

Dr Jillian Spencer
Clinical Psychiatrist
Child and Youth Mental Health Services
Children's Health Queensland Hospital and Health Service

Delivery via email Jillian.Spencer@health.qld.gov.au

Dear Dr Spencer

I refer to your employment as Clinical Psychiatrist with Child and Youth Mental Health Services (CYMHS), Children's Health Queensland Hospital and Health Service (CHQ).

I am in receipt of a complaint that raises serious allegations about your conduct in your role as a Clinical Psychiatrist while on a rostered shift.

I wish to emphasise to you that at this time I have made no finding in relation to the complaint. Further information from the complainant is currently being provided. Upon receiving further details of the complaint, I will provide you with further information as to how the matter will proceed.

However, the details of the complaint and allegation along with the patient information that is available to me does lead me to serious concerns about whether you should continue to undertake the full range of your duties at this time.

Alternative duties

Section 101(1)(a) of the *Public Sector Act 2022* (the Act) (*Attachment 1*) provides that an employee may be suspended from duty if the chief executive reasonably believes the employee is liable to discipline under a disciplinary law. This function has been delegated to me in my position as the Executive Director, Clinical Services, CHQ in accordance with section 25.03 of the CHQ Human Resources Sub Delegations Manual.

Section 101(10) of the Act provides procedural fairness is not required for the suspension of an employee on full remuneration.

While at this stage I have formed no view as to the veracity of the allegation, on a consideration of the information before me, I reasonably believe you are liable to discipline under a disciplinary law.

For the reasons outlined below, I have decided that you should not remain in your current role at this time.

Section 101(3) of the Act provides that before suspending an employee, consideration must be given to all reasonable alternatives that may have been available for you to perform.

I have considered whether there are any reasonable alternatives to suspending you from duty, including alternative duties, a temporary transfer (either in your current workplace or another workplace) or another alternative working arrangement, such as directing you to work under close supervision or with another employee, or asking you if you wish to access accrued recreation and/or long service leave. In considering this, I have undertaken an assessment of the allegation and your role within CYMHS and whether your continuation in the role or another role presents any potential risk to either CHQ, CYMHS, patients or others.

Providing alternate duties

I have decided to provide you with alternative duties as in my view, having regard to the nature of the allegation against you, there is an unacceptable risk were you to remain in the workplace in your current role whilst further details and assessments are concluded.

As a result of the complaint and my concern about whether you should continue to undertake your usual duties at this time, I have decided to place you on non-clinical alternative duties.

Given your role for many years as a consultant child and adolescent psychiatrist in the Child Inpatient Unit and the Consultation Liaison team and having also worked in the Medical Director CYMHS Campus role, it is my decision that you be offered meaningful non-clinical work completing chart audits and other service improvement duties within the Queensland Children's Hospital.

CHQ CYMHS is committed towards a high standard of safe medication practices. As part of this commitment, we are in the process of developing a sustainable medication management audit tool for our campus-based services including Jacaranda Place. In collaboration with Business Intelligence (BI) and Pharmacy, we require your clinical expertise to develop a real time evidence-based audit tool. You will work closely with the CYMHS Safety and Quality team and report up to Dr Arun Pillai-Sasidharan during the period of time that you work on this audit.

You are required to report for your alternative duties as follows:

Time: Monday to Wednesday 8:30am to 5:00pm
Date: Tuesday 2nd of May 2023 (noting Monday 1st May being a public holiday)
Place: Queensland Children's Hospital
Who: Dr Arun Pillai-Sasidharan

Please note that during the completion of these alternate duties you will be paid as per your normal roster.

You will remain in the alternate duties until 26 May 2023 or unless otherwise determined.

Lawful directions

Confidentiality

You are directed to keep the details of this matter confidential as far as possible. You may however discuss the matter with your support person, union or employee assistance representative. If you need to discuss this matter with any staff member you should make this request through Ms Renata Belperio, Senior HR Consultant in the first instance.

Code of Conduct for the Queensland Public Service

You are directed to behave appropriately towards any person who has provided information in respect of this matter or who may be a witness in the allegation against you. You are reminded the *Code of Conduct for the Queensland Public Service* clearly sets out the obligations that apply to you as a Queensland Health employee.

Should you fail to follow these lawful directions, you may be liable for disciplinary action that may lead to dismissal.

Human rights

I acknowledge that my decision to place you on alternative duties may impact and potentially limit your human rights.

I have considered your human rights pursuant to the Human Rights Act 2019, particularly your right to recognition and equality before the law (s 15), your right to freedom of thought, conscience,

religion and belief (s 20), your right to freedom of expression (s 21), your right to take part in public life (s 23), and your right to privacy and reputation (s 25).

I have advised you that as a result of the concerns received, you are required to be placed on alternative duties/suspended on normal remuneration until further particulars are obtained. I do not consider that your human rights are unjustifiably limited by my decision; and limitation on your human rights is reasonably justified noting CHQ's obligations to provide a safe healthcare service to patients, their families and others.

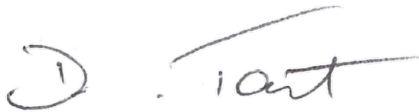
Employee assistance

Employee assistance offers a confidential counselling service which is free of charge to all employees of CHQ for up to six sessions per calendar year. Access to this service is by self-referral. Please contact LifeWorks on 1800 604 640.

Questions

Should you require any further information in relation to this matter, I have arranged for Ms Renata Belperio, Senior HR Consultant, on 3069 7035, to be available to assist you.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'D. Tait', with a stylized flourish extending from the end.

Dominic Tait
Executive Director Clinical Services
**Children's Health Queensland
Hospital and Health Service**
28/04/2023