

GIVING REASONS FOR DECISIONS

What are the benefits?

- Increased public confidence in the decision;
- Provides consistency in decision making;
- Provides fairness and transparency.

Why should I give reason/s?

Complainants need to understand why a particular decision was made.

Why is it important to provide reasons?

- To inform a person why a decision was made and to explain that decision;
- To meet any requirements under legislation/policy/procedure under which the decision was made;
- To help the affected person to make a choice about exercising their right of review or appeal; and
- To comply with public sector customer service charter.

Transparency, Accountability and Quality

Transparency	<p>A person affected by a decision/s is better able to understand:</p> <ol style="list-style-type: none"> 1. The facts and reasoning that were the basis for the decision; 2. That the decision was not made arbitrarily or based on speculation, suspicion or on irrelevant information; 3. To what extent any arguments put forward have been understood, accepted or formed a basis for the decision; 4. Whether the customer has been dealt with fairly; 5. The issues that will need to be addressed if a request for a review or appeal is lodged.
Accountability	<ol style="list-style-type: none"> 1. On providing reasons there is a greater incentive for the decision-maker to base their decisions on facts; 2. Supervisors/Managers are better able to determine if legal requirements, agency policies and standard practices have been complied with; and 3. People or bodies with an external review role are in a better position to assess the decision. ie reached lawfully, based on relevant considerations, and based on merit.
Quality	<ol style="list-style-type: none"> 1. There is greater incentive for decision-makers to rigorously and carefully identify and assess issues and to justify decisions and any recommendations; 2. Other decision-makers are able to apply decisions to future cases by using the reasons as guidance for similar issues.

Is it necessary to provide reasons in all cases?

It is recommended that reasons for decisions are provided in all cases despite some legislation not providing the person a right of review or appeal.

There are circumstances when giving reasons is particularly important. For example:

1. The decision is not in accordance with a relevant established policy or guideline;
2. The decision may detrimentally affect the rights or interests of an individual or organisation; or
3. To explain the conditions imposed on an approval, consent, permit or licence.

Where a decision is not made in accordance with a relevant policy/guideline/procedure, the reasons for the decision and the reasons for not following the policy should be recorded.

What should be included in the response to the customer?

The decision	The decision should be accurately described.
Date of decision	The date of the decision should be included. This is particularly important if there is a statute of limitation for appeals.
The decision-maker	The name of the decision-maker should be clearly identified.
Relevant legislation	If the decision was made pursuant to legislation, this should be clearly stated.
Key steps taken in making the decision	For complex decisions a list of the key steps taken should be included together with the other evidence considered.
Details of the evidence considered	Details of whether the evidence was accepted or rejected and the reasons for those decisions should be recorded. The person/s affected should be able to see how the facts link to the decision made.
Details of rights of appeal or review	Detailed information about a person's right of appeal or review and who that application can be made to should be included in your response. Including any statutory timeframes applicable to make an appeal.