



# Guide to Transfer and Promotion Appeals

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# 1 ABOUT APPEALS

## 1.1 Introduction

The *Victoria Police Act 2013* (the Act) provides rights for police officers and protective services officers to appeal certain transfer or promotion selection decisions (ss.141 and 142).

The Police Registration and Services Board (PRSB) conducts appeals under Part 8 of the Act. The PRSB is independent of Victoria Police. The Chief Commissioner must give effect to a decision of the PRSB (s.165).

The appeal is a '**re-hearing**' (s.144) meaning that the PRSB Member considers all the information in the **Selection File** and obtained from the hearing and makes the decision independently and afresh.

The PRSB has prepared this Guide to assist you in an appeal.

# 2 LODGING AN APPEAL

## 2.1 I was not successful for the position and I'm thinking about appealing

It may feel disappointing when you don't get a position you were keen on. You might feel that you are qualified and performed well and do not understand why the panel has not selected you. Before you appeal, seek feedback from the **Local Panel Representative** (LPR).

Constructive feedback might help you learn more about your interview, written responses, experience, capabilities areas where the panel thought you needed to develop. This feedback can help you improve your chances next time. It is part of the LPR role to offer feedback and they will be expecting calls and emails after the selection is announced. If the LPR is on leave or you are unable to make contact, get in touch with the **Transfer and Promotion Unit** for advice.

Be aware however of the strict time limit for lodging an appeal (within **three days** of the selection being published in *The Gazette*). Appeals close at midnight on the Thursday following publication of *The Gazette*.

## 2.2 Am I able to appeal a transfer or promotion selection decision?

You must have applied for the position to be allowed to appeal. The following transfer and promotion selection decisions **cannot** be appealed:

- transfer or promotion at the rank of superintendent, chief superintendent<sup>1</sup> or commander
- transfer to a Metropolitan position of constable (general duties) or senior constable (general duties)
- promotion of a constable to senior constable (in the same position)
- transfer made under an expression of interest process agreed under an industrial instrument (that is, enterprise agreement) applying to police officers or protective service officers (s.141(2) and s.142(2)).

You may lodge a maximum of **four** appeals in any given financial year.

<sup>1</sup>This extract is taken from the *Victoria Police Act 2013*, however, the role of chief superintendent no longer exists.

## 2.3 Qualifications, eligibility criteria and time-in-position requirements: Regulation 54

The Victoria Police Regulations 2014 (r.54) provide that **unless PRSB otherwise determines**, a police officer or protective services officer is **not** entitled to appeal if that person:

- did not satisfy the qualifications, eligibility criteria or time-in-position requirements to apply for the position, or
- has an application under r.15 or 20, which has lapsed for a transfer or promotion to the position (under these regulations any applications made for transfer lapse if you are selected for a different transfer and any other applications for transfer or promotion lapse if selected for a different promotion).

Before you appeal, check whether you meet all such requirements, which are set out in the **Position Description**. If you are not sure, check with the **Transfer and Promotion Unit**.

Under regulation 54, you may still appeal despite not meeting these requirements. The PRSB will ask Victoria Police to make a submission, hear your arguments and then determine as a preliminary issue whether you will be allowed to appeal. If so, the appeal will be decided on 'efficiency.'

## 2.4 How many appeals can I lodge?

Use your appeal rights wisely and only if you feel you have reasonable prospect of success. You may lodge a maximum of **four appeals in a financial year**, which includes appeals that are withdrawn. If you appeal more than one selection in a group process, **each** appeal counts towards your limit (ss.141(3) and 142(3)).

## 2.5 On what grounds can a decision be appealed?

For **police officers**, the only grounds for an appeal are for positions:

- up to and including the rank of senior sergeant: *superior efficiency or equal efficiency and greater seniority* (s.142(4)(a)).
- at the rank of inspector: *superior efficiency* (s.141(4)(a)).<sup>1</sup>

For **protective service officers**, the only grounds are:

- *superior efficiency or equal efficiency and greater seniority* (s.142(4)(b)).

## 2.6 What is superior or equal efficiency?

**Efficiency means:**

- *the aptitude and special qualifications necessary for the discharge of the duties of the position in question, together with merit, diligence, good conduct, quality of service, mental capacity and physical fitness* (s.4).

For inspector positions the definition of efficiency includes an additional element:

- *the potential to develop the executive ability and leadership and management skills essential in senior executive positions* (s.4).

<sup>1</sup> The Victoria Police Act 2013, also refers to chief inspector, however the rank no longer exists.

## 2.7 What is greater seniority?

**Seniority** relates to your most recent promotion date and may not necessarily be reflected in your registered number. See example below.

*Candidate A graduated one year ahead of Candidate B*

*Candidate B was promoted to sergeant six months before Candidate A*

*Candidate B therefore is the most senior*

The levels of leading *senior constable* and *first constable* are not considered ranks for the purpose of determining seniority under the Act.

If you argue **equal efficiency and greater seniority**, it is still necessary to demonstrate your **efficiency**. **Seniority** is only considered if all candidates are found to be of **equal efficiency**.

## 2.8 Can I appeal another selection if my own selection is subject to an appeal?

Yes. You might have applied for several positions where the selections were published in the **same edition** of *The Gazette*. If your own selection is appealed, you may appeal against your non-selection for one or more of those other positions, provided the selections were published in the **same edition** of *The Gazette*.

If the appeal against your selection is disallowed, any appeals that you lodged will be treated as having been withdrawn. The withdrawn appeals still count towards your limit of **four** appeals in a financial year.

You may seek an extension of time to appeal (see **2.11** in this Guide).

## 2.9 I've decided to appeal. What do I need to do?

Lodge your appeal within **three** days of the selection being published in *The Gazette*.

The closing time and day for lodging is **midnight on the Thursday** after publication of *The Gazette*.

Where the Thursday deadline falls on a public holiday, the application must be made by midnight the next day.

An application for appeal must be in writing and state the grounds of appeal, as set out in the form published by the PRSB (r.54).

Use [VP Form 1047](#) (make sure you update your VP forms icon on your desktop) or download it from the PRSB website [www.prsb.vic.gov.au](http://www.prsb.vic.gov.au).

See part **9** in this Guide for the lodgement address and part **10** for an overview of the timelines involved in an appeal.

## 2.10 Can I lodge a late appeal?

Yes. However, the PRSB can only grant an extension in exceptional circumstances (such as a situation over which you have no control that affects your ability to lodge an application, like a critical incident at work) (s.164).

To lodge a late appeal, you must apply to the PRSB in writing (email is acceptable) and explain the exceptional circumstances. The PRSB may seek further information.

## 2.11 Special appeal processes

In some circumstances the appeals process must be altered from what is detailed in this Guide, to meet special conditions such as the COVID-19 pandemic, unusual demands on police resources (e.g. bushfires, protests) or to manage an exceptional number of appeals.

To respond to unusual circumstances the President may from time to time publish a Practice Note, which sets out special processes to apply for a period. (For example, during the COVID-19 pandemic all appeals were initially conducted by written submission, and then later on Microsoft Teams)

You will be advised by email of any such special process applying to your appeal and will be sent a copy of the Practice Note. Please read it carefully.

Practice notes or any other alterations to the appeal process are published on [www.PRSB.vic.gov.au](http://www.PRSB.vic.gov.au).

# 3 AFTER AN APPEAL HAS BEEN LODGED

## 3.1 What happens after the appeal is lodged?

As soon as practicable after an appeal is received, the PRSB emails the **Selectee(s)** to notify them of an appeal (within office hours). After closure of the appeal period, the PRSB also notifies the Transfer and Promotion Unit.

The President then allocates members of the PRSB Review Division to hear each appeal. The hearing list is published online **by 4pm Monday** after the appeal period has closed and shows the time, date, PRSB Hearing Officer and whether the appeal will be heard in-person or by Microsoft Teams for each appeal.

A copy of the relevant **Selection File** documents is provided to each **Appellant, Selectee and Chief Commissioner's Representative (CCR)**, usually on the **Thursday** before the appeal hearing.

The **Selection File** is emailed to you. You may print the documents if you wish but you must treat those documents as **confidential** (security classification **OFFICIAL: Sensitive**) using them only for the purpose of preparing for and participating in the appeal and not for publication or distribution.

## 3.2 How will I know if my selection has been appealed?

The closing time for the lodgement of appeals is **midnight on the Thursday** after the publication of the selection in *The Gazette* (on the Monday). If there is a public holiday in that week, lodgement closes **midnight Friday**.

The PRSB Secretary will email you as soon as practicable (within office hours) after an appeal is lodged. If you are not at work and have an out-of-office email message, the PRSB Secretary will attempt to telephone you as advised.

## 3.3 My selection has been appealed. What do I need to do?

While you might feel disappointed or concerned, it is important to remember that appeals are 'part and parcel' of the transfer and promotion process. Similar appeal processes exist in most other Australian policing jurisdictions.

If your selection is appealed, the PRSB Secretary will email you and advise the next steps. It is recommended that you read this Guide thoroughly to help you prepare (see parts **5, 6 and 7**).

## 3.4 When will my appeal be heard?

The PRSB must hear and determine the appeal within **five** business days of lodgement of the selection file.

In practice, this means appeals are heard on either the **Monday or Tuesday** (or Wednesday if a public holiday falls on the Monday or Tuesday) of the fortnight following the selection being published in *The Gazette* (see part **10** in this Guide for an overview of the timelines involved in an appeal).

The strict timelines required by the Act mean that the PRSB is unable to move hearings to accommodate your other commitments. Consider your work, training and other commitments and plan ahead.

You can request to participate in an appeal by Microsoft Teams by emailing [review@prsb.vic.gov.au](mailto:review@prsb.vic.gov.au).



### 3.5 I am the Chief Commissioner's Representative. What do I need to do?

The LPR will usually be nominated by the delegate (the person who authorised the selection) as the Chief Commissioner's Representative (CCR) in the appeal (s.158(1)(b)). In some cases, the delegate or another person might represent the Chief Commissioner.

The role of the **CCR** in an appeal is to:

- assist the PRSB by answering questions about the **Position Profile**, the needs of the position, the local area and the selection process
- check that **Appellants** hold the required qualifications, meet any specified eligibility or time-in-position requirements for the position and if not, to make submissions
- provide (or facilitate) the provision of information and submissions on behalf of the Chief Commissioner, where there are matters relating to probity/conduct of any **Appellant or Selectee** (arising from ROCSID Reports, Referee Reports or otherwise)
- raise any relevant issues concerning the security of information relating to the position, the selection or the holding of hearings in public (such as for covert positions)
- alert the PRSB about any inaccurate or misleading information provided by any party in the appeal.

### 3.6 Who will notify me about the hearing?

The PRSB Secretary notifies **Appellants** and **Selectees** by email about the hearing date, time and PRSB Member hearing the appeal. The [hearing list](#) is published on the PRSB website by **4pm on Monday** after publication of *The Gazette*.

The Transfer and Promotion Unit contacts the delegate to let them know about the appeal. The PRSB Secretary will notify the CCR of the hearing date and time.

If a CCR becomes unavailable to participate in an appeal, they should contact the Transfer and Promotion Unit and advise the PRSB.

### 3.7 What if I won't have access to my Victoria Police email?

All notifications and documents are sent to your Victoria Police email. If you are not going to be at work during the appeal period, please include other contact details on the appeal form or advise the PRSB Secretary of an alternative email address and telephone number.

Due to the strict timeframes, if you are already away at the time the appeal is lodged, the PRSB Secretary will contact you according to instructions in your out-of-office email message.

Before you change any plans (for example, for leave or training) to attend the appeal hearing, consider requesting a hearing via audio visual link (Microsoft Teams) or seeking leave to make a written submission (see 4.7 of this Guide).

### 3.8 Can I apply for other positions while my selection is under appeal?

Yes. Contact the Transfer and Promotion Unit to arrange to submit your application. Your new application will only progress if the appeal against your selection is allowed.

### 3.9 Can I withdraw my appeal?

You can withdraw at any time before the decision is given by notifying the PRSB Secretary in writing (by email). The withdrawn appeal still counts towards your maximum of four appeals in a financial year. You are

encouraged to review the selection file and consider if you have a reasonable prospect of winning your appeal. If you decide to withdraw it is appreciated if you do so promptly.

### 3.10 What documents will I receive in the selection file?

**Selection File** documents are **confidential** ( **OFFICIAL- Sensitive** ) and **must not** be published or distributed.

#### ■ **Position Description**

Sets-out the qualifications, eligibility, time-in-position requirements and the **Key Selection Criteria** (KSC).

#### ■ **Position Profile**

Prepared by the local manager and describes the local environment; any specific needs or challenges for the position; and the experience and attributes of the desired candidate.

#### ■ **Selection Panel Report**

Includes the reasons for the selection decision; the interview questions, comments and scoring; and short-listing scoring.

#### ■ **The Gazette**

Refers to the advertisement and publication dates of the relevant selection(s).

#### ■ **KSC Submission Form**

Includes applicant details; career overview; education, qualifications and professional development; your claims to being best suited to the position; three KSC responses, and validation and declaration sections.

The **file** includes these documents for each Appellant and each Selectee being appealed.

The PRSB also provides a **Seniority Report**, which is only considered if two candidates are found to be of 'equal efficiency'.

**Some documents from the Selection File are not sent to Appellants, Selectees or CCRs for privacy reasons:**

#### ■ **Register of Complaints, Serious Incidents and Discipline (ROCSID)**

ROCSID reports from Professional Standards Command may be relevant to consider 'good conduct' (part of 'efficiency'). If probity or discipline issues arise, the PRSB Member will usually close the hearing and discuss the matters only with the party and the CCR.

An appellant that was not short-listed for interview will receive a copy of their ROCSID report by separate email (see **4.6** in this Guide)

#### ■ **Referee Report**

Referee reports obtained by the Transfer and Promotion Unit for those appeal parties who were interviewed.

Referee report for Appellants who were not interviewed, which are obtained by the PRSB (see **4.5** of this Guide).

# 4 ABOUT THE HEARING

## 4.1 How will the appeal be heard?

The appeal will be heard either in-person or through Microsoft Teams (s.158A). The decision as to which method will be used will be made by the President, taking into account the location of positions, the location of the parties, the complexity of the hearing, the number of parties, current demands on police resources and any other relevant factors or requests.

The method of hearing will be published in the hearing list and all parties will be notified.

## 4.2 Do I have to attend the hearing in-person?

Traditionally the PRSB conducted appeals in person at 155 Queen Street Melbourne. In recent times, the development of new technology and the wide-spread use of Microsoft Team in Victoria Police has made it easy for the PRSB to conduct appeals fairly and efficiently through Microsoft teams. This saves travel and staff time and reduces the impact on Police service delivery and rostering.

From 2021 the PRSB will conduct most appeals using Microsoft teams. The hearing notice sent to you will notify if the appeal will be in-person or by Microsoft Teams. Any party can request to participate by Microsoft teams, rather than in-person.

**CCRs** will always attend remotely (either by teleconference or through Microsoft Teams) unless there are special reasons for attending in person (for example, issues about eligibility or conduct/probity).

If you are rostered for duty, you should speak to your supervisor about arrangements for your attendance. If you are on afternoon or night shift, consider requesting the hearing is held on Microsoft Teams to manage fatigue. It is important that you do not drive when tired and that you are adequately rested before your next shift.

If you are the **Appellant** and are unable to attend either in person or by Microsoft Teams, you may either withdraw your application or have it determined in your absence (s.145(4)).

For both **Appellants** and **Selectees**, if an unforeseeable event prevents your participation in the appeal either in person or by Microsoft Teams, you can seek leave to make a written submission (see **4.4** of this Guide).

## 4.3 Who will hear and decide the appeal?

A Member of the PRSB Review Division hears appeals, usually sitting alone. The President allocates PRSB Members to each appeal. For senior or specialist positions, complex or multi-party matters or for training of PRSB Members, the appeal may be heard by two Members (at least one of whom must be the President or Deputy President (section 143)).

The PRSB Member hearing the appeal will make sure they do not have any conflict of interest. The hearing list is published online and shows which PRSB Member has been allocated to your appeal. This may be subject to late change for example, due to illness.

## 4.4 Who else attends or observes the hearing?

The Chief Commissioner is entitled to be represented in the appeal (by teleconference or through Microsoft Teams unless required to appear in person). Usually, the LPR undertakes this role but it may be another person. The CCR assists the PRSB Member with any questions about the position, the work location and the selection process.

It is also valuable for the local manager to hear the appeal to understand the experiences and claims of the candidates.

The **Appellant** and **Selectee** cannot be represented by any other person.

In-person and Microsoft Teams appeals are open to the public, unless the PRSB Member orders the hearing (or part of it) to be closed. This might occur if the position is sensitive (for example, a covert position) or if there is to be a discussion of a sensitive matter (such as a probity or health issue) (s.157). You can request the PRSB Member to close the hearing.

Any person wishing to observe an appeal being conducted on Microsoft Teams can request the PRSB to send a meeting invitation. They can join the meeting and will be requested to turn off their camera and be on mute.

## 4.5 Where will in-person appeals be heard?

Unless otherwise advised, in-person hearings are held at the PRSB office at Level 6, 155 Queen Street Melbourne (corner of Bourke Street). There is a waiting area and adjoining conference room that you may use.

Please be conscious of noise levels as there may be another hearing in progress.

## 4.6 Parking and public transport

There is limited on-street **parking** (1 and 2 hour) but there are several local parking stations. Nearby **train** stations are Flagstaff, Southern Cross and Flinders Street.

The closest **tram** is Stop 4 (Bourke Street/Queen Street) on Routes 86 and 96. Other nearby routes are 58 along William Street; 11, 12, 48 and 109 along Collins Street; and 19, 57 and 59 along Elizabeth Street.

## 4.7 How do I access my hearing on Microsoft Teams?

If you have access to a Victoria Police device, you should have access to Microsoft Teams with your Victoria Police log in information. If you do not have access to a Victoria Police device, please email [review@prsb.vic.gov.au](mailto:review@prsb.vic.gov.au) with your personal email address. You will need to have access to this email address on a device that supports video calls and the Microsoft Teams app. This can be a laptop, computer with webcam, tablet or smartphone. Prior to the appeal you will need to access your device's app store and download the Microsoft Teams app. You do not need to try to log in or have access granted. You only need to have the app downloaded on to your device. At the appointed time, join the meeting by clicking the link in the calendar invitation from the PRSB.

## 4.8 Can I record the proceedings?

No. You are not permitted to record the hearing but you may take notes. Failure to comply with this direction may be in contempt of the PRSB (s.162).

## 4.9 Can other documents be submitted instead of a hearing?

If an **Appellant** cannot attend in person or participate by Microsoft Teams, they may elect to have the appeal heard and determined in their absence or withdraw (s.145(4) and s.158A).

Additional documents or written submissions may only be lodged by an **Appellant** or on behalf of the Chief Commissioner if the PRSB Member finds that exceptional circumstances exist (s.145(2)). You will need to ask for leave (permission) and provide an explanation of the exceptional circumstances (for example, a significant operational matter, illness or travel).

A **Selectee** who cannot attend or participate by Microsoft Teams may seek leave to submit a written statement. If leave is given, the PRSB Member may give directions on interview-style questions or issues to be addressed in the written submission.

The PRSB Member may request a party or the Chief Commissioner to provide additional documents if they are important to the making of the decision.

A special Practice Note may request parties to lodge a written submission. For example during the COVID-19 pandemic or in appeals with a large number of parties.

## 4.10 Referee reports

The Transfer and Promotion Unit obtains a referee report from a current or recent supervisor nominated by each short-listed (interviewed) candidates. Referee reports are part of the panel's assessment of candidates' relative efficiency, are used to verify information given by candidates and as a final vetting process to ensure suitability for the position.

The PRSB allows Appellants who were not interviewed to also have a referee report considered in the appeal. The **Notice of Appeal** (VP form 1047) allows a referee to be nominated. This must be a current or recent supervisor with substantial time supervising you. The onus is on the Appellant to make sure the referee is available. The PRSB will contact the referee and request a report in a form provided, which is returned directly to the PRSB by a specified date (usually **noon on the Friday** before the hearing). If a referee report is not provided in that timeframe, the PRSB may decide the appeal without it.

Consistent with TPU and PRSB practice, referee reports will not be provided to any of the parties, unless the PRSB Member considers it necessary. For example, as a matter of procedural fairness, the relevant party may be permitted respond to adverse comments. Victoria Police obtains a referee report for all short-listed candidates. The Selection Panel uses the Referee Report to verify information provided in written KSC responses, in the interview, and as a final vetting process to ensure suitability for the position.

If a Referee Report includes significant information (for example, adverse comments relating to a person's capacity for the position) the PRSB Member will provide that person with an opportunity to respond.

## 4.11 What if I've had a serious incident, proven complaint or a discipline issue?

The **Selection Panel** is provided with summary probity reports of short-listed candidates using the *Register of Complaints, Serious Incidents and Discipline (ROCSID)*. This information helps the panel to assess 'good conduct', as part of the test of 'efficiency.' Short-listed candidates are provided with their own ROCSID report prior to the panel interview to review it for accuracy.

Prior to approval of the final selection by the delegate, a further check for any current investigations is undertaken of the preferred candidate. For high-risk positions, a more detailed form of probity check is also undertaken.

The PRSB receives the ROCSID reports for those parties who were short-listed, as part of the selection file. Because the PRSB could overturn the selection, ROCSID reports for any **Appellant** who was not short-listed are also obtained. The PRSB will email any such report to the relevant appellant before the appeal, so they can consider its contents and correct any errors. For privacy reasons, probity reports are **not** provided to the other parties (Appellants, Selectees and CCRs).

Victoria Police considers the probity reports, and may make submissions in the appeal about a person's record of 'good conduct'; for example, a submission may be made if there are proven discipline matters, a high number of complaints or (unusually) if a yet to be finalised discipline matter or complaint raises concerns about the person's suitability for the position or rank.

The PRSB Member may also raise conduct matters and seek submissions from Victoria Police. Generally speaking, unless a submission is made on behalf of the Chief Commissioner, the PRSB gives no weight to any discipline allegation which has not been found proven.

If there is anything adverse in a ROCSID report, the PRSB Member may close the hearing, ask the other parties and observers to wait outside, and provide an opportunity for the relevant person to explain the matter. The CCR will remain and will be asked for their views on the relevance of the information. If any observers are present during a Microsoft Teams hearing they will wait in the lobby during this time. In some cases, the PRSB Member may seek further information, such as files from Professional Standards or relevant discipline inquiry or PRSB decisions.

If you've had a discipline matter, it's not necessarily the end of your advancement opportunities. Many good people have made mistakes and have gone on to have great careers. The PRSB Member will be looking for you to show how you have reflected upon and learned from the incident.

## 4.12 Can I seek an extension of time to appeal?

An extension of time for lodging an appeal or for other steps under the Act may be granted on the application of any party if the PRSB considers that exceptional circumstances exist (s.164).

Apply for an extension of time by email (or telephone, if urgent) to the PRSB Secretary and provide reasons. A hearing date will be adjourned **only** in exceptional circumstances (such as in the event of a major incident).

## 4.13 How long will the hearing take?

Hearings usually take between **60 to 90 minutes** but may take longer if there are unusual issues or several **Appellants** and **Selectees**.

## 4.14 Do I have to wear my uniform?

You do not need to attend in uniform. Neat business-like attire is entirely appropriate. Consider attending in 'plain clothes' if possible, to make more efficient use of your time and Victoria Police resources. Members attending in uniform with operational equipment should present to PRSB reception on arrival. You will **not** be disadvantaged regardless of your choice of dress code.

## 4.15 I have accessibility requirements

The PRSB office does not offer wheelchair accessible toilets (they are inside a stairwell). If you require accessible facilities, please contact the PRSB Secretary when you are notified of the appeal.

## 4.16 Can I bring a colleague or family member for support?

Yes. All PRSB hearings are open to the public unless the PRSB Member orders the hearing (or part of it) to be closed (s.157). This may occur if the position is sensitive or covert or there is to be discussion of a sensitive matter (such as a conduct issue).

Non-parties who are on duty who wish to attend in support of a colleague, are required to seek approval from their local management.

## 4.17 Can I attend an appeal hearing to observe the process before my hearing?

Yes, however if you are on duty you will need to obtain approval from your supervisor.

Find the latest hearing list at [www.prsb.vic.gov.au](http://www.prsb.vic.gov.au). The list is subject to change without notice, including changing appeals from in-person to Microsoft teams, or the reverse. To avoid disappointment, anyone planning to observe a hearing should check the website as close as possible to the scheduled time. There may not be any appeals listed in a given fortnight.

If the hearing you wish to attend is being heard on Microsoft Teams, please email [review@prsb.vic.gov.au](mailto:review@prsb.vic.gov.au) with the time and date of the appeal and you will be sent a meeting invitation. When observing an appeal on Microsoft Teams please ensure your microphone is on mute and your camera is off.

## 4.18 Can I get copies of previous decisions?

Appeal decisions are not published. A sample decision is available at [www.prsb.vic.gov.au](http://www.prsb.vic.gov.au). Remember that every position and appeal is different with different questions asked, so do not rely too much on the sample decision.



# 5 GETTING READY FOR YOUR APPEAL HEARING

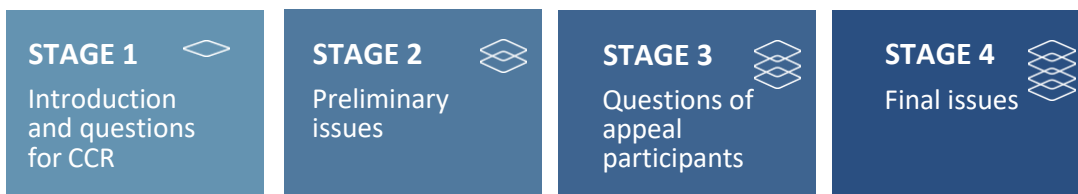
## 5.1 What will happen during the appeal hearing?

The appeal is a 're-hearing' (s.144). This means that the PRSB Member will consider all the information in the **Selection File** and obtained from the hearing, and will then decide, independently and afresh.

The PRSB is not a court and is required to act with as little formality and technicality and as much speed as the Act requires and proper consideration of the subject matter (s.156). Rules of evidence and the practices of courts do not apply (s.159).

Participants usually stand when the PRSB Member enters the room, but there is no need to bow. The PRSB Member will address parties as Mr. or Ms. and you may address the Member in the same way.

The aim of the PRSB Member in an appeal hearing is to learn more about the candidates in order to decide who is of superior efficiency (see 2.7 of this Guide). This includes information about career experience, quality of service, capabilities and approaches to police work. The PRSB Member will not try to 'trip you up' but will give you a fair opportunity to put forward your claims and demonstrate your capabilities for the position and rank. The stages in the appeal hearing are set out below.



### Stage 1: Introduction and questions for the Local Panel Representative

The PRSB Member will welcome participants, make introductions and provide a brief outline of the process and order of questioning. The Member will remind you to address your claims to the needs of the position and to avoid repeating information in the Selection File.

The Member will ask the CCR about the location, nature, duties and needs of the position and may ask about the selection process.

### Stage 2: Preliminary issues

Preliminary issues may include argument about whether an Appellant meets eligibility and other requirements for the position, and if not, whether they should be permitted to appeal (Regulation 54; see 2.2 of this Guide). In such a case, the PRSB Member will:

- invite the **Appellant** to argue why they should be allowed to appeal
- ask the **CCR** to respond
- as a preliminary, determine whether the **Appellant** will be allowed to appeal.

It is important to note that the PRSB role in an appeal is not to make findings about whether there were any errors in the initial selection process. The role is to re-hear the selection decision and make a fresh decision, based solely on "efficiency".

If the Selection File raises probity or conduct issues, these may be dealt with at the preliminary or final hearing stage. The hearing will usually be closed, and the issue raised with the relevant party and the CCR.

## Stage 3: Questions for appeal participants

The **Appellant(s)** will go first, then the **Selectee(s)**. If there are several **Appellants** or **Selectees**, they will proceed in alphabetical order. The PRSB Member will address each person in turn and ask a series of questions, outlined below.

### Introductory Questions

The PRSB Member may ask about your personal and professional experience, including your career to date, positions and experience outside Victoria Police, qualifications, professional development and other achievements.

*I notice you have a Graduate Diploma in Management. Tell me more about this, and how it assists you in your role as a sergeant.*

From the KSC submission form the PRSB has your claims to being best suited to the position. **You will not be asked to present an opening statement or submission.**

### Interview-Style Questions

The PRSB Member will ask each Appellant and Selectee several interview-style questions, usually two or three depending on the position and issues. If any **Appellant** was not interviewed, there are likely to be at least three questions to ensure the same kind of rigorous questioning as occurred during the panel interview.

The PRSB Member will decide the number, nature and order of the questions having regard to the duties and seniority of the position. Questions will focus on the same key selection criteria and values but will be different for each candidate. Care is taken to make the questions of equal complexity. You may be asked follow-up or clarification questions.

## Stage 4: Final issues

Probity or conduct matters may be raised as a final issue. There will be an opportunity for parties to raise any final issues in response but no 'closing statements.'

## 5.2 What kinds of questions will be asked of me?

You will be asked questions similar in style to those asked by the selection panel, but they will not be the same questions. The complexity and topics will relate to the position duties and be aligned with the capabilities expected for the rank. The questions may be in one or more of the following styles.

### Values-based Questions

Values-based interviewing is an approach which seeks to test values and related behaviours by focusing on how a person works and what drives them, rather than solely testing for experience, skills and competencies. Values-based questions will be open, probing and focus on the values most needed in the position.

*Being objective and impartial is an important part of policing. Tell me what this means to you? Can you give me an example of a time when being objective and impartial was important in getting an appropriate outcome?*

See Victoria Police Values (part 7 of this Guide) for more information about the Victoria Police Values.



## Behavioural Questions (using the 'STAR' method)

This type of question asks you to give a real-life example demonstrating your application of a capability.

<p><b>Situation</b></p> <p>or</p> <p><b>Task</b></p>	<p>Give a specific example of a situation encountered or a task you performed that demonstrates the desired behaviour in the KSC.</p> <p><i>Q Tell me about a time when you were required to...</i></p> <p><i>Q Tell me about a situation where you were faced with...</i></p>
<p><b>Action</b></p>	<p>What did you do in the situation to accomplish the task or how you dealt with the situation?</p> <p><i>Q How did you address this situation?</i></p> <p><i>Q How did you go about...?</i></p> <p><i>Q Why did you choose this action? (Show your thinking: What factors did you consider? How and why did you choose this option? Who did you consult?)</i></p>
<p><b>Result</b></p>	<p>Explore the result or outcome.</p> <p><i>Q What difference did the action make?</i></p> <p><i>Q What was the outcome?</i></p> <p><i>Q What if anything would you do differently in the future?</i></p>

*See Tips and Traps (Part 6 of this Guide) for suggestions on how to answer STAR questions.*

## Scenario or Hypothetical Questions

You might be asked what you would do in a hypothetical scenario. This could be to test your understanding of protocols or technical knowledge or to test your thinking in areas where it might be inappropriate to give a real-life example, such as management of welfare or ethical issues.

*What would you do if a suspicious vehicle appeared to be engaged in surveillance of your station?*

## Motivational-fit Questions

This kind of questioning explores your motivation for seeking the position, tests whether you have accurate and realistic expectations, and can help predict your enthusiasm in engaging with the challenges of the position.

*What interests you most about this position?*  
*What are your longer term career ambitions?*  
*The new sergeant will need to re-build the team's morale. How would you go about that?*

## Organisational Engagement Questions

The PRSB Member may explore your knowledge of Victoria Police policies and strategies, contemporary policing issues, as well as your leadership style and approach to your learning and development (and for supervisors, your team's learning and development).

*What is your understanding of what is expected of a sergeant under the XYZ policy?*

*Tell me about what is expected of you as a leader to make sure development opportunities are offered fairly to high-potential members?*

*Tell me about a time when you sought to learn about new initiatives in policing methods and applied this learning to your work.*

## 5.3 How should I prepare for the hearing?

Both **Appellants** and **Selectees** will need to prepare for the appeal.

- **Read this Guide** carefully, even if you have been involved in an appeal before. Exploring the section on 'Tips and Traps' (see part 6) will help you put your best case forward.
- **Prepare for interview-style questions** relating to the **KSC, Victoria Police Values** and **Position Profile**. You will not receive notice of which KSC or values will be chosen. Questions are likely to focus on the most important needs for the position and the work location as flagged in the **Position Profile**.

It is a good idea to practise answering questions. Read the ***Transfer and Promotion Unit Guide to Behavioural Interviews*** which includes sample questions (see the Victoria Police intranet or contact the Transfer and Promotion Unit). Ask a colleague, friend or family member to help you practice answering the sample questions and seek their feedback.

# 6 APPEAL TIPS AND TRAPS

## 6.1 How to present well in an appeal

The PRSB has heard many appeals against transfers and promotions. PRSB Members have put together the following suggestions on how to present well in an appeal, noting some common pitfalls.

### ***Before the Appeal: Make sure your written application for the position is strong***

Use the first section of your application to highlight work experience which is relevant to this position. This could include experience inside or outside of Victoria Police or leadership and voluntary roles. Set out your qualifications, education and professional development as well as any commendations, awards or achievements. Make sure your application is up to date and includes recent secondments and upgrading and all your qualifications including study currently in progress.

The section on claims to the position is your opportunity to show that you understand what is needed to succeed in this position, and that you are the right person for it. You should read the Position Profile and think about what is really needed to do well. You should then set out how your experience, qualifications, knowledge and leadership will mean you will perform strongly in the role. It will help if your written KSC responses are clear and well-structured.

Impressions matter, so check your grammar and spelling and ask someone to proof-read for you. It is important that your application is clear, well-structured and formatted appropriately.

### ***Higher duties and secondments***

If you have had periods of higher duties/up-grading/secondment, especially for long periods, show how you used that opportunity to learn and develop your leadership capabilities. (Did you just 'keep the seat warm' or did you actively engage with the responsibilities of the position and rank? How has this equipped you for the position?)

Higher duties are a good opportunity to acquire leadership and management skills and experience which can help you achieve promotion. We know there may be barriers to accessing these assignments. Remember there are other ways to show your abilities and leadership potential. Natural leaders don't wait for promotion; they show initiative, innovation and problem-solving all the time.

Show your leadership qualities, in the appeal, showing how you use your initiative, solve problems, go 'above and beyond', develop yourself and others, and model Victoria Police values.

### ***Keep a record of your achievements***

Keep a record of your work and personal achievements, to help you in interview for transfer and promotions and in appeals. This could be a diary, an excel spreadsheet or a physical or electronic notebook. This record will help you prepare application and provide examples to answer questions in interviews and appeals.

### ***Professional development, leadership education and Victoria Police strategies and initiatives***

The PRSB Member wants to know about your commitment to learning and professional development, how you keep up to date with contemporary policing methods and support Victoria Police strategies and initiatives.

There is a range of excellent on-line learning modules and other internal and external learning opportunities available to help you ensure your approaches and methods are current and best-practice. For example, if you are seeking promotion to sergeant, you should complete training which will help you succeed at this rank. For general duties roles, such training includes the following.

- *Brief quality assurance*
- *Pursuits policy*
- *Policing the liquor industry*
- *Introduction to emergency management*
- *Safe-T-Net*
- *Responding to family violence*
- *Field coaching*
- *Ethical health workshop*

If you have undertaken leadership training (such as the Sergeant's Qualifying Program or the Police Manager Qualifying Program) it is a good idea to re-read your course materials and think about how you can demonstrate that you apply the skills, methods and frameworks you were taught, in areas such as the following.

- *coaching and mentoring*
- *workplace harm*
- *safety and welfare*
- *people development*
- *communicating with influence*
- *dispute and complaint resolution*
- *judgment and decision-making*
- *critical thinking*
- *strategic thinking*
- *planning and resource management*
- *change management*
- *stakeholder engagement*

### ***Make sure information about your career and study is included***

Many police officers have gained valuable work and life experience outside Victoria Police. You can draw from that experience when answering questions in the appeal. Similarly, many people hold tertiary or other qualifications or are currently undertaking study which may be highly relevant to the position or demonstrate your ability to learn and analyse and present information.

You may be asked about how you would apply relevant knowledge in the new position. Make sure that all information about your work history, qualifications and current or partially completed study is included in your KSC Submission Form.

***Listen carefully – answer the question you were asked***

The PRSB Member wants to know how well you listen and think on your feet. You will be assessed on how you answer the question you were asked. If you go off-track or provide irrelevant answers (no matter how impressive) you will not rate well. The PRSB Member has your application, and even if your written KSC example is relevant to the question asked, use a different example to demonstrate diversity.

Listen carefully to the question, and answer the question being asked.

It is fine to ask for the question to be repeated. You can write it down or pause before answering. You may ask for time to gather your thoughts. You may feel nervous. Don't worry, allowances are made.

***Evidence, evidence, evidence!***

It is easy to make sweeping claims (I'm an excellent mentor; I'm the go-to person at the station; I'm a welfare-focused leader) but without evidence to back it up, claims to 'greatness' don't count for much.

The PRSB Member is looking for you to show real examples of when and how you have demonstrated your capabilities and for you to point to the material in the Selection File which supports your claims (for example, commendations, achievements in your past roles).

***Draw your best examples from your whole experience***

Use the best example that answers the question. Choose a contemporary example with enough complexity to showcase the higher-level skills and approaches expected for the relevant rank. This is usually an example from your recent work.

You may use relevant examples from work outside Victoria Police or volunteer or community work, for example, to demonstrate leadership, problem-solving or initiative.

***Slow down and focus on the important things***

When answering questions, speed talking makes it hard for the PRSB Member to take notes and risks losing the 'pearls' in large volume of information. A good idea is to follow the PRSB Member's pen: if you can see them racing to take notes, you are speaking too quickly.

If you don't understand the question, ask for it to be repeated and write it down. Think carefully before you answer (it is perfectly fine to pause to gather your thoughts).

***Talk through how you think and approach problem-solving***

The PRSB Member wants to understand how you approach a situation or task and solve problems.

The STAR (Situation/Task/Action/ Result) method of answering questions gives you the opportunity to show your thinking (see 5.2 of this Guide). Remember, you need to show the approach expected at the rank, so make sure your example is sufficiently complex. A good approach is to 'tell the story'.

Give the context: Explain the situation or problem. Why was it a problem? How big?

Explain your thinking:

- What factors and issues did you consider before deciding what to do?
- How did you come up with the idea or response that you did?
- Was there more than one option?
- How and why did you choose the option you did?
- Who did you consult?
- What were your considerations and concerns?
- What action did you take? What was the result (impact)?
- What changed?
- Was this what you expected?
- On reflection, would you do anything differently?

***Don't exaggerate or minimise your achievements***

Don't be tempted into exaggerating the role you played in an outcome. Never claim credit for something you didn't do, and don't provide misleading information. PRSB Members are good at sensing this and will question you and seek to verify information (for example, by asking the CCR or your manager).

If you are caught out, it will cause you significant embarrassment and damage your reputation (this has happened to others). Serious incidents of seeking to deceive in the selection or appeal process may be referred to Professional Standards Command for investigation.

On the other hand, don't sell yourself short by being too modest about your achievements. Be specific, clear and honest about the role you played and the level of your responsibility and contribution.

***Practise and seek feedback***

Practise answering interview questions with a colleague, friend or family member using the *Transfer and Promotion Unit Guide to Behavioural Interviews*. Have a mentor or colleague read over your key claims. Ask for feedback. Consider seeking professional help if you have struggled with interviews in the past (the Employee Assistance Program is a good place to start).

# 7 VICTORIA POLICE VALUES

Take some time to reflect on the values and leadership behaviours that Victoria Police expects in all its members. These values define what Victoria Police stands for and should guide you in all your actions and decisions. The PRSB will be looking for you to demonstrate these values in your activities.

 <h2>RESPECT</h2> <p>Everyone is treated fairly and with dignity, and feels valued and included.</p>	<p><b>What does Respect look like in Victoria Police?</b></p> <ul style="list-style-type: none"> <li>• Treating each other and every community member with respect and understanding</li> <li>• Celebrating and valuing equity, diversity and inclusion</li> <li>• Valuing the unique place of Aboriginal and Torres Strait Islander peoples, as first nations people, and their rich history and culture, along with the diverse backgrounds of other community members</li> </ul>
 <h2>INTEGRITY</h2> <p>Acting with honour, being fair and respectful of both the law and human rights.</p>	<p><b>What does Integrity look like in Victoria Police?</b></p> <ul style="list-style-type: none"> <li>• Being honest, objective and impartial</li> <li>• Respecting and championing human rights and being committed to lawful and fair processes</li> <li>• Placing the community good before our own interests</li> </ul>
 <h2>LEADERSHIP</h2> <p>Being people-focused, confident but still humble and committed to living our values.</p>	<p><b>What does Leadership look like in Victoria Police?</b></p> <ul style="list-style-type: none"> <li>• Being trustworthy, approachable and treating everyone with compassion</li> <li>• Making decisions that reflect our values and build community trust and confidence</li> <li>• Being inclusive, progressive and prepared to acknowledge and learn from mistakes</li> </ul>
 <h2>PROFESSIONALISM</h2> <p>Being accountable, transparent and committed to maintaining the highest standards of conduct.</p>	<p><b>What does Professionalism look like in Victoria Police?</b></p> <ul style="list-style-type: none"> <li>• Behaving in a manner that reflects positively on ourselves and our organisation</li> <li>• Being open, consistent, and valuing collaboration and teamwork</li> <li>• Providing services that are engaging, accessible and equitable</li> </ul>
 <h2>SUPPORT</h2> <p>Having empathy and being genuinely committed to responding to the needs and wellbeing of others.</p>	<p><b>What does Support look like in Victoria Police?</b></p> <ul style="list-style-type: none"> <li>• Being committed to understanding and considering the experiences and needs of others</li> <li>• Reaching out to those in need, encouraging them and being prepared to offer help</li> <li>• Being committed to connecting people in need with high-quality care and services</li> </ul>
 <h2>FLEXIBILITY</h2> <p>Providing a service that is agile and evolves with the community's needs.</p>	<p><b>What does Flexibility look like in Victoria Police?</b></p> <ul style="list-style-type: none"> <li>• Being open-minded, creative and adaptable</li> <li>• Being innovative and committed to continually improving</li> <li>• Being connected to and working with the community</li> </ul>
 <h2>SAFETY</h2> <p>Safety is at the heart of our purpose, it is fundamental to, and underpins, everything we do.</p>	<p><b>What does Safety look like in Victoria Police?</b></p> <ul style="list-style-type: none"> <li>• Being committed to a safe, secure and orderly society</li> <li>• Being committed to a safe, inclusive and respectful workplace</li> <li>• Safety is always front of mind and underpins every decision we make</li> </ul>

# 8 AFTER THE HEARING

## 8.1 When will I get the decision?

At the end of the hearing, the PRSB Member will thank the parties and explain the likely timing of the decision.

PRSB Members try to complete their decisions as quickly as practicable. Most decisions will be finalised by the Friday of the week of the hearing. In complex matters, or if the Member has unavoidable commitments or has heard several appeals, the decision may take a little longer (see part **10** Appeal Timelines of this Guide).

You will receive the PRSB decision by email. If you will not be contactable through your Victoria Police email address in this timeframe, please advise the PRSB Secretary of an alternative email.

Reasons for decisions are not published on the PRSB website but are provided to relevant Victoria Police managers, the CCR and the parties. If an appeal is allowed, the outcome will be published in *The Gazette*.

Unless a party objects, the appeal decision will also be forwarded to The Police Association Victoria (TPAV) so that TPAV can monitor the overall functioning of the operation of the transfer, promotion and related appeal systems in Victoria Police, and represent members' interests. The PRSB has entered into an agreement with TPAV which ensures that appeal decisions are only used for these purposes, are treated confidentially and are not distributed beyond the small number of TPAV staff members who need the information for this purpose. A copy of the Memorandum of Agreement with TPAV can be viewed at [www.prsb.vic.gov.au/resources](http://www.prsb.vic.gov.au/resources).

If you don't wish your appeal decision to be forwarded to TPAV, you may request this in writing by emailing [review@prsb.vic.gov.au](mailto:review@prsb.vic.gov.au) before or immediately after the hearing of your appeal.

The decision will not unnecessarily repeat the information in the Selection File or given in the hearing. It will set-out the PRSB Member's key reasons for the decision and aim to provide you with constructive feedback to assist your career development and performance in future selection processes.

The PRSB website carries a sample decision to assist participants in an appeal. Remember that every appeal is different, so do not place too much reliance on the issues in the sample decision.

## 8.2 Can I appeal the PRSB decision?

PRSB decisions are subject to Supreme Court review (*Administrative Law Act 1978 (Vic)*) or the Court's original jurisdiction under Order 56 of the *Supreme Court (General Civil Procedure) Rules 2015 (Vic)*.



# 9 APPEAL TIMELINES

## WEEK 1 LODGEMENT

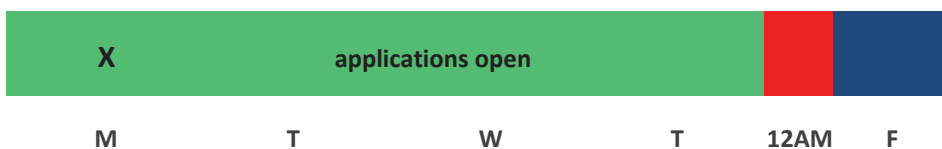
**MONDAY** selection appears in *The Gazette*.

Lodge **within 3 days** of selection published in *The Gazette*.

**MIDNIGHT THURSDAY** appeal applications close.

Where the Thursday deadline falls on a public holiday, the application must be made by the Friday midnight.

The PRSB **will notify you** if your selection has been appealed.



## WEEK 2 PREPARATION

**MONDAY** notification of hearing details.

**THURSDAY** prior to the appeal: PRSB issues the Selection File.



## WEEK 3 HEARING AND DECISION

**MONDAY** and **TUESDAY** PRSB must hear and determine the appeal within **five weekdays** after the selection file is lodged unless the Monday or Tuesday is a public holiday.

**FRIDAY**: typically decision provided.



# 10 CONTACTING THE PRSB

## 10.1 How and where do I lodge my appeal form with the PRSB?

Download the **VP Form 1047** (Appeal Form) from the PRSB website [www.prsb.vic.gov.au](http://www.prsb.vic.gov.au) or the Victoria Police intranet (make sure you update your VP forms using the icon on your desktop).

You **do not** need to sign the appeal application form or send it to any other participants.

**Mailing an appeal notice is not recommended given the strict timeframes.**

<b>Email</b>	PRSB-REVIEWDIVISION-MGR (on Victoria Police Outlook) or <a href="mailto:review@prsb.vic.gov.au">review@prsb.vic.gov.au</a>
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## 10.2 For other queries

Contact the PRSB Secretary between **8am and 4pm Monday to Friday** (excluding Public Holidays).

<b>Telephone</b>	(03) 9600 4288
<b>Appeals &amp; Reviews</b>	<a href="mailto:review@prsb.vic.gov.au">review@prsb.vic.gov.au</a>
<b>Registration</b>	<a href="mailto:registration@prsb.vic.gov.au">registration@prsb.vic.gov.au</a>
<b>General Enquiries</b>	<a href="mailto:PRSB.enquiries@prsb.vic.gov.au">PRSB.enquiries@prsb.vic.gov.au</a>

The PRSB welcomes your feedback on this Guide.



POLICE REGISTRATION  
& SERVICES BOARD

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