

REVIEW OF DECISIONS PROCEDURE

This procedure must be read in conjunction with the *Review of Decisions Policy.*

1. Overview
   1. This procedure provides information about the process for applicants and decision-makers in relation to reviewable decisions under the *Education Act 2004*.
2. Rationale
   1. This procedure is to assist persons whose interests may be affected by a reviewable decision and to support Directorate decision-makers who are responsible for making these decisions.
3. Procedures

Internal review procedures – Directorate review of certain decisions

* 1. A person seeking an internal review of a decision listed in Attachment A should apply in writing, including the applicant’s name and address. The application for the internal review must be made to the original decision-maker within 28 days after the day the applicant is given the internal review statement. A period of longer than 28 days may be allowed by the internal reviewer before or after the end of the 28 day period. Where timeframes for review options vary, these will be detailed in the tables at Attachment A. The reasons for seeking an internal review should be set out in the application. Attachment B provides a checklist of considerations in seeking a review. Attachment C provides a form that may be used.
  2. The Directorate decision-maker who is authorised to consider the internal review will examine the decision made and consider all relevant factors, and within 28 days after the decision-maker receives the application for internal review will either:
* confirm the decision
* vary the decision, or
* set aside the decision and substitute his or her own decision.
  1. The Directorate decision-maker will provide a written notice of the internal review decision and reasons for the decision to the applicant as soon as possible after the decision has been made and within any time period set out in the relevant legislation. The notice to the applicant should:
* advise the decision
* explain why the decision was made
* include the relevant facts or considerations that led to the decision being made
* advise the avenue(s) for review or appeal regarding the decision and timeframe in which the person affected by the decision may appeal, and
* include contact details of a person or agency that the individual may appeal to.
  1. If the applicant feels that the issue has not been resolved satisfactorily through the internal review process, they may apply to have the decision externally reviewed.

External Review procedures – ACT Civil and Administrative Tribunal (ACAT) review of certain decisions

* 1. In accordance with the legislation described in Attachment A, the external review mechanism for a reviewable decision involves a formal external review initiated by the affected person within 28 days after the day the Directorate’s internal review decision is made (or such other time as permitted by the *ACT Civil and Administrative Tribunal Act 2008*).
  2. External reviews related to the decisions listed in Attachment A are conducted by the ACAT. Information and forms relating to the external *reviewable decisions* appeal process are available at the *Administrative Review* section of the ACAT website: <http://www.acat.act.gov.au>. Contact details for ACAT are as follows:

Postal address: GPO Box 370

CANBERRA ACT 2601

Email: [tribunal@act.gov.au](mailto:tribunal@act.gov.au)

Phone: (02) 6207 1740

Fax: (02) 6205 4885

Website: <http://www.acat.act.gov.au>

1. Contact
   1. The Director Governance and Community Liaison Branch is responsible for this procedure.
   2. For support contact Governance and Community Liaison Branch on email [EDULegalLiaison@act.gov.au](mailto:det.legal.liaison@act.gov.au).
2. Complaints
   1. Any concerns about the application of this procedure or the procedure itself, should be raised with:

* the Senior Manager Governance and Legal Liaison in the first instance at EDULegalLiaison@act.gov.au;
* the Directorate’s Liaison Unit on (02) 6205 5429;
* online at <http://www.det.act.gov.au/contact_us>;
* see also the *Complaints Policy* on the Directorate’s website.

1. References
   1. **Definitions**

* Refer to the Review of Decisions Policy.
  1. **Related Policies and Documents**
  + Complaints Policy
  + [Freedom of Information](http://www.det.act.gov.au/about_us/freedom_of_information) content on the Directorate’s website
  + [Home Education](http://www.det.act.gov.au/school_education/home_education) content on the Directorate’s website
  + [Registration of Home Education in the ACT - Manual](http://www.det.act.gov.au/school_education/home_education)
  + Suspension, Exclusion or Transfer of Students in ACT Public Schools Policy and related internal guidelines for Directorate staff