



Internal review of an OIA assessment decision procedure

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Application

This procedure is to be read in conjunction with the [OIA complaints management and internal review policy](#) and the [Service delivery complaints procedure](#).

The purpose of this procedure is to provide guidance to employees in their handling of internal review requests.

What is an internal review request?

An internal review is an impartial review of an assessment decision about a complaint by an employee who was not the original decision-maker.

If a complainant is dissatisfied with a decision about their complaint they can request an internal review of that assessment decision.

An internal review is only available on a closed case.

An internal review will consider whether the original decision-maker:

- identified and addressed all the relevant issues
- sought and considered appropriate evidence
- complied with legislative requirements and our internal policies and procedures
- made the correct decision
- adequately explained the original assessment decision to the complainant.

An internal review is not a re-investigation of a complaint, although this may be recommended by an internal reviewer.

What should a request include?

A complainant should tell us why they think the decision about their complaint was wrong. An internal review request should clearly set out the grounds *why* the complainant believes a decision was incorrect, unreasonable or wrong. The internal review request should refer to any documents or other evidence relied upon to support the review request, a concise summary of the reasons for requesting an internal review.

Requests for an internal review should include:

- name, address, email and telephone number of the complainant
- previous case reference number, if known
- any new information that should be considered in reviewing the matter
- copies of any relevant letters or other documents that have not previously been provided
- the outcome the complainant wants.



How should a request be made?

Internal review requests must be made by in writing via:

- email to oiareviews@oia.qld.gov.au
- mail to Office of the Independent Assessor, PO Box 15031, City East, Qld 4002

However, if a complainant is unable to write to us, an internal review request may be submitted by calling 1300620722.

The Deputy Independent Assessor may refuse any review request not in writing, unless satisfied that a complainant is unable to make a written request.

Time limit

A request for an internal review of an assessment must be made no later than two months after the original decision.

If more than two months since the original decision, the reviewer will refuse to consider the review request unless satisfied that there are exceptional circumstances which contributed to the delay such as long-term significant ill-health of the complainant or impacts of a natural disaster.

Who conducts the review?

An internal review will be conducted by a review officer who has had no substantive dealings with the complaint.

The internal reviewer will be of equal or greater seniority to the original decision-maker. Internal reviews are allocated to review officers by the Deputy Independent Assessor.

What outcome can be expected?

One or more of the following outcomes are possible:

- the original assessment decision was correct and the complaint does not merit further investigation
- the original decision was wrong and should be amended without further investigation
- the matter should be reopened for investigation
- the decision should be better communicated
- a policy, procedure or practice may be amended
- records may be amended
- further assistance to address a service delivery complaint that forms part of the internal review may be provided
- an apology or other remedy may be offered.

When should an internal review be conducted?

An internal review of an assessment decision must be undertaken when a complainant makes a valid internal review request.

In addition, any challenge to the validity of a decision concerning a substantive issue, including, for example, the assessment of the material was significantly in error, is to be interpreted as a request for internal review in cases where further information is unable to satisfy a complainant.



When an internal review is not required

In the following situations an internal review of an assessment is not required:

- a. **Complainant expresses disappointment about the decision, questions the validity of the decision or seeks an explanation or clarification but does not ask for a review**

An expression of dissatisfaction of this kind should be handled by the original decision-maker. Where the complainant's expression of dissatisfaction is conveyed during a telephone conversation, the complainant is to be informed that they may seek an internal review of the original decision if they remain dissatisfied.

A follow-up email or letter should confirm that the complainant can request an internal review. Where a complainant puts such an expression of dissatisfaction in writing, a written response should be provided. This response must inform the complainant that they can request an internal review of the assessment.

Notwithstanding that a written response outlining internal review rights should be provided, every reasonable effort should be made to have a telephone conversation with a dissatisfied complainant about the case. In the above situations, the case is not reopened in Resolve nor is a new case created. The matter is to be dealt with as correspondence on the closed Resolve case.

- b. **Complainant provides new information concerning a substantive issue**

The complainant may do this in a telephone conversation or in writing. The original decision-maker will decide whether the new information concerns a substantive issue. If the new information does not concern a substantive issue, the original decision-maker will decline to undertake any further assessment and must inform the complainant of this decision. The complainant is to be informed that they may seek an internal review of the original assessment decision if they remain dissatisfied. If the original decision-maker decides the case should be further assessed, that employee will inform the complainant about:

- the decision to further assess, and
- at the appropriate time, the outcome of that further assessment.

If the original case has been closed, a new case should be opened in Resolve.

If the result of any further assessment does not justify the decision being changed, that employee must inform the complainant of that outcome, including reasons. The complainant should be informed that they may seek an internal review of the decision if they remain dissatisfied.

As this situation involves the consideration of new information and the making of a fresh decision on that basis, the decision-maker's response must be in writing. Even though a written response will be provided, the employee should have a telephone discussion with the complainant about the case.

Undertaking an internal review

A review must be undertaken by the reviewer nominated by the Deputy Independent Assessor as follows:

- The complainant will receive an automatic response as a receipt of your request for a review.
- Reviews should be completed within six weeks of receipt of the review request from the complainant.
- The reviewer will inform the complainant in writing of the decision. This will include reason/s for the decision.
- The reviewer will complete the required fields in Resolve before closing the case.
- The reviewer will consider the information provided with the request and material on the original case file. The reviewer may also speak to the employee/s who dealt with the original complaint.
- Section 7 above details the possible outcomes of an internal review.
- If the reviewer decides further assessment is appropriate, they will inform the complainant of the decision and either:
 - conduct or supervise the assessment, or
 - refer the matter to another employee to investigate and make the final decision.
- The original decision-maker should not be involved in the further assessment in this situation.



One review only

Unless exceptional circumstances exist, the assessment of a complaint will be reviewed only once. In appropriate cases, the reviewer, in informing the complainant of the outcome of the review, may also inform the complainant that the Office will not consider further submissions and correspondence. If the complainant remains dissatisfied with the outcome of the internal review they are to be advised in writing that they may complain to the Office of the Queensland Ombudsman which can inquire into the OIA's handling of the matter.

Mixture of internal review request and service delivery complaint

Where a request for an internal review also contains a service delivery complaint, the reviewer should also consider and address the service delivery complaint (see service delivery complaints procedure). The particulars of the service delivery complaint should be formally recorded in the Service Delivery Register maintained by the Executive Coordinator, but should also be recorded on the Internal Review Register.

Recordkeeping

All requests for internal review of an assessment are to be recorded in an Internal Review Register maintained by the Principal Executive Officer. Review requests, as well as the original complaint case being reviewed, are permanent records which are required to be retained under the Public Records Act.

Reporting

Internal review requests will be reported in the Office's annual report and review data will be published annually in accordance with the requirements of s.219A of the *Public Service Act 2008*.

Feedback and monitoring

Reviewers will:

- advise the original decision-maker that a review request has been received, and
- report the outcomes of each review to the original decision-maker with comment aimed at preventing a repetition of any error.

The Principal Executive Officer will report to the OIA Management Group on a quarterly basis regarding trends in internal reviews and performance.

Definitions

Term	Meaning
reviewer	The review officer conducting the internal review who has had no substantive prior dealings in the matter and is of equal or greater seniority to the original decision-maker
original decision-maker	The employee who made the original decision (the decision under review)
substantive issue	An issue which if a different view is reached about it will result in the original decision being set aside or amended

Related documents

[OIA Complaints management and internal review policy](#)

[Service delivery complaints procedure](#)