



## Standard Operating Procedure

**Version 1**

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## Contents

### Internal Review of ACLEI Assessment Decisions

#### Standard Operating Procedure

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## 1. Introduction

### Application

- 1.1 On occasion, people who have contacted ACLEI alleging corrupt conduct will be dissatisfied with the outcomes of assessments and decisions made. Whilst there is no legislative requirement to conduct internal reviews of ACLEI decisions, the implementation of a procedure to support such reviews in certain circumstances, is good administrative practice. Noting the robust nature of ACLEI's Assessment of Corruption Allegations Policy <sup>1</sup>, it is possible for errors to be made or important information overlooked during the assessment phase.
- 1.2 The implementation of this internal review of assessment decisions standard operating procedure (SOP) provides the opportunity to correct errors, make better decisions, and continuously improve work practices.

### Purpose

- 1.3 The purpose of this SOP is to provide guidance for ACLEI staff about how to consider and respond to dissatisfaction from complainants regarding assessment outcomes and decisions made.

## 2. Roles and responsibilities

### Actioning requests for review

- 2.1 *Intake and Assessment (I&A) officers* – are responsible for the initial consideration of correspondence from complainants disagreeing with an assessment outcome or requests for review of decisions. I&A officers also provide complainants with information about their right to have a decision internally reviewed, together with support to request a review as necessary. I&A officers will forward review requests to the Assistant Director Intake and Assessments with a recommendation on next steps. Options may include additional engagement with the complainant to further explain a decision, the initiation of a review of a decision or to take no further action. All relevant correspondence and any actions taken will be recorded in the relevant CM folder.
- 2.2 *Assistant Director Intake and Assessments (AD I&A)* – is responsible for considering a request for review and all relevant information including the recommendation from the I&A officers. The AD I&A will then make a recommendation to the Director Assessments on next steps. All relevant correspondence and any actions taken will be recorded in the relevant CM folder.
- 2.3 *Director Assessments (DA)* – is responsible for considering a request for review and all relevant information including the recommendation from the AD I&A, and deciding whether a review is required. In the event a request for review is accepted, the DA will engage with the designated Review Manager and make available all relevant material. If a request for review is not accepted, the DA will communicate that decision to the AD I&A to enable communication with the complainant. All relevant correspondence and any actions taken will be recorded in the relevant CM folder.

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<sup>1</sup> 22#4919DOC

- 2.4 *Review Manager (RM)* – is an agreed member of staff at the Executive Level 2 who is responsible for the management of a review of a decision and who was not involved in the original assessment. The RM considers the material made available by the Assessment Section and allocates the review to a Review Officer. This material will include all relevant correspondence between ACLEI staff and the complainant, decision minutes or briefing material prepared for the Assessment Board, the Integrity Commissioner or Delegate, or any other relevant information considered in the original assessment process. The RM will provide guidance to Review Officers, may provide feedback to individual staff on their decision making, may conduct reviews themselves, and is ultimately responsible for deciding whether an original decision was correct or if further action is required. If further action is required to be taken, the RM will consult with the DA and relevant Executive Director (if required).
- 2.5 *Review Officers (RO)* – are an agreed group of Executive Level 1 members of staff responsible for conducting a review of a decision who were not involved in the original assessment. Following allocation of a review, the RO is required to contact the complainant to provide information about the review process, timeframes and possible outcomes. The RO may also request additional information to clarify issues raised by the complainant. The RO may also seek to clarify any matters with the relevant members of the Assessment Section, the Integrity Commissioner or Delegate if required. The RO will work with the RM to ensure the efficient completion of reviews, and may review decisions made by a member of staff more senior than them.

### **Training and Review of this Standard Operating Procedure**

- 2.6 The DA and AD I&A are responsible for the provision of training and information sessions for relevant ACLEI members of staff engaged in the review of assessment decisions.
- 2.7 This policy will be reviewed every two years, or more regularly as needed to ensure consistency with legislation, government policy, organisational changes within ACLEI and change of working environment.

## **3. Procedures**

### **Pre-Review Stage Considerations**

- 3.1 Not all complainant dissatisfaction stems from a disagreement with the facts or merits of a decision. In some circumstances, it may be as a result of a misunderstanding, lack of understanding or insufficient information. As such, I&A officers should carefully consider whether a complainant's dissatisfaction may be resolved by the provision of a different or more detailed explanation.
- 3.2 Key points to be considered by the I&A officers are:
- whether the complainant indicates a misunderstanding or lack of understanding about ACLEI's role or the outcomes we can achieve,
  - whether the complainant indicates a misunderstanding or lack of understanding about the reasons for the decision,
  - whether the I&A officer considers more information could be provided to clarify or better explain the decision, or decision-making process, and

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- whether the complainant has indicated they have been unable to access or understand the decision due to disability, language, or literacy.
- 3.3 If an I&A officer believes dissatisfaction with a decision may be resolved by the provision of a different or more detailed explanation to a complainant, this should be communicated to the AD I&A and DA for consideration.
- 3.4 The decision to engage further with a complainant at the pre-review stage will be made by the DA and communicated in writing. All relevant correspondence and any actions taken will be recorded in the relevant CM folder.
- 3.5 If further contact is approved, ACLEI's standard approach is to engage with complainants in writing. However, in certain circumstances, a different or more detailed explanation might be more effective when provided by phone.
- 3.6 The initial consideration of correspondence from a complainant by I&A officers will sometimes clearly indicate dissatisfaction is unlikely to be resolved by a different or more detailed explanation. Key points to be considered by the I&A officers are:
- whether the complainant provided new information or referred to information not previously considered,
  - whether the complainant identifies an error with the decision,
  - whether the complainant demonstrates a good understanding of the decision and ACLEI's role, but disagrees with the decision or the decision-making process, and
  - whether the complainant raises a new issue.
- 3.7 If an I&A officer believes further engagement with a complainant is not appropriate in the circumstances, this should be communicated to the AD I&A and DA for consideration. At this point, the DA may direct the I&A officers to provide a complainant with information about their right to have a decision internally reviewed, together with support to request a review. The DA may also decide to deny the request for review.
- 3.8 The decision to commence or deny the request for review will be made by the DA and communicated internally in writing. All relevant correspondence and any actions taken will be recorded in the relevant CM folder.
- 3.9 If a request for review is denied, the decision and reasons for that decision will be communicated to the complainant as soon as practicable in writing by the DA.
- 3.10 A diagrammatical representation of the process is provided at Attachment A.

### **Time frame for requesting a Review**

- 3.11 Complainants should request a review within three months of the date of the original decision.
- 3.12 ACLEI will accept review requests made outside this timeframe only in exceptional circumstances (e.g. where the complainant has been hospitalised or otherwise incapacitated for an extended period). In such cases, a complainant will be required to provide reasons for the delay in making the request. Any response will be provided to the DA for consideration.

### **Requesting a Review**

3.13 Complainants can request a review in writing using the ACLEI online form. ACLEI staff should direct complainants to that resource in the first instance but should also consider accessibility considerations. It may be more appropriate to accept information from a complainant in email form or in rare circumstances verbally. All relevant correspondence and any actions taken will be recorded in the relevant CM folder.

### **Sufficient Grounds for Review**

3.14 Simply being unhappy with a decision will generally not be sufficient for the DA to grant a review. A review is more likely to be granted if a complainant clearly identifies why they consider the decision or decision-making process was incorrect or unreasonable, and provides supporting information. Reiterating they are unhappy with the agency's decision or action is unlikely to be a sufficient ground for review, unless the complainant can also point to an area of concern with the original decision or action which does not appear to have been considered as per [s 3.6](#).

### **Actioning requests for Review**

3.15 All review requests are assessed by the DA in the first instance. The DA has discretion as to whether to grant the review. Reviews are unlikely to be accepted if:

- the request was made more than three months after the date of the last decision and the complainant has not provided reasons why they could not have made the request earlier,
- the request does not articulate any reason for being dissatisfied with the decision or decision-making process,
- the request does not make sense,
- the request focuses on an individual or individuals who are clearly out of jurisdiction,
- the complainant is seeking an outcome that cannot be achieved by ACLEI,
- the original referral was closed due to the complainant's lack of cooperation or refusal to provide information in response to a reasonable request by ACLEI,
- the issues raised are better dealt with as a new referral,
- the issues raised are better dealt with as a service delivery complaint, and/or
- the complaint concerns an issue that has been previously considered by ACLEI and there is no new and relevant information.

3.16 As per [s 2.3](#), if a request for review is accepted, the DA will engage with the designated RM and make available all relevant material.

3.17 As per [s 3.9](#), if a request for review is denied, the decision and reasons for that decision will be communicated to the complainant as soon as practicable in writing by the DA.

**Timeliness Expectations**

3.18 Noting the time required to action requests for review and reviews themselves must be commensurate with the complexity of the matter, ACLEI uses the following measures to guide the timely resolution of review requests:

Action	Timing
Decision to accept or decline a review request by the DA	90% of review requests are decided within 30 business days.
Review Finalisation	90% of reviews are finalised within 60 business days.

3.19 If a complainant contacts ACLEI after making a review request but before the DA has decided whether to grant the review, the complainant should be advised that the DA aims to make a decision within 30 working days. All relevant correspondence and any actions taken will be recorded in the relevant CM folder.

**Allocation of Reviews**

3.20 As per [s 2.4](#), once a decision has been made to commence a review and the RM is in possession of all relevant material, the RM will engage with the designated RO. This RO must be a member of staff who has had no prior involvement in the matter. The RM will provide guidance as necessary to the RO including the focus of the review. This guidance should not limit the scope of the review – particularly if the RO identifies new or additional issues.

**Conducting Reviews**

3.21 As per [s 2.5](#), once allocated the responsibility for a review, the RO is required to contact the complainant to provide information about the review process, timeframes and possible outcomes.

3.22 The key focus for the RO during the review process is whether the decision was the correct and most appropriate decision. The RO will assess this by examining the decision and the decision-making process and considering, for example, whether the original assessment:

- addressed all the key issues in the complaint,
- provided an opportunity for the complainant to be heard (i.e. provide relevant information/material),
- gathered and/or considered all the relevant information, sufficiently responded to the key issues, including analysing those issues in sufficient depth,
- made a decision that was correct (i.e. in accordance with the Law Enforcement Integrity Commissioner Act and relevant policies), and
- resulted in a decision that was the one ACLEI should have made – it is the correct and most appropriate decision (e.g. the decision is the most appropriate one in the sense that, if there are a range of decisions that are correct in law, the decision settled upon is the best that could have been made on the basis of the relevant facts).

- 3.23 Finally, the RO should consider whether the original decision was properly explained to the complainant or if ACLEI made statements that were ambiguous or could be interpreted differently by the complainant.
- 3.24 A RO is not expected to re-assess a matter and make a new decision. However, if the RO reaches the conclusion that, in their opinion, a different decision is the correct and most appropriate one, this should be identified to the RM having regard to all the material.
- 3.25 If the complainant contacts ACLEI whilst the RO is considering the matter, they should be referred to that RO. All relevant correspondence and any actions taken will be recorded in the relevant CM folder.
- 3.26 At the conclusion of the review, the RO will submit a decision minute to the RM recommending a proposed outcome. The decision minute should include the following:
- a brief history of the complaint and relevant decisions,
  - issues identified in the review regarding the original assessment,
  - areas warranting separate action such as poor service, and
  - a recommended outcome, reasons for the recommendation and proposed next actions for ACLEI.

### **Review Outcomes**

- 3.27 A review can result in one of two outcomes:
- a recommendation that an assessment be re-opened or further action is required in relation to some or all complaint issues, or
  - a decision that no further action is required in relation to any complaint issues.
- 3.28 Even where a RO concludes that no further action is required, they must consider whether a better explanation for the decision can and should be provided to the complainant in the review decision.

### **Assessment Re-Opened or Further Action Required**

- 3.29 If the RO recommends an assessment be re-opened or that further action is required and this is supported by the RM, the RM will engage with the DA and provide advice regarding the findings of the review. In some cases, a RO may consider that feedback to the Assessment Section is warranted. In such cases, they should discuss this with the RM who will engage with the DA.
- 3.30 If a decision is made that further action is required, the RO will be responsible for informing the complainant of the outcome of the review. This may include more detailed explanations of the original decision. If any issues raised by the complainant are not included in the re-opened assessment or are not intended to be addressed by ACLEI, the RO must explain the reasons for this to the complainant. This should occur as soon as practicable and will ordinarily be done in writing but may be done by phone depending on the circumstances.
- 3.31 If an assessment is re-opened, standard ACLEI processes will be adhered to consistent with ACLEI's Assessment of Corruption Allegations Policy <sup>2</sup>.

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<sup>2</sup> 22#4919DOC

- 3.32 If a decision that no further action will be taken by ACLEI, the RO will be responsible for informing the complainant and providing the rationale for the decision.

### **Contact from Complainants after the Finalisation of a Review**

- 3.33 This section assumes that any subsequent action or re-opened assessment has been finalised and the outcome communicated to the complainant.
- 3.34 Complainants may contact ACLEI after a review has been declined, a review has been finalised with no further action, or a re-opened assessment following a review has been completed.
- 3.35 In the first instance and consistent with standard ACLEI processes, such contact will be managed by the Assessments Section. I&A officers will consider the most recent engagement with a complainant and may engage with the RM or RO depending on the nature of the contact.
- 3.36 At this initial stage and consistent with [s 3.6](#), the I&A officers will consider if the contact raises new material that could impact on the previous decision and provide advice to the AD I&A and DA. Consistent with [s 3.8](#), the DA will make the decision on next steps.
- 3.37 If the DA decides the contact does not provide new information that could impact the previous decision, the I&A officers will record this and either acknowledge and respond as appropriate, or otherwise note that no further action will be taken in response to that correspondence (particularly if ACLEI has previously indicated to the person that this is what we will do).
- 3.38 If the DA decides the correspondence does provide new and persuasive information pertaining to previous complaints/reviews, the DA will engage with the RM to confirm how to respond to the material. This may result in the commencement of a new assessment or the re-opening of a previous assessment.

## **4. Authority**

### **Law Enforcement Integrity Commissioner Act 2006 (LEIC Act)**

- 4.1 The LEIC Act establishes the office of the Integrity Commissioner and ACLEI, and details the Integrity Commissioner's functions. It also sets ACLEI's priorities—to investigate allegations of serious and systemic corrupt conduct in designated law enforcement agencies. In conjunction with the Law Enforcement Integrity Commissioner Regulations 2017 (LEIC Regulations), the LEIC Act details a range of reporting requirements, including specifying a range of matters that must be reported in the Integrity Commissioner's annual report.

### **ACLEI Assessment of Corruption Allegations Policy**

- 4.2 The purpose of the Assessment of Corruption Allegations Policy is to ensure the timely and consistent handling of information that may raise a corruption issue. This is critical to the efficient and effective administration of the LEIC Act and related statutory instruments.
- 4.3 ACLEI uses an assessment process to evaluate the information it receives. The purpose of the assessment process is to determine whether the information gives rise to a matter within ACLEI's purview.

- 4.4 The assessment process takes place in three stages. Regardless of who refers the information, ACLEI:
- a. Must be reasonably satisfied that the referral raises a corruption issue;
  - b. If so satisfied, make a decision whether to deal with the corruption issue or take no further action;
  - c. If a decision is made to deal with the corruption issue, make a further decision how to deal with the corruption issue.<sup>3</sup>

**ACLEI Assessment Board Terms of Reference (ToR)**

4.5 The Assessment Board ToR sets out the operating framework for ACLEI’s Assessment Board and supports the application of the Assessment of Corruption Allegations Policy.

**5. Definitions**

5.1 For ease of reference, this policy uses a number of LEIC Act terms interchangeably.

5.2 In this policy:

- “ACLEI” means the Integrity Commissioner and staff of ACLEI.
- “Complainants” means people who have contacted ACLEI alleging corrupt conduct who are dissatisfied with the outcomes of assessments and decisions made.
- “Information” means an allegation or information containing an allegation.
- “Referral” means an allegation or information containing an allegation.
- “CM” means Content Manager – ACLEI’s primary information holdings.

**6. Links**

Title	Type	File Ref	Author
ACLEI Assessment of Corruption Allegations Policy	Policy	CM 22#4919DOC	Judith LIND, EDO Northern
ACLEI Assessment Board Terms of Reference	ToR	CM 22#4921DOC	Director Assessments

**7. Templates**

Title	File Ref	Author
Request to Review ACLEI Decision Form	CM 22#16924DOC	Assistant Director Assessments position

<sup>3</sup> 22#4919DOC – p1 & 2.

## 8. Version history

Version	Authorised by	Revision date	Author	Description of change
1	Jaala HINCHCLIFFE, Integrity Commissioner	20 May 2022.	Director Assessments.	Initial Version

## 9. Approval

This Standard Operating Procedure is approved.



Jaala Hinchcliffe  
Integrity Commissioner

20/05/2022