

# Internal review requests procedure

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## 1. Application

This procedure is to be read in conjunction with the Office's complaints management system (CMS) 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.

## 2. What is an internal review request?

An internal review is an impartial review of a 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 decision.

Both assessment and investigative decisions can be internally reviewed.

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 decision to the complainant.

An internal review is not a re-investigation of a complaint (although this is an outcome which may be recommended by an internal reviewer - see section 7).

## 3. 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 – why the decision was wrong or why/how the assessment, investigation or decision was deficient.

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.

## 4. How should a request be made?

Internal review requests must be made in writing via:

- email to [ombudsman@ombudsman.qld.gov.au](mailto:ombudsman@ombudsman.qld.gov.au) with Internal Review Request in the subject
- mail to Office of the Queensland Ombudsman, GPO Box 3314, Brisbane, Qld 4001

However, if a complainant is unable to write to us, an internal review request may be submitted via telephone on (07) 3005 7000 or 1800 068 908 (outside of Brisbane).

Unless satisfied that a complainant is unable to make a written internal review request, the Deputy Ombudsman may refuse to accept an unwritten request.

## 5. Time limit

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

If more than three months have passed since the original decision, the reviewer will refuse to consider the review request unless satisfied that there were exceptional circumstances which contributed to the delay in the request (e.g. long term significant ill-health of complainant, flood or other natural disaster affecting the complainant).

Until 30 June 2019 the reviewer may accept internal review requests made more than three months after the original decision if satisfied the delay arose from reliance on the previous version of this policy.

## 6. 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 Ombudsman.

## 7. What outcome can be expected?

One or more of the following outcomes are possible:

- the original decision was correct and the complaint does not merit further investigation
- the original decision was wrong and should be amended without further investigation
- the original investigation should be reopened
- 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 some other remedy may be offered.

## 8. When should an internal review be conducted?

An internal review 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, that the investigation was fundamentally/materially inadequate or the assessment of the material was significantly in error, are to be interpreted as requests for internal review in cases where further information is unable to satisfy a complainant.

## 9. When an internal review is not required

In the following situations an internal review 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 or investigator.

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.

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 investigation and must inform the complainant of this decision. The complainant is to be informed that they may seek an internal review of the original decision if they remain dissatisfied. If the original decision-maker decides the case should be further investigated, that employee will inform the complainant about:

- the decision to further investigate, and
- at the appropriate time, the outcome of that further investigation.

If the original case has been closed, a new case should be opened in Resolve and 'Yes' selected in the

*Continuing Issue* on the Issues screen.

If the result of any further investigation 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.

## **10. Undertaking an internal review**

A review must be undertaken by the reviewer nominated by the Deputy Ombudsman.

Where a complainant has requested an internal review, a new case is opened in Resolve as 'Review Request by Contact' file type. Additionally:

- A written acknowledgement in relation to a review should be issued within seven business days from receipt.
- Reviews should be completed within three months 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 investigation is appropriate, they will inform the complainant of the decision to further investigate and either:

- conduct or supervise the investigation, 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 investigation in this situation.

## **11. One review only**

Unless exceptional circumstances exist, 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.

## **12. 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 file in Resolve.

## 13. Recordkeeping

A Resolve file type 'Review Request by Contact' should be created for both recordkeeping and reporting purposes.

Under the Ombudsman retention and disposal schedule (QDAN 553 v2) review requests, as well as the original complaint case being reviewed, are permanent records (see the Office's Recordkeeping manual for further information).

## 14. 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*.

## 15. 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 Deputy Ombudsman will report to the Ombudsman Management Group on a six monthly basis regarding trends in internal reviews and performance.

## 16. 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

## 17. Related documents

[Complaints management system \(CMS\) and internal review policy](#)

[Service delivery complaints procedure](#)