human Resources & Relationships
- Organisational Advisors & Psychologists

17 February 2017

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## Investigator Précis

### The Organisation

Livingstones is one of the largest Workplace Relations and Human Resource Management Consultancy firms within Australia. We operate on a national basis from our Brisbane office offering the services of our 23 professional Consultants. Our Industrial Relations division acts on behalf of employers (Private Sector, Local Government and State Government Departments) on all aspects of employee relations including, but not limited to, investigations, mediation, advocacy and training.

The investigator was Mark Brady, Principal Consultant of Livingstones.

### Mark Brady

Mark's extensive experience across a broad range of employee relations means that he can provide expert and practical advice and services on all aspects of workplace matters. His experience includes advocacy, investigations and resolving complex employment matters.

Mark is a specialist in complaints management, managing and resolving misconduct and workplace bullying complaints as well as providing strategic advice in relation employment arrangements and conditions. Throughout his career, Mark has been recognised for providing creative and practical solutions for complex workplace issues. Mark is also an experienced mediator and brings to his work a genuine desire to reach resolution in a constructive manner where possible, however he does not shy away from the 'hard' issues when the need arises.

Mark works closely with clients to ensure that the strategic solutions support the business needs and philosophy of the client whilst addressing the specific issues that arise in the workplace and any systemic contributors.

## Context

On 24 October 2016, Livingstones was appointed by the Chief Executive Officer, Heath Support Queensland in accordance with the *Hospital and Health Boards Act 2011* to investigate and report on matters related to the management team of Forensic DNA Analysis at Forensic and Scientific Services as outlined in the Terms of Reference. This arises from an incident on 9 June 2016 between Allan McNevin and Amanda Reeves at the management team meeting. Both Mr McNevin and Ms Reeves are supervising scientists of their respective teams and members of the Forensic DNA Analysis management team.

## Methodology

A standard investigative process was utilised in which the principles of 'natural justice' were observed.

Persons considered to be in a position to provide relevant evidence for the investigation were requested to attend an interview and advised of their option to have a support person present. Each interviewee was provided a written statement arising from the interview and given an opportunity to request amendments to ensure this was accurate and complete. Signed statements were taken from the following witnesses and are appended to this report:

Interviewee	Attachment No	Date of Interview
Amanda Reeves	"A"	16/11/16
Allan McNevin	"B"	17/11/16
Deborah Whelan	"C"	22/11/16
Justin Howes	"D"	28/11/16
Paula Brisotto	"E"	29/11/16
Kristen Scott	"F"	12/01/17
Claire Gallagher	"G"	17/01/17
Jacqui Wilson	"H"	17/01/17
Janine Seymour-Murray	"I"	18/01/17
Kerry-Anne Lancaster	"J"	17/01/17
Kevin Avdic	"K"	18/01/17
Kylie Rika	"L"	17/01/17
Michelle Margetts	"M"	18/01/17
Nicole Gardiner	"N"	18/01/17

<b>Pierre Acedo</b>	<b>“O”</b>	<b>17/01/17</b>
<b>Rhys Parry</b>	<b>“P”</b>	<b>17/01/17</b>
<b>Thomas Nurthen</b>	<b>“Q”</b>	<b>18/01/17</b>
<b>Valerie Caldwell</b>	<b>“R”</b>	<b>17/01/17</b>
<b>Wendy Harmer</b>	<b>“S”</b>	<b>17/01/17</b>
<b>Abigail Ryan</b>	<b>“T”</b>	<b>18/01/17</b>
<b>Adrian Pippia</b>	<b>“U”</b>	<b>17/01/17</b>
<b>Angelina Keller</b>	<b>“V”</b>	<b>18/01/17</b>
<b>Cassandra James</b>	<b>“W”</b>	<b>18/01/17</b>
<b>Chelsea Savage</b>	<b>“X”</b>	<b>18/01/17</b>
<b>Cindy Chang</b>	<b>“Y”</b>	<b>18/01/17</b>
<b>Allison Lloyd</b>	<b>“Z”</b>	<b>23/01/17</b>
<b>Sharon Johnstone</b>	<b>“AA”</b>	<b>23/01/17</b>
<b>Angela Adamson</b>	<b>“AB”</b>	<b>17/01/17</b>
<b>Email from Justin Howes</b>	<b>“AC”</b>	<b>19/01/17</b>

All parties involved have been verbally reminded not to verbally or physically, overtly or covertly victimise in any manner, including career issues, any person involved in this matter.

All parties involved have been verbally reminded to maintain a high level of confidentiality in relation to the process and issues surrounding this matter. All parties involved have also been verbally reminded that any breaches of confidentiality may result in disciplinary action being taken against them

## Terms of Reference

The Terms of Reference, as issued by HSQ CEO Gary Uhlmann dated 24 October 2016 specified that the investigator is to investigate matters relating to the allegations regarding inappropriate workplace behaviour. More specifically:



- (a) review and investigate Ms Reeves allegation that Mr McNevin's response to feedback provided by her in a meeting held on 9 June 2016 was intimidating and an unacceptable escalation of his existing behaviours;
- (b) review and investigate Ms Reeves allegation that Mr McNevin's determination to take and immovably maintain a position and associated unwillingness to be open to feedback or adjust his attitudes and behaviours to improve the working relationships;
- (c) review and investigate Ms Reeves allegation that an email from Justin Howes, Team Leader to all reporting staff on the 5 of August 2016 regarding standardised statement wording was specifically directed at Mr McNevin;
- (d) review and investigate Ms Reeves allegation that Mr McNevin failed to progress the project regarding Project #181 Spermatozoa seen on Differential Lysis extraction slide vs Evidence Recovery suspension slide;
- (e) review and investigate Ms Reeves allegation that Mr McNevin caused a serious roadblock to process improvement and potentially put the organisation at risk by doing so;
- (f) review and investigate Ms Reeves response to Mr McNevin's email apology on the 9th of June 2016;
- (g) review and investigate the poor working relationship between the substantive team members of the Forensic DNA Analysis management team and provide details on the areas of improvement;

The Health Service Investigator is to make findings and recommendations in respect of:

- (a) the matters outlined in 3.1 above or any other relevant aspect of the complaints;
- (b) possible misconduct by any employee of Health Support Queensland;
- (c) any identified systemic weaknesses in Forensic and Scientific Services, Queensland Health, or Health Support Queensland policies, procedures or processes and provide any recommended remedial or preventative actions, In particular the management of interpersonal relationships between the management group within Forensic DNA Analysis;
- (d) the ways in which the management, administration or delivery of the public sector health services, including employment matters, can be maintained and improved; and
- (e) any other matter identified during the course of the Investigation.

## Standard of Proof

As with any administrative investigation, the standard of proof applied to the assessment of the evidence is the "balance of probabilities".

The following principles as set down in the seminal case of *Briginshaw v Briginshaw*, High Court of Australia (1938) 60 CLR 336, have been taken into consideration when making findings in this investigation:

*"The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to*



*the question whether the issue has been proved to the reasonable satisfaction of the tribunal. In such matters, 'reasonable satisfaction' should not be produced by inexact proofs, indefinite testimony or indirect references."*

*"When in a Civil proceeding, a question arises whether a crime has been committed, the standard of persuasion is, according to the better opinion, the same as upon other Civil issues....but, consistently with this opinion, weight is to be given to the presumption of innocence and exactness of proof is expected....."*

## Policy Framework

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If substantiated, the allegations as made, may constitute a breach and/or failure to comply with the following policies, procedures and/or legislation:

- **Code of Conduct for the Queensland Public Service**

## Identification of Allegations

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The specific allegations that are subject to this investigation are as follows:

1. Amanda Reeves alleges that Allan McNevin's response to feedback provided by her in a meeting held on 9 June 2016 was intimidating and an unacceptable escalation of his existing behaviours.
2. Amanda Reeves alleges that Allan McNevin's determination to take and immovably maintain a position and associated unwillingness to be open to feedback or adjust his attitudes and behaviours to improve the working relationships.
3. Amanda Reeves alleges that an email from Justin Howes, Team Leader to all reporting staff on the 5 of August 2016 regarding standardised statement wording was specifically directed at Mr McNevin.
4. Amanda Reeves alleges Allan McNevin failed to progress the project regarding Project #181 Spermatozoa seen on Differential Lysis extraction slide vs Evidence Recovery suspension slide and caused a serious roadblock to process improvement and potentially put the organisation at risk by doing so.

## Consideration of Evidence

### Allegation 1

Amanda Reeves alleges that Allan McNevin's response to feedback provided by her in a meeting held on 9 June 2016 was intimidating and an unacceptable escalation of his existing behaviours.

**FINDING: Not Substantiated**

### Overview

The incident is alleged to have occurred at the Forensic and DNA Analysis Management Team meeting on 9 June 2016. All attendees at the meeting were interviewed by the investigator in relation to this meeting and the alleged incident.

The interviewees were:

- Amanda Reeves
- Allan McNevin
- Deborah Whelan
- Justin Howes (Chair)
- Kirsten Scott
- Kylie Rika
- Kerry-Anne Lancaster
- Sharon Johnstone
- Wendy Harmer
- Pierre Acedo
- Allison Lloyd

### Available Evidence

#### Amanda Reeves states:

At interview, Ms Reeves outlined the following, *“On 9 June, the topic came up as it was on the Management meeting agenda. I again was addressing the meeting about what I perceived to be a risk for the organisation. I was seated immediately next to Allan at a horseshoe table. I was sitting about 40cms away from Allan. Allan is about 6 feet tall and trained in martial arts.”*

Further, *“I can't remember Allan's exact words but I saw his arms raised and then brought down onto the table with a noticeable and audible impact. In the same movement he pushed himself back from the table and turned toward me whilst yelling “Oh for God sake Amanda, I'm aware of the risks, you keep telling me.....” I believe he continued yelling for some time but I didn't recall what he said after that as I was in shock.”*

Ms Reeves further outlined, *“I noticed Deb Whelan jump, and Justin Howes and Deb both said repeatedly, “Allan stop, Allan stop, Allan stop”. I just sat there as it took me moment to work out that I wasn't in physical danger. Nobody asked Allan to leave. Deb Whelan appeared flustered and said we should move on and then started talking about the next agenda item. I then asked to leave the room and I left. After a period of time I returned and sat until the meeting was finished.”*



Further, *"I left the meeting but Allan was asked to remain behind. The meeting minutes do not reflect this incident at all. There is a reference to 'stress in the lab' under 'New Business'. I then received an email from Allan at 10.33am (AR12) in which, rather flippantly in my opinion, Allan apologised for 'spitting the dummy at me'. I responded at 11.00am acknowledging his apology and letting him know, as the recipient of his behaviour, how it made me feel. I wouldn't meet with Allan because he had just physically and emotionally intimidated me and I didn't feel safe. When I left the meeting, I went and sat in a room and fell apart."*

Ms Reeves also added, *"The behaviour by Allan McNevin on 9 June 2016 is an escalation of previous behaviour by Allan towards me, in my opinion. I believe that Allan dismisses what I have to say. I think Allan has trouble dealing with me as an assertive woman. While we have equal standing at the management table, I feel that unless my opinion gels with Allan's he dismisses me out of hand."*

Further, *"I have raised concerns with my line manager Justin Howes (HP6 Forensic Reporting & Intelligence Team - FRIT) about this in the past. As a result of this, I met with Allan to address the issues. This meeting was a couple of years ago. Allan seemed to listen to me at this meeting but in my opinion his behaviour did not change following this. There have been other attempts to address this through my line manager."*

#### **Allan McNevin states:**

At interview Allan McNevin outlined, *"At the management meeting on 9 June, I was going to present my proposal to investigate the issue. The matter wasn't being discussed so I thought I would mention it so people were aware of what was happening. Once again, Amanda raised the issue that it was a risk and did so a number of times in the discussion. She wasn't adding anything to the discussion, just saying it was a risk. I wanted to look at the issue and find out where we are going wrong rather than jumping straight to a solution. I think we needed to find out what was going wrong in the process rather than jumping to a solution. Amanda then again raised that sperm was going missing."*

Further, *"That is when I lost my temper and shouted something like, 'I'm not stupid, I understand that there is risk.'" I didn't swear. Amanda was sitting beside me and I turned and said it to her. I don't recall exactly my physical actions but I might have pushed myself away from the table. I do recall turning to face her as she was sitting beside me."*

Mr McNevin further outlined, *"I certainly didn't intend to do anything that was physically intimidating. Straight away, I knew I had done the wrong thing. It all happened very quickly. Either Deb Whelan or Justin Howes was chairing and I remember they both interjected and said something to calm the situation. Shortly after that, Amanda took her phone and left the room."*

Further, *"The meeting continued and then when the meeting was nearly finished Amanda returned. While Amanda was gone, I was thinking about apologising and how I could say it. I knew she would be upset and I know how she had been upset in the past. The meeting concluded. Before I could say anything to Amanda she got up and left."*

Mr McNevin further outlined, *"The different teams approach issues from different positions so sometimes there is conflict in the management team. This is normal for this sort of work. 'I like to approach problems from a very scientific position whereas Amanda can get very emotional. She says things like 'you have to remember that there is a person on the end of this.' It seems that Amanda and I often end at opposite ends of the argument when issues are raised. I never feel it is personal it is just the way the discussion pans out as we come from different angles sometimes with competing interests."*

Further, *"Amanda has a strong personality. She can often go straight on the front foot about a matter. She can be quite persistent when she wants to put a point forward. It can be very frustrating in that Amanda can labour the same point over and over again without bringing new information to the discussion. I think over the years, I*

*have managed my discussions with Amanda very well. I have been commended on this at times by others on the management team. I have worked on different strategies to deal with this. Sometimes, I will disengage when I can see the conversation is going nowhere. Sometimes I will sit back from the table and doodle in my book rather than engage in the conversation.”*

**Deborah Whelan states:**

Deborah Whelan is the Managing Scientist for the Coronial Services stream at Forensic and Scientific Services. Ms Whelan was relieving as the Managing Scientist for Police Services which includes the DNA Analysis Team while Cathie Allen was on leave. At Interview Ms Whelan outlined, *“I wasn’t aware of any issues between Amanda Reeves and Allan McNevin until the management meeting of the Forensic DNA Analysis on 9 June 2016. I was present at this meeting. I recall at this meeting, there were a number of people there who were backfilling positions and others who were regular attendees. The meeting was going along in a regular way until we got to the point where staff talk about projects they were working on.”*

Further, *“I recall Allan gave an outline of his approach to his project which I think was #181. During this time, Amanda Reeves began to voice her concerns to Allan about the design of the project. Amanda was frustrated and she was making her point over and over again to Allan as if she wasn’t being heard by Allan. Allan then shouted at Amanda. I can’t specifically recall exactly what Allan shouted. I don’t recall whether Allan waved his arms or hit the desk when he shouted.”*

Ms Whelan further stated, *“At this time, Justin Howes, who was the chair of the meeting and I attempted to shut this down, I think I said ‘stop’ to Allan when he raised his voice. I planned then I was going to meet with Allan after the meeting to talk to him about this his behaviour rather than in front of everyone at the meeting. I tried to move the agenda on from this point. At the time, the shouting made the biggest impression on me. I didn’t notice anything that was physically intimidating.”*

Further, *“As I was focused on getting Allan to stop, I didn’t notice anything particular about Amanda until she left the meeting. I saw Amanda leave the meeting, which I assumed was to remove herself from the situation. In hindsight, I think she was upset. I don’t recall Amanda coming back into the meeting. I think I may have said to Justin that we need to speak to Allan after meeting. I don’t recall anyone else at the meeting saying anything about the incident.”*

**Justin Howes states:**

Justin Howes is the Team leader for Forensic Reporting and Intelligence Group. Mr Howes is Ms Reeves’ line manager. At interview Mr Howes outlined, *“I chaired the meeting on 9 June. Amanda and Allan were sitting next each other. Amanda was asking a number of questions of Allan which he didn’t have the time to reply. Amanda was unable to answer what she was after out of the review. Her response was that she “just wanted it fixed.” There were a number of questions from Amanda to Allan.”*

Further, *“Allan then placed two hands on the table and pushed himself back. He then yelled at Amanda something like “Amanda do you think I’m stupid.” I then said to Allan to stop. He said something else but I missed it. Deb Whelan then said to move the agenda on.”*

Mr Howes further outlined, *“Allan was loud when he said it but I wouldn’t describe it as physically intimidating. There certainly wasn’t any physical threat. At then end of the meeting, I asked Allan to stay behind. Deb Whelan, Kirsten Scott and I met with Allan afterwards.”*

Further, *“I met with Allan and told him that I couldn’t control how Amanda feels. I outlined that Amanda said the feelings were a result of many events and that she didn’t feel heard or respected. I told him to be careful with his laid back mannerisms*

*as it can look like he was dismissive. I told him he should be more active in his listening and he accepted that. I outlined that Amanda wanted to work with Allan and have robust discussions but she didn't feel she was being listened to. Allan said he would be happy with an email from Amanda saying that it was just her perception and that she acknowledged that he wasn't that sort of person. He committed to work together."*

**Kirsten Scott states:**

Kirsten Scott is a Senior Scientist, Quality and Projects. At the time, Ms Scott was acting Team Leader, Evidence Recovery and Quality. Mr McNevin reports to this position. At interview Ms Scott outlined, *"I recall the management team meeting on 9 June 2016. It started off as a normal management team meeting. I knew that Allan McNevin was going to raise project #181 as I had been working with him to look at a reasonable approach to deal with the issue. At the time, I was acting as the team leader."*

Further, *"As soon as Allan raised project #181, I knew it wasn't going to go well. As soon as he started to speak, I noticed Amanda Reeves' body language. It was very aggressive, she was frowning while Allan spoke. It was a look of displeasure at everything he said. From memory, Amanda was sitting next to Allan and I was sitting across from them both. As soon as Allan finished, from my point of view, Amanda's response was very confrontational and disproportionate. Allan had been presenting the information in a very calm way and I could see Amanda's tension building while Allan was talking. When Amanda did speak, it was a very emotional and intense response."*

Ms Scott further outlined, *"I don't remember the details of what Amanda said other than she disagreed strongly with the proposed approach. I don't recall exactly what Amanda's approach was but I recall that she wanted to deal with the whole issue straight away whereas Allan wanted to establish a baseline so that it could be used to compare results. Scientifically, it shouldn't have been an issue. Both approaches were scientifically valid approaches but during the discussion, Amanda had a very emotional response to what was essentially a scientific discussion." The conversation went to and fro and became more intense. Amanda was saying that Allan didn't understand the consequences of the issue but Allan did understand and was telling Amanda that."*

Further, *"The conversation was making no progress scientifically. Allan then raised his voice at Amanda and pushed himself back from the table. I don't recall what Allan said. Allan may have hit the table with his hands and he pushed himself back but he didn't thump the table with his hands or anything like that. Allan's voice was raised above the way he normally spoke. I wouldn't describe it as yelling as Allan is a big man with a loud voice and could have been a lot louder. I would describe it as about 50% louder than he normally spoke."*

Ms Scott further stated, *"From my point of view I didn't see anything physically intimidating by Allan in the incident. I remember when I saw the allegation later that it was physically intimidating, I was shocked. Deb Whelan then spoke and told Allan to be quiet. Then, within moments, Amanda left the meeting. I don't recall if Amanda returned to the meeting. At the end of the meeting, Deb Whelan asked Allan, Justin Howes and me to remain behind."*

Further, *"I have never noticed or had any concerns about Allan's behaviour in the past. He is very calm and collaborative in his style. I have not observed that he behaved any differently towards Amanda that he had with anyone else. In my view, Allan's personality trait of being laid back may have contributed as Amanda may not have thought he was concerned about the matters raised when I believe he was concerned but not at same heightened emotional state as Amanda."*



### **Kylie Rika states:**

Kylie Rika is Senior Reporting Scientist in the DNA Analysis Team. At interview Ms Rika outlined, *"I recall the management team meeting on 9 June 2016. It was quite calm until we started discussing the project #181. Allan McNevin, who was managing the project was giving his report. Amanda Reeves was asking him questions. I don't think Amanda believed Allan understood what she was trying to say so she said it in a couple of different ways."*

Further, *"Allan then slammed his hands on the table and pushed his chair back. He then yelled something like, 'I'm not stupid Amanda, I know what you are saying.' I was sitting next to Amanda who was sitting next to Allan. I jumped as it shocked me. I also noticed some others being shocked by this. At this time, either Justin Howes or Deb Whelan, it may have been both then intervened and said something like, 'that's enough Allan.' The meeting continued and we parked the topic."*

Ms Rika further outlined, *"I would describe Amanda's questioning as being passionate as from my perspective; Amanda was passionate to ensure the project addressed all the issues. As it a topic she was passionate about. She wanted to ensure the team got the best of out of the project. I don't think Amanda was trying to provoke Allan but was showing concern about the project but being robust about her concerns."*

Further, *"I remember that after the meeting I was still shaking. I felt intimidated by the incident. I remember saying this to my boss Justin Howes and said I hope it never happens again. After Allan was told to stop, Justin was running the meeting and tried to move on. Amanda stayed for about a minute and then left the meeting. Amanda was away from the meeting for about half an hour and then she came back. Nobody went after Amanda after she left."*

Ms Rika further outlined, *"There has been tension between Amanda and Allan for a while. I think that both of their communication styles are not conducive with each other and this causes friction. Allan's communication style is very relaxed. At the management meetings he sits back and appears very nonchalant. Sometimes I personally feel, my perception of the way he communicates to Amanda is that he can be dismissive. In my view, when Amanda is talking, he comes across as dismissive or what Amanda is saying is a hassle. Sometimes I feel Allan acts like this to me but not as much. I haven't witnessed any behaviours from Allan that I would describe as aggressive or inappropriate."*

### **Kerry-Anne Lancaster states:**

Kerry-Anne Lancaster is a scientist in the Quality and Projects Team. At interview, Ms Lancaster outlined, *"I recall at the management meeting on 9 June 2016, there was tension between Amanda Reeves and Allan McNevin in relation to a project which I had no involvement with. Part of the work of the quality team is to take care of the paper work after the project finished, we don't get involved during the project."*

Further, *"At the meeting I recall there was a heated discussion between Amanda and Allan. I don't remember the specific details but I recall the word stupid being used. I'm not sure if someone said that someone was stupid. I don't really remember. I remember there were raised voices. I wouldn't call it yelling, more frustrated. I think Allan was talking in a loud voice. I remember Allan was standing, he might have been writing on the whiteboard or something like that. There may or may not have been hitting hands on the table, I don't really remember. I remember that Amanda was sitting near Allan, the whiteboard was near her. I don't remember if I saw anything I would describe as physical intimidation."*

Ms Lancaster further outlined, *"Almost immediately, Amanda left the room very upset. I saw her later in the corridor crying after the meeting as I left. I may have said something to Amanda like, 'Are you okay' but I don't specifically remember. Kylie Rika may have been comforting her at the time. To me, it was an argument that was heated. I have never been in a management team meeting where the discussion had become so heated. I*

*believe Amanda and Allan may have had some disagreements in the past but nothing that has come to my attention. I have been here for about 12 years.”*

**Sharon Johnstone states:**

Sharon Johnstone is a Senior Scientist in the Intelligence Team. At interview Ms Johnstone outlined, *“I am a member of the management team. I attended the management team meeting on 9 June 2016. I remember Allan McNevin losing his temper. I don’t remember the exact discussion. There was quite a detailed discussion between Allan and Amanda Reeves.”*

Further, *“I believe there was some miscommunication between the two of them. Amanda was repeating herself over and over again. I would describe it as insistent. I think Allan understood what Amanda was saying but Allan didn’t believe Amanda was taking into account what Allan was saying.”*

Ms Johnstone further outlined, *“I remember thinking that I would have pulled up the conversation before it got to the point it did but it wasn’t pulled up. I remember Allan then raised his voice and banged on the table with his fists. He said something like, “I know Amanda. I’m not stupid” It was quite loud and it surprised the room. I would call it yelling. It was a clear display of frustration. Justin Howes, who I think was chairing and tried to calm the situation down. We did move on to the next topic of conversation. Amanda was shocked at first, think everybody was shocked. After a minute or two Amanda left the meeting. I don’t remember anything of note after that.”*

Further, *“I don’t believe Allan was being physically intimidating towards anyone in particular. He wasn’t facing anyone. The room itself is in a ‘U’ shape. He was on the same side of the table as Amanda. I don’t remember if they were sitting next to each other or whether there was one person in between them. He was more facing the way he was sitting rather than displaying his emotion directly towards Amanda.”*

Ms Johnstone further outlined, *“It was very out of character for Allan to act like that. Allan is usually very level, he does come up with ‘out of the box’ ideas so he does tend to talk a lot but he rarely shows any emotion. Allan is really friendly, his whole team loves him. He has managed a number of staff over the years and does a really good job of it.”*

**Wendy Harmer states:**

Wendy Harmer is the Administration Support Officer for the Managing Scientist, Ms Cathie Allen. At interview Ms Harmer outlined, *“I regularly attend the management team meetings, in years past, I did the minutes. Now, one of the team leaders chairs the meeting and the other takes the minutes. I recall on 9 June 2016 that I attended the management meeting and Justin Howes was the chair. I have the minutes for that meeting. I recall that at the meeting, we just went through the agenda as per normal.”*

Further, *“I remember project #181 was discussed. I recall that I was sitting nearest to the door and Allan McNevin was sitting next me. Either Amanda Reeves or Kylie Rika was sitting next to Allan but I am not sure who was. The discussion was quite intense. Allan’s and Amanda were discussing their thoughts. I felt the conversation was escalating. In my opinion, Amanda was very persistent in her responses towards Allan. I’m pretty sure Allan said, “I’m not stupid Amanda” in response to what she was saying. As it was escalating, I was surprised the chairperson did not intervene.”*

Ms Harmer further outlined, *“Allan banged his hands down on the table. It startled me. In my view it was a reaction to Amanda being persistent. Allan may have got up and left the meeting for a minute after this. Allan used a normal voice, if anything, it was just frustration. He didn’t*



*scream or anything like that. It's a long time ago but that's my recollection. I wouldn't describe Allan's actions as physically intimidating. As I was sitting next to Allan, it startled me."*

*Further, "I am not aware of any issues between Allan and Amanda prior to this incident. I have had a number of dealings with Allan. He comes to see me about HR matters. I have never seen anything from him I would describe as aggressive or inappropriate. He is a lovely man and always speaks to me very nicely. I have never heard a bad word about Allan."*

**Pierre Acedo states:**

*Pierre Acedo is an Analytical Scientist in the Analytical Team. Mr Acedo outlined at interview, "I was present at the management team meeting on 9 June 2016. I don't usually attend but was relieving in Luke Ryan's position. This was my first management team meeting. I remember there was a discussion between Allan McNevin and Amanda Reeves about a particular experiment that Allan wanted to do. The conversation went back and forth and became heated. Allan then just blew up. This was a surprise as I had worked under Allan before and hadn't seen him like this before."*

*Further, "It was a while ago but I remember Allan threw his hands up in the air and said something like, 'Yes I know that Amanda, you don't have to keep throwing it my face.' I don't remember the exact words. Allan was frustrated, it was just a normal debate, but Allan acted uncharacteristically and yelled at Amanda."*

*Mr Acedo further outlined, "I wouldn't describe Allan's behaviour as physically intimidating. I could see as soon as Allan did it, he knew it was the wrong thing to do and seemed apologetic. To me, Allen was frustrated and let steam off. I didn't think it was physical intimidation but if it was directed at me, I may have felt differently. Just after the incident, Amanda stormed out of the room crying. After the meeting, I saw Amanda in the corridor being consoled by another staff member, Kylie Rika. I had no further involvement following this."*

*Further, "I am not aware of any issues between Amanda and Allan in the past. Apart from this incident, I have never observed any behaviour from Allan that I would describe as aggressive or inappropriate. I would describe Allan's communication style as generally professional. He can be set in his ways at times."*

**Allison Lloyd states:**

*Allison Lloyd is Reporting Scientist in the Reporting Team. At interview Ms Lloyd outlined, "I was present at the management team meeting on 9 June 2016. I was sitting directly opposite from both Allan McNevin and Amanda Reeves at this meeting. I was there observing as my supervisor hadn't left yet and I was asked to attend on that date. The meeting was progressing as normal until it reached the section about projects."*

*Further, "When we got to project #181 about sperm not being seen in case work, there was discussion about how it was progressing. Allan had talked about how the project plan had written and was currently with management for feedback. Allan was sitting next to Amanda, Amanda said she had some misgivings about the project plan and some of the content of the project plan were not pertinent."*

*Ms Lloyd further outlined, "I remember Amanda said something and Allan became very defensive. Allan raised his voice his voice quite a bit, probably closer to a yell. He was moving his arms up and down and I think he banged on the table several times. He turned towards Amanda. He said something like, that Amanda always only had one concern and he had addressed it and she couldn't move on. I can't remember the exact words. Deb Whelan, the acting managing scientist and Justin Howes, who is in charge of the reporting and intelligence*

*teams had to call several times for Allan to stop and clam down. Deb Whelan said, 'Ok we'll leave this issue for the moment and move on.'*"

*Further, "The meeting went back to normal and Amanda left the meeting for most of the meeting. Allan sat in the meeting with his head down looking at the table. Amanda then returned to the meeting near the end and it was apparent that she had been crying."*

*Ms Lloyd further outlined, "In relation to Allan's behaviour at the meeting, I think he was frustrated. His actions were more expressing frustration than being physically intimidating. Having said that, if I was sitting next him and he was speaking to me, I could see that it could be physically intimidating. I don't think it was his intention though. Amanda can be quite forceful. But on this occasion, I thought Amanda was just asking questions and expressing her view about some matters weren't being addressed. I'm not sure what had happened at other management team meetings. I know that Amanda has said in the past that Allan and her don't see eye to eye and they would never be best friends. Amanda thought that Allan didn't like her and she does not like Allan. Nothing like this before though."*

### **Consideration of Evidence**

The evidence is consistent that on 9 June 2016, at the Management team meeting, Allan McNevin provided the meeting with an update on Project #181. During this update, Amanda Reeves sought information from Mr McNevin. The conversation became heated and Mr McNevin raised his voice at Ms Reeves. Mr McNevin said something like, "I'm not stupid, I know the risks." The exact wording cannot be established however, there is a general consensus in the evidence that the words were along these lines.

There is inconsistent evidence about the volume of Mr McNevin's voice. Evidence varies from a 'raised voice' to Mr McNevin 'yelled' at Ms Reeves. Mr McNevin described that he shouted at Ms Reeves. By Mr McNevin's own admission, his voice was more than raised and that he shouted at Ms Reeves.

There are also inconsistencies in the evidence as to whether Mr McNevin hit the table with his hands when he was shouting at Ms Reeves. Mr McNevin stated that he pushed himself away from the table. Ms Reeves stated that she "saw his arms raised and then brought down with a noticeable and audible impact. In the same movement he pushed himself back from the table and turned toward me whilst yelling."

The evidence ranges from corroboration of Mr McNevin's evidence that he pushed himself from the table to that Mr McNevin was banging his fists on the table. The inconsistencies in the evidence do not allow for a definite finding to be made as to the force of Mr McNevin's hands making contact with the table. There is, however, consistent evidence to establish that Mr McNevin made contact with the table and pushed himself back from the table when he shouted at Ms Reeves.

Mr McNevin was sitting next to Ms Reeves during the meeting. Mr McNevin outlined that he turned towards Ms Reeves when he shouted at her.

The Macquarie Dictionary defines 'intimidating' as 'threatening.' This means that there must be a threatening element to Mr McNevin's conduct. Further, Ms Reeves' evidence and concerns refer to the physicality of Mr McNevin's conduct. Hence, witnesses were requested to provide their views to whether they considered Mr McNevin's conduct to be 'physically intimidating.'

The majority of witnesses outlined that they did not consider Mr McNevin's conduct to be physically intimidating. Most witnesses outlined that Mr McNevin's conduct was that of frustration rather than intimidation. Further, it is the view of the investigator that Mr McNevin's physical stature and/or training in martial arts is relevant to Ms Reeves' perception of Mr McNevin but not relevant to Mr McNevin's actions on the day.

The evidence is also mixed to whether Ms Reeves was being reasonable in her questioning towards Mr McNevin. The evidence ranged from Ms Reeves just asking questions of Mr McNevin to Ms Reeves being confrontational, very emotional, intense and disproportionate. It is difficult to establish whether Ms Reeves was being unnecessarily provocative towards Mr McNevin.

Whether, Ms Reeves was being unreasonable or not in her questioning of Mr McNevin, it was not appropriate for Mr McNevin to shout at Ms Reeves. However, there is insufficient evidence to establish that Mr McNevin 'intimidated' Ms Reeves by his actions. The evidence supports that Mr McNevin reacted out of frustration rather than that of intimidating Ms Reeves. While Ms Reeves' testimony is that she felt physically and emotionally intimidated, there was no evidence presented that Mr McNevin's conduct was threatening towards Ms Reeves. Considering the evidence presented by witnesses of the incident the investigator is of the view that a reasonable person would not consider Mr McNevin's conduct as intimidating.

While Mr McNevin's behaviour was not appropriate for the workplace, the evidence is that it was a 'one-off' incident which was totally out of character. He has admitted his behaviour was unacceptable, demonstrated remorse, apologised on three occasions and has been counselled about this behaviour by his manager. It is the view of the investigator that commencing disciplinary action against Mr McNevin for this matter is not warranted.

In relation to whether Mr McNevin's behaviour was an 'unacceptable escalation of his existing behaviours', the majority of witnesses outline that Mr McNevin is usually a 'laid back' person and that this behaviour was out of character.

There are varying opinions in relation to Mr McNevin's communication and behaviours. Ms Rika outlined she believed that while Mr McNevin's communication style is very relaxed at management team meetings he appears very nonchalant. Further, it was Ms Rika's perception of the way he communicates with Ms Reeves, that he can be dismissive of what Ms Reeves is saying and is a hassle. Contrary to this, Ms Johnstone outlined that it was very out of character for Mr McNevin to act in this manner and that he is usually very level. Further, that Mr McNevin comes up with 'out of the box ideas' and tends to talk a lot but rarely shows any emotion. Ms Johnstone further stated that "Allan is really friendly, his whole team loves him. He has managed a number of staff over the years and does a really good job of it."

While both Ms Reeves and Mr McNevin allude to some communication difficulties between them in the past, there is insufficient evidence to support that there are on-going issues between them. Ms Reeves and Ms Rika refer to ongoing tension between Ms Reeves and Mr McNevin, there was no evidence presented that referred to any particular incidents. The investigator is of the view that the 'ongoing tension' referred to is more about Ms Reeves' perception that Mr McNevin doesn't value her opinions and is dismissive of her rather than any specific incidents or confrontation. This was also supported by Ms Rika in her evidence which outlined that Ms Reeves "feels others, such as Allan are being dismissive and not placing importance of what she says."

There is insufficient evidence to support the part of the allegation that Mr McNevin's conduct was an unacceptable escalation of his existing behaviours.

## Findings

In relation to the allegation that Mr McNevin's response to feedback provided by Ms Reeves in a meeting held on 9 June 2016 was intimidating and an unacceptable escalation of his existing behaviours is **not substantiated**. However, there is sufficient evidence, including Mr McNevin's admission that he shouted at Ms Reeves which is not consistent with the *Code of Conduct for the Queensland Public Service section 1.5 'Demonstrate a high standard of workplace behaviour and personal conduct*.



## Allegation 2

Amanda Reeves alleges that Allan McNevin's determination to take and immovably maintain a position and associated unwillingness to be open to feedback or adjust his attitudes and behaviours to improve the working relationships.

### FINDING: Not Substantiated

#### Overview

In an email to Paula Brisotto, titled 'Meeting followup' dated 16 August 2016 (AR29), Ms Reeves outlined that she was withdrawing from the facilitated meeting that had been previously agreed to in which Jade Franklin, Manager Human Resources and Business Relationships, HSQ, was to facilitate. One of the issues outlined by Ms Reeves for the withdrawal was the that she perceived *"Allan's determination to take and immovably maintain a 'stance', an associated unwillingness to be open to feedback or to consider making adjustments to his attitude or behaviours in the interests of improving workplace relationships/the working environment/work outcomes."*

Ms Reeves further elaborated in her interview in relation to this concern. Ms Reeves did not refer to any specific incidents prior to the incident on 9 June 2016, but rather referred to Mr McNevin's conduct in general terms. Mr McNevin's alleged conduct both prior the incident on 9 June 2016 and post the incident was taken into account. The issue related to Mr McNevin's alleged 'changes to standard wording' in Ms Reeves' email is dealt with in Allegation 3.

The witnesses interviewed were able to provide direct evidence in relation to dealings with Mr McNevin in relation to Ms Reeves both prior and post the incident on 9 June 2016. While other witnesses were questioned about Mr McNevin in relation to this allegation, they were not able to provide direct evidence for this allegation. Notes were taken of the meetings by Ms Whelan, Ms Reeves, Ms Brisotto and Ms Caunt and were considered by the investigator. Ms Caunt was Ms Reeves' support person and provided Ms Reeves with notes which Ms Reeves provided to the investigator. These notes are referred to and attached to the individual's statements.

#### Available Evidence

##### Amanda Reeves

In Ms Reeves email to Ms Brisotto dated 16 August 2016, Ms Reeves outlined the following, "I perceive issue 1 being Allan's apparent determination to take and immovably maintain 'a stance'. An associated unwillingness to be open to feedback or to consider making adjustments to his attitudes or behaviours in the interests of improving working relationships/the working environment/work outcomes.

- I have for many years now, consistently had conversations with my line manager about how difficult I find it to 'be heard' by Allan during the provision of project feedback and management meetings.
- I believe that informal chats have been held with Allan by a number of people about the negative impact the lack of eye contact/pulling a hoodie over his head, clicking of pens, fiddling with objects, slouching, sighing, using loaded language like 'semantics' and 'alarmist' when responding to feedback can have on effective communication between people, but I have seen nothing to suggest he has taken this feedback on board in such a way that the behaviours are modified.
- I have previously tried to attempt to try and achieve professional communication with

Allan – when I referred to this in our recent meeting Allan’s response was ‘yes you have always had an issue with me, but I am who I am – I can’t help how you perceive me.’”

At interview, Ms Reeves outlined, *“While we have equal standing at the management table, I feel that unless my opinion gels with Allan’s he dismisses me out of hand. I have raised concerns with my line manager Justin Howes (HP6 Forensic Reporting & Intelligence Team - FRIT) about this in the past. As a result of this, I met with Allan to address the issues. This meeting was a couple of years ago. Allan seemed to listen to me at this meeting but in my opinion his behaviour did not change following this. There have been other attempts to address this through my line manager. I met with Allan on 8 August this year to attempt to resolve this issue. Allan’s response was that ‘you have always had a problem with me, I can’t help how you perceive me, I am who I am’. My interpretation of that was Allan wasn’t listening and he wasn’t prepared to compromise.”*

Ms Reeves further elaborated on the meeting on 8 August 2016, *“Allan specifically restricted his apology to having just raised his voice, and he did not want to acknowledge the distress his actions caused me. I mentioned that I was frightened and it could be considered assault, and if it happened again I would call the police. I asked if he could assure me it wouldn’t happen again. Allan said that he couldn’t control how I interpret his actions.”*

Further, *“I stated that Allan was not willing to take on board my position and had no respect for me. He reiterated he shouldn’t raise his voice. I said it was an escalation of existing behaviour and I needed it to stop. I said I deserved respect and should be able to raise issues. He said he was frustrated that I raised the same issue again. I said we have had issues before but you don’t see this. He said you have issues with me. I said he didn’t seem at all apologetic and his original apology seemed flippant. He said he tries to keep communication relaxed and intended to follow it up. He said he understood I was upset but he wasn’t sure what I expected from him. He said that I say he dislikes me but I don’t know how he feels inside. I replied that I assess him on his actions, and he replied that he can’t control my emotional response to him.”*

#### **Allan McNevin states:**

At interview, Mr McNevin outlined, *“Amanda has a strong personality. She can often go straight on the front foot about a matter. She can be quite persistent when she wants to put a point forward. It can be very frustrating in that Amanda can labour the same point over and over again without bringing new information to the discussion.”*

Further, *“I think over the years, I have managed my discussions with Amanda very well. I have been commended on this at times by others on the management team. I have worked on different strategies to deal with this. Sometimes, I will disengage when I can see the conversation is going nowhere. Sometimes I will sit back from the table and doodle in my book rather than engage in the conversation. I have been told that Amanda is intimidated by my scientific knowledge and sometimes will try to engage on a matter where she doesn’t have the full knowledge about the matter and will try and argue about it. I find that difficult. I don’t try to ignore her but sometimes it’s difficult to engage.”*

Mr McNevin outlined his recollection of the meeting on 8 August 2016, *“I met with Amanda about three days later, Amanda brought Emma Caunt with her and I asked Kirsten as she had been in the meeting and I didn’t want to involve others. We met, I apologised again. Once again she said she accepted my apology. She then started ripping into me saying things like her husband was ill and it was unfair of me to do that. She said she felt unsafe and was standing up and being quite animated while I was sitting down. She said what I did was borderline assault and she would seek legal action if it happened again.”*

Further, *“I did my best to be quiet through this. I acknowledged I did the wrong thing. I explained*



*that I felt she was treating me like I was stupid. She said it was her right to raise risks. She brought up my karate training and how it was borderline assault. I tried to explain that my training was not relevant to the matter.”*

Mr McNevin further outlined, *“I tried to say that she had interpreted my actions in one way and she couldn’t understand how I could interpret her speech and actions and feel frustrated. I asked her what she wanted me to do and she said she just wanted to be treated with respect and not yelled at. I asked her if there was anything she was willing to change and she said no, as she always acted professionally and didn’t need to change.”*

Further, *“The meeting ended there. The meeting went on for about 15 to 30 minutes. Emma or Kristen may have taken notes about the length and the detail of the meeting. I felt like I have done everything I could to rectify what happened in the management meeting. I offered to make amends but Amanda didn’t seem to want to accept it. I did ask Amanda if she would like mediation but Amanda said she had a bad experience with mediation.”*

#### **Paula Brisotto states:**

Paula Brisotto is the Team Leader of the Evidence Recovery and Quality Team. Ms Brisotto is Mr McNevin’s line manager. Ms Brisotto was on leave at the time of the incident of 9 June 2016. Kirsten Scott relieved in Ms Brisotto’s position while on leave. At interview Ms Brisotto outlined, *“On 5 August 2016, Deb Whelan had a meeting with Allan and me. I was there as Allan’s supervisor. Deb indicated that she took advice from HR. Allan was to make a more formal apology to Amanda but wasn’t required to apologise to the other participants at the meeting unless they requested one.”*

Further, *“Allan also asked whether Amanda would be required to apologise for her email. Deb responded that there was no advice from HR that this was required to happen. Deb also warned Allan that if it happened again, then there would be more formal action. On that same day, I believe the apology email was sent from Allan to Amanda. A meeting was also organised for the two of them for the 8 August.”*

Ms Brisotto further outlined, *“The meeting did occur on the 8 August between Amanda and Allan and each brought a support person. I wasn’t present at the meeting and wasn’t at work that day. I returned the next day and was advised by the participants that it didn’t go well. Later that day I met with Amanda and her support person Emma Caunt. Emma had to leave half way through.”*

Further, *“I was advised the meeting didn’t go well. Amanda advised that she didn’t receive a sincere apology and only apologised for the shouting and not the physical actions. Amanda also said Allan appeared be only apologising because he had to and he appeared not to care because he was not reactive. These are the views expressed by Amanda.”*

Ms Brisotto continued, *“I recall talking to Allan about his body language as he can appear fidgety. He said that was his coping mechanism. I suggested that he can look distracted and gave him some advice about how to address this.”*

#### **Kirsten Scott states:**

At interview Ms Scott outlined, *“From my point of view, Allan acknowledged he had made a mistake and acknowledged this. Apart from losing his cool, Allan couldn’t have acted more appropriate to correct the matter. Amanda didn’t appear to be ready to resolve the matter at that stage.”*

In relation to the meeting on 8 August 2016, Ms Scott outlined, *“I didn’t have further involvement until a fair bit later when I was Allan’s support person in a mediation type meeting with Amanda. I didn’t take notes of the meeting. I don’t remember the specific words or*

*conversations of that meeting. What I recall is that it wasn't very constructive. From my point of view, Allan was trying to reach some middle ground but Amanda wasn't trying to resolve the issue. The meeting didn't last very long."*

### **Deborah Whelan**

*At interview Ms Whelan outlined the following, "After the meeting ended (9 June 2016), I stayed behind with Justine to talk to Allan about the incident. I said to Allan that his behaviour was inappropriate and he needed to apologise. Allan accepted his behaviour was inappropriate and was willing to make an apology to Amanda. Allan indicated that he would apologise immediately and we finished the meeting."*

*Further, "On 10 June I met with both Allan and Amanda separately. The meeting with Allan was straightforward. He again admitted he did the wrong thing but was frustrated by Amanda saying the same thing over and over again. Allan was also unhappy about the content of Amanda's email and was concerned she was aiming to use the incident against Allan in the future. I made a note of the meeting (DW1)."*

*Ms Whelan further outlined, "I had a further meeting with Allan on 5 August 2016. I asked Allan's supervisor Paula Brisotto to attend as my secondment was coming to an end. I made notes of this meeting (DW6). Allan outlined that he did apologise on the day but was willing to make a more formal apology as the first one appeared flippant. Allan wanted to know why Amanda wasn't apologising for her email. Allan acknowledged his behaviour was inappropriate and if it was repeated there would be consequences. Allan also indicated that he would apologise to other meeting attendees if they raised concerns with him. The outcome was that we were managing Allan's behaviours so there was no need for any written assurances from Allan. Also were intending to address management behaviours."*

### **Consideration of Evidence**

The witnesses interviewed in relation this allegation were interviewed as they were in attendance at meetings with Ms Reeves and Mr McNevin following the incident and were able to provide direct evidence of Mr McNevin's and Ms Reeves conduct at these meetings. Written notes of the meetings prepared by the witnesses are attached to their respective statements and were considered by the investigator.

This allegation centres very much on Ms Reeves' perception of Mr McNevin's behaviour and his responses to Ms Reeves and Ms Reeves' expectations of how she believed Mr McNevin should behave. In the email of 16 August 2016 to Ms Brisotto, Ms Reeves outlined three points this allegation is based on. The first two dot points refer to perceptions of Mr McNevin's general communication techniques over a period of time prior to the incident. The third dot point refers to Ms Reeves raising the concern with Mr McNevin at a meeting on 8 August 2016.

The first dot point outlines that Ms Reeves has consistently had conversations about how difficult she finds it to be 'heard' by Mr McNevin during the provision of project feedback and management meetings. The second dot point refers to Ms Reeves' belief that a number of informal chats have occurred with Mr McNevin about his actions and language and the effect these can have on positive communication and Ms Reeves has seen nothing to suggest Mr McNevin has taken this feedback on board and modified his behaviour.

Ms Reeves refers to issues raised with Mr Howes, Ms Reeves' supervisor. At interview Ms Reeves outlined that these conversations resulted in a meeting between Ms Reeves and Mr McNevin 'a couple of years ago'. Further that there has been 'other attempts to address this through her line manager'.

Ms Brisotto outlined that she has had discussions with Mr McNevin about his body language and how he can appear fidgety. Ms Brisotto stated Mr McNevin responded by saying that this was a coping mechanism.

Ms Whelan's evidence is that Mr McNevin was remorseful, willing to make amends by apologising and also acknowledged his behaviour was inappropriate and if repeated, there would be consequences. The investigator is of the view that Mr McNevin is, in fact, willing to accept feedback and adjust his behaviour despite this being a 'one off', out of character incident.

Mr McNevin at interview outlined that Ms Reeves has a strong personality, persistent in labouring points without raising new information and starts conversations on the 'front foot'. Further that he disengages when conversations are going nowhere.

Following consideration of the evidence presented, it is the view of the investigator that Mr McNevin and Ms Reeves are both confident, experienced professionals who have different communication styles. Mr McNevin outlined that he prefers factual engagement and when conversations veer away from this, he disengages. Further, a number of interviewees outlined that is laid back whereas Ms Reeves can engage in a forceful and confrontational way.

In relation to the meeting of 8 August 2016, both parties concede that it wasn't successful. The evidence is that Mr McNevin offered an apology, his third since the incident on 9 June 2016, but Ms Reeves was not satisfied with this. In her own words, "*Allan specifically restricted his apology to having just raised his voice, and he did not want to acknowledge the distress his actions caused me.*" Ms Reeves went on to say that she considered Mr McNevin's behaviour as assault and that if it occurred again she would call the police.

It is the view of the investigator that this escalation of the incident by Ms Reeves to that of a criminal matter placed Mr McNevin in a very difficult position in that if he apologised to the satisfaction of Ms Reeves he is admitting that he 'assaulted' Ms Reeves otherwise he is refusing to acknowledge his behaviours and make the perceived adjustments. The escalation of the interpretation of events by Ms Reeves since the incident makes it very difficult for Mr McNevin to satisfy what Ms Reeves expects in an apology. It is the view of the investigator that Mr McNevin has acknowledged his mistake in a genuine way. Whether Ms Reeves accepts the apology is beyond Mr McNevin's control.

Mr McNevin is correct when he states he cannot control what perceptions Ms Reeves forms from Mr McNevin's communication style. Further, the meeting of 8 August 2016 demonstrated that unless Mr McNevin accepts Ms Reeves' perception of his behaviour and communication style, his response is unacceptable to Ms Reeves.

Mr McNevin's communication style is by no means perfect and could be improved by Mr McNevin being assisted to adopt techniques to redirect conversations when they are becoming 'bogged down.' Having said that, Ms Reeves must also reflect on her own communication style and techniques and how it has contributed to the difficulty between her and Mr McNevin. For their relationship and communication to improve, both Ms Reeves and Mr McNevin need to be willing to accept their shortcomings and be accountable for their communication styles and work to improve this.

It is unfair to place the onus solely on Mr McNevin for the difficulties over the years. Further, other than Ms Reeves' perception, there is no evidence to support that Mr McNevin has been unwilling to be open to feedback or to consider making adjustments in his attitudes or behaviours in the interests of improving workplace relationships.



## Findings

The allegation that Mr McNevin's determination to take and immovably maintain a position and associated unwillingness to be open to feedback or adjust his attitudes and behaviours to improve the working relationships is **not substantiated**.

### Allegation 3

Amanda Reeves alleges that an email from Justin Howes, Team Leader to all reporting staff on the 5 of August 2016 regarding standardised statement wording was specifically directed at Mr McNevin.

### FINDING: Not Substantiated

## Overview

In an email to Paula Brisotto, titled 'Meeting follow up' dated 16 August 2016 (AR29), Ms Reeves outlined that she was withdrawing from the facilitated meeting that had been previously agreed to in which Jade Franklin, Manager Human Resources and Business Relationships, HSQ, was to facilitate. One of the issues outlined by Ms Reeves for the withdrawal was that she perceived *"Allan's determination to take and immovably maintain a 'stance', an associated unwillingness to be open to feedback or to consider making adjustments to his attitude or behaviours in the interests of improving workplace relationships/the working environment/work outcomes."*

In this email, Ms Reeves cited as an example Mr McNevin's alleged practice of changing standardised wording for statements. Ms Reeves further alleged that this practice prompted Justin Howes to remind all reporting staff to use the standardised wording but that the email from Mr Howes was specifically directed at Mr McNevin.

As this allegation refers to Mr Howes' email, Mr Howes was the only person in a position to provide direct evidence about this matter.

## Available Evidence

### Amanda Reeves:

In the email to Ms Brisotto, Ms Reeves outlined the following:-

*"I am also aware that I am not the only person who struggles with this behaviour – as the line manager responsible for allocating casework, I have been advised several times that staff are not happy, sometimes unwilling, to take Allan's casework for review, because he changes standard wording (so that he can 'tell a story'), and when they try to broach with him that the statement is meant to be a standardised vehicle for translating technical jargon into simple terms for the target lay audience, he staunchly defends his position, despite being isolated in that position."*

*"Staff report that they find this process difficult, and they are concerned about having to potentially defend changed wording in court that they themselves don't easily understand and could potentially be incorrect. This has required yet another email, sent to all reporting scientists, on 5<sup>th</sup> August –*

*Hi all*

*A few instances of late have been brought to my attention where the collective agreement on statement wording hasn't been used. This wording for STRmix statements had the opportunity for input from all reporting scientists in meetings in 2013 and as an outcome, the wording was standardised and put into the 17119 SOP. There were many reasons for this, and apart from an important point of standardisation, it was to help any scientist to pick up any statement at any time and be comfortable with the wording, and also to help reviewers efficiently perform their task with minimal disagreement.*

*Can I please ask that we stick to the standard wording in the interests of the above as we need to put all our efforts/time into getting the large amount of work to our clients.*

*Thanks*

*JAH."*

### **Justin Howes:**

During the investigation process, Mr Howes outlined in an email response to the investigator that he did send the email referred to by Ms Reeves to all staff competent in court reporting (or in training as a court reporting scientist).

Mr Howes outlines that the purpose of the email was *"to ensure all staff are following standardised wording in statements. I write these general emails when more than one person, and more than one instance has occurred, where they appear to be drifting from the standard approach. If there are instances that relate to one person, and especially more than one time, then an email wouldn't be written rather a discussion would need to occur with the person."*

Further, *"The email was not specifically directed at one person. These emails are an attempt to correct more than one person who may have started to drift from the standard approach, and to remind all reporting scientists to the benefits of standard wording."*

Mr Howes further outlined that *"it was not unusual for these general emails to be sent regarding a range of processes/practices."*

### **Consideration of Evidence**

Ms Reeves based the allegation on her perception that the purpose of the email was to correct Mr McNevin's behaviour in relation to his alleged deviation from standardised wording. Mr Howes is clear that the email was not specifically directed at Mr McNevin but rather a general reminder to all staff. Mr Howes further outlined that if there were instances that related to one person, that this wouldn't be undertaken via an email but rather a discussion would occur with that person.

Ms Reeves did not provide further evidence than this assertion in the email.

If Mr McNevin's alleged deviation from the standard wording is of concern, it is best dealt with by Mr McNevin's line manager, Ms Brisotto, or by Mr Howes directly with Mr McNevin.

### **Findings**

Mr Howes has clearly indicated the email referred to in this allegation was not directed at any individual therefore Allegation 3 is **not substantiated**.



#### Allegation 4

Amanda Reeves alleges Allan McNevin failed to progress the project regarding Project #181 Spermatozoa seen on Differential Lysis extraction slide vs Evidence Recovery suspension slide and caused a serious roadblock to process improvement and potentially put the organisation at risk by doing so.

**FINDING: Not Substantiated**

#### Overview

This allegation is that Ms Reeves alleges Mr McNevin deliberately delayed and/or obstructed the progress of project #181 which potentially put the organisation at risk. In Ms Reeves' email to Ms Brisotto on 16 August 2016 (AR29) she outlines that as of 8 August 2016, Mr McNevin outlined in an email that the process had been changed. Ms Reeves outlined in that email this vindicated the validity of her feedback. Further at interview Ms Reeves outlined that the risk had been mitigated. (Please note this report does not examine the scientific factors of Project #181.)

Interviewees were asked questions in relation to their knowledge of Project #181, their views on Mr McNevin's management of it and other general concerns about the project. Only direct and relevant evidence provided by the interviewees was considered and incorporated into the report.

#### Available Evidence

##### Amanda Reeves states:

At interview Ms Reeves outlined, *"We seem to have different opinions about the risk and the urgency of the problem. From my perspective, I had raised the issues at least on 4 March 2016, if not before. I have an email that demonstrates. There are a series of three emails (AR2 i, ii, iii). The first email from Jacqui Wilson describes the issues. The staff member suggests the issue is with preparation of the slide itself and suggests an investigation. My response is directed to Justin Howes with a suggestion that an investigation is warranted which could be widened if required. I offered support for this."*

Further, *"The third email is from Justin Howes to Jacqui Wilson and myself who said, "Great timing in catching Luke and I together on this! We are also together on the fact that these two reads being vastly different is worth looking into further. Thanks for raising your concern – if that wasn't done, there wouldn't be anything we could do to find out and action this outside of audit schedules. Good work and we will follow things up here." At the time of this email, Luke Ryan was the acting HP6 (Evidence Recovery Analytical & Quality Team - ERQ)."*

Ms Reeves further outlined, *"I was told when I offered my staff member's time because the matter is within Allan's team responsibility, that team would deal with it (ER). I believed that it had been escalated to the relevant HP6 (ERQ). I have an email dated 6 May 2016 from Justin Howes to Jacqui Wilson and copied to me (AR3). This email reflects that Justin had followed up with ERQ on the lack of progress with this investigation. This was some two months after the issue was raised. I was receiving a number of enquiries from staff about this matter. I received an email, 9 May, from a staff member about this matter and I advised that he forward the example to Justin Howes, Kirsten Scott, Kylie Rika and myself.(AR4)"*

Further, *"On 11 May, I came across a number of staff members from the Reporting Team congregating and discussing concerns about the lack of action. I said to them if they were going to use their time to discuss the issues, I wanted the issues documented and possible solutions put forward. It is worth noting that whilst the Reporting*

scientists (HP4) physically don't prepare the slides, they are trained in the process, and in the interpretation of the slides and associated other evidence/tests performed by ERQ and Analytical scientists (HP3), in order to attend court and give expert/opinion evidence. Following my discussion with the staff, I received an email on 11 May from Anna Lemalu copied to the participants (AR5). The email provides suggestions for the slide investigation. It is important to note the email's conclusion, which states "The major overarching concerns of this issue are the fact that in certain circumstances we may not have sent samples for DNA profiling at all (micro, AP and PSA neg) and have therefore missed evidence. Also, occasionally we are asked in court specifically about the number of sperm seen in a sample – if we know that this number is unreliable, how happy will reporters be to quote numbers?" That email was copied into a new email sent by Justin to Allan, copied to Kirsten Scott (acting ERQ HP6) on 12 May (AR6)."

Further, "We had a Management meeting on the 12 May. We discussed the issue raised in the email. It was the first time this matter was discussed at the Management meeting, as 'New Business'. In my opinion, the minutes do not fully document the conversation held. I was concerned, as were others in my team, that we needed to check the initial slide so we weren't missing anything as we were at risk of not detecting evidence, which is the core business of the team."

Ms Reeves further outlined, "On 27 May we had a Management meeting where Allan and I had a robust discussion about this matter. Although Allan and I were not in agreement about the urgency of the risk and the scope of the project, I didn't feel intimidated in this discussion. I believe Kylie Rika shared the same concerns as me. I held the position that the immediate risk needed to be stemmed, and once that was addressed, as long as the process for making the ER slides was investigated, the project scope could include whatever else Allan wanted. The minutes did not accurately capture this conversation (AR8)."

Ms Reeves further stated, "There are two levels of risk as I see it. The first category is where the microscopy is negative when there is truly sperm there but the seminal fluid component is not detectable. In this situation there is no 'safety net'. It either gets missed completely, or it goes through an extraction type that doesn't allow for check (differential) slides. The aim of differential lysis extraction is to separate female (epithelial) and male (spermatozoa) cells. The risk here is that if sperm isn't detected at the initial stage but is present in small numbers, the sample may not be sent for differential lysis extraction, and the male component could be 'swamped out' by the female component in a mixture."

Further, "The second level is where the microscopic slides are negative but there is truly sperm there, but the seminal fluid component is detected. The detection of the seminal fluid causes the sample to progress through differential lysis extraction, during which a second set of slides are made (diff/check slides). This second set of slides provides the 'safety net', but they are not routinely examined – they have to be specifically requested. I have copy of the workflow which may assist (AR9). The risks appear to be due to a deficiency in the microscopy process, which is at the beginning of the workflow, the results of which direct the progression of the sample through the remainder of the workflow. There are several cases where this occurred in relation to the second level risk. I'm not aware if we have specifically retrospectively checked for cases exposed to the first level risk. I'm not sure that we will be able to easily identify them, at least not until the microscopy process is fixed."

Ms Reeves further outlined, "The initial request for the project was made on the 2 June 2016 (AR10). On 19 July I have two emails that indicate that there was still concern from the Reporting group about the slides issue. I forwarded the email that Kylie sent to her team to Justin, where I give an example of the issue and expressed that we needed this sorted ASAP. I outlined that I was very concerned and asked for it to be followed up with priority. I received an email from Jacqui Wilson on 20 July giving an example from 2015 where the slides indicate the problem. I responded to Jacqui – "Thanks Jacqui. Justin has assured me that he has followed up with Paula, who will be following up with Allan. Unfortunately there have been no timeframes given yet, but I have asked again that this be given urgent attention"



Ms Reeves concluded the interview with the following statements, *“I was advised during the interview that one of the documents provided to the investigator by way of background was the Procedure for Change Management in Forensic DNA Analysis Standard Operating Procedure (SOP). This document is a guide for controlling change to processes in the lab – “changes within Forensic DNA Analysis have the potential to impact on our clients, on stakeholders (internal/external to FSS) and may impact on compliance with NATA. As such changes which occur with Forensic DNA Analysis must be carefully considered and documented. There are a number of types of changes that may occur within Forensic DNA Analysis; for the purpose of documentation - these are classified into five types: administrative change, IT/LIMS change, minor project, major project, and external projects.”*

Additionally, *“I provide Section 4.11 Corrective Action, in the AS ISO/IEC 17025 Australian Standard “General Requirements for the Competence of Testing and Calibration Laboratories”, against which we are assessed for compliance by NATA. (AR30) This standard provides that a problem with technical operations of the laboratory may be identified from staff observations, and should have a root cause analysis/investigation undertaken, and then corrective measures implemented. I provide The Procedure for Quality Practice in Forensic DNA Analysis SOP and the first two pages of the Investigating Adverse Events in Forensic DNA Analysis SOP – I have not provided the entire document, as only the first two pages are relevant to this issue, but can do so upon request. These documents should be considered alongside the Change Management SOP.”*

Further, *“With reference to these documents and this issue - I escalated a potential deficiency with a critical process to the relevant senior staff in March 2016. At this point, an investigation/root cause analysis and risk assessment should have been conducted, followed by corrective action in accordance with our SOPs and the relevant Standard. This was not carried out, in my opinion because the risk was possibly not fully understood and was being minimised by Allan, and thus the issue was instead treated as a non-time-sensitive project proposal through the change management process. I am of the belief that this issue should have been managed in the first instance as an adverse event.”*

**Allan McNevin states:**

At interview Mr McNevin outlined the following, *“There was an issue that arose in relation to testing for spermatozoa and the difference of evidence recovery and the differential slide. There were concerns raised that that there was risk for that threatened the collection of evidence. While I acknowledged this might be a risk, I believe we needed to look at the evidence and the risk and agreed it needed to be investigated. We had some discussions at two previous management meetings. I agreed that it could be a risk and it needed to be investigated. While I like to approach things with hard evidence, Amanda would often make comments like, “If we miss this than a guilty person walks free.” This is often how Amanda will approach things, but I don’t find it helpful.*

**Kirsten Scott states:**

At interview Ms Scott outlined, *“In relation to project #181, I wasn’t aware of discussions about it until I relived in the team leader role. As soon as I became aware of the matter, Allan and I addressed it straight away. I believe Allan understood the risks of the issue. Allan may have had a different view on how to approach the matter which didn’t mean he took it any less seriously. The laboratory has never collected data in relation to this issue previously so it was difficult to say whether it was risk or not. If we had the data, we could have gone directly to addressing the issue but we didn’t have the data. We have implemented a temporary solution to address the risk but it isn’t a long-term solution. It is a way to address the risk if it is in fact an issue.”*

**Adrian Pippa states:**

Adrian Pippa is a Reporting Scientist for the DNA Analysis Unit. At interview Mr Pippa outlined, *“In relation to Project #181, I was asked by Amanda to provide input and suggest some experiments that would be appropriate. I assume, Amanda acted on these and progressed them. I had to meet Allan McNevin to discuss some aspects of the project plan. I believe Allan took my suggestions on board and adjusted the project plan.”*

Further, *“I think the progress of Project #181 has been quite slow considering it’s importance as it has identified a risk that I believe has been present for a number of years. I am not sure of the reason for the delay, I believe it may be because other matters have been prioritised over it by the management team. I am not aware of any individuals who may have deliberately delayed or been obstructive in relation to the project.”*

Mr Pippa further outlined, *“I think there is a tendency in the laboratory to over-complicate matters which can contribute to blown out timeframes. Having said that I think we have really good skills to resolve the issues but we do tend to overcomplicate matters. In relation to project needs, Project #181 could have been done in parts where the spermatozoa detection (microscopic aspect) could have been done first and then the enzymatic testing could have followed.”*

**Jacqui Wilson states:**

Jacqui Wilson is a Reporting Scientist for the DNA Analysis Unit. AT interview Ms Wilson outlined, *“In relation to Project #181, as I come from a background of being in the sexual assault team, I am probably more aware of the issues of concern. I have been concerned for the last couple of years about a possible potential issue with the slides and possibly evidence being missed.”*

Further, *“I have raised the concerns with the team managers and then left them with them to manage. I not aware of evidence being missed but more that there was potential for be missed. I am aware that the project #181 was established to examine the issue. I understand that there needs to be gathering of information or more examples to move forward with that. I don’t believe that there have been any deliberate roadblocks to addressing the issue. Since then, there has been a workaround implemented in the meantime to address the issue. We are very busy department and these sort of issues take time to address.”*

**Valerie Caldwell states:**

Valerie Caldwell is a scientist in the Evidence Recovery Team. At interview Ms Caldwell outlined, *“Project #181 is good example of communication issues. Initially, the two teams weren’t communicating and it was difficult to understand the issues. Since then, communication has improved. In my role I do the testing of the slides, and the rechecking at the end. The work around has addressed the concerns but it is has increased our workloads. I will be interesting to see if the project identifies what can be done to address this issues.”*

Further, *“In my view, Allan has acted appropriately in addressing the concerns raised in relation to the issues that commenced project #181. He copped flack from us in relation changing the testing but he also copped the flack from the other team in relation to the issue. He was in a very difficult position. I find that the major thing is that sometimes we rush to solutions when the problem isn’t really understood which leads to having fix issues that haven’t been considered. Also we are at the forefront of our field which leads to issues where we might be having teething problems.”*

### Thomas Nurthen states:

Thomas Nurthen is a Reporting Scientist for the Forensic DNA Analysis Team. At interview Mr Nurthen outlined, *"I have had no direct involvement in project #181 but I had involvement in trying to get something done in leading up to the project. As a reporting group, we identified there was an issue and as a group we met in May 2016. We knew of problems prior to this. A solution wasn't implemented until August. In my view we had enough information to act on it in May. I think when an issue is identified, unless it is a burning issue, it doesn't get addressed as quick as it should. I think the delay was because of this."*

### Consideration of Evidence

On consideration of the available evidence, the investigator is of the view that Project #181 was viewed differently by the different teams within the Forensic DNA Analysis team. Generally, the Reporting team, led by Ms Reeves viewed the issues as something where a solution could be reached reasonably quickly whereas the Evidence Recovery team, led by Mr McNevin believed more scientific analysis was required before reaching a solution.

Ms Reeves outlined in her evidence that the issue was first discussed at a management meeting on 12 May 2016. Further, it was discussed on 27 May 2016 where Ms Reeves outlined, *Allan and I were not in agreement about the urgency of the risk and the scope of the project."* Further, Ms Reeves stated that the initial request for the project was made on 2 June 2016. Evidence was presented that a temporary solution, which addressed the problem was implemented on 8 August 2016.

Mr McNevin outlined, *There were concerns raised that that there was risk for that threatened the collection of evidence. While I acknowledged this might be a risk, I believe we needed to look at the evidence and the risk and agreed it needed to be investigated. We had some discussions at two previous management meetings. I agreed that it could be a risk and it needed to be investigated."*

The divergence of views and approaches is well illustrated in the evidence provided by two experienced scientists. Firstly, Valerie Caldwell from the Evidence Recovery Team outlined that, *"In my view, Allan has acted appropriately in addressing the concerns raised in relation to the issues that commenced project #181. He copped flack from us in relation changing the testing but he also copped the flack from the other team in relation to the issue. He was in a very difficult position. I find that the major thing is that sometimes we rush to solutions when the problem isn't really understood which leads to having fix issues that haven't been considered. Also we are at the forefront of our field which leads issues where we might having teething problems."* Whereas, Thomas Nurthen from the Reporting Team outlined, *"As a reporting group, we identified there was an issue and as a group we met in May 2016. We knew of problems prior to this. A solution wasn't implemented until August. In my view we had enough information to act on it in May."*

Reporting scientist, Jacqui Wilson, who was credited by Ms Reeves as the initial identifier of the problem stated that *"I have raised the concerns with the team managers and then left them with them to manage. I not aware of evidence being missed but more that there was potential for evidence to be missed. I am aware that the project #181 was established to examine the issue. I understand that there needs to be gathering of information or more examples to move forward with that. I don't believe that there have been any deliberate roadblocks to addressing the issue."*

Following consideration of the evidence, it is the view of the investigator that any perceived lack of progress on the Project #181, which was the responsibility of Mr McNevin, was not due to him being obstructive but was more concerned with the gathering of the evidence and analysing of the risk prior to reaching a solution.



There was no evidence presented to support the assertions of Ms Reeves that Mr McNevin deliberately failed to progress Project #181 nor that he caused a serious roadblock to process improvement that had the potential to put the organisation at risk.

Please note no submission or assertion was made during any interview that raised any concerns about the effectiveness of the 'workaround' to address the scientific concerns raised that resulted in Project #181.

## Findings

The allegation that Allan McNevin failed to progress the project regarding Project #181 Spermatozoa seen on Differential Lysis extraction slide vs Evidence Recovery suspension slide and caused a serious roadblock to process improvement and potentially put the organisation at risk by doing so is **not substantiated**.

## Other matters

### Amanda Reeves' response to Allan McNevin's email apology on the 9th of June 2016

Following the end of the management meeting, Ms Whelan, Mr Howes and Kirsten Scott (acting in Paula Brisotto's absence), met with Mr McNevin. Mr McNevin readily admitted that he had acted inappropriately and that he would apologise to Ms Reeves. Shortly after the meeting, Mr McNevin emailed Ms Reeves and offered to apologise in person for "spitting the dummy" in the management team meeting. Further, that he should not have let his frustration out like he did.

Ms Reeves responded by acknowledging the apology but declining to meet. Further, Ms Reeves responded by saying, "I can just tolerate you discounting my opinions and treating me with that vague sense of amused disdain, because mostly I don't care what you think of me, but I will not ever accept being physically or emotionally intimidated. You frightened me in that moment. I hope you feel like a big man."

Following receipt of this email, Mr McNevin forwarded it to his supervisors, Mr Howes, Ms Scott and Ms Whelan. As a result of this Ms Whelan sought a meeting with Ms Reeves with a view to discussing the incident and also Ms Reeves' email.

Prior to the meeting with Ms Reeves, Ms Whelan met with Mr McNevin. In that meeting Mr McNevin admitted his behaviour at the meeting was inappropriate but outlined that it was due to Ms Reeves repeatedly making the same point through the meeting. Mr McNevin also was concerned about Ms Reeves' email because he believed she intended to use it against him in the future. Further Mr McNevin sought a retraction of Ms Reeves' email and written apology as he believes there was no physical intimidation.

At interview, Ms Reeves outlined *"I then received an email from Allan at 10.33am in which, rather flippantly in my opinion, Allan apologised for 'spitting the dummy at me'. I responded at 11.00am acknowledging his apology and letting him know, as the recipient of his behaviour, how it made me feel. I wouldn't meet with Allan because he had just physically and emotionally intimidated me and I didn't feel safe. When I left the meeting, I went and sat in a room and fell apart."*

In a meeting with relieving Managing Scientist, Deb Whelan, Ms Reeves outlined, *"Instead of being asked how I was and checking on my well-being, or being asked to contextualise the matter, I was reprimanded for my email response to Allan's apology email. Apparently Deb took exception to my words as they were too strong. I said that as the human being on the receiving end, this was how I felt."*

At interview, Deb Whelan outlined, *“Kirsten Scott sent Justin and I an email which outlined that Allan had apologised and offered to meet. Amanda’s response was also included. Allan had forwarded both of the emails to Kirsten who forwarded it to us. What I noticed about the emails was that Amanda’s last two sentences in her email were quite inflammatory and that Allan’s apology in the email appeared quite flippant.”*

Mr McNevin outlined the following at interview, *“While Amanda was gone, I was thinking about apologising and how I could say it. I knew she would be upset and I know how she had been upset in the past. The meeting concluded. Before I could say anything to Amanda she got up and left.”*

Further, *“Following the meeting, when I returned to my desk I wrote an apology to Amanda. It wasn’t received very favourably by Amanda. I thought about the email from Amanda and I felt she was accusing me of physical intimidation which was unwarranted it. I felt that she was being aggressive with the issue now by accusing me of physical intimidation. I was concerned that sort of allegation can cost me my career. I know I did the wrong thing but I didn’t physically intimidate her.”*

Mr McNevin also reflected on this email in the following way, *“my first apology was quite informal. I used the words ‘dummy spit’ – I have an informal way of writing emails but I understand the need for a more formal apology.”*

Ms Scott outlined, *“From my point of view, Allan acknowledged he had made a mistake and acknowledged this. Apart from losing his cool, Allan couldn’t have acted more appropriate to correct the matter. Amanda didn’t appear to be ready to resolve the matter at that stage.”*

## Assessment

In the opinion of the investigator, both emails, Mr McNevin’s apology after the incident and Ms Reeves’ response were unfortunately sent when emotions were still raised following the incident. Mr McNevin intended the informal style of the email to de-escalate the situation but it had the opposite effect as Ms Reeves interpreted the apology as flippant. Ms Reeves’ response outlined that she *“will never accept being physically or emotionally intimidated. You frightened me in that moment. I hope you feel like a big man.”* Further, Ms Reeves declined Mr McNevin’s offer to meet. Ms Reeves further outlined that *“as the human being receiving end, this is how I felt.”*

It is the view of the investigator that while Ms Reeves may well have felt physically and emotionally intimidated by Mr McNevin there is a lack of evidence that Mr McNevin’s conduct was physically intimidating or threatening (see Allegation 1). It is reasonable in her response to Mr McNevin to express how she felt and decline to meet with him. However, the last sentence, *“I hope you feel like a big man”* is not an expression of how Mr McNevin’s conduct made Ms Reeves feel but a statement of belittlement towards Mr McNevin.

The email had the effect of making resolution of the matter very difficult from that point. Mr McNevin was adamant that his conduct was not physically intimidating and Ms Reeves refused to accept any apology from Mr McNevin that did not include acknowledgement that his conduct was physically intimidating.

The email response from Ms Reeves, while ill-considered and unhelpful in resolution of the conflict was sent in the heat of the moment so it could be a mitigation that Ms Reeves was in all probability highly emotional as a result of the incident. However, the statement in the email, *“I hope you feel like a big man”* is inappropriate and unprofessional.

In relation to Ms Reeves’ general conduct in the workplace, there was sufficient testimony provided that Ms Reeves’ communication style can be forceful and direct. Further, Ms Reeves’ interactions with her colleagues was described as confrontational and challenging. There were elements in this in Ms Reeves’ questioning of Mr McNevin which led to the incident in the management team meeting on 9 June 2016. HSQ

management may wish to consider whether Ms Reeves may benefit from some coaching in workplace communication.

### Management action post incident

At interview Ms Reeves outlined that she believed management's handling of the matter was deficient and needed to be investigated.

The major issue for Ms Reeves is that she believes management inappropriately down played Mr McNevin's behaviour in the management meeting and escalated her email response to Mr McNevin's original apology.

From a process point of view, management, in particular Ms Whelan who was acting as the Managing Scientist met with both parties separately on a number of occasions and facilitated the meeting on 8 August 2016 taking place. Ms Whelan was not present at the meeting on 8 August. Ms Brisotto returned from long-term maternity leave on 12 July 2016 and was therefore not present at the management meeting on 9 June 2016. Ms Scott relieved for Ms Brisotto. Upon her return, Ms Brisotto met with both Ms Reeves and Mr McNevin. Ms Brisotto then relieved for a short period as the Managing Scientist while Ms Whelan was on leave. During this time, following a discussion with Jade Franklin from Human Resources, Ms Brisotto attempted to organise resolution of the matter by a 'facilitated discussion' chaired by Mr Franklin. Following consideration, Ms Reeves declined to participate.

### Assessment

Ms Whelan, Mr Howes, Ms Scott and Ms Brisotto were all interviewed. Ms Whelan was responsible for leading the management of the issue. Ms Whelan was relieving as Managing Scientist in the absence of the incumbent, Cathie Allen. Ms Whelan was unfamiliar with the team dynamics and personalities.

It is the view of the investigator that overall, the management team has genuinely attempted to resolve the matters in good faith. There have been numerous meetings with Ms Reeves and Mr McNevin. Issues raised by both parties have attempted to be addressed by the management team.

Upon reflection, Ms Whelan admitted that she should have dealt with some aspects differently. It is the view of the investigator that two aspects of Ms Whelan's management of the matter could have been approached differently. The first was that no manager checked in on the welfare of Ms Reeves after the incident. Ms Reeves and others were genuinely shocked and upset by the incident and therefore a manager should have checked in with her. The fact that Ms Reeves and others were shocked also supports how out of character this outburst was for Mr McNevin.

The second aspect of Ms Whelan's management of the matter that in hindsight could have been better handled was Ms Whelan's first meeting with Ms Reeves where the first issue raised by Ms Whelan was Ms Reeves' email to Mr McNevin. While Ms Reeves' email should have been raised during the meeting, as it was the first meeting about the issue, Ms Reeves' well-being should have been checked on. Further, in hindsight, it would have been more prudent to deal with the incident in the first instance. However, Ms Reeves' comments in the email, "I hope you feel like a big man" were derogatory towards Mr McNevin and made resolution difficult from that point on. This was not consistent with Ms Reeves' view that she was entitled to express how the incident made her feel.

Ms Whelan demonstrated an acute awareness of the flaws in her early approaches and is contrite upon reflection. Ms Whelan indicated that she had never confronted such a situation in all her time at Queensland Health. Further, Ms Whelan also stated that at the time, she was dealing with serious family issues and was quite preoccupied. The

investigator believes that Ms Whelan's early actions were as a result of misjudgement rather than of any act of negligence or malevolence towards Ms Reeves.

Apart from those early blemishes, the management of the matter has been reasonable and sound considering the difficult circumstances and approach to resolution by the parties. Senior management continued to meet with both Ms Reeves and Mr McNevin to attempt to reach resolution. This included proposals of mediation and a facilitated discussion, both of which were declined by Ms Reeves. This culminated in the meeting of 8 August between Ms Reeves and Mr McNevin, both with support people. While the meeting of 8 August did not go well, this was due to the entrenched positions of the parties which escalated the animosity rather than management's mishandling of this issue. The investigator is of the view that management of the matter was reasonable with exhaustive attempts to reach a resolution.

### **The Forensic DNA Analysis Management Team**

During interviews with management and staff, interviewees were asked by the investigator to reflect on the functioning of the management team. Those interviewees who had attended management team meetings also commented about the conduct and effectiveness of those meetings.

The major concern consistently expressed was that the management team is split into two groups. The split is between the analytics/evidence recovery area and the reporting team. This was also noticeable to employees who do not attend the management team meeting. Some of those who attend management team meetings expressed concerns that the two groups become quite positional in their approach to issues. This risks issues not being addressed on their merits but rather a position being taken based on team loyalty.

Another concern raised is that there is a lack of communication from the management team to employees. A common comment is that information is often on a 'need to know basis' which doesn't filter to employees.

There was also a view expressed that members of the management team do not receive support and training their role as managers. Former team leader and experienced scientist, Thomas Nurthen outlined that when he commenced work in 2004 the workplace was 'very dysfunctional'. Mr Nurthen went on to say that a program of team building was implemented which was successful for a period of time.

Submissions were made that managers were sometimes 'thrust' into a management position without ongoing support. Further, that there was not a program of ongoing support or a management development program. Mr Nurthen, no longer a member of the management team, also made the suggestion that the management team would benefit from having a greater appreciation of what other teams do.

### **Assessment**

The evidence presented to the investigator indicates that the management team are split into two groups and that management team meetings can be divided and quite confrontational. Further, that the members are quite positional in dealing with issues. There was no evidence presented however that any member of the management is not dedicated to ensuring the DNA Analysis Unit providing an excellent service. This gives the management team a solid basis to work from in that this is a common interest for all management team members.

Upon consideration of the evidence presented, the investigator believes that it may be worth considering changing how the management team meetings operate and approach issues. HSQ may wish to consider introducing an 'interest-based' approach for the management team to address issues raised at management team meetings. This will assist the management team to deal with matters on a consensus basis while considering specific interests of



management team members. The investigator is of the opinion that the divergence of the team in project # 181 may well have been avoided if all of the parties' interests and concerns were understood and appreciated by all parties. Further, to assist in this process, an independent chair, experienced in the 'interest-based' process may be considered.

In relation to management support, HSQ way wish to consider whether a formal leadership/management support program should be introduced. The program may consist of a 360 degrees feedback, leadership values and coaching/mentorship initiatives.

## Summary of Findings

### Background

On 24 October 2016, Livingstones was appointed by the Chief Executive Officer, Heath Support Queensland in accordance with the *Hospital and Health Boards Act 2011* to investigate and report on matters related to the management team of Forensic DNA Analysis at Forensic and Scientific Services as outlined in the Terms of Reference. This arises from an incident on 9 June 2016 between Allan McNevin and Amanda Reeves at the management team meeting. Both Mr McNevin and Ms Reeves are supervising scientists of their respective teams and members of the Forensic DNA Analysis management team.

### Allegations

#### Allegation One

Amanda Reeves alleges that Allan McNevin's response to feedback provided by her in a meeting held on 9 June 2016 was intimidating and an unacceptable escalation of his existing behaviours.

#### Finding

The allegation that Mr McNevin's response to feedback provided by Ms Reeves in a meeting held on 9 June 2016 was intimidating and an unacceptable escalation of his existing behaviours is **not substantiated**. However, there is sufficient evidence, including Mr McNevin's admission that he shouted at Ms Reeves which is not consistent with the *Code of Conduct for the Queensland Public Service section 1.5 'Demonstrate a high standard of workplace behaviour and personal conduct*.

#### Allegation Two

Amanda Reeves alleges that Allan McNevin's determination to take and immovably maintain a position and associated unwillingness to be open to feedback or adjust his attitudes and behaviours to improve the working relationships.

#### Finding

The allegation that Mr McNevin's determination to take and immovably maintain a position and associated unwillingness to be open to feedback or adjust his attitudes and behaviours to improve the working relationships is **not substantiated**.

#### Allegation Three

Amanda Reeves alleges that an email from Justin Howes, Team Leader to all reporting staff on the 5 of August 2016 regarding standardised statement wording was specifically directed at Mr McNevin.

#### Finding

The allegation that an email from Justin Howes, Team Leader to all reporting staff on the 5 of August 2016 regarding standardised statement wording was specifically directed at Mr McNevin is **not substantiated**.

#### Allegation Four

Amanda Reeves alleges Allan McNevin failed to progress the project regarding Project #181 Spermatozoa seen on Differential Lysis extraction slide vs Evidence Recovery suspension slide and caused a serious roadblock to process improvement and potentially put the organisation at risk by doing so.

## Finding

The allegation that Allan McNevin failed to progress the project regarding Project #181 Spermatozoa seen on Differential Lysis extraction slide vs Evidence Recovery suspension slide and caused a serious roadblock to process improvement and potentially put the organisation at risk by doing so is **not substantiated**.

## Other matters

### **Amanda Reeves' response to Allan McNevin's email apology on the 9th of June 2016**

The email response from Ms Reeves, while ill-considered and unhelpful in resolution of the conflict was sent in the heat of the moment so it could be a mitigation that Ms Reeves was in all probability highly emotional as a result of the incident. However, the statement in the email, "I hope you feel like a big man" is inappropriate and unprofessional.

In relation to Ms Reeves' general conduct in the workplace, there was sufficient testimony provided that Ms Reeves' communication style can be forceful and direct. Further, Ms Reeves' interactions with her colleagues was described as confrontational and challenging. There were elements in this in Ms Reeves' questioning of Mr McNevin which led to the incident in the management team meeting on 9 June 2016. HSQ management may wish to consider whether Ms Reeves may benefit from some coaching in workplace communication.

### **Management action post incident**

Despite some early blemishes, the management of the matter has been reasonable and sound considering the difficult circumstances and approach to resolution by the parties. Senior management continued to meet with both Ms Reeves and Mr McNevin to attempt to reach resolution. This included proposals of mediation and a facilitated discussion, both of which were declined by Ms Reeves. This culminated in the meeting of 8 August between Ms Reeves and Mr McNevin, both with support people. While the meeting of 8 August did not go well, this was due to the entrenched positions of the parties which escalated the animosity rather than management's mishandling of this issue. The investigator is of the view that management of the matter was reasonable with exhaustive attempts to reach a resolution.

### **The Forensic DNA Analysis Management Team**

Upon consideration of the evidence presented, the investigator believes that it may be worth considering changing how the management team meetings operate and approach issues. HSQ may wish to consider introducing an 'interest-based' approach for the management team to address issues raised at management team meetings. This will assist the management team to deal with matters on a consensus basis while considering specific interests of management team members. The investigator is of the opinion that the divergence of the team in project # 181 may well have been avoided if all of the parties' interests and concerns were understood and appreciated by all parties. Further, to assist in this process, an independent chair, experienced in the 'interest-based' process may be considered. In relation to management support, HSQ way wish to consider whether a formal leadership/management support program should be introduced. The program may consist of a 360 degrees feedback, leadership values and coaching/mentorship initiatives.



## Signatures

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Investigators Name: Mark Brady

Signature:



Position/Title: Principal Consultant  
Livingstones

Date: 17 February 2017

