

Promotion / Transfer / Non-appointment

This information is for: Applicants / Recommended Appointees and Panel Members

Relevant legislation

As per the *Police Service Administration Act 1990 Part 9 Review of decisions*

- (1) A police officer who is aggrieved by a decision about—**
- (a) the selection of an officer for appointment to a police officer position, whether on promotion or transfer, if the selection procedures mentioned in section 5.2(2)(a) were required to be complied with; or**
 - (b) the selection of an officer for transfer to a police officer position, if the selection procedures mentioned in section 5.2(2)(a) were not required to be complied with; or**
 - (c) action against the officer for breach of discipline; or**
 - (d) suspension or standing down of the officer; or**
 - (e) another decision prescribed by regulation as open to review under this part;**
- may apply to have the decision reviewed by a commissioner for police service reviews.
- (1A)** An application for the review of a decision mentioned in subsection (1)(a) may only be made by a person who properly applied for appointment to the position concerned and was unsuccessful.
- (1B)** An application for the review of a decision mentioned in subsection (1)(b) may only be made by a police officer who was transferred to the position concerned without applying for the transfer.
- (1C)** Also, a former officer who is aggrieved by a disciplinary declaration made against the former officer under section 7A.2(2) for a breach of discipline may apply to have the disciplinary decision reviewed by a commissioner for police service reviews.
- (2)** An application for review of a decision that relates to action for breach of discipline may seek the review in respect of—
- (a) the decision that such action should be taken; or**
 - (b) the nature of the discipline imposed;**
- or both, and a review may be conducted accordingly.
- (3)** Authority is hereby conferred on a commissioner for police service reviews—
- (a) to hear and consider all applications for review under this part duly made;**
 - (b) to make recommendations relating to any matters relevant to a review under this part.**

An Outline of the Review Process

- Each police service appointment, and the closing date of the period in which it can be reviewed, is published in the Queensland Police Gazette.
- An applicant who wishes to have an appointment decision reviewed (the applicant) must email a completed Notice of Application to Review form (CPS01 form) to the Secretary Police Service Reviews (PSR), via OCPSR@ccc.qld.gov.au within 14 days of the decision.

Applications are lodged electronically but will also be accepted in person or by post on the closing date. Applications for review received after the closing date will not be accepted. The applicant should check that the application has been received by telephoning 07 3360 6387.

The applicant must specify the grounds for review — whether merit and/or a flawed selection process — on the Notice of Application to Review form. For example, if a flawed selection process is cited, the applicant must show how they consider the process to have been flawed. Similarly, an applicant citing superior merit must detail how or where the panel erred in their assessment of merit.

- The Secretary PSR gives written notification of the application to review to the Commissioner of Police via the Senior Sergeant, Reviews. The Secretary PSR also forwards correspondence acknowledging receipt of the review to the applicant and the recommended appointee. An outline of the reviews process is included in the correspondence.
- The panel convenor or another panel member provides the relevant documentation from the selection process to the Secretary PSR (via the Senior Sergeant, Reviews) within three weeks of the request from the Secretary PSR. The Secretary PSR then provides copies of this documentation to the applicant and the recommended appointee. A copy is kept on file for the Review Commissioner.
- The applicant has two weeks after receiving this documentation to complete a written submission outlining in detail the reasons for continuing with their review. The submission should be sent by email to the Secretary PSR, the recommended appointee and the Senior Sergeant, Reviews.

Extensions for submissions will not be given unless the Secretary PSR is contacted and a reasonable explanation is provided. Work commitments or periods of leave are not grounds for an extension. (Failure to submit documentation within the required timeframe may result in the matter lapsing or being considered “on the papers” by the Review Commissioner — i.e. on the basis of documentation already supplied to the review.)

- The panel convenor has one week to provide a written response to the applicant’s submission, which is forwarded to all parties to the review (the applicant, the recommended appointee and the Senior Sergeant, Reviews).
- The recommended appointee is also provided the opportunity to submit a response to the applicant’s submission. If the recommended appointee elects to do so, they should email the response to the Secretary PSR, within one week of receiving the applicant’s submission, and at the same time send a copy to the applicant and the Senior Sergeant, Reviews. If the recommended appointee does not wish to make a submission, they should notify the Secretary PSR and the Senior Sergeant, Reviews.
- The Secretary PSR emails the applicant, the recommended appointee, the panel convenor and the Senior Sergeant, Reviews, at least seven days in advance, about the date and time of the review hearing. If the applicant or recommended appointee do not attend the hearing and the Secretary PSR has not been notified of any likely absences or unavailability (e.g. for court attendances, courses), the matter may be considered “on the papers”, at the discretion of the Review Commissioner.
- A review hearing is held, and conducted in accordance with section 9.4 of the *Police Service Administration Act 1990*. The hearing may be held either in person or by teleconference, depending on the location of the parties to the review. The Panel Convenor participates either in person or via teleconference to respond to any questions the Review Commissioner may have.

Both the applicant and the recommended appointee should take to the review hearing all the documentation that they have supplied and received during the review process.

- The Review Commissioner makes a recommendation to the Commissioner of Police via the Senior Sergeant, Reviews. Copies of this review report are also provided to the applicant and recommended appointee.
- The Commissioner of Police is responsible for making the final decision about the appointment, and is not obliged to accept the Review Commissioner’s recommendation. If a recommendation is not accepted, written reasons must be provided to the Review Commissioner.
- The decision is published in the Queensland Police Gazette.

Responsibilities of police officers

Submission due dates

- The applicant (and the recommended appointee if they choose to provide one) must present their written submissions to the Review Commissioner by specific dates. They are given written notification of these dates by the Secretary PSR. Extensions are only given if reasonable circumstances are provided.

- Each officer should also provide a copy of their submission to the other officer, the Secretary PSR, and the Senior Sergeant, Reviews.

Withdrawal of a notice of application to review

- The applicant may withdraw the application to review at any stage of the review process, by emailing the Secretary PSR at <OCPSR@ccc.qld.gov.au>. The email should state that the officer wishes to withdraw the application to review; the relevant CPSR file number; and the applicant's and recommended appointee's names.

Address changes

- Papers are distributed and received electronically, however all parties to the review must advise the Secretary PSR of their current location at all times, to ensure any hard copy material (if required) reaches them within normal postal delivery times. Failure to do so is not an acceptable reason for requesting an extension.

Email account to be monitored

- All parties to a review must ensure their email account is able to receive any documentation from the Secretary PSR, Senior Sergeant Reviews and other parties to the review.

Leave/court commitments

- All parties to the review must advise the Secretary PSR of any leave or court commitments they may have during the review process, by:
 - telephoning 07 3360 6387, or
 - email to <OCPSR@ccc.qld.gov.au>

Establishing grounds for review

Get feedback

Ensure that you do have a case for review. First, get feedback from the panel convenor or another member of the panel if the convenor is not available. Proper feedback on the reasons for your non-appointment is your entitlement. In particular cases you may request that a summary of feedback be provided in writing. You may also request a copy of the successful officer's application.

Once you have received feedback, consider the points made. Perhaps there are ways in which you could have presented your case better. Was your application specific enough? If you were interviewed, could your answers have been more relevant? It may be a good idea to talk it over with a colleague who knows you well, or with a friend or partner. They may be able to point out things that you have not seen yourself. Most of us do not have the gift of seeing ourselves "as others see us". A private talk with your supervising officer could be beneficial.

Decide on grounds of review

Assuming that you have decided to review an officer's appointment, make sure that your reasons can stand up in a review situation. The two general grounds for review are that either the process of selection was defective or that you have demonstrated greater merit during the selection process that the panel failed to properly assess.

If you believe the process was flawed, make sure that you have the facts right. Having perused QPS Policy and identified what you consider to have been done incorrectly, check your opinion with someone who is in a good position to advise you.

Once you are sure of your grounds, draft a submission and ask someone to go through it with you to check for completeness. Make sure that your grounds are particularised and clearly expressed.

Instructions on how to submit an application to review are contained in QPS Policy. Ensure that your application is received by the Secretary PSR before the due date specified in the Gazette.

If your application is to be on the grounds of merit, remember that it is not sufficient for you to state your opinion that you have considerable merit or more merit than the recommended appointee. This means that you will need to examine the panel's ratings of each criterion in the position description for each capability, and detail what matters in your favour have been overlooked or underrated by the panel in comparison with the recommended appointee.

Do not expect the Review Commissioner to do your thinking for you. The Review Commissioner will certainly have examined all the evidence in the panel convenor's report, but you will be expected to argue your case in your written submissions and at the Review Hearing.

Common mistakes and how to avoid them

Many officers make the mistake of either relying on their experiences to prove merit, or simply asserting their merit without producing evidence to demonstrate that assertion.

Experience is how we get the opportunity to demonstrate merit. It is not merit in itself. Some officers say something like this: "I have 23 years of service, the recommended appointee has only 14, and therefore my merit generally, and my knowledge in particular, must be greater."

This is not logical. Some of us learn more from our experience than do others. And some of us with 23 years' service have had one year's experience 23 times.

Some officers refer to particular experiences as proof of merit. Some examples of claims made are:-

"I am an adopt-a-cop at three schools." (What happened because of your being an adopt-a-cop? What results followed? What initiatives did you install? Unless there is hard evidence, all we can do is assume that you just turned up.)

"I lecture at TAFE, and therefore I am a good communicator." (It does not follow! Many of you will have heard poor lecturers at any educational institution. Show your effectiveness by means of things like repeated requests to return; commendations from students or the faculty; or a referee who can endorse your claim.)

"I got first-class honours in management, and this makes me a good manager." (It doesn't. It shows that you know the theory. You will need to provide evidence of how well you managed, or how you increased productivity or solved a problem. Again, a referee could confirm.)

"I managed 20 people at that station." (How well did you manage them? What evidence can you provide?)

"I am more multi-skilled than the recommended appointee." (This may simply mean that you have had more jobs in a broader environment. You have to go further and show what you have done as a result of your broad experience.)

"I have made more arrests than the recommended appointee." (This does not necessarily mean that you are a more effective officer. You may have been in an area where it was inevitable that more arrests would be made. Perhaps the recommended appointee had success in proactive policing that reduced either the opportunity to commit an offence, or reduced the intention to do so.)

Assertion is often used as if it proves actual merit. Statements like:

"I am well known as an effective communicator"

"I am an efficient manager"

"My record in problem-solving is well known"

do not aid a proper assessment of merit, unless you can back them up with hard evidence.

Are your initiatives and achievements covered in the material you submitted with your application? Are there senior officers who can support your claims? They don't have to be your current or past supervising officers. State their name and location, and a member of the panel can easily verify what you said.

A recommendation by a Review Commissioner to interfere with the original decision of the selection panel can only be made on hard evidence, and on nothing else. You can provide that evidence in your application for the position including reference to referees and through answers to interview questions. If you have provided such

evidence, and if this has not been fully appreciated by the panel, then this is a valid ground for review which should be raised in your written submissions and at the review hearing.

The review hearing

Finally, a word or two about the review hearing itself. Make sure you arrive in good time. Be prepared to debate your merit as against that of the recommended appointee. You are told that reviews are “non-adversarial”. This does not mean that you cannot argue your case, as long as you do so in a non-adversarial way. Treat the other officer as you would hope to be treated yourself, and you cannot go wrong. The emphasis should be on demonstrating how the selection panel erred in their decision, not the weaknesses of the recommended appointee.

You will find that the actual review hearing is informal and as relaxed as possible. In the room will be the Review Commissioner, the Secretary PSR and a representative of the Commissioner for the Police Service (Senior Sergeant, Reviews). This officer’s job is to assist the process by providing the Review Commissioner with the kind of information that an independent person would not have. The officer’s job is not to present a case for or against either party, but to ensure that all evidence is properly presented.

A member of the QPUE is also invited to attend the hearing as an observer.

Upon conclusion of a review, the Review Commissioner is to make such recommendations to the Commissioner of the Police Service as considered appropriate. In promotion and transfer matters, the most common types of recommendations are to affirm the decision of the selection panel; to recommend a new panel be formed to make a fresh determination; or in more limited circumstances, to set aside the appointment and substitute the application for review.

Any recommendation made by the Review Commissioner is a recommendation only. The final decision will rest with the Commissioner of the Police Service who may accept or reject the recommendation. If it is rejected, the Commissioner is bound to provide his reasons to all parties.

It is important to point out that the review process is a very expensive one. In fairness to all, please make sure that you only review an appointment if you have good reason to do so. And if, for some reason, you have to withdraw your application, do so as soon as possible to avoid the extra cost involved in preparing for the review.