



Internal review request procedure

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Application

This procedure is to be read in conjunction with the Office of the Independent Assessor's (OIA) [Complaint management and internal review policy](#) and [Service delivery complaints procedure](#).

The purpose of this procedure is to provide guidance to complainants in making a request for an internal review of a OIA decision, and employees in their handling of internal review requests.

What happens if a complainant disagrees with a decision?

If a complainant is dissatisfied with a decision about their complaint, there are several ways the OIA may deal with this dissatisfaction:

- a. **Additional response from original decision-maker**
A complainant may have questions about the decision or the reasons and can ask for clarification from the original decision-maker. If the complainant is still dissatisfied, they can request an internal review of the decision.
- b. **Consideration of new information about a substantive issue**
If the complainant obtains new information after the OIA's decision, which relates to a substantive issue (see definition section below), it can be provided to the original decision-maker for consideration.

The original decision-maker will consider the new information and determine whether it alters their decision or warrants further action. The possible outcomes of this re-consideration are outlined in the section 'When an internal review is not warranted' below.

If the original decision-maker determines that the new information does not alter their decision, the complainant can request an internal review.



What is an internal review request?

An internal review occurs after a valid internal review request is received and is an impartial review of a decision about a complaint by an employee who was not the original decision-maker.

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 including potential breaches of the *Human Rights Act 2019*
- sought and considered appropriate evidence
- complied with legislative requirements and OIA's internal policies and procedures
- made the correct decision
- adequately explained the original decision
- acted consistently with their obligations under the *Human Rights Act 2019*.

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 'What outcome can be expected' below).

What should a request include?

The focus of an internal review is the **OIA's decision** about the substantive complaint, not the actions constituting the complaint.

A complainant should tell the decision maker why they think the decision about their complaint was wrong. The internal review request should clearly identify the grounds for review. This means providing the OIA with a concise summary of why they believe the OIA's decision was incorrect, unreasonable, otherwise wrong, or why the assessment/investigation was deficient.

The internal review request should refer to any documents or other evidence relied upon to support the review request and 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 complainant's desired outcome.

What happens if a complainant does not make a valid review request?

If a complainant does not make a valid internal review request by identifying grounds for review of the OIA's decision, the review request may be declined.

Examples of invalid review requests:

- an expression of dissatisfaction without any request for further explanation or a review
- a restatement of the complaint to the OIA about the agency originally complained about
- expressions of dissatisfaction with the original agency's actions.

A decision to decline an internal review request is final and is not further internally reviewable.

What is the timeframe for requesting a review?

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 complainant must provide a



submission outlining the circumstances which prevented them from making the request within three months. No review request will be considered unless the complainant can clearly show and satisfy the OIA that there were exceptional circumstances which contributed to the delay. This may include things such as the long-term, significant ill-health of the complainant, or flood or other natural disaster affecting the complainant.

If the OIA decides not to accept an internal review request outside of the three months, the decision is final and is not reviewable.

How to lodge a review request

Internal review requests must be made in writing via:

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

If a complainant is unable to write to the OIA, an internal review request may be submitted via telephone on 1300 620 722.

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

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.

Who conducts the review?

Internal reviews will be conducted by the Deputy Independent Assessor or, if the original decision-maker is the Deputy Independent Assessor, the Independent Assessor.

How is the review conducted?

Once a valid internal review request has been received, the review must be undertaken by the delegated internal reviewer (the Deputy Independent Assessor or the Independent Assessor). The review will be conducted as follows:

- A written acknowledgement in relation to an internal review request should be issued within seven business days from receipt.
- Internal reviews should be completed within six weeks of acceptance of a valid review request from the complainant.
- The internal reviewer will consider all of the information provided in the request, any supporting documents and material on the original case file. The internal reviewer may also speak to the employee/s who dealt with the original complaint.
- The internal reviewer will inform the complainant in writing of the decision. This will include reason/s for the decision.
- An outcome in line with the section titled 'What outcome can be expected?' will be provided in the written response.
- The internal reviewer will complete the required fields in the OIA's case management system before closing the internal review.
- If the internal 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.



Should further investigation of the substantive matter be appropriate, the original decision-maker should not be involved in that further investigation.

Unless exceptional circumstances exist, a decision about a complaint will be reviewed only once. In appropriate cases, the internal reviewer, in informing the complainant of the outcome of the review, may also inform the complainant that the OIA will not consider further submissions and correspondence.

The internal reviewer will also advise the complainant of their external review rights in terms consistent with the [Queensland Public Service Customer complaint management guideline](#) (i.e. Queensland Ombudsman, judicial review).

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 incorrect 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.

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 be sent to 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 the OIA's case management system, nor is a new case created. The matter is to be dealt with as correspondence on the closed case in the OIA's case management system.

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

The complainant may provide new information concerning a substantive issue 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 and their option to request an internal review of the original decision if they remain dissatisfied.

If the original decision-maker decides the new information requires the matter to be further investigated, they



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 the OIA’s case management system.

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

As this situation involves the consideration of new information and the making of a new decision on that basis, the decision-maker’s response must be in writing.

Combination of internal review request and service delivery complaint

Where a request for an internal review also contains a service delivery complaint, the internal reviewer should also consider and address the service delivery complaint in accordance with the Service Delivery Complaints Procedure.

The particulars of the service delivery complaint should be formally recorded in the Service Delivery Register, but should also be recorded on the Internal Review Register, both of which are maintained by the Principal Executive Officer.

Recordkeeping

All requests for internal review are to be recorded in an Internal Review Register maintained by the Principal Executive Officer. The internal reviewer will ensure that the Principal Executive Officer is provided with the information required to complete the Internal Review Register.

Internal 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 2002*.

Reporting

Internal review requests will be reported in the OIA’s annual report and review data will be published annually in accordance with the requirements of section 264 of the *Public Sector Act 2022* and section 97 of the *Human Rights Act 2019*.

Feedback and monitoring

Internal 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 and officers involved in the decision. Commentary should aim to prevent a repetition of any error and improve decision-making processes.

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 |
|-------------------------|---|
| Internal reviewer | The Deputy Independent Assessor or Independent Assessor |
| Original decision-maker | The employee who made the original decision (the decision under review) |
| Substantive issue | An issue that forms the basis of the complaint. |



Related documents

- [Complaints management and internal review policy](#)
- [Service delivery complaints procedure](#)
- [Queensland Public Service Customer complaint management guideline](#)
- [Public Sector Act 2022](#)
- [Human Rights Act 2019](#)
- [Public Records Act 2002](#)

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