

PRSB PRACTICE DIRECTION: 26 OCTOBER 2020

PROMOTION AND TRANSFER APPEALS DURING STATE OF EMERGENCY

Effective for all selections advertised in the *Victoria Police Gazette* on or after 26 October 2020

This Practice Direction was revised on 26 October 2020.

It applies to all appeals arising from selections advertised in the Gazette on or after 26 October 2020.

Key changes

- This practice direction applies only to Police Officers, not Police Service Officers (PSOs)

This Practice Direction is made by the President of the Police Registration and Services Board (PRSB) under section 156A of the *Victoria Police Act 2013*. This Practice Direction will govern the process for all Police Officer appeals (but not Protective Services Officers) arising from selections advertised in the *Victoria Police Gazette* on or after 26 October 2020 and will apply until further notice.

A specific Practice note applying to Protective Services Officers will be published on Monday 16 November 2020.

This Practice Direction overrides anything to the contrary in the PRSB *Guide to Transfer and Promotion Appeals*. Parties are encouraged to review the *Guide* as it contains useful advice on preparing for the appeal.

The purpose of this Direction is to ensure people's safety and accommodate working from home orders during the COVID-19 emergency, and ensure appeals are conducted in a fair and timely manner. This revised Practice Note takes account of recent changes to the selection process, including a new form and revised practices around referees, and the increased uptake of Microsoft Teams across Victoria Police.

Lodging an appeal

- 1) The usual three-day time limit for lodging appeals applies. (See s.141(5): appeals are due by midnight on the Thursday after the Monday on which the selection was published in the Gazette.) You can ask for an extension of time in exceptional circumstances by emailing the PRSB and providing reasons.
- 2) During the public emergency, police time is especially valuable. You are encouraged to consider whether you have reasonable prospects of succeeding and to seek feedback from the Local Panel Representative and your manager. If you decide to withdraw after reviewing the selection file or the Selectee's submission, please do so promptly.

How the appeal will be conducted

- 3) Each Appellant and Selectee must provide a written submission addressing the questions set out below. The PRSB will also conduct a hearing for each appeal using Microsoft Teams. The hearings are anticipated to be shorter than the usual 1 – 2 hours because of these prior written submissions but will vary according to the number of candidates and the complexities of the appeal. As a general guide and to account for potential technical issues, participants should schedule a minimum of 1 hour if the matter involves one candidate appealing against another single candidate.
- 4) Notices of appeal and submissions must be lodged by email to review@prsb.vic.gov.au (not by post or in person).
- 5) The due date for written submissions will be set out in a notice provided to you. This will generally be by noon on the Friday of the week following the date the selection was advertised.

For example, if the selection was Gazetted on Monday 31 August 2020:

- Any appeal is due by midnight on Thursday 3 September 2020

- Written submissions are due by noon on Friday, 11 September 2020
- A hearing will be conducted by Microsoft Teams early in the following week (Monday 14 or Tuesday 15 September)

- 6) The PRSB will email the submissions and the selection file to the other party/parties and the Chief Commissioner's Representative. PRSB will only use your Victoria Police email address, unless other arrangements are made.
- 7) Because of the introduction of videoconference hearings for each appeal, it is now unlikely but still possible that the PRSB Member may need to contact you. Please include in your *covering email to PRSB* your work phone number and work email, as well as a personal mobile number and alternative email address (for example, in the event you are required to be isolated at home.) Please do not include this personal information in your attached submission document, as this will be forwarded to the other parties. You can view the PRSB Privacy Statement [here](https://www.prsb.vic.gov.au/privacy) <https://www.prsb.vic.gov.au/privacy>.
- 8) The written submission is to be a Word document (not pdf) in Arial 10-point font. One to two pages is appropriate and the submission must not exceed **two pages in total**. Please address the following questions:

a) Heading:

Your name, the position under appeal and the PSRB reference number

b) Questions to be addressed in the written submission

The PRSB Member may substitute these or add questions specific to the position. If so, you will be notified. You are encouraged to use different examples to your written KSC and to use dot points and short headings.

Question 1: (Leadership)

For appeals of positions at the rank of sergeant and above:

Please give an example of a situation where you took action so that Victoria Police would retain the trust and confidence of the community (or a community group). (Suggestions: What was the situation? What were your concerns? What did you decide to do and why? How did you go about taking action? What was the outcome?)

OR For appeals of positions at the rank of constable and senior constable:

Police officers deal with people in all kinds of stressful situations. Can you tell me about a time at work when you de-escalated a tense situation? (Suggestions: How did you decide what approach to take? What did you do, and how? How did this affect the overall outcome?)

Question 2: (All ranks) Flexibility

Tell me about a time you were required to deal with a problem where there was no obvious solution. (Suggestions: What was the situation? How did you go about deciding what to do? What options did you consider? What did you end up doing? What was the outcome? What did you learn from the situation?)

- 9) By lodging a written submission, you declare your submission is true and accurate and you are the sole author. Examples may be validated by the PRSB or the Chief Commissioner's Representative. Misleading responses will be referred to Professional Standards Command.

Chief Commissioner's Representatives

- 10) The Chief Commissioner's Representative (usually the Local Panel representative) will be emailed the selection file and the submissions to their Victoria Police email address (unless an alternative email address is provided).
- 11) The Chief Commissioner's Representative does not need to make a written submission but will be invited to participate in the Teams videoconference and to make submissions in the usual way (See *PRSB Guide to Appeals*).

Referee reports (*for non-interviewed Appellants only)

- 12) Under the revised selection process, PDA reports are no longer considered and instead, a detailed referee report is obtained, which forms part of the Panel's considerations. Referee reports are only sought for short-listed (interviewed) candidates. The selection file will already include referee reports for all interviewed candidates.

Note: If you were interviewed by the Panel, the section below does not apply to you.

- 13) The PRSB will provide an opportunity for Appellants who were *not* interviewed to have a referee report considered in the appeal, subject to the following rules:
- a) The PRSB will only seek and consider such a referee report where the Appellant has indicated on their PRSB Notice of Appeal that they were not interviewed and has provided email and telephone contact details for their nominated referee. The onus is on the Appellant to ensure that the nominated referee is contactable and available to provide a referee report within the timeframe specified below.
 - b) The PRSB will contact the referee nominated and request a referee report. This will be in a form provided by the PRSB and is to be returned directly by the referee to the PRSB.
 - c) Given the strict statutory time limits, the referee report must be emailed to PRSB noon on the Friday of the week after the week the appeal was lodged, that is, at the same time the written submissions are due. *(For example, if the selection was Gazetted Monday 31 August 2020, the submissions and referee report are both due by noon on Friday 11 September 2020.)*
 - d) Prior to the due date, the Appellant (or referee) may contact the PRSB to provide alternative email contact details or to arrange for an alternative referee to be nominated.
 - e) If a referee report cannot be obtained in the required timeframe, the PRSB may proceed to decide the appeal based on the available information.
 - f) Consistent with TPU and PRSB practice, referee reports will in general not be provided to any of the parties, unless the PRSB Member considers this to be necessary (for example, as a matter of procedural fairness, the relevant party may be permitted respond to adverse comments).

Microsoft Teams appeal hearing

- 14) You will be sent a calendar invitation by the PRSB to your Victoria Police email account for a Microsoft Teams meeting to conduct the appeal hearing. If you are not at work, please advise PRSB of an alternative email account. The meeting invitation will include instructions on logging in to the meeting.
- 15) You will need a reliable internet connection ideally, with a private space. You do not need to be in uniform.
- 16) Please connect to the meeting at the designated time. PRSB Secretary Mr Knights will convene the parties on the conference and then bring the PRSB member into the call to commence the hearing. Please place yourself on mute unless you are speaking.
- 17) The PRSB member will end the Teams conference and organise an audio-only telephone conference in the event of significant technical difficulties.
- 18) The hearing will be held on the Monday or Tuesday of the week after you lodge your written submission.
- For example, if the selection was Gazetted on Monday 31 August 2020, written submissions are lodged by 11 September, and a hearing will be conducted by Microsoft Teams either Monday 14 or Tuesday 15 September.*
- 19) It is not permitted to record the hearing.

What will happen in the Microsoft Teams appeal hearing?

- 20) Starting with Appellant(s), then Selectee(s), each party will in turn be asked several questions.
- 21) The first question is: *Please let me know three key reasons why you are the most suitable person for this position.*
- 22) There will then be either one or two additional interview questions which will focus on the needs of the specific position. For guidance on making a good response, please review the *PRSB Guide to Appeals*.
- 23) Given the use of Microsoft Teams video-conferencing, you are encouraged to make sure your answers are not long-winded. Make sure you answer the specific question asked and make your key points as clearly as possible.

Observers

- 24) The Board has arranged for people to be able to observe an appeal hearing using Microsoft Teams. Further information on using Teams is available on the PRSB website.
- 25) A hearing list will be published on the PRSB website in the usual way.
- 26) To request to observe a hearing, a person must email their request to review@prsb.vic.gov.au no later than 4pm on the day before the hearing is scheduled.
- 27) The observer will then be emailed a Microsoft Teams meeting invitation for the appeal hearing. It will enable that person to be present in the meeting as an audience member, not a participant, meaning they will not be able to be heard, whether placed on "mute" or not.
- 28) Observers are required to turn off their camera.
- 29) The member of the PRSB conducting the appeal may close part of the hearing to observers in order to discuss sensitive or confidential matters. In this situation, observers will be asked to leave the meeting. You will be returned to the lobby and readmitted the meeting when appropriate.

Further information, giving of decisions and contacting the PRSB

- 30) The PRSB Member may seek further information or clarification from any party by Microsoft Teams, teleconference, direct telephone call or email. The Secretary will contact parties to advise any necessary arrangements.
- 31) The decision will be issued by email to both your work and (if nominated by you, your personal email address).
- 32) PRSB staff are working remotely. Email contact is preferred during the state of emergency.
- 33) **Please use only the monitored email review@prsb.vic.gov.au for all communications regarding appeals**
- 34) The PRSB will continue to monitor the impact of the public health emergency and related orders and may make further revisions to this Practice Direction.

The PRSB thanks all parties for their cooperation.

Dated **26 October 2020**



Ms A. Lester

President

Police Registration and Services Board

