

## INFORMATION SHEET: Promotion / Transfer

For Review Applicants / Nominated 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**

...

**(2) 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.**

...

**(4) 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 review applicant) must email a completed Notice of Application to Review form to the Secretary, Office of the Commissioner Police Service Reviews (OCPSR), via [OCPSR@ccc.qld.gov.au](mailto:OCPSR@ccc.qld.gov.au) within 7 days of the notice of the Promotion/Transfer (not Lateral Transfer) in the Queensland Police Gazette.
- Applications are lodged electronically but will also be accepted in person or, if received by post, on or before the closing date. If you have not received confirmation of receipt via email from the Secretary, prior to the review closing it is the Applicants responsibility to confirm receipt by phoning 3360 6387. Applications for review not received by the closing date, or received after the closing date will not be accepted.
- The review 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 review applicant must show how they consider the process to have been flawed. Similarly, a review applicant citing superior merit must detail how or where the panel erred in their assessment of merit.
- The Secretary OCPSR gives written notification of the application to review to the Commissioner of Police via the Senior Sergeant, Police Service Reviews. The Secretary OCPSR also forwards correspondence acknowledging receipt of the review to the review applicant and the nominated 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 OCPSR (via the Senior Sergeant, Police Service Reviews). The Secretary OCPSR then provides copies of this documentation to the review applicant and the nominated appointee. A copy is kept on file for the Review Commissioner.

- The review applicant may then complete a written submission outlining in detail the reasons for continuing with their review. The submission should be sent by email to the Secretary OCPSR, who will forward to the nominated appointee and the Senior Sergeant, Police Service Reviews.
- Extensions for submissions will not be given unless the Secretary OCPSR 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 will provide a written response to the review applicant’s submission via email to the Secretary OCPSR, which is forwarded to all parties to the review (the review applicant, the nominated appointee and the Senior Sergeant, Police Service Reviews).
- The Secretary OCPSR emails the review applicant, the nominated appointee, the panel convenor and the Senior Sergeant, Police Service Reviews, about the date and time of the review hearing. If the review applicant or nominated appointee do not attend the hearing and the Secretary OCPSR has not been notified of any likely absences or unavailability (e.g. for court attendance), the matter may be considered on the written material provided, 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 at the direction of the Review Commissioner. The Panel Convenor is required to participate in the hearing to provide information to the Review Commissioner about the selection process.
- Both the review applicant and the nominated 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, Police Service Reviews. Copies of this review report are also provided to the review applicant and nominated appointee.
- The Commissioner of Police is responsible for making the final decision about the appointment having considered the Review Commissioner’s recommendation. If the Commissioner of Police decides not to implement the recommendation of the Review Commissioner, the Commissioner of Police must give a brief summary of the reasons for the decision to all parties to the review and the Review Commissioner.
- The decision is published in the Queensland Police Gazette.

## Responsibilities of police officers

### *Submission due dates*

- The review applicant (and the nominated 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 OCPSR. Extensions may be given at the discretion of the Review Commissioner if reasonable circumstances are provided.
- The review applicant and Panel Convenor should also provide a copy of their submission to the Secretary OCPSR who will then forward to the nominated appointee, and the Senior Sergeant, Police Service Reviews.

### *Withdrawal of a notice of application to review*

- The review 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](mailto:OCPSR@ccc.qld.gov.au)>. The email should state that the officer wishes to withdraw the application to review and note the relevant CPSR file number.

### *Email account to be monitored*

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

### *Leave/court commitments*

- All parties to the review must advise the Secretary OCPSR of any leave or court commitments they may have during the review process, by email to <[OCPSR@ccc.qld.gov.au](mailto:OCPSR@ccc.qld.gov.au)>

### Suggestions for establishing grounds for review

#### *Get feedback*

Ensure that you do have a basis for review. First, get feedback from the panel convenor or another member of the panel if the convenor is not available. You are entitled to receive proper feedback on the reasons for your non-appointment. In particular cases you may request that a summary of feedback be provided in writing.

Once you have received feedback, consider the points made. Perhaps there are ways in which you could have presented your application 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 conversation with your supervising officer at an appropriate time could be beneficial.

#### *Decide on grounds of review*

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 than the panel failed to properly assess.

If you believe the process was flawed, make sure that you have the facts right. Having considered the 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 specific and clearly expressed.

Ensure that your application is received by the Secretary OCPSR 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 nominated 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 nominated appointee.

Do not expect the Review Commissioner to do your thinking for you. The Review Commissioner will examine all the evidence in the panel convenor’s report, but you are expected to outline the reasons why the selection was flawed 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 any 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 nominated appointee has only 14, and therefore my merit generally, and my knowledge in particular, must be greater.” However that reasoning is flawed. 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.” (This does not necessarily 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 nominated 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 nominated 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 nominated 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.

You can draw the Review Commissioner's attention to evidence in your application for the position including reference to referees and your 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 may 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 outline your key issues or concerns in relation to the selection of the nominated appointee. Reviews are "non-adversarial". However, this does not mean that you cannot explain your view or advance your argument, as long as you do so in a respectful and professional 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 nominated appointee.

You will find that the actual review hearing is as informal and as relaxed as possible. In the room will be the Review Commissioner, the Secretary OCPSR, the Senior Sergeant, Police Service Reviews (as the officer nominated by the Commissioner to assist the Review Commissioner conducting the review).

A member of the QPUE/QPCOU (the relevant union) 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 the nominated appointment be set aside and a new panel be formed to conduct a fresh selection; or in some instances, for the panel to recommence the selection process from a specified point.

On conclusion of the review the Review Commissioner's recommendation will be considered by the Commissioner of Police who will make the final decision in relation to the appointment.

In fairness to all, please make sure that you only review an appointment if you have good reason to do so.

If, for some reason, you decide to withdraw your application to review please do so as soon as possible to minimise the stress and inconvenience to all parties of the review.