

MPC Guidance for APS agencies on building an effective system of review

Part 1: Principles

As an Australian Public Service agency, your review policy and procedures must, at a minimum, be consistent with the Employment Principles set out in the [Public Service Act 1999](#) (the Act) and [Public Service Regulations 2023](#) (the Regulations).

This first part of the MPC guidance highlights the key principles that underpin an effective system of review. Use these principles to develop your system and maximise the benefits reviews can offer.

Figure A How to build a positive review culture



Access to information

APS employees (excluding SES) have a legislated right to seek a review of a decision related to their individual APS employment.

This system of review is called the Review of Actions scheme (the scheme). It is about making sure employment related decisions are lawful and fair. Of course, that goal can only be achieved if your staff are aware of their entitlement.

This principle is about encouraging agencies to make sure employees know about their entitlement to seek a review, and are given genuine access to exercise that right, at the time they need to use it. An employee is likely to only seek information about the review process when they are not happy with a decision.

Wherever possible, think about the reasons your staff may not feel safe or comfortable to seek a review of a decision. There may be historic, cultural or operational reasons why an employee may choose to not to complain or raise a concern. Equally, there may be environmental reasons for why a manager may not inform their staff about the review right. Most of those barriers can be addressed with clear, consistent and positive messaging about the scheme, which focuses on its benefits to both employees and agencies – such as improved decision making, supporting conflict resolution, enhancing accountability transparency and integrity. Make a statement that reprisal action for seeking a review will not be tolerated.

A fully engaged and open approach to the scheme shows a commitment to building a productive, engaged and safe workplace.

Equip and support review staff

Part 3 of this MPC Guidance shows the complexity of the scheme's jurisdiction.

A review process and outcome must be lawful, procedurally fair and able to withstand external scrutiny. There are eligibility requirements, discretionary powers and administrative rules that must be met. In addition to this, the Regulations expect reviews to be completed as quickly and informally as possible and with the option of alternative dispute resolution where appropriate.

Reviewers need to understand and manage these competing requirements and priorities. It is therefore important to properly equip, train and support your review staff and recruit for the unique and specialised skills needed to undertake reviews and handle complaints.

Have adjacent proactive safe workplace policies to support review staff deal with psychosocial hazards, including exposure to sensitive subject matter or material, high workloads, managing aggressive or unreasonable conduct and strategies for early detection of vicarious trauma and burn out.

Timeliness and communication

Timeliness and communication matter. It builds trust in the process, prevents escalation and reduces potential requests for secondary review by the MPC. In our experience, an applicant is more likely to have confidence in the process (and accept an unwelcome outcome) if their issues are dealt with, and responded to, promptly.

While it is not always possible to set strict timeframes for completing a review, there are stages of the review process where you can be definitive – for example acknowledging a request for review, providing advice on the progress of an application and building regular updates into the review process – even if there is no new information to share.

Be open about the factors that may change the timeframe or deadline for completing a review. The time it takes to complete a review will depend on the type of decision under review.

Making timely decisions, and providing that advice promptly, shows a commitment to the principles of good decision making, and to meeting your obligations under the Regulations.

Improve decision making through review insights

While a primary purpose of the scheme is to address and resolve an individual employees' concern, at an organisational level it can be used to improve decision-making.

Review data can give invaluable insights into what is happening in your agency. It can be used with other information to identify emerging or unresolved issues with certain groups or individuals. It can be evidence on how well a team or policy is functioning and identify inefficient or ineffective systems.

Reviews can suggest improvements to a practice or approach (irrespective of whether the original decision was set aside or varied). It can show training needs and capability gaps – noting the privacy requirements to report only on high-level, de-identified data. A review outcome may recommend changes to a policy or a process that will resolve problems and therefore have a positive effect on other staff.

Take steps to understand what may be generating applications for review or where there is an absence of applications. Don't assume that having small numbers of applications for review is evidence of a healthy and effective workforce.