

Purpose

This document provides clarity on the Office of the Health Ombudsman's (OHO) policy with respect to internal reviews.

Commitment

The guiding principles underpinning this policy are in keeping with the OHO's commitments to:

- managing complaints in a transparent, accountable and fair manner
- protecting the health and safety of the public
- providing exceptional service to stakeholders
- continual improvement of our business processes.

To this end, the OHO provides parties to a complaint with a pathway to seek review of certain administrative decisions made by the OHO.

Policy

In accordance with this policy, requests for internal review may be considered in cases where the party seeking review has provided adequate grounds for review and the original OHO decision (i.e. the one subject to the review) was either to:

- not accept the complaint
- or
- take no further action on all complaint issues, at any stage of the complaint management process, under section 44 of the Act.

Scope

This policy applies to certain statutory decisions made by the Health Ombudsman, or his/her delegate, under the *Health Ombudsman Act 2013* (the Act). It does not apply to statutory reviews conducted under part 15, division 7 of the Act.

Power to amend or repeal decisions

While there is no express power in the Act to vary or change decisions made under the Act, section 24AA of the *Acts Interpretation Act 1954* provides a source of power to amend or repeal decisions. The power to amend or repeal a decision can be exercised in the same way and subject to the same conditions as the power to make the decision.

What to do if you are dissatisfied with a decision

If you are of the view that a decision made by an OHO decision maker is not correct, you are encouraged to initially contact the original decision-maker to discuss your concerns. It may be that the original decision-maker can provide you with a further explanation or answer any queries you may have.

If after this contact, you still believe the decision is not correct, you may make a written request for internal review of the decision in accordance with the requirements set out below.

Time to request an internal review

Requests for internal review of a decision must be made in writing within 28 calendar days of the receipt of the notice of decision. The OHO will only consider an extension of time in exceptional circumstances. Any request for an extension of time must be requested in writing and justified by a satisfactory explanation for the delay.

How to make a request for internal review

Requests for internal review must:

- be in writing¹
- refer to the relevant case reference number
- provide a concise summary of the reasons or grounds for review
- provide your preferred contact information.

You may lodge your request for internal review:

By email: reviews@oho.qld.gov.au.

or

By post: Internal Reviews
Office of the Health Ombudsman
PO Box 13281 George Street
BRISBANE QLD 4003

Grounds for internal review

A request for internal review must specify clear reasons why you believe the decision is not correct. This is referred to as your 'grounds of review'.

You may provide new information or material which was not available at the time the original decision was made.

¹ If you are unable to make your request in writing, please telephone this office on 133 646 and we will assist you.

Any new information or material, however, must be relevant to the decision that is subject of review. In relation to new information not relevant to the decision under review, consideration will be given to whether the new information constitutes a new complaint.

You will be informed in writing about the decision in relation to your request for internal review. Your request for internal review may be refused on the basis that you have not identified any grounds for review.

What decisions can be reviewed?

- A decision not to accept a complaint
- A decision to take no further action on all complaint issues, at any stage of the complaint management process, under section 44 of the Act.

What decisions are excluded from this policy?

- A decision to accept a complaint
- A decision to assess under part 5 of the Act
- A decision to facilitate local resolution under part 6 of the Act
- A decision to conciliate under part 11 of the Act
- A decision to refer to the National Agency under section 91 of the Act²
- A decision to refer to another government entity under section 92 of the Act
- A decision to take immediate action under Part 7 of the Act
- A decision to investigate the complaint under part 8 of the Act
- A decision by the Health Ombudsman to refer a matter to the Director of Proceedings
- A decision by the Director of Proceedings to refer a matter to the Queensland Civil and Administrative Tribunal under section 103 of the Act
- Any decision made under Part 12 of the Act in relation to an Inquiry

The internal review process

Your request for internal review will be considered independently by an officer who is of equal or more senior level to the officer who made the original decision. To ensure an objective approach free of bias, your request will not be considered by the original decision-maker. Reviewers aim to be consistent in their approach, and act independently, exercising their own judgment within the confines of the Act.

You, or another affected party, may be requested to make further submissions as part of the internal review process.

Information you provide to the OHO as part of the internal review process may be provided by the OHO to an affected party for the purposes of obtaining submissions or deciding how best to proceed with the internal review request.

² An internal review of a decision of this kind *may* be considered in very limited circumstances.

You may withdraw your request for internal review at any time before a decision is made by the reviewer.

What types of decisions can be made on internal review?

An internal review is what is known as a 'merits review', which means the reviewer will 'stand in the shoes' of the original decision-maker. The reviewer will consider all the information and material which was before the original decision-maker, and any additional relevant information or material provided as part of the request for internal review.

The reviewer may make any of the following decisions:

- uphold the original decision
- amend the original decision
- repeal the original decision and substitute a new decision.

The outcome of internal review

Depending on operational demands and the complexity of the issues raised, the internal review process aims to be completed within 40 business days. You will be informed of the internal review decision in writing.

What if I am not satisfied with the internal review decision?

If you are not satisfied with the decision made on internal review, or any part of the internal review process, you may make a complaint to the Office of the Queensland Ombudsman.

You may wish to visit their website at www.ombudsman.qld.gov.au to see how they can assist you.

The contact details for the Office of the Queensland Ombudsman are as follows:

Address: Level 17, 53 Albert Street
Brisbane QLD 4000

or

GPO Box 3314
Brisbane QLD 4001

Telephone: 07 3005 7000 or Free call 1800 068 908

Email: ombudsman@ombudsman.qld.gov.au

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