

# Internal review policy

Version 1 – April 2022

## Purpose

1. This document sets out the office of the National Health Practitioner Ombudsman (the NHPO)'s policy for handling applications for review of a decision made by the office.
2. As an office that handles complaints, we understand the unique value of hearing concerns about a decision we have made.
3. The public and health practitioners have the right to ask for a review of most decision made by our office.
4. If a person is not happy with a decision we have made or actions we have taken, we recommend raising these concerns directly with the staff member who managed the matter. They may be able to quickly and effectively address concerns raised and consider new information related to the matter.
5. If the staff member is not able to resolve these concerns, we welcome applications for a review of the matter. We call this an 'internal review'.

## What to expect

6. Our values guide everything that we do, including our commitment to reviewing decisions made by our staff. Our office is independent, courageous, collaborative, respectful and fair.
7. We will do our best to acknowledge receipt of applications within three working days and connect the applicant with the person who will manage their matter within 10 working days.
8. For more information about what to expect when engaging with us, please read our service charter, which is also available on our [website](http://www.nhpo.gov.au/service-charter): <www.nhpo.gov.au/service-charter>.

## Application requirements

9. Applications for an internal review must be made within three months of the decision being issued.
10. The application must explain why the person is dissatisfied with the decision that was made or the actions taken in relation to their matter. This may include because the applicant believes the decision-maker did not:
  - consider or respond to all issues raised in their complaint
  - appropriately explain their decision or the reasons the decision was made
  - consider all information provided (or based their decision on erroneous or incomplete information).

11. We encourage applicants to consider what they are seeking from making an internal review application.

## How to apply

12. Applications for review are accepted by:
  - submitting a form on [our website](http://www.nhpo.gov.au/review-of-our-decisions) at <www.nhpo.gov.au/review-of-our-decisions>
  - emailing (ideally attaching a completed application form) [complaints@nhpo.gov.au](mailto:complaints@nhpo.gov.au)
  - mailing an application to National Health Practitioner Ombudsman and Privacy Commissioner, GPO Box 2630, Melbourne, Victoria, 3001
  - calling 1300 795 265 (a translating and interpreting service is available via 131 450). Our office hours are 9:00am to 5:00pm AEST, Monday to Friday (excluding public holidays). A voicemail service is also available

## Internal review process

13. All internal review applications are carefully assessed by a staff member who has not previously made a decision related to the complaint to decide if there is sufficient reason for a review.
14. We handle all applications in line with our service charter, values and legislation.
15. We generally progress applications through three stages: assessment, review and resolution.

## Assessment

16. The application is first assessed by the staff member who considers whether the information provided by the applicant meets the internal review requirements.
17. If the application is not made within three months of the decision being made, the staff member will review the reasons provided for any delay. We will only consider granting an extension of time to make an application for an internal review in exceptional circumstances.
18. The staff member will then assess the information provided and consider whether there are sufficient grounds for a review, including whether the applicant raises new information about the matter.
19. Once the assessment is complete, the staff member can decide:
  - to speak with the applicant about alternative ways to achieve their goals, such as referring the applicant to an alternative organisation that may be better suited to addressing their concerns. For example, concerns about a decision made by a National Health Practitioner Board may be appellable to a court or tribunal.
  - to accept the application and begin the internal review. At this time, another staff member may be assigned to complete the review to ensure the most efficient use of office resources.
  - not to take any further action. This may be necessary where there is evidence that the application has been made with the intent to cause harm, or where there is no substance or information to support the claims that have been made.

20. The staff member who assesses the application will let the applicant know the result of their assessment in writing with a detailed explanation of why this decision was made.

## Review

21. If the application is accepted, the staff member will begin the internal review.

22. The review will consider if:

- all the issues raised in the complaint were appropriately addressed
- the decision reached was reasonable based on the available information
- the decision reached was adequately explained to those involved.

23. Reviews are generally conducted within three to six months. However, complex reviews may take up to nine months to be finalised.

## Resolution

24. After the staff member has completed their review, they will generally speak with those involved to discuss their findings, and based on this, how best to resolve the matter.

25. The potential outcomes of an internal review include:

- the original decision being upheld
- the original decision being changed.

26. The staff member who reviewed the matter will let the applicant know the result of their review in writing with a detailed explanation of why this decision was made.

## Internal review decisions are final

27. We will only assess a request for an internal review on one occasion.

28. Once a matter has been reviewed, there is no further avenue for appeal or review of the decision.

## Privacy

29. We collect and use information in line with our privacy policy. We:

- use the information gathered through the application and review process to manage or resolve concerns, or to address issues arising from the review
- may disclose it (either in data or a case study or story) in a de-identified format to the public.

## Recording applications

30. All internal review applications are recorded in our case management system.

31. We record the following information:

- the details of the applicant (and any details of those authorised to represent the applicant)

- when and how we received the application
- descriptions of the concerns
- the issues raised (such as concern that not all information had been considered)
- the applicant’s desired outcome (if known)
- the staff member responsible for handling the matter
- any action taken, including all contact and response times
- all correspondence, including emails and information provided by those involved
- the outcome of the matter, including any changes to the original decision
- any other information relevant to the matter, such as links to other concerns or applications the person has raised or made, or notes about the handling of the matter
- when the review was finalised.

32. Please contact our complaints and FOI team with any further questions about how we record applications for internal review (refer to ‘How to apply’ for contact information).

## Reporting

33. We regularly report on our complaint handling work, including the number of internal review applications and feedback about our service delivery that we have received.
34. We also explain any service improvements we have made because of feedback provided to us in our annual report.

## Policy review

1. The Ombudsman and Commissioner will review this policy every three years in consultation with staff and relevant stakeholders.

<b>Version</b>	1.0
<b>Responsible work area</b>	Complaints and FOI team
<b>Date introduced</b>	19 April 2022
<b>Date/s modified</b>	N/A
<b>Next scheduled review date</b>	19 April 2025

To receive this document in another format phone 1300 795 265, using the National Relay Service 13 36 77 if required, or [email our complaints team](mailto:complaints@nhpo.gov.au) <complaints@nhpo.gov.au>.

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