



POLICE REGISTRATION AND SERVICES BOARD

# Appeals User Survey

*A report exploring the experiences and perspectives of participants  
in PRSB appeals of promotion and transfer selection decisions*

February 2022

# Chapter 1: Introduction and background

The Police Registration and Services Board (**PRSB**) is a tribunal established by the *Victoria Police Act* 2013 (the **Act**). One of its functions is to conduct independent appeals of decisions to transfer or promote police officers and protective services officers. Appeals are conducted under Division 1 of Part 8 of the Act. The PRSB decides around 100 or so appeals each year. Appeals are decided based on relative “efficiency” (that is, merit) as defined in section 4 of the Act, and if parties are found to be of “equal efficiency”, seniority is then considered.

## 1.1 What makes an excellent tribunal process?

The PRSB seeks to provide its appeal services in a way which serves the needs of all those involved in the process, and which meets the best practices of tribunals:

1. **To test for relevant qualities and capabilities.** PRSB decision-makers deeply understand the role and what is needed to do well in it, so that they are assessing for *relevant* attributes, experience and capabilities and are not distracted by *irrelevant* ones.
2. **To accurately predict the person most likely to succeed in the position**, by drawing out reliable and relevant information and being free from bias or discrimination, including as far as possible, from unconscious biases such as stereo-typing and affinity bias.
3. **To do no harm** to the morale, enthusiasm or level of employee engagement of appeal participants, including those who were not successful. Ideally, everyone will gain something (such as constructive feedback, experience) and remain committed and enthusiastic about their work and hopeful about future opportunities.
4. **To be transparent**, by ensuring information about the appeal process is easily accessible and available to all, and parties understand the process and how and why decisions are made.
5. **To be efficient, making good use everyone’s time and resources.** This means the process does not contain unnecessary or duplicated steps, provides easy-to-follow guidance, and is designed for ease of use. It results in timely decisions and uses technology effectively.
6. **To ensure PRSB decision-making is impartial, fair and trusted.** Parties understand the reasons for the decision, and even if they don’t agree, feel the process was fair. They feel they had a fair opportunity to put forward their case and feel they were listened to and understood. Parties trust the integrity and impartiality of PRSB decision-makers and feel they were honest, open-minded, fair, diligent, and not open to improper influence or persuasion.

## 1.2 Survey objectives: to understand the experiences of our users

The PRSB Board seeks to better understand the needs and experiences of PRSB appeal users and to assess whether these goals are being met in practice. This Report will be used to identify opportunities for improvements and provide a benchmark for future assessments.

### 1.3 An overview of changes to appeal processes: 2013 to date

Up until **2013**, appellants and selectees (the **parties**) lodged voluminous briefs of evidence and written submissions to argue their efficiency, and appeals took many weeks to finalise.

From **2014** amendments to the Act meant the PRSB was provided with the *Selection File* (the appellant and selectees written applications and relevant section of the selection panel's report) by the Transfer and Promotion Unit (**TPU**) with no extra documents permitted (except in exceptional circumstances). Parties appeared in person and made oral submissions as to why they were of superior efficiency (*"I am the best candidate because..."*).

From **2017**, the TPU published Position Profiles for each vacancy, providing useful information to applicants, Selection Panels and the PRSB. This was in addition to the Position Description (a generic profile for the rank and role category of the role). The Position Profile is tailored to the specific position and includes helpful information about the range of duties, local policing and management challenges, reporting and team arrangements and desired attributes of the successful candidate. Previously, the Chief Commissioner's Representative (**CCR**) provided this information orally, in person.

The new *Position Profile* meant the CCR no longer needed to present the same information during the hearing. From **early 2018**, following amendments to the Act<sup>1</sup> permitting tele- and videoconferencing, the CCR appeared by teleconference, unless there were special issues (such as adverse probity reports or questions about eligibility for the position).

From **2018**, parties were asked to respond in the appeal hearing to two or three behavioural-based (**interview-style**) questions (*"tell me about a time when you were faced with..."*). This form of questioning is accepted as best-practice selection methodology. It gathers evidence about how a person has applied their capabilities, skills and values in practice, which is considered a more reliable way of predicting success than inviting the person to make generalised claims about merit.

In **2018**, the PRSB also published a comprehensive *Guide to Transfer and Promotion Appeals (PRSB Guide)* covering the complete appeals process, from the decision to lodge an appeal to how to prepare effectively and present well in an appeal.<sup>2</sup> It is updated as changes are made to the process.

In **March 2020**, the COVID-19 pandemic and health orders prohibited in-person hearings, requiring rapid change to how appeals were conducted. PRSB President Andrea Lester published a Practice Note under section 156A of the Act, which enabled appeals to be conducted by written submission alone.

In **May 2020**, the Practice Note was updated to reflect changes introduced by the TPU to the Selection Form. The TPU form now includes work and education history and an outline of the party's claims to the position. This change eliminated the need to require parties to repeat that information in the appeal hearing or in a written submission. A further major change was that the TPU process no longer

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<sup>1</sup> Section 158A, an amendment requested by the PRSB.

<sup>2</sup> <https://www.prsb.vic.gov.au/guide-to-transfer-and-promotion-appeals>

include Performance Development Assessments (PDAs), and to instead relies on a more detailed referee report.

By **August 2020**, the PRSB and parties had adapted to using Microsoft Teams (**Teams**). PRSB decided that using a combination of written submissions together with interview-style questioning in a Teams videoconference hearing provided a better overview of candidates' capabilities, values and communication skills, when compared to written or oral submissions alone. A revised PRSB Practice Note, published in August 2020, required parties to provide a written submission (answering two specified questions, relevant to the rank). Parties were then asked two or three behavioural-based (interview-style) questions in the Teams hearing, tailored to the specific duties and rank of the position under appeal. The Practice Note also allowed for the PRSB to obtain a referee report for Appellants who were not short-listed.

In **late 2020**, the Board considered whether to return to hearings in person, and whether to abolish or amend the use of written submissions. The pandemic continues to require a flexible approach to accommodate lockdowns, self-isolation requirements and workload demands. It was noted that the use of Teams reduced travel times and impact on service delivery, especially from regions. An *Options Paper* was developed, followed by consultation with the PRSB Review Division, the TPU, Victoria Police Recruitment and Deployment, Regional Commanders and The Police Association of Victoria (TPAV).

A fourth *Practice Note* (**January 2021**) reflected the outcomes of this consultation and remained in operation throughout 2021. It reflected the clear consensus that written submissions should continue; that all parties should attend in the same way (either everyone in person, or by Teams, as determined by the PRSB, depending on rank, and parties' and Members' locations, needs and preferences). CCRs continue to attend by teleconference or Teams.

In **January 2022** a renewed *Practice Note* was published, implementing changes that emerged from this survey. These changes will be explored later in this report.

A summary of these process changes is at *Appendix A*.

*Appendix B* sets out a summary of the role of the participants in the selection and appeal processes.

## Chapter 2: About the appeals user survey

### 2. Survey methodology

#### 2.1 Who was surveyed?

The Appeals User Survey (**survey**) was administered between 28<sup>th</sup> of June 2021 and 11<sup>th</sup> July 2021. The Survey reports upon the experience of police officer appellants, selectees and CCRs who had participated in a PRSB transfer or promotion appeal (**PRSB appeal**) in the two-year period between 1 July 2019 and 27 June 2021 (**survey period**).

Protective services officers were not included in the survey given the small number of appeals and special processes applied to those appeal hearings.

#### 2.2 Developing the questions

The PRSB consulted with the TPU and other stakeholders before finalising the survey methodology and questions. The survey was distributed and completed using Microsoft Forms.

The questions asked for the survey respondent's level of agreement with a proposition (using a five-point scale, from strongly disagree to strongly agree.) The survey also provided opportunity for free text responses. This Report incorporates representative comments, while taking care not to identify individuals. This written feedback was especially valuable in providing suggestions for improvement in PRSB and TPU processes, as discussed in the next section.

The TPU and the PRSB conduct separate but closely inter-linked processes. The survey project was an opportunity to ask questions about the initial selection process, as well as the appeal process, to help understand the system and the users' experience in a holistic way. TPU suggested specific questions relating to the initial selection process. While the purpose of the project is not to make recommendations regarding the TPU process, the Report does include the survey feedback received.

The purposes of surveying the CCRs were:

- To gain an understanding of the aspects of the process that impact upon CCRs directly, such as attending by Teams or teleconference, and their understanding of their role in the appeal process; and
- To provide another perspective of the appeal process. The CCR does not have a direct interest in the outcome, which may provide a more objective perspective. The CCR can observe the parties' claims to the position and performance, in the same way as the PRSB Member. The CCRs nearly always participate in the initial selection process and are well-placed to compare parties' performances between the two processes.

Appellants and selectees were provided with a link to the survey, while CCRs received a modified set of questions tailored to their role. Responses are anonymous. Respondents were invited to provide contact details for follow-up at interviews or focus groups. There was general interest in further participation. The surveys can be found at these links – [appellants and selectees](#), [CCRs](#).

## 2.3 Survey response rate

Of the 428 surveys issued, 204 were completed, representing an overall response rate of 48 per cent consistent with expectations for a targeted online survey.<sup>3</sup> Table 1 displays the survey response rate for each respondent type.

Table 1 Survey response rate

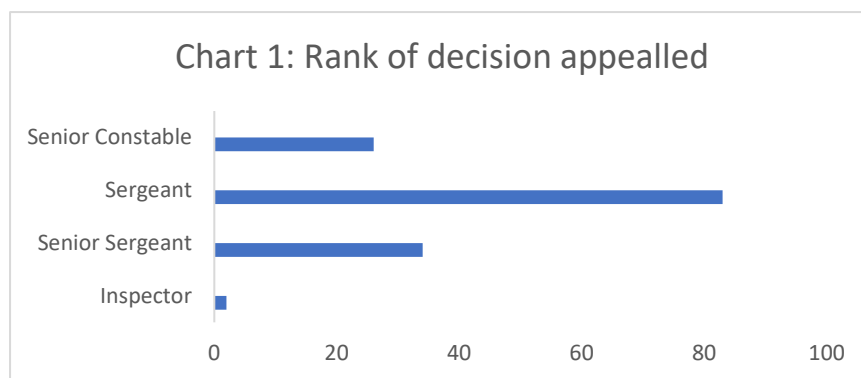
Survey	Survey Responses		
	Appellants	Selectees	CCRs
Issued	165	153	110
Completed	75	70	59
Response Rate %	45	46	53

## 3. About the survey respondents

### 3.1 Location and duties

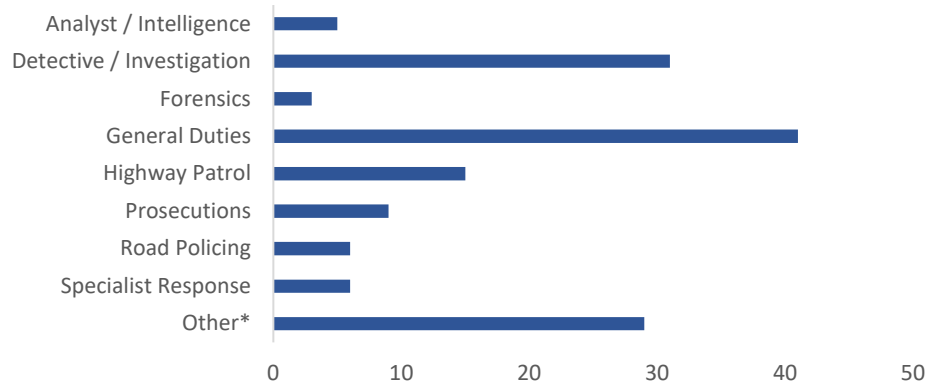
The typical appellant or selectee survey respondent was based within 50 kilometres of the Melbourne CBD, had applied for one position at the rank of sergeant in a general duties role and participated in a PRSB appeal with one other party. Table 2 below expands on these details.

CCR survey respondents were typically based less than 20 kilometres from the Melbourne CBD and were mostly the Local Panel Representative (**LPR**) in the original selection panel.<sup>4</sup> The remaining CCRs (Independent member or Delegate) appeared if the LPR was not available or the matter required a specialised response. CCRs generally participated via Teams.



<sup>3</sup> [Average Survey Response Rate - What You Need to Know - Customer Thermometry](#)

Chart 2: Specialisation of position appealed



\* Only one respondent held each of these roles

Chart 3: Parties involved in the appeal

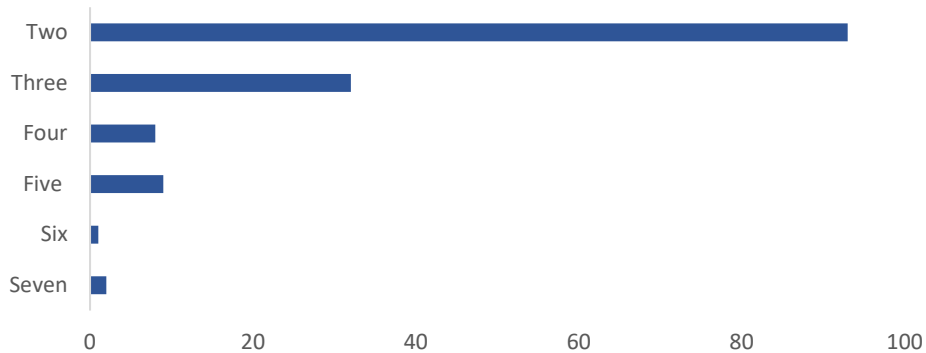
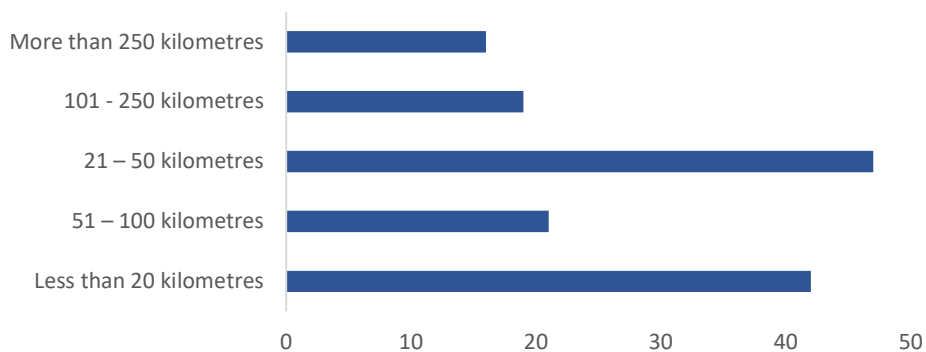


Chart 4: Distance from CBD

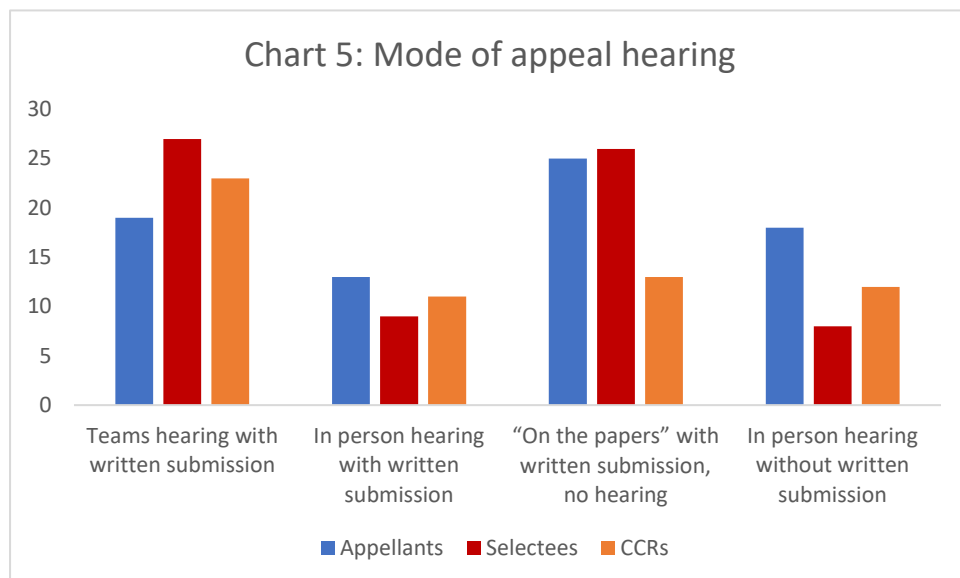


### 3.2 Interviewed or not interviewed?

The majority of survey respondents (79 percent) were interviewed for the position under appeal. All selectees were interviewed. Of 75 appellants 47 (62 percent) were interviewed and 28 (37 percent) were not interviewed. In the initial selection process, on average, 32 percent of applicants for a position are short-listed and interviewed by the TPU<sup>5</sup>.

### 3.3 Mode of appeal hearing

Almost half of appellants and selectees who responded to the survey participated in an appeal held before June 2020. At this time, appeals were held *in person*. After June 2020, with health orders in place, written submissions alone were used for several months, and then Teams hearing plus written submissions. Table 3 and Chart 2 show survey respondents by the mode of hearing used<sup>6</sup>, and shows survey respondents cover all modes of hearing in the expected proportions.



### 3.4 Initial TPU application form used

Close to half the survey respondents (48 percent) were involved in appeals held before 22 June 2020. These parties used the previous TPU form, giving six short 'key selection criteria' (KSC) responses.

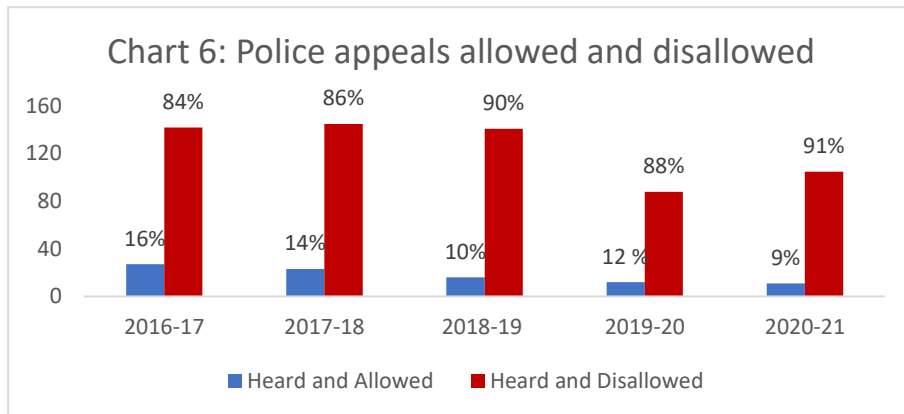
Just over half the respondents (52 percent) were involved in appeals held after 22 June 2020, and used the new TPU form, including education, training, previous experience, volunteering, awards and a general section called "claims to the position". The TPU change of application form occurred halfway through the survey period. The spread of responses is even across the survey period.

<sup>5</sup> Source: Victoria Police Transfer and Promotion Unit

<sup>6</sup> Percentages used throughout this report are rounded

### 3.5 Successful or unsuccessful in the appeal?

In the survey period (2019 to 2021) an average of 10.5 percent of selections appealed to the PRSB were overturned. In the past five years, that rate has varied between 9 and 16 per cent (See Chart 6).



Of the [appellants](#) who responded to the survey: 15 (21 percent) had their appeals “allowed” (they were successful) and 55 (79 percent) were unsuccessful.

Of the [selectees](#) who responded to the survey: 10 (15 percent) had the appeal against their selection allowed (their selection was overturned) and 57 (85 percent) were successful in holding the position. Eight survey respondents were involved in appeals which were withdrawn.

*Unsuccessful* appellants were nearly twice as likely to respond to the survey, while *unsuccessful* selectees were nearly 1.5 times more likely to respond.

[CCRs](#) were also more willing to participate where the panel’s decision was overturned: 10 CCR respondents (18 percent) were involved in matters where appeals were allowed.

While acknowledging the small sample size, this suggests that parties who were unsuccessful in the appeal process were more willing to give feedback than those who were successful, and this should be taken into consideration when interpreting the survey responses.

### 3.6 Chief Commissioner’s Representative

Twenty-three respondents (39 percent) of CCRs participated in an appeal that was held in person; 23 respondents (39 percent) through Teams, and 13 respondents (22 percent) “on the papers”. This is roughly aligned with the distribution of appellant/selectee responses (See Chart 5).

Of the CCRs who participated in an appeal where appellants and selectees attended in person, just over half appeared through audio-only teleconferencing, with the other half attending in person.

The majority (83 percent) of CCRs held the role of Local Panel Representative on the original panel, with the remaining CCRs made up of Independent Panel Members (5 percent), the Delegate who authorised the selection (5 percent) and other (7 percent). The “other” category includes CCRs nominated because someone was not available, or where a specialised response was needed.

## Chapter 4: The survey responses

### 4.1. Survey feedback about the initial TPU selection process

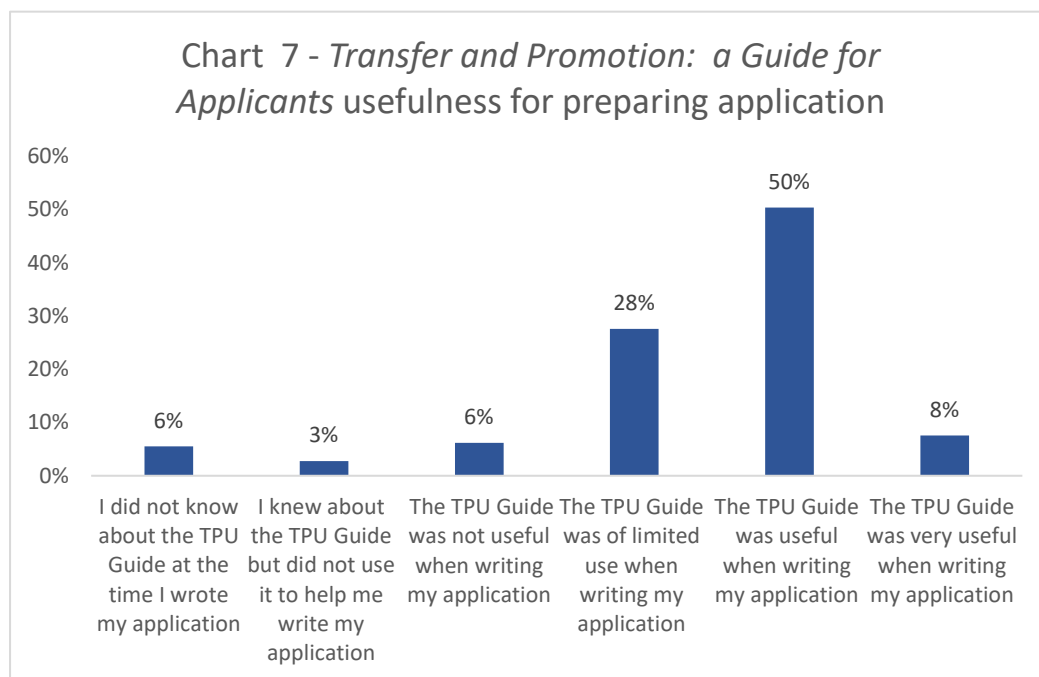
Appellants and selectees were asked about their experience applying for positions through the Victoria Police Transfer and Promotion Unit (the **TPU**). The questions focussed on what tools and information they used, how much time was spent on the application and the seeking of feedback about an application or interview.

### 4.2 TPU information and guidance about the selection process

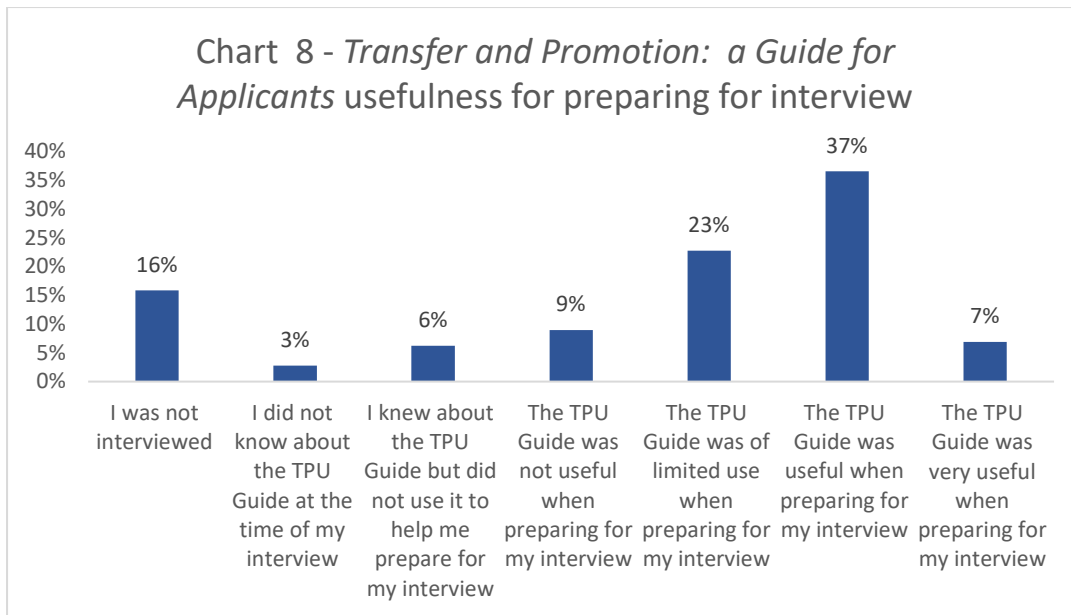
The TPU offers various resources to assist applicants for positions.

#### *Transfer and Promotion: A Guide for Applicants*

The TPU released the *Transfer and Promotion: A Guide for Applicants* in September 2020. Fifty-eight percent of survey respondents thought the TPU guide was “useful” or “very useful” for preparing their written application.

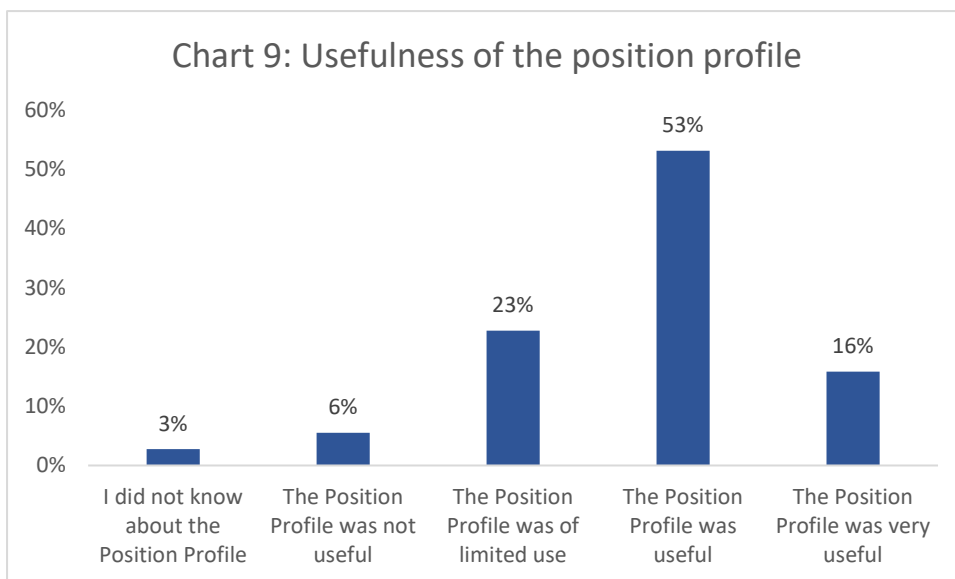


Of those survey respondents who were interviewed by the TPU, a similar percentage (44 percent) found the Guide useful for preparing for a panel interview (See Chart 8).



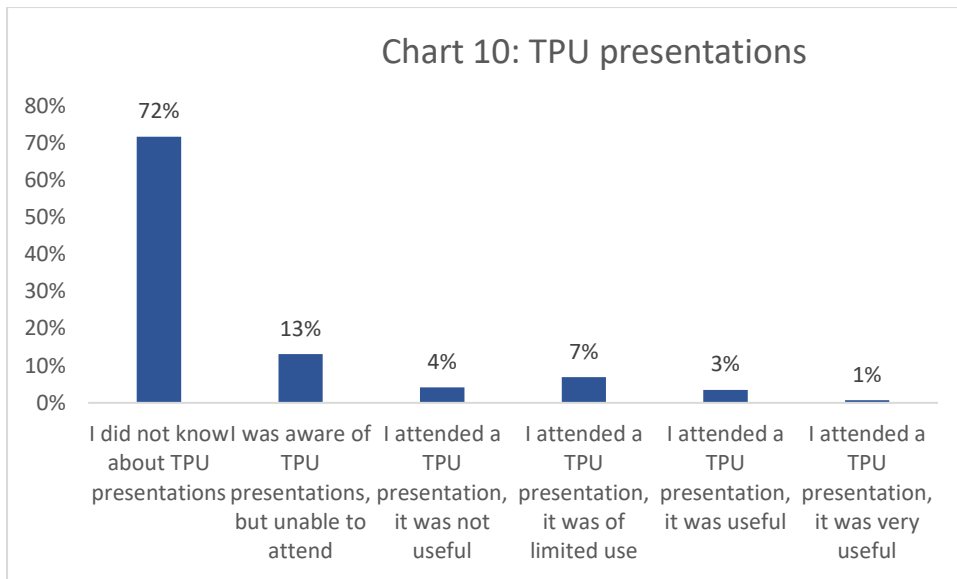
### Position Profile

The Position Profile was considered “useful or “very useful” by sixty-nine percent of respondents.

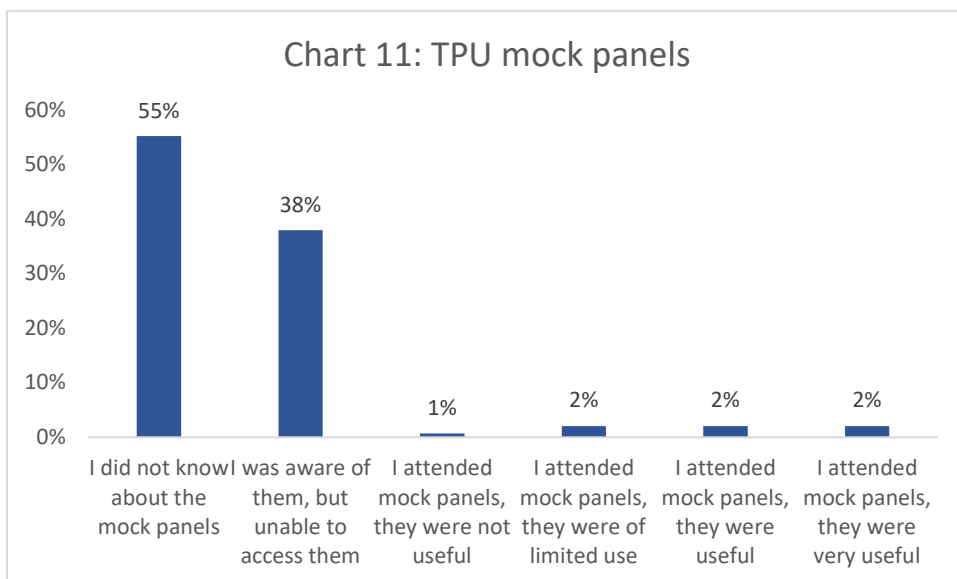


### TPU presentations and mock panels

When resourcing permitted, the TPU offers presentations and mock panels to help applicants prepare for interview. Most survey respondents (72 and 55 percent respectively), were unaware of these resources while others who were aware, were unable to attend.

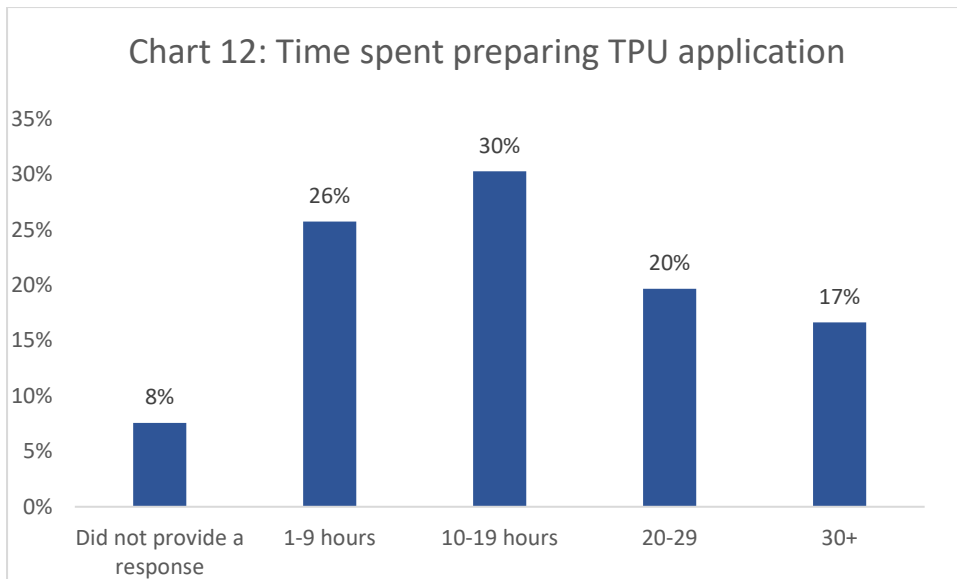


Only 22 people attended a presentation (15 percent) and 10 (7 percent) a mock panel. The majority (16 survey respondents, or 72 percent) who attended found the presentations “not useful” or “of limited use”. Those who attended mock panels were evenly divided between “they were of limited use” “they were useful” and “they were very useful”. This feedback came from a small sample size and is not reliable. The TPU may wish to consider gathering feedback after these events to assess their value and impact.



### 4.3 Time spent preparing initial applications

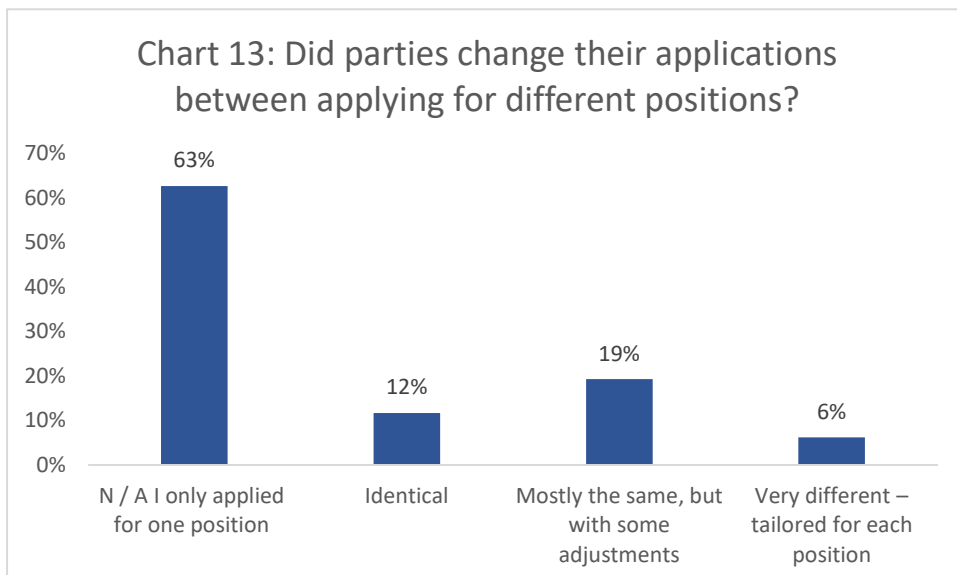
The length of time spent on preparing applications for positions varied considerably. The minimum time spent on preparation was 5 to 6 hours with the longest, 50 hours. Many applicants spent 6 to 8 hours on their initial application with extra time taken to adjust for other positions.



There may be several reasons for the large time range, one being that some applicants only applied for one position, while others re-use and adjust their applications over several years.

Ninety-one Appellants and Selectees (63 three percent) who responded to the survey only applied for one position at the rank and role prior to their appeal. Twelve percent applied for more than one position and used an identical application. Nineteen percent used a similar application, and six percent changed their application completely.

Of the 54 who applied for more than one position, 28 used a similar application, 17 used an identical application and 9 changed their application completely. In short, most re-cycled their application.



#### 4.4 Panel Interview and feedback

Sixty-two percent of appellants and selectees requested and received feedback from the selection panel. Twelve percent requested feedback but did not receive it and 30 percent did not request feedback.

Reasons for not requesting or receiving feedback varied. The most common reason for not requesting feedback was that the respondent was the selected applicant:

*“I was the selected applicant for the position, therefore I didn't need to seek feedback”*

Some applicants requested feedback, but there were issues with timing and leave:

*“The convener was on leave and could not get back to me before the appeal date”*

A number of unsuccessful applicants were told that they would not receive feedback until after the appeal period. This influenced their decision to appeal:

*“I was advised by the convenor that feedback would not be provided until after the appeal period. That assisted me in making the decision to appeal.”*

A few respondents expressed dissatisfaction with the quality of feedback received, either in the process they were responding to in the survey, or as a general statement from previous processes:

*“Not much point asking for feedback. It is always different. Do this, next feedback says do that.”*

#### 4.5 Survey feedback about the PRSB appeal process

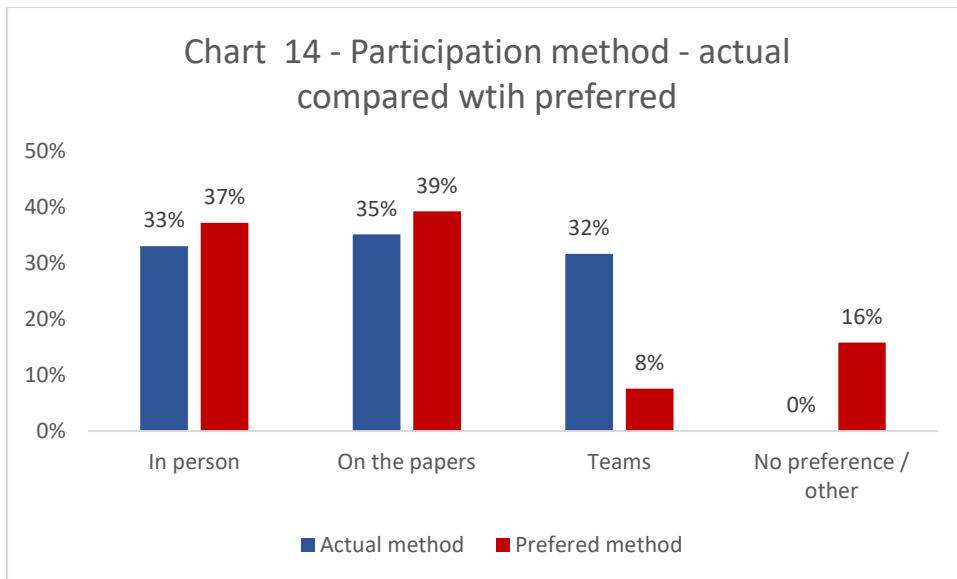
The Survey responses offered valuable insight about PRSB resources used when preparing for an appeal hearing, preparation time, views about the modes of hearing used, and satisfaction the overall process.

Appellants and selectees were asked to put to one side the natural disappointment that they may have felt if their selection was overturned or appeal not allowed. Being unsuccessful in an appeal may, however, naturally have affected how individual appellants and selectees have perceived the appeal process.

#### 4.6 How parties would prefer to participate in PRSB appeals (mode of hearing)

##### *Appellant and selectee preferred mode of hearing*

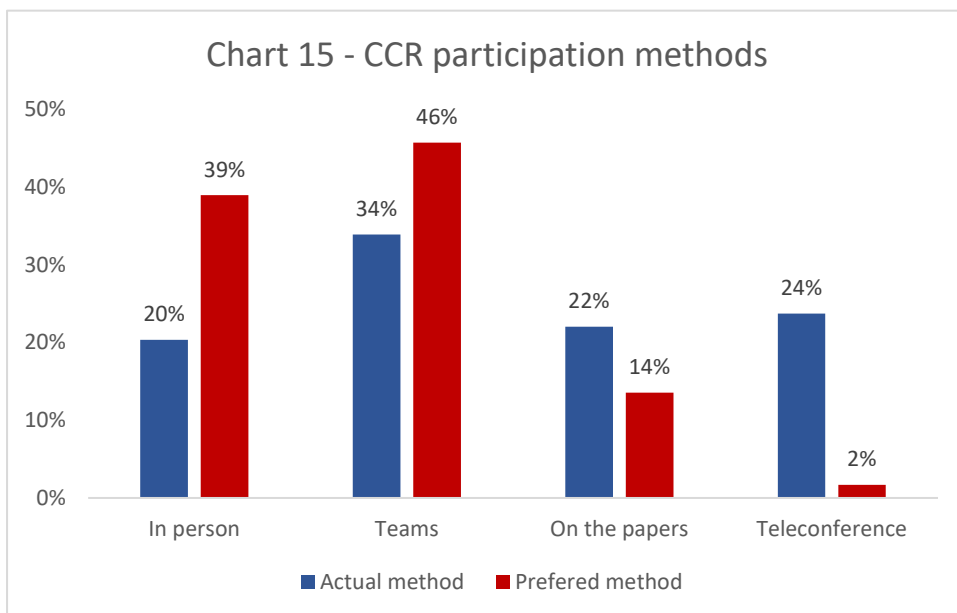
The survey asked parties about their preferences for the mode of hearing in the future. Opinions were evenly divided between “prefer to participate in future hearings in person” (37 percent) and “on the papers” (39 percent). This category was further split into 16 percent preferring “just the existing papers” 23 percent preferring “the papers and submissions”. Only 8 percent would choose to participate through Teams, and the remaining 16 percent were split between “no preference” and “other” (See chart 3).



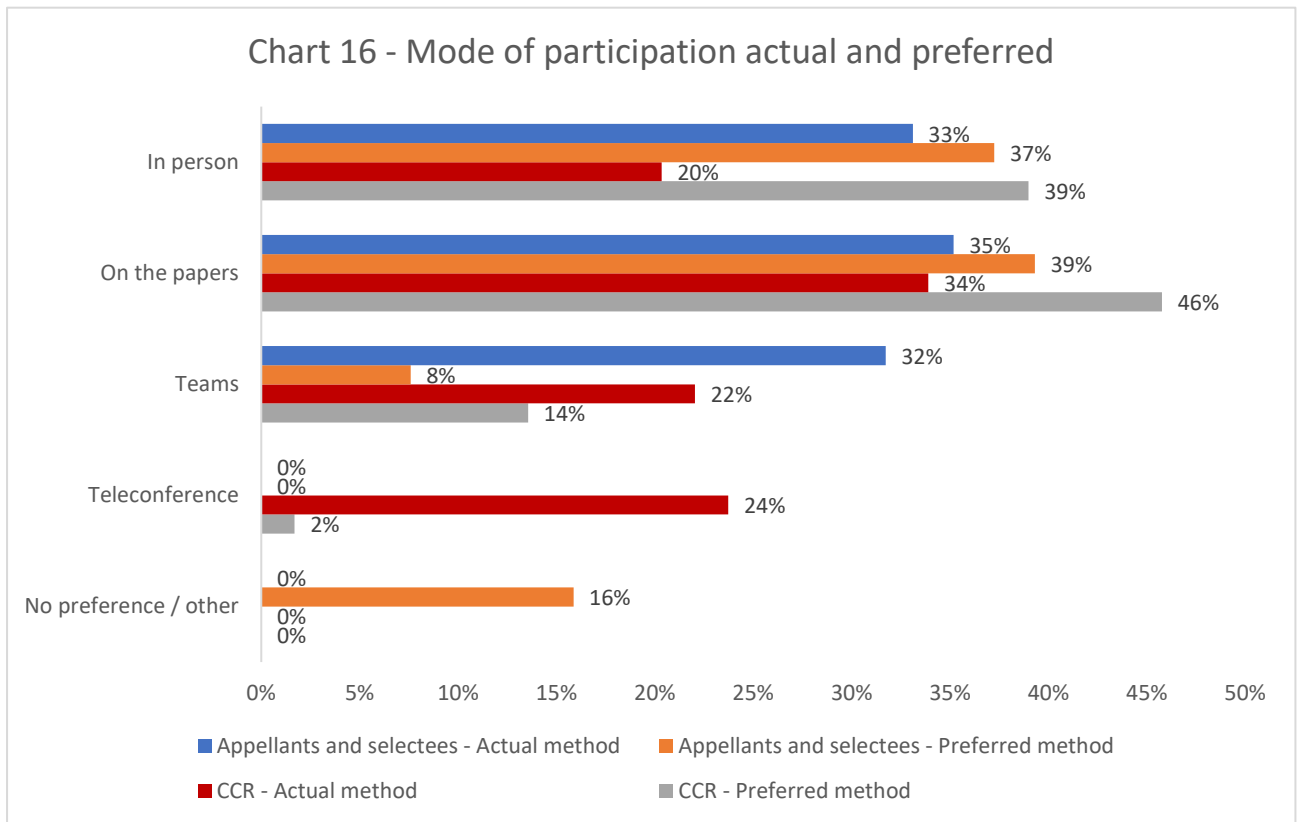
Interestingly, many of the parties whose hearing was decided “on the papers” preferred to participate in future appeals using that method. This diverged with those whose hearings had been held on Microsoft Teams, who preferred other methods of participation with responses evenly split between “Teams” “I don’t have a strong preference” “on the papers” and “in person.”

*“I found myself in a position where I was required to submit a written submission, without an in person or Teams appearance due to COVID-19 (May 2020). I feel capable of presenting in person however feel that the written submission was a great way to demonstrate my capabilities as a senior sergeant. I would be more than happy to participate in a written process again.”*

*Chief Commissioner’s Representatives’ preferred means of participation*



CCR responses reflected that the majority would like to participate through Teams (46 percent). Many would like to attend in person (39 percent). 14 percent would prefer written submissions. Only 1 respondent (2 percent) teleconference (Chart 15).

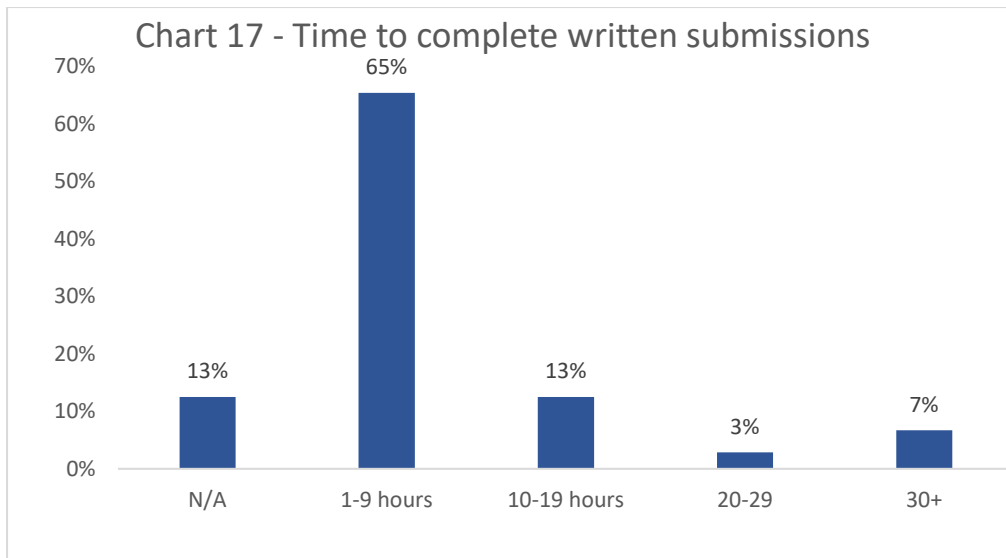


#### 4.7 Preparing the PRSB Appeal – time, resources and opinions

This section asked appellants, selectees and CCRs questions about the resources used when preparing for the appeal hearing, time taken to prepare, and views about written submissions.

##### *Time spent preparing for the appeal: written submissions*

Just as with the TPU applications, there was a significant range in the times selectees and appellants estimated it took to complete written submissions for the appeal process. The majority of responses were in the under ten-hour range. A not inconsiderable number of respondents (16) claim to have spent over 20 hours on their written submission. (see chart 17)



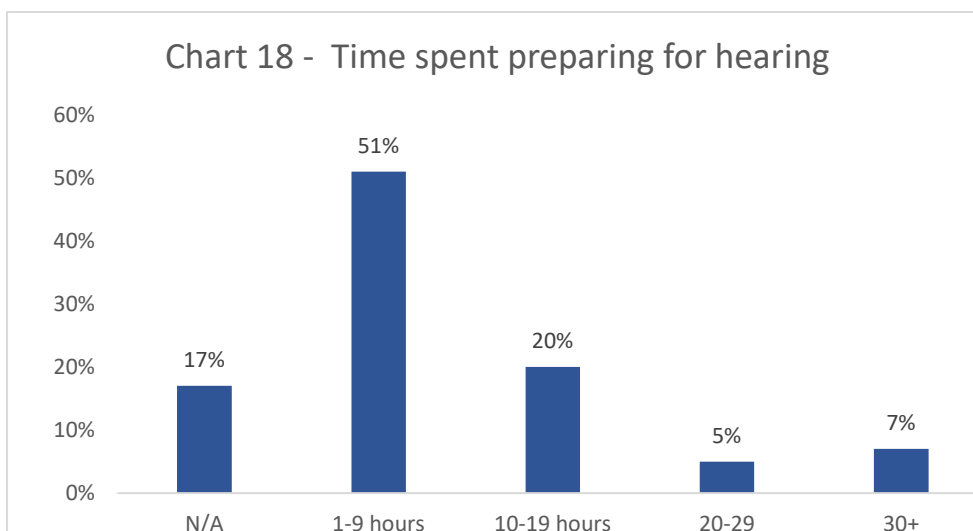
The most common length of time to complete written submissions was eight hours (22 people), followed by four hours (13 people) and five and six hours (9 people each).

The outliers included one person each who estimated they spent 50, 60, 100 and 340 hours preparing their written submissions.

*Time spent preparing for the appeal: general preparation*

The range of time to prepare the written submissions and to prepare for the appeal are similarly broad, ranging from 2 to over 100 hours. (See Chart 13).

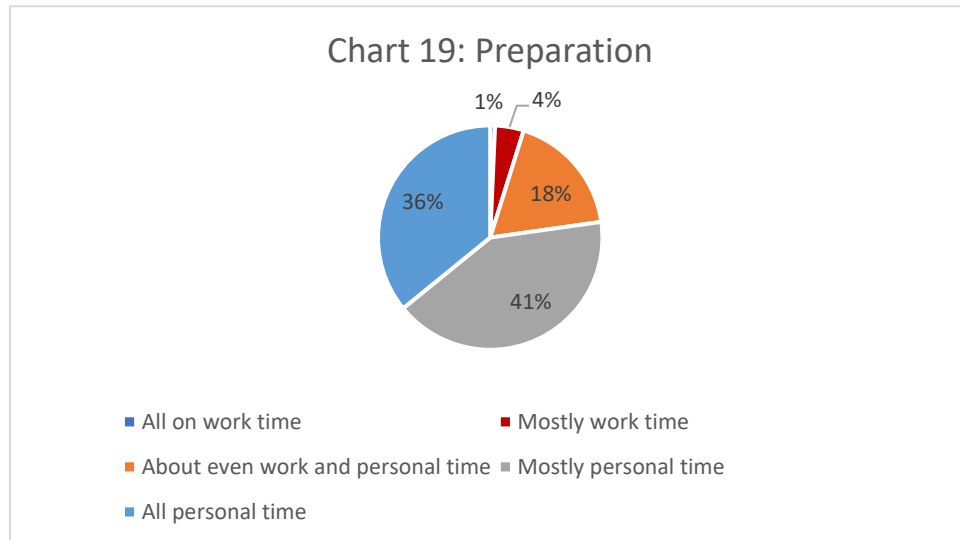
For those whose appeals were “on the papers” the only time they spent was on the preparation of written submissions. Removing those respondents from the data, there is a pattern that the time taken to prepare for the appeal (that is, both to prepare written submissions and prepare for the hearing) is between a third and a half longer than the time spent preparing the written submission. This correlation is consistent across those who estimated very brief times and those who have very long times.



Again, most responses fell in the 1 to 9 hour group, with 13 people selecting 8 hours, and 9 nominating five hours and three hours. The outliers included one each at 45 hours, 100 hours and 340 hours. N/A indicates people who could not remember or estimate how much time they spent preparing.

#### *Was appeal preparation done in work or personal time?*

Only one percent of respondents did all their preparation exclusively on work time, with four percent stating they prepared “mainly on work time”, 18 percent being “about even work and personal time”, 41 percent “mostly personal time” and 36 percent “all preparation on personal time”. (See Chart 19)



There was a strong feeling reflected in the comments throughout the survey that preparation for an appeal should be done on allocated work time.

*“Work allocated time to focus on preparing the submission”*

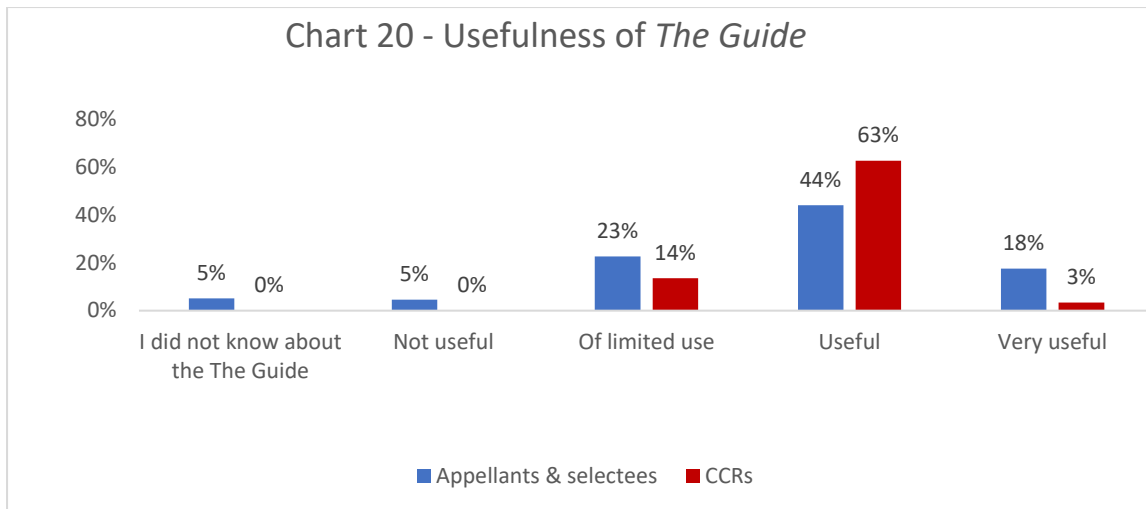
*“Should be considered work time with the ability to enter this in Oracle”*

The majority (52 percent) of appellants and selectees “agreed” or “strongly agreed” with the statement that “participating in the appeal took up too much of my time and energy.” (Chart 35)

## 4.8 The PRSB Guide to Transfer and Promotion Appeals

All parties are emailed a link to the *PRSB Guide to Transfer and Appeals* with the appeal documents. Ninety-five percent of appellants and selectees read the PRSB Guide before the appeal. Sixty-six percent of these found it “useful” or “very useful”, twenty-four percent “of limited use” and five percent “not useful”. (Chart 20)

Eighty percent of CCRs read *The PRSB Guide to Appeals* (the PRSB Guide) before the appeal, and 83 percent of these found it “useful” or “very useful”. Only 17 percent found it of “limited use”.



The sections considered most useful were:

- Information about timelines and processes (83 percent “useful” or “very useful”)
- Tips and Traps (64 percent “useful” or “very useful”)
- Information about what questions could be asked and what makes a good answer (61 percent “useful” or “very useful”).

*“I found this extremely helpful to understand what to expect on the day of my appeal.”*

#### 4.9 Other resources to assist with appeal preparation

Many respondents expressed satisfaction with the resources that are currently available:

*“The process and information was straight forward”*

*“All documentation supplied to me from the PRSB was useful”*

Among those who wanted other resources, a few suggestions were beyond the scope of this report, reflecting back to the TPU process and the questions about feedback:

*“More available access by the delegate and/or TPU members”*

*“Feedback from the initial panel”*

Some survey respondents who were able to attend a previous appeal found this to be very helpful:

*“I did however find the most valuable thing was attending and listening to other appeals before mine was held”*

*“I attended and listened to one appeal and would like to have attended more than one hearing, but time was limited. I found this extremely helpful to understand what to expect on the day of my appeal”*

Some who could not attend an appeal reported that they would have liked to, or to be able to watch a pre-recorded sample:

*"A video of an appeal which would allow me to understand what would happen in my appeal"*

Example documents were requested by many:

*"A mock example for both KSC and for the appeal process"*

*"Mock written response"*

*"More examples of previous decisions to have a greater understanding of the decision making process"*

Further guidance was suggested, particularly in video format:

*"I think some "interview style" videos involving PRSB panel members, explaining some of the common errors they see made during hearings and/or talking through things they like to see/hear."*

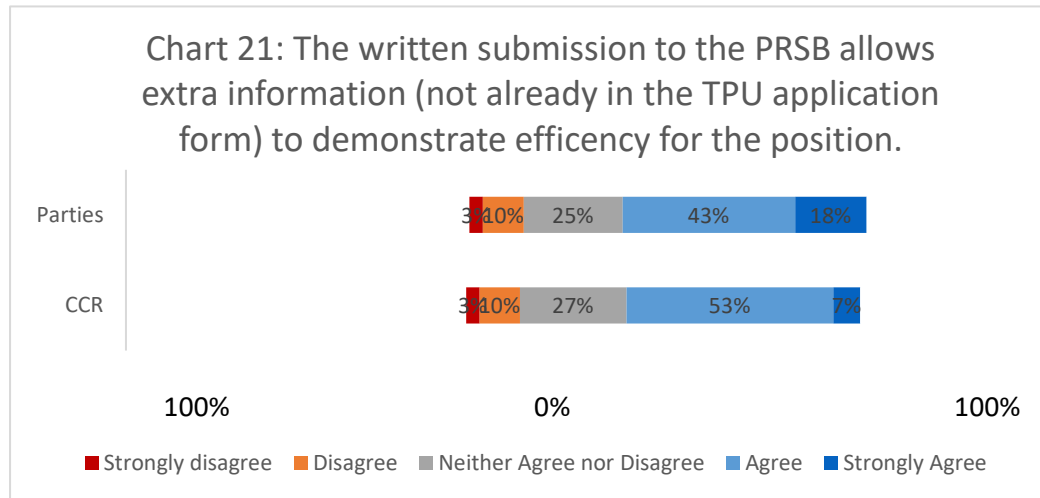
*"If the PRSB could do some videos on what they are looking for to make a decision in an appeal it would be useful when preparing and referring to common experiences"*

#### 4.10 Written submissions in appeals

Written submissions were first introduced into the appeal process in March 2020 when in-person hearings could not be held due to the COVID-19 pandemic health orders, and accordingly, exceptional circumstances permitting additional documents were considered to exist. Written submissions were retained as a feature of the process when the hearings moved to Teams, as PRSB Members found they provided a valuable additional layer of information to assist with decision-making.

The survey presented respondents with a series of statements about written submissions and invited them to indicate whether they "strongly disagree"; "disagree"; "are neutral"; "agree" or "strongly agree". These statements, and the responses received, are set out below.

Proposition: The written submission to the PRSB allows extra information (not already in the TPU application form) to demonstrate efficiency for the position

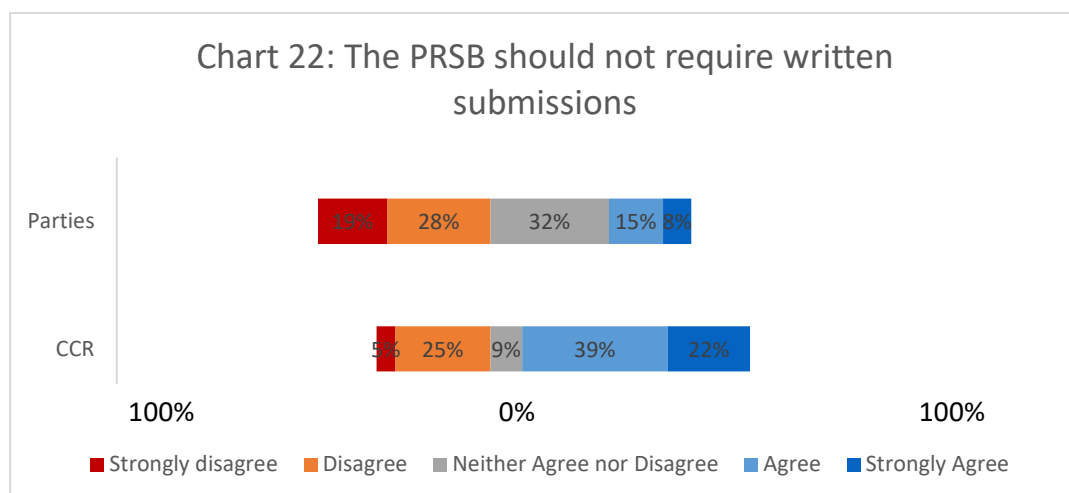


*"I thought written submissions were excellent for identifying qualifications/areas not covered in the original application"*

*"PRSB should not require written submissions, and instead rely only on the written applications lodged with the TPU and what parties say during the appeal hearing."*

*"I think written submissions are important, particularly for specialist roles because it can provide a real insight to the PRSB that they may not glean from KSC alone - it is likely that the TPU panel convenor would have that additional knowledge/awareness of at least 1 of the applicants and it can help to level the playing field."*

Proposition: The PRSB should not require written submissions and instead rely only on the written applications and what parties say during the appeal hearing



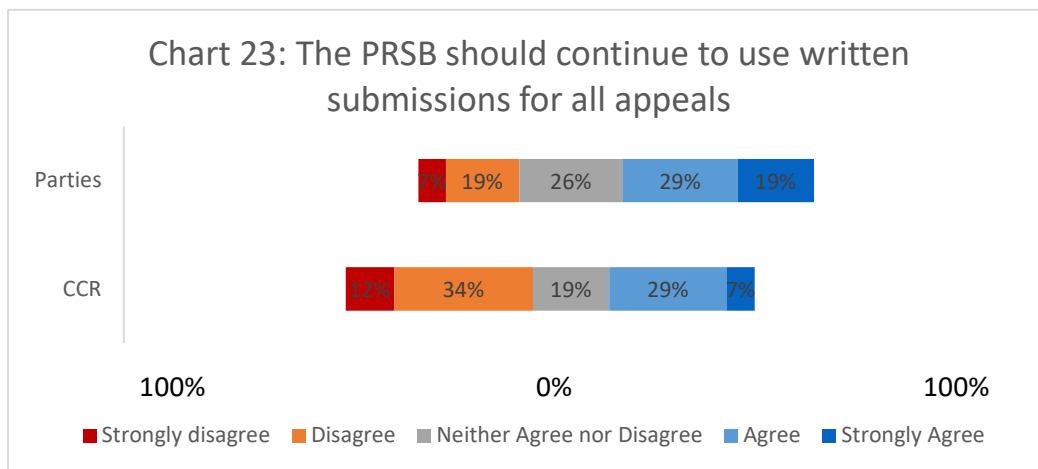
46 percent of appellants and selectees "disagreed" with this statement, 32 percent selected "neutral" and 22 percent "agreed".

30 percent of CCRs “disagreed” or “strongly disagreed” with this statement, 8.5 percent selected “neutral” and 61 percent “agreed”.

*“There is a lot of preparation when applying for the position. The KSC should be the only written submission required.”*

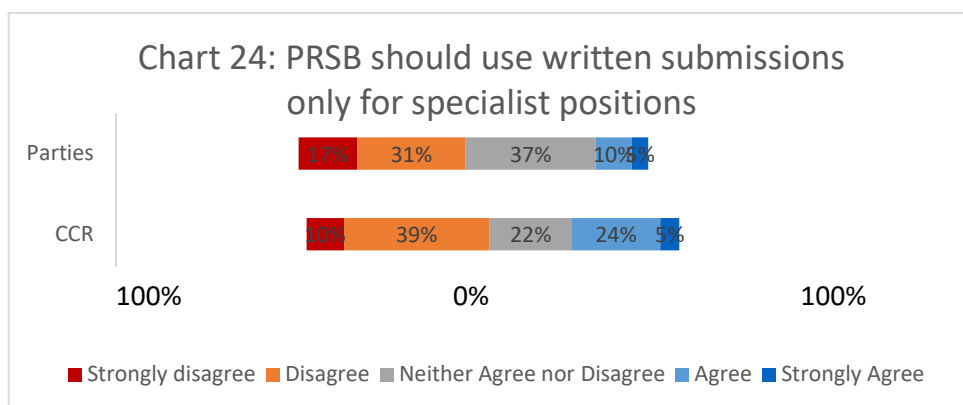
*“I think there should not be any further written submissions from the selectee. The KSC, work profiles and panel documentation should be the only documents reviewed. It involves ongoing additional work, research and stress, at times more work by the selectee than the other candidates”*

Proposition: The PRSB should continue to use written submissions for all appeals



The CCR responses reflected less enthusiasm for written submissions than appellants and selectees, with 46 percent disagreeing with the continued use of written submissions and 35 percent being supportive of the continued use of written submissions. The support for written submissions was stronger among those who had to complete them (appellants and selectees). Explanations could include the more holistic view that the CCRs have of the entire process, the time that they can see their staff spend on them, or other factors not revealed in the current data.

*“The written submissions enabled further information and skills to be presented which are limited within the original KSC applications”*

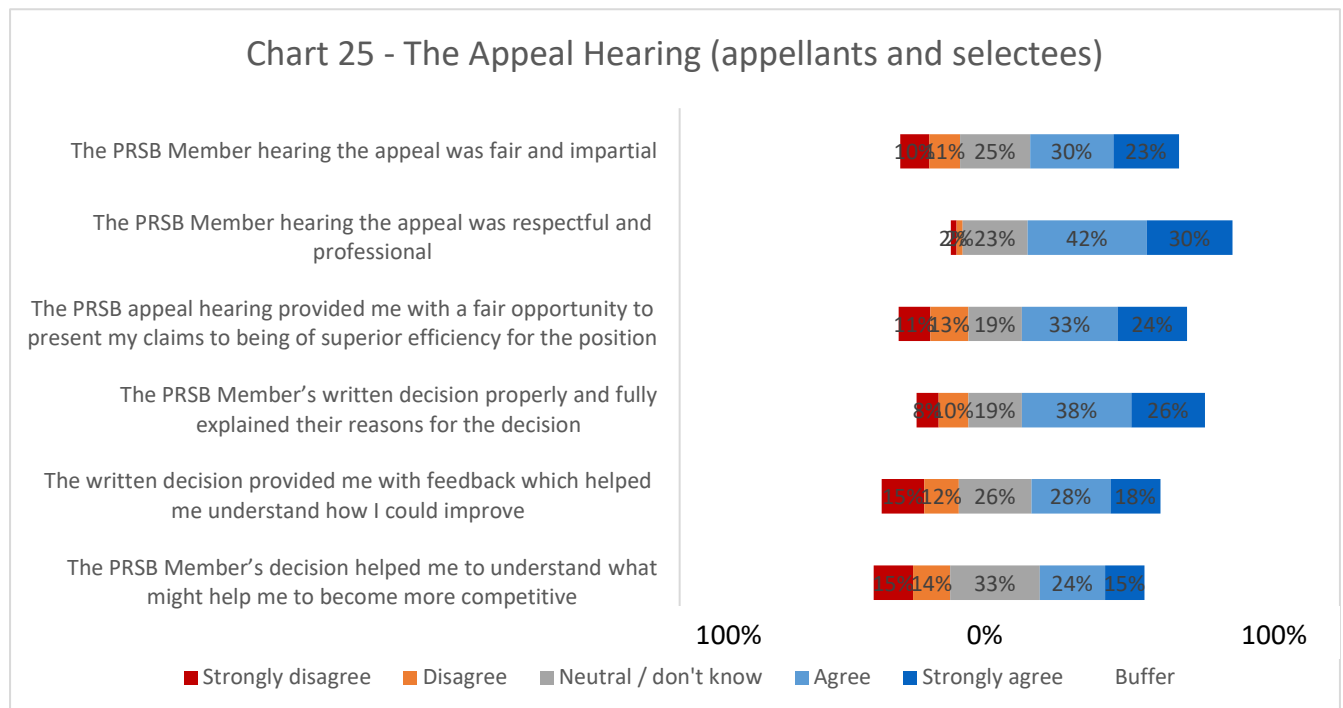


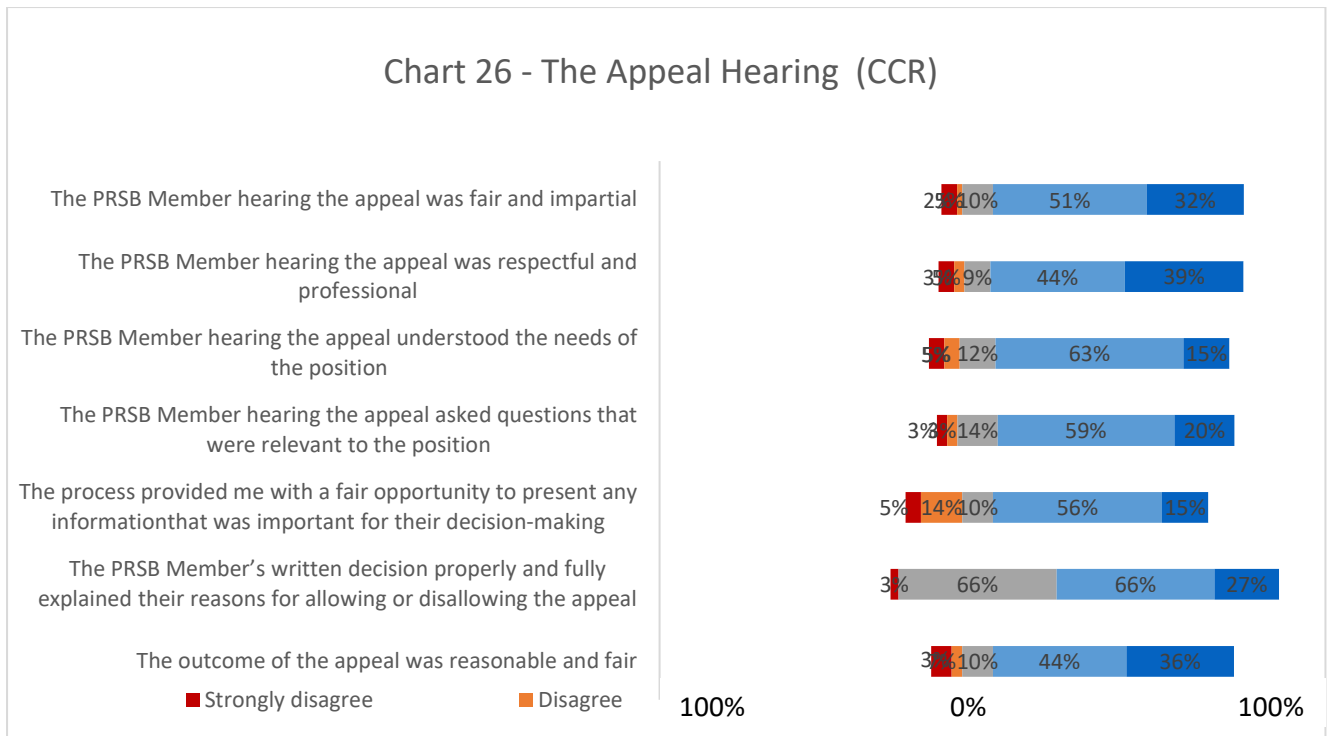
Parties and CCRs had similar views, with a minority agreeing that written submissions should only apply to specialist positions.

*"I think written submissions are important, particularly for specialist roles because it can provide a real insight to the PRSB that they may not glean from KSC alone - it is likely that the TPU panel convenor would have that additional knowledge/awareness of at least 1 of the applicants and it can help to level the playing field."*

#### 4.11 Survey feedback about PRSB's conduct of the appeal hearing

Appellants, selectees and CCRs were asked to respond to statements about the appeal hearing in which they participated (Chart 25 and 26). Respondents were invited to indicate whether they "strongly disagree"; "disagree"; "are neutral"; "agree" or "strongly agree". These statements, and the responses received, are set out below.

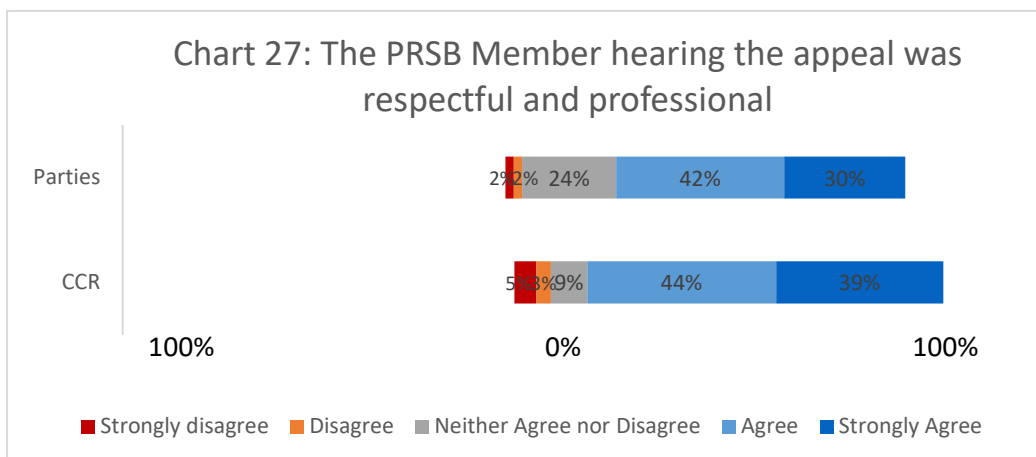




#### 4.12 Fairness, impartiality, respect and professionalism

The questions in this part of the Survey asked about perceptions of fairness, process and satisfaction with the appeal hearing. The high number of respondents who “agreed” or “strongly agreed” with these statements suggests that the appeal hearing process is generally perceived as respectful, fair and relevant.

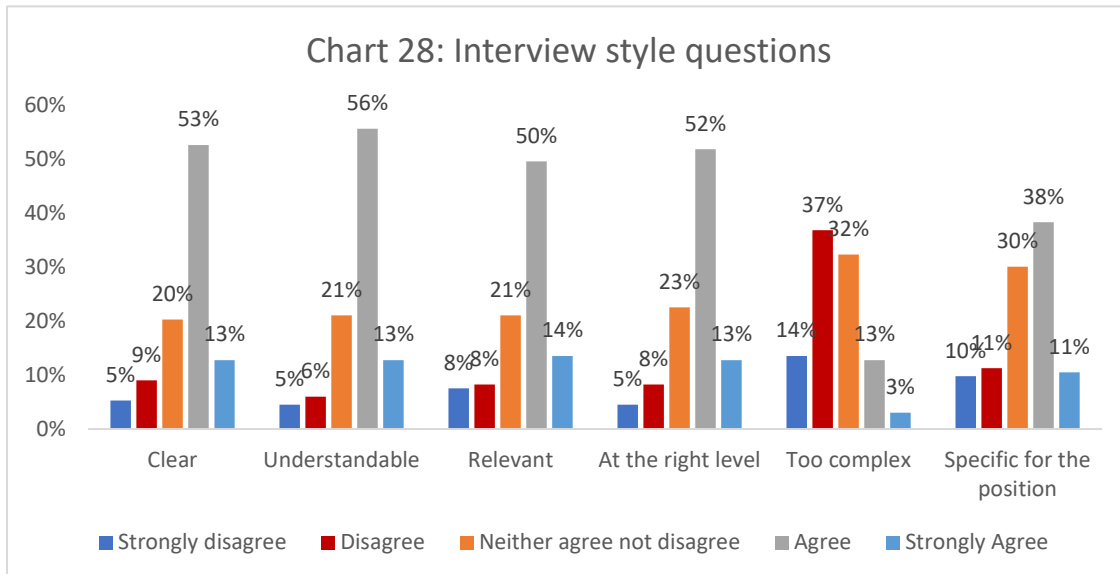
#### 4.13 The PRSB Member hearing the appeal was respectful and professional



A significant majority (72 percent of selectees and appellants and 83 percent of CCRs) agreed with statements that the PRSB Member hearing the appeal was *respectful and professional* and *fair and impartial*, and *listened to the appeal hearing with an open mind*. There was also agreement that the PRSB appeal process *provided a fair opportunity to present claims of superior efficiency*.

#### 4.14 Questions asked in the appeal

Appellants and Selectees were asked about the interview-style questions that were asked during their appeal. Most agreed that the questions were clear, understandable, relevant, at the right level and specific for the position most disagreed that the questions were too complex.



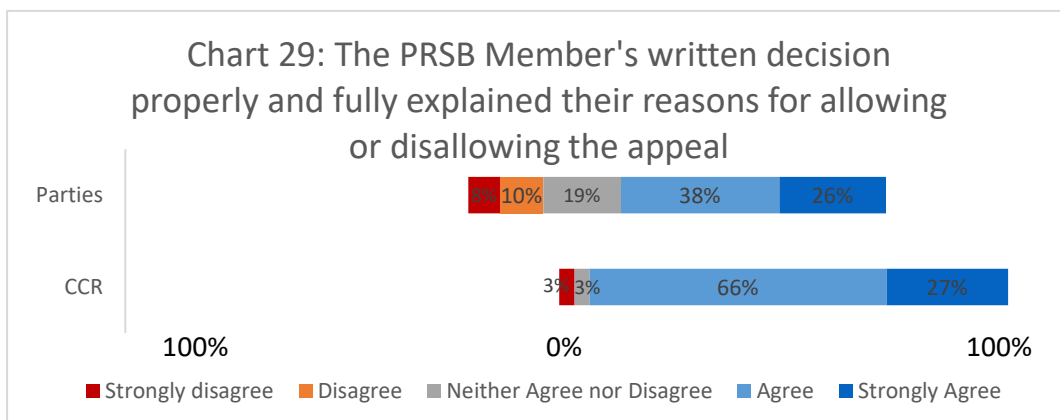
#### 4.15 Reflection

Overall, CCRs appeared to hold greater satisfaction with the PRSB appeal process compared with appellants and selectees (charts 25 and 26). Most CCRs agreed that the Review Member hearing the appeal understood the needs of the position and the appeal questions were relevant to the position. They also thought that the outcome of the appeal was reasonable and fair.

#### 4.16 Survey feedback about PRSB's written decisions

Appellants, selectees and CCRs were asked to respond to the following statements about the written decision prepared by the PRSB Member (See charts 25 and 26 for details).

*The PRSB Member's written decision properly and fully explained their reasons for allowing or disallowing the appeal*

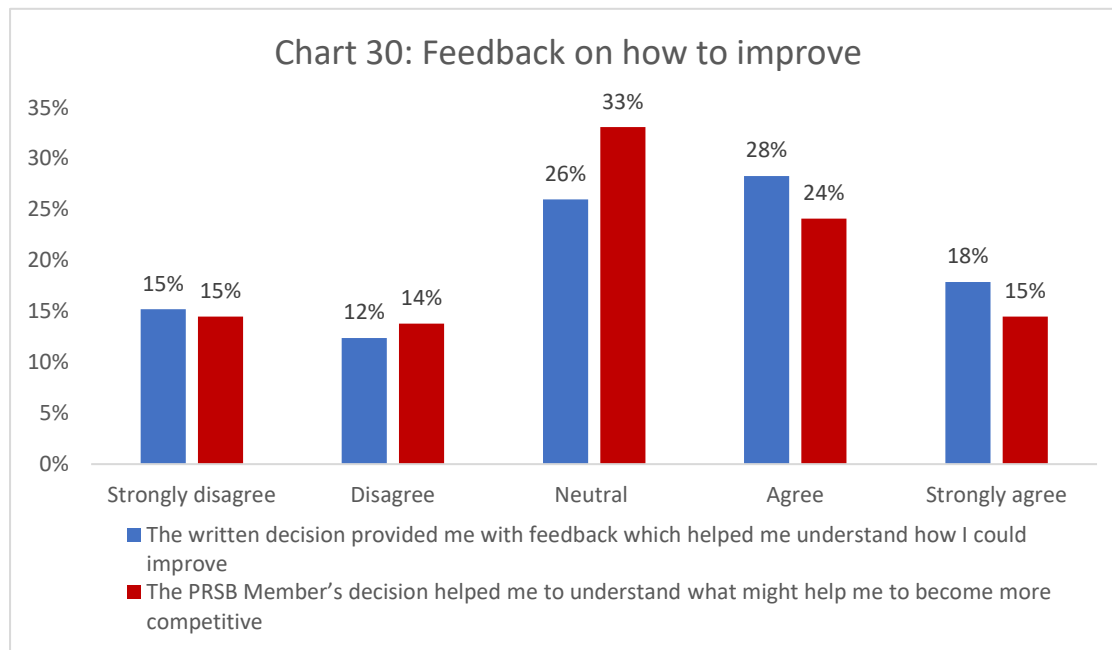


Interestingly, a much higher proportion (ninety-two percent) of CCRs agreed or strongly agreed with this statement, showing a higher level of overall satisfaction with the explanations provided.

The disparity between the experience of CCRs and appellants and selectees on reading the report could reflect the audience that the written decision is written for, or the emotion with which different parties approach the document (particularly, unsuccessful parties who may reject the reasoning and feedback). It is possible that CCRs read the written decision looking for feedback on the panel process, while appellants and selectees are mainly concerned about the outcome, but this is conjecture and would require further exploration.

#### *Feedback on how to improve*

Less than half (46 percent) of appellants and selectees “agreed” or “strongly agreed” that the written decision provided them with feedback which helped them to understand how they can improve in future selection processes, and even fewer (38 percent) “agreed” or “strongly agreed” that the decision helped them to understand what professional development or experience might help them to become more competitive in future selection processes. This question was not asked of CCRs.

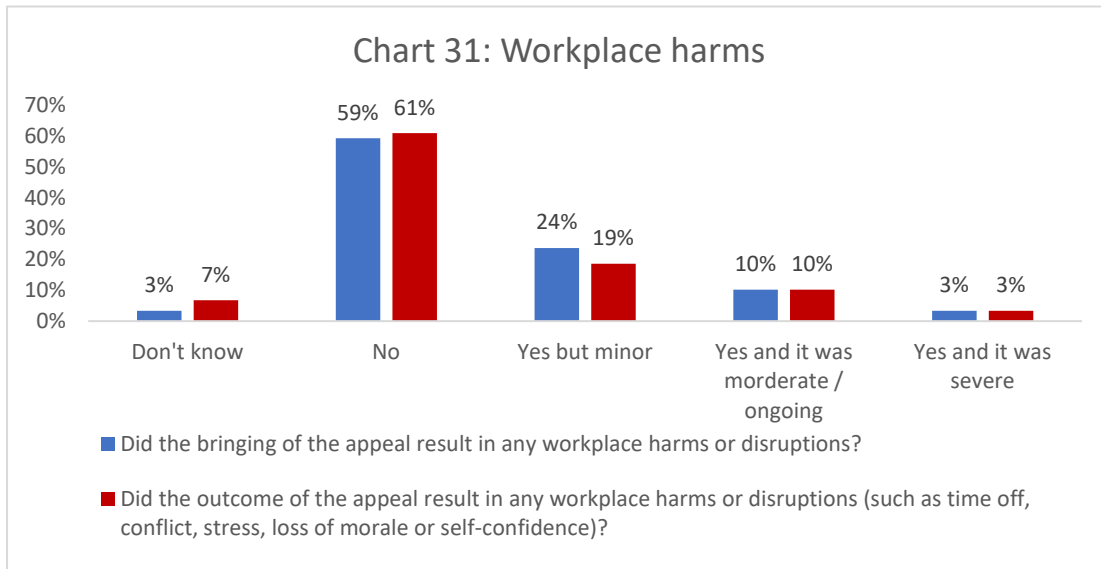


The potential for PRSB’s written appeal decisions to provide useful feedback to parties about their performance in the selection and appeal processes, or feedback about desirable development activities or experience that may assist them in future processes, is something that can be further explored in consultation with Victoria Police.

#### **4.17 Survey feedback: the impact of the appeal on police officers and work units**

CCRs were asked about the impact upon the workplace of the bringing of the appeal, and the impact of the results of the appeal. CCRs were asked about any workplace harms or disruptions associated with the PRSB appeal. Disruption and harm were measured as *minor*, *moderate* and *ongoing or severe*.

Appellants and selectees were not asked this broader workplace question, as it requires an overview and a level of objectivity.



Fifty-nine percent of CCRs did not report any workplace harms from the bringing of the appeal and 61 percent did not report any workplace harms resulting the outcome of the appeal. Twenty-two percent and 18 percent found minor issues presented in the workplace. Ten percent experienced moderate / ongoing workplace harms and disruptions and 3 percent for both groups experienced severe workplace harms or disruptions.

Comments from CCRs reflect this range of workplace effects:

*"Result of the appeal led to the member that was overturned leaving the unit and then subsequently another member left the unit. This resulted in severe staff shortages"*

*"I think the appellant now realises that the decision of the panel was the right one for him."*

*"The perceived harms, in my opinion arise from non-acceptance of the appellant that the matter had been reviewed, reheard and the original decision affirmed."*

*"The workplace is disrupted and conflicted depending on the time frame and outcomes."*

*"It is stressful for the selectee, but this passes when it is finalised"*

*"The appeal process will always have an affect on both the appellant and the selectee. It can cause anxiety and questions of self-value."*

*"The appellant was angry and became unproductive at work. Took the member some time to accept the decision and return to some level of acceptable service delivery. Basically the member's anger stemmed from his belief that he was more entitled to the position than the selectee and then was in a position where he had to work side by side with the selectee."*

*"The selected applicants were subjected to poor workplace behaviours by at least one of the appellants who tried to undermine their selection with others in the workplace."*

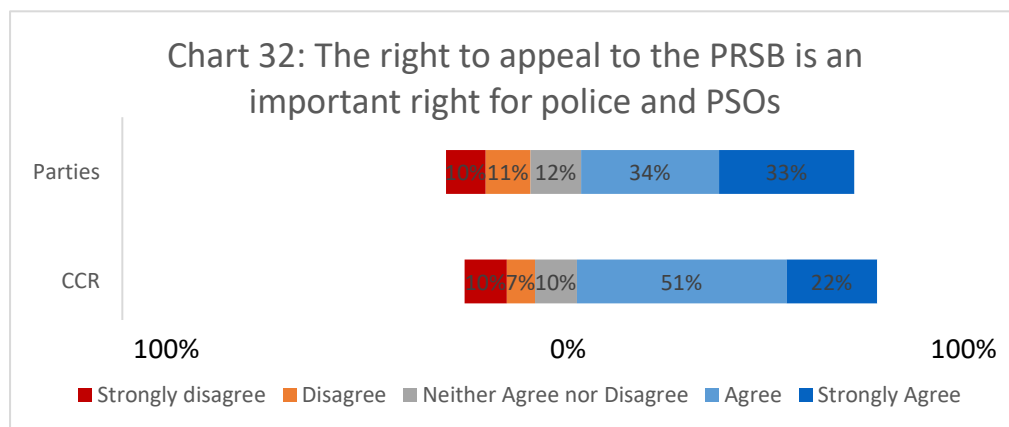
Despite these concerns, 72 percent of CCR survey respondents believe that the right to appeal is an important right for police and PSOs. (Chart 32)

#### 4.17 Overall satisfaction with the appeal process

A series of statements about the overall process were presented to appellants, selectees and CCRs (Charts 32 to 36). These questions focussed on the basic underlying principles and the value and benefit of the appeals system. The questions were intended to go beyond frustrations or concerns with particular aspects of the process, and to assess overall views about the value and benefit of the appeals process.

*“The right to appeal to the PRSB is an important right for police and PSOs”*

This was one of the key questions of the survey. While there were many comments about how stressful, time consuming and perceived unfairness in the process, 66 percent of appellants and selectees “agreed” or “strongly agreed” that the right to appeal is an important right for police and PSOs. Only 21 percent “disagreed” or “strongly disagreed”. An even greater percentage of CCRs (72 percent) “agreed” or “strongly agreed” with this statement.



This suggests support from those who have recently participated in an appeal for having an appeals system, despite the time consumed and stress identified in other parts of this survey.

This is confirmed by responses to the following question (only asked of appellants and selectees)

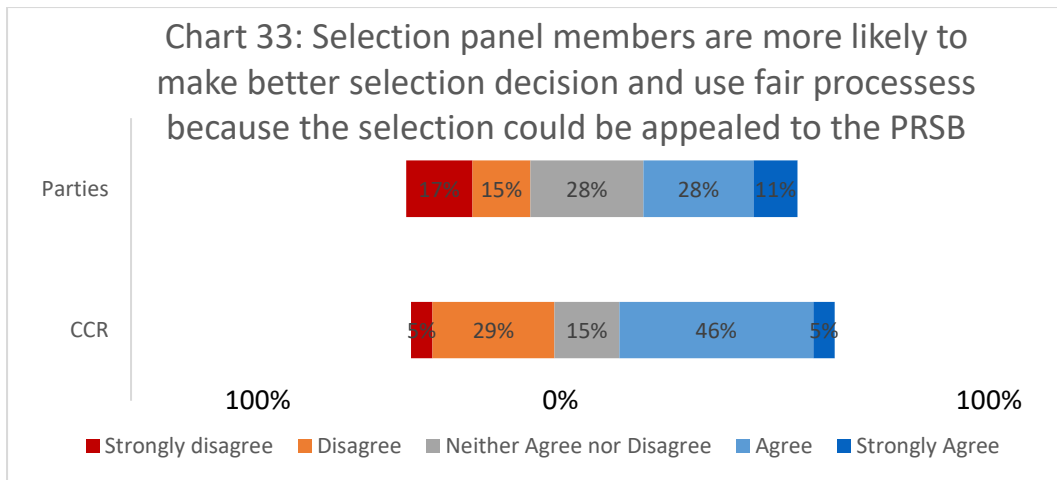
*I would recommend to a police or PSO colleague that they should appeal to the PRSB if they think they have better claims to being of superior efficiency*

This question was only asked of appellants and selectees.

Forty-seven percent of appellants and selectees agreed with this statement, while 14 percent were undecided. The remaining 39 percent would not recommend appealing to a colleague.

*Selection panel members are more likely to be make better selection decisions and use fair processes because the selection could be appealed to the PRSB*

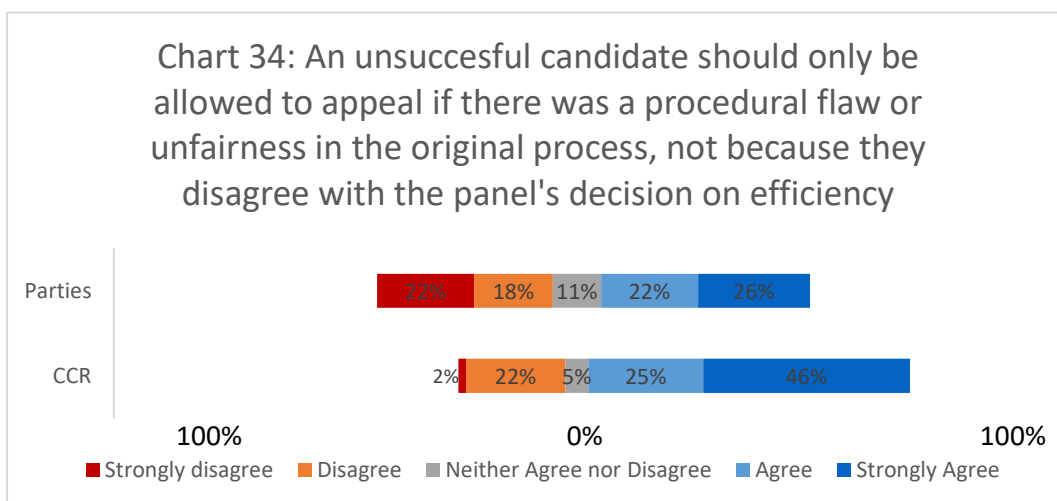
This question was intended to ascertain whether the existence of the right of appeal was seen as protecting the integrity and fairness of the selection process.



Interestingly, a greater proportion (51 percent) of CCRs, most of whom had been selection panel members, “agreed” or “strongly agreed” with this statement. Fifteen percent “neither agreed nor disagreed”. Thirty-four percent “disagreed” or “strongly disagreed”.

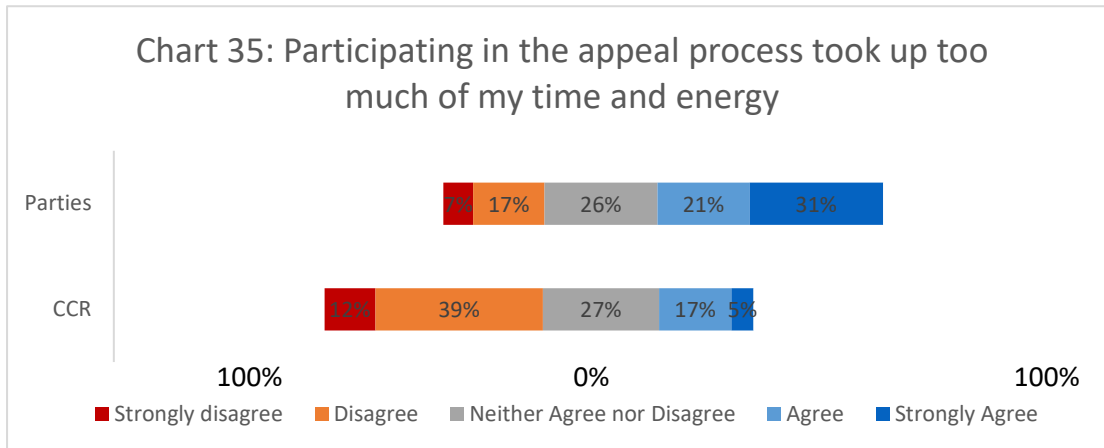
*“An unsuccessful candidate should only be allowed to appeal if there was a procedural flaw or unfairness in the original process, not because they disagree with the Panel’s decision on efficiency”*

The survey explored whether there should be any restrictions on the grounds for appeal, and whether appeal rights should be limited to raising process flaws in the original process (as applies to public service employees), rather than being a re-hearing based on merit (“efficiency”) as is provided in the current Act for police officers. There were mixed views.



The CCR responses were more enthusiastically supportive of this statement, with 45 percent strongly agreeing, 25 percent agreeing (a total of 70 percent in favour).

*“Participating in the appeal process took too much of my time and energy”*



CCRs did not feel that the appeals process took too much of their time, with only 78 percent disagreeing or feeling neutral about this statement. The appeals process does not require a significant preparation time from the CCRs.

Fifty-two percent of appellants and selectees did think the process took too much time and energy. This was weighted towards selectees, who in having to defend their selection may feel some resentment about having to participate in further selection activities.

*“For want of a better description. the process is a necessary inconvenience to ensure a just process.”*

*“I felt that the process was exceptionally long and unnecessarily stressful. Particularly for the original successful applicant.”*

## Chapter 5: Opportunities for change

### 5.1 TPU resources and guidance

Given the mixed sentiment about the value of presentations and mock panel (see Part 4.1), the TPU may consider gathering feedback after these events to discover whether for example, the issue may be access rather than content and thereby, tailor the experience. In addition, some appellants and selectees would have liked more resources such as more access to the Delegate and TPU members and feedback from the initial panel. Further there are apparent issues around awareness of and access to in-person presentations and mock panels. Possible alternatives could include on-demand video presentations and webinars.

### 5.2 PRSB resources and guidance

Those who could not attend an appeal would have liked to view a pre-recorded sample. This fits with the statement that those who had attended an appeal prior to their hearing found the activity very helpful (see page 6).

*“A video of an appeal which would allow me to understand what would happen in my appeal.”*

*“A mock example for both KSC and for the appeal process”.*

*“More examples of previous decisions to have a greater understanding of the decision making process”.*

Regarding a video resource, further suggestions were offered.

*“I think some “interview style” videos involving PRSB panel members, explaining some of the common errors they see made during hearings and/or talking through things they like to see/hear.”*

*“If the PRSB could do some videos on what they are looking for to make a decision in an appeal it would be useful when preparing and referring to common experiences.”*

This feedback aligns with the positive feedback regarding the Guide. The sections found to be the most useful were “Tips and Traps” and guidance on what makes a good answer.

### 5.3 Grounds of appeal

Many appellants and selectees would prefer a system where only flaws or unfairness in the original selection process could be challenged. Modernising the definition of *efficiency* to align with modern workplaces and broader public sector definitions of merit in selection processes could be explored in the future.

*“Appeals should only be on process rather than against the individual”*

*“Only people who have been interviewed should be able to appeal”*

*"I don't believe you should be allowed to appeal a position if you were able to sit a panel. Appeals should only be considered for applicants who were not short listed for a panel"*

## 5.4 Mode of hearing

The take-up of using *Teams* across Victoria Police is now widespread. The communication systems that have been set-up at the Victoria Police Centre have facilitated this adoption and reduced both need and cost for conferencing facilities. Pandemic settings for working from home and social distancing appear likely to continue. It may be timely for the PRSB to consider upgrading the PRSB facilities to accommodate audio-visual equipment, so some parties can appear in person and others by *Teams*.

This upgrade would allow CCRs to continue to attend via *Teams* while Review Members and Appellants and Selectees could participate *in person* without discernible difference in the experience. This would also allow greater flexibility with reduced travel time and equality in mode of hearing experience for police who: are based in regions; rostered for shift work; on-call; on leave; or subject to COVID-19 stay-at-home requirements (see Chart 16 for views on preferred mode of hearing).

## 5.5 Written submissions in the appeal

*Should the PRSB use written submissions?*

*"I was required to submit a written submission, without an in person or Teams appearance due to COVID-19 (May 2020). I feel capable of presenting in person however I feel that the written submission was a great way to demonstrate my capabilities as a senior sergeant. I would be more than happy to participate in a written process again."*

Clear support was evident for the continuing use of written submissions in PRSB appeals. Many felt that the written submission provided extra information not included on the original application.

This aligns with feedback that PRSB Review Division Members offered, observing that the written submission offers them:

- another "angle" and source of data on the party's written communication skills, structured thinking, and problem-solving;
- an opportunity for the candidate to explore further examples demonstrating their capability in a more detailed way;
- a balance for candidates who may be more reserved or nervous in giving oral presentations.

Consultation with Review Members indicated a strong view of the value of written submissions in the decision-making process. It was observed that the written submission allows parties to showcase achievements in a structured and considered way without the risk of nervousness affecting an oral presentation. On balance, the Review Division Members consider written submissions are of value for all ranks and positions.

### *Length of written submissions*

Until recently, the PRSB asked all candidates, at all ranks, for written submissions responding to two questions, with the response to be a maximum of two-pages. Nearly all parties used the full two-pages.

It is clear from the survey responses that parties put a lot of care and attention into their written submissions, and that this task can be very time-consuming. There is a trade-off to be made between the value of the submissions to the PRSB Member's decision-making process in the appeal, and the loss of productive work and personal time expended by parties in preparing them.

After consideration of the survey outcomes and consultation, the PRSB decided to reduce the maximum submission to one-page for constables and senior constables, effective from 15 January 2022. For sergeant and above, the guidance will be modified to request a submission of between one and two pages (maximum). Bespoke directions will be provided in inspector appeal processes.

A further suggestion was that the PRSB could develop a more structured submission form or template for Appellants and Selectees, which would provide guidance and set formatting. This suggestion is being considered.

### *Revised questions for written submissions*

The PRSB regularly refreshes the questions to be addressed in the written submissions. In response to the survey feedback, and after consultation, the PRSB has developed a new set of questions for different ranks, effective from 17 January 2022. The new questions are deliberately broad and allow parties to showcase key attributes and experiences which show they are ready for promotion. There is an opportunity to further target the questions asked to the needs of different specialisations and locations.

The new questions are broad and focused on the capabilities of the rank. They allow appellants and selectees from all fields of policing to highlight key attributes and experience to show that they are suitable for the rank.

The questions that will be asked orally in the appeal hearing will be tailored to the needs of the position under appeal and the relevant police specialisation.

Some feedback requested that the PRSB's written submissions invite parties to outline why they believe they are the best candidate for the position. The PRSB notes however that this would duplicate a question already asked in the initial application form.

*Practice note – Effective 17 January 2022*

Rank of position under appeal	Questions for written submissions
<b>Constable and Senior Constable</b> <i>(maximum one page)</i>	1) Focussing on the last two years, tell me how you have continued to develop yourself professionally? How have you continued to develop your policing skills and knowledge?  2) Provide an example which best illustrates your ability to provide excellent service to a member or members of the public. What made your service excellent?  <i>Consider an example which illustrates your suitability for the position.</i>
<b>Sergeant</b> <i>(one to a maximum of two pages)</i>	1) The role of sergeant requires you to support, develop and manage people, and build a high-performing team. How have you developed yourself professionally and personally to be ready to take on this role?  2) What do you think the biggest challenges will be, in performing the role under appeal? How will your knowledge and experience help you to meet those challenges? <i>(Please focus on two or three challenges.)</i>
<b>Senior Sergeant</b> <i>(one to a maximum of two pages)</i>	1) This question explores your knowledge of policing practice. Tell me about a major change in policing which has affected how you carry out your work. What is your understanding of the reasons for (or causes of) the change? What were the challenges and opportunities presented by the change?  2) Tell me about a time when you were required to plan and implement a project or major change. What factors did you consider? How did you go about it? What challenges did you face?
<b>Inspector</b> <i>(one to a maximum of two pages)</i>	<i>You will be advised by email of the questions for the appeal.</i>

## 5.6 Number of examples required across the process

Some Appellants and Selectees were concerned about the total number of capability examples required across the combined TPU selection and PRSB appeal process, particularly for those interviewed: They require two or three examples for their KSC application; three for the panel interview; two for the PRSB written submission; and two or three for the PRSB appeal. Some Appellants and Selectees felt they needed to re-use their key achievements, especially those police officers at an earlier stage of their police career.

*“The main issue I found with the written submissions was that it was difficult to find another 3 examples to fit the submissions on top of what was already provided in the KSC and used in the panel interview. You then also had to find further examples to use during the appeal.”*

Greater clarity will be included in the *PRSB Guide* that is acceptable to re-use incidents and issues used in a TPU interview, so long as the response addresses the question asked

## 5.7 Verification: risk of untrue or exaggerated examples

Many survey respondents were concerned that there is no validation of the written submission or of the information given verbally in the appeal, and some alleged the other party misled the PRSB Member.

*“... easily fabricated and not assessed for its truthfulness and ... validation is hard to confirm on written applications.”*

There is always some level of “puffery” or exaggeration in employment interviews, and the accuracy of claims made about the quality of work is not always objectively verifiable. The PRSB has taken steps to better guard against the possibility of false information by giving express warnings in the PRSB Guide and through instructions to the CCR to raise any such concerns. Concerns have been raised on occasion in appeal hearings.

The Board has considered these concerns and going forward will be requesting the party to provide the name of someone who could verify the example given in their written submission or in response to questions asked in the appeal hearing.

This further layer of verification should build confidence in the veracity of claims made in the process. It is noted that the TPU is also giving careful consideration to the validation of examples used in the initial written application and interviews.

## 5.8 PRSB’s written decisions

Appellants and selectees (see Part 7) reflected on the usefulness of the written decision to provide feedback on their performance in the selection and appeal processes or desirable development activities or experience to assist them in future processes. Such feedback could be explored further in consultation with Victoria Police to tailor to specific ranks, roles and specialisations.

## 5.9 More PRSB Guidance

In general, survey respondents have found the *PRSB Guide to Appeals* helpful. Appellants and Selectees have made helpful suggestions on improvements which could be made to the guidance provided by the Board:

- More information in the *PRSB Guide* and on the PRSB website
- A general guide to the audio-visual (Teams) process
- Review Members presenting their *Tips and Traps* for participants in appeals
- Examples of written submissions
- Further de-personalised examples of appeal decisions.

Guidance was also sought on the following specific areas:

- Are Appellants and Selectees allowed to read from notes?
- Is it beneficial to cross-appeal and how is it managed?
- More information about which qualities the Review Member is looking for to validate a selection
- Examples and guidance around written submissions
- Publish de-identified appeal decisions
- Provide a recorded hearing or mock appeal hearing.

The PRSB will consider and act on these suggestions in 2022.

### 5.10 CCR Participation in hearing

As outlined in Part 2, with the use of the Position Profile, in 2018, the CCR's means of participation was moved to teleconference. Unless special issues arise regarding adverse probity reports or issues around qualification for the position, the CCR's role in a standard appeal is relatively limited. CCRs generally observe Teams appeals without their camera or microphone on. There is value in the CCR being able to observe the candidates in the appeal, especially if a selection is overturned, as this assists the CCR to understand the PRSB's decision.

There is a strong preference from CCRs to participate through Teams, as opposed to teleconference (using telephony and a microphone/ speaker unit). 46 percent prefer Teams, 36 percent prefer to attend in person, 16 percent on the papers and 2 percent preferring teleconference.

With the widespread take-up of Teams across Victoria Police (and most notably, the new Victoria Police Centre), and with the reduced costs of fully fitted conferencing facilities, it is timely for the PRSB to consider upgrading its facilities with modern audio-visual equipment.

This would allow the CCR and other parties to participate through Teams while the PRSB Member and other parties could participate in "in person" without discernible difference in the experience. This would provide greater flexibility (and reduce travel time) for police officers based in regions, or who are on shift work, on-call, on personal or annual leave, or who are subject to COVID-19 stay-at-home requirements to participate on a level playing field.

## Acknowledgements

*The Police Registration and Services Board thanks all the people who took the time to respond to this survey: your contribution is greatly appreciated. The responses to the survey have provided the PRSB and the Transfer and Promotion Unit with valuable information and perspectives of the people experiencing the selection and appeal system and will assist us in making improvements for the future.*

*The Board acknowledges and thanks Senior Project and Policy Officer, Ms Sharon Weiss, for her work on developing and administering this survey.*

## Appendix A Chronology of Changes to the PRSB Appeal Process

Before 2013	<b>Historic</b> <ul style="list-style-type: none"> <li>Appellants and Selectees submitted a <i>Brief of Evidence</i></li> <li>Preparation was time consuming</li> <li>No timelines for process, sometimes took months</li> </ul>
2013	<b>New Victoria Police Act 2013</b> <ul style="list-style-type: none"> <li>Timelines were introduced</li> <li><i>Brief of Evidence</i> discontinued</li> <li>Documents were submitted in exceptional circumstances, with prior leave of the PRSB</li> </ul>
May 2018	<b>PRSB Process Update</b> <ul style="list-style-type: none"> <li>Publication of the <i>PRSB Guide to Transfer and Promotion Appeals</i></li> <li>Introduction of behavioural-based interview questions</li> <li>Chief Commissioners Representative (CCR) began to attend by teleconference</li> </ul>
March 2020	<b>Practice Note 1</b> <ul style="list-style-type: none"> <li>Hearings decided by written submission</li> <li>Parties submitted a short CV, claims to the position and responses to two questions</li> <li>CCR submissions required if the <i>Selection File</i> disclosed concerns</li> </ul>
May 2020	<b>Practice Note 2</b> <ul style="list-style-type: none"> <li>Reflected changes in the TPU <i>Selection Form</i> and avoided repeating information</li> <li>Eliminated requirement to submit <i>Claims to Superior Efficiency</i> for the position</li> <li>Non-shortlisted Appellants submit a <i>Referee Report</i></li> <li>Written questions refreshed</li> </ul>
October 2020	<b>Practice Note 3</b> <ul style="list-style-type: none"> <li>Written submissions continue</li> <li>Written questions refreshed</li> <li>Introduction of hearings using Microsoft <i>Teams</i></li> <li>CCR attends on Microsoft <i>Teams</i></li> </ul>
December 2020	<b>User Survey Consultation</b> PRSB undertook consultation with Users, Victoria Police Regional Commanders, TPAV, TPU discussing options for ongoing appeal process
January 2021	<b>Practice Note 4</b> Produced following User Survey consultation <ul style="list-style-type: none"> <li>Written submissions continue</li> <li>Written questions refreshed</li> <li>Options provided for In-person or hearings via Teams</li> </ul>
January 2022	<b>Practice Note 5</b> <ul style="list-style-type: none"> <li>2 written questions aimed at the capabilities of the rank</li> <li>One page maximum (constables/senior constables) and two page maximum for other ranks.</li> </ul>

## Appendix B      Glossary of Roles: Participants in PRSB Appeals

<b>Appellant</b>	An applicant for a position who was unsuccessful in the Transfer and Promotion Unit process who lodges an appeal with the PRSB
<b>Chief Commissioner's Representative</b>	<p>The Delegate nominates the Local Panel Representative as the Chief Commissioner's Representative to:</p> <ul style="list-style-type: none"> <li>• assist the PRSB by answering questions about the Position Profile, the needs of the position, the local area and the selection process</li> <li>• 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</li> <li>• 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)</li> <li>• 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)</li> <li>• alert the PRSB about any inaccurate or misleading information provided by any party in the appeal.</li> </ul>
<b>Delegate</b>	The Victoria Police employee who authorises the selection of an applicant to a position
<b>Independent Panel Member</b>	A Victoria Police officer who sits on the Selection Panel but is not based in the Department, Command or Region of the position on offer
<b>Local Panel Representative</b>	The Victoria Police employee that the Delegate nominates to sit on the Transfer and Promotion Unit Selection Panel
<b>Party</b>	Appellant or Selectee participating in a PRSB appeal
<b>Review Division Member</b>	A Member of the PRSB Review Division who hears and decides Transfer and Promotion appeals
<b>Selectee or Selected Applicant</b>	The successful applicant that that Transfer and Promotion Unit has selected
<b>Transfer and Promotion Unit</b>	The Victoria Police unit responsible for conducting the selection process for transfers and promotions

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