



# AGEING AND DISABILITY COMMISSION

ADC REVIEW OF A DECISION POLICY

## Document approval

The ADC Review of a Decision Policy has been endorsed and approved by:

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**Commissioner**

Approved:

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# 1 Purpose

This policy outlines the types of decisions the Ageing and Disability Commission (ADC) may review, the circumstances under which a review may be undertaken, how to request a review, and how we handle review requests.

While we are not legally obliged to review our decisions, we do consider requests for review and will undertake a review in certain circumstances.

Review requests provide us with an opportunity to:

- reconsider a matter when additional information or a different opinion is presented
- examine and assess the process by which we reached and communicated our decision.

## 2 Process

### 2.1 If you disagree with a decision

If you are a relevant party in a matter the ADC is handling and you disagree with the decision we have made about the matter, the first step is to contact the ADC officer to discuss your concerns.

If you still disagree with the decision after discussion with the officer, you can request a review.

Complaints about the conduct of our staff, or about our policies or procedures, are considered to be a complaint and not a review. We handle complaints in line with our *Complaints and Feedback Policy*.

### 2.2 What is a review?

A review involves examining whether:

- the decision we reached was reasonable and consistent with the *Ageing and Disability Commissioner Act 2019*
- the process we used to reach the decision was fair and appropriate
- the decision was adequately explained to relevant parties.

We will only review a decision once.

### 2.3 What decisions can be reviewed?

The ADC makes a range of decisions in its handling of matters. Examples of key decisions that may be reviewed include:

- the decision to decline taking any action on a report
- the decision not to investigate a report

- the decision to discontinue an investigation
- the decision to take protective action, or to not take protective action.

## 2.4 Who can request a review?

Review requests can be made by a 'relevant party'. A relevant party is any individual or agency who, in the opinion of the ADC, has a genuine concern in the matter.

## 2.5 How do I request a review?

A request for a review can be made via phone, video, post, email, or in person. We will provide assistance to seek a review when required – such as help to document the grounds for requesting a review.

Anyone may represent a person wishing to seek a review, with their consent (for example, an advocate, friend, family).

Review requests must:

- specifically state how or why you believe we have reached the wrong decision, and
- provide any new relevant information that is available.

## 2.6 Initial assessment

We will acknowledge receipt of the request within two working days.

A senior manager will consider the request and determine whether the decision will be reviewed.

We will undertake an initial assessment of the request, which will involve consideration of whether the request is being made by a relevant party, and consideration of the concerns outlined in the request, and the supporting information. We may undertake brief, preliminary inquiries to inform our assessment.

We will also consider the outcome sought by the person seeking a review, and whether resolution requires the involvement of, or referral to, other organisations.

## 2.7 The review process

Reviews are conducted by a member of staff who was not involved in the original decision. Where possible, reviews are conducted by a staff member who is more senior than the original decision maker.

The review officer will consider:

- whether relevant policies and procedures were followed when making the decision
- whether all relevant information was fairly and properly considered
- the views of the relevant party
- any new, relevant information.

The review will generally be completed within 20 working days from the request.

## 2.8 Review outcome

At the completion of the review, the review officer will make a recommendation to the Commissioner. Once the recommendation is approved by the Commissioner, you will be advised of the outcome in writing.

The outcome of the review will either be:

- to affirm the original decision, or
- to re-open the matter and make a decision in light of new information provided.

We will only re-open a matter when significant new information has been provided or if an error in the original decision has been identified.

A matter may only be reviewed once – this includes matters that have been re-opened. The review decision is final.

If you are not satisfied with our decision, you can make a complaint to the NSW Ombudsman.

## 2.9 Decision not to undertake a review

We may decide that the matter does not warrant a review. Reasons for this decision will be provided.

If a decision is made not to review a matter, the ADC will not accept any further requests to review the matter, unless significant new relevant information is provided.

## 3 Roles and responsibilities

### Commissioner

- Considers and approves review recommendations.
- Promotes a culture where appeals are valued and are used to improve how we work.

### Director and managers

- Assess and approve review requests and appoint review officers.
- Provide adequate support and direction to staff responsible for handling reviews.
- Encourage staff to be alert to requests and assist those responsible for handling reviews to conduct them promptly and respond appropriately.

### All staff

- Treat people with respect, including people who are seeking a review.
- Handle a request for a review impartially.
- Assist people to request a review when needed, particularly people who require communication or other supports to participate in the review process.
- Refer requests to the relevant Manager or Director.
- Provide information to relevant parties about the review process in accordance with this policy when requested.