



Proper Process

June 2011

When making decisions, public officers should follow a proper process which is consistent with relevant legislative and policy requirements.

Appropriate process

The decision making process should be appropriate taking into account:

- The nature and impact of the decision and the circumstances of the case;
- Confidentiality requirements;
- The time available to make the decision; and
- The information and documentation required to support the decision.

Collecting and considering the evidence

Decision makers should identify, obtain and consider the appropriate level of information (evidence) to support a fair and reasonable decision. This includes:

- Weighing up what is fair and reasonable, based on the evidence and individual circumstances of the case (ensuring all relevant information is taken into account and irrelevant information is not); and
- Exploring the possible outcomes of the decision including the costs and benefits, and attempting to foresee any unintended consequences of the decision.

Procedural fairness

Decision makers should provide procedural fairness (natural justice) by:

- Providing people who are adversely affected by a decision with the right to a hearing appropriate to the circumstances;
- Ensuring decisions are made without bias and that conflicts of interest are managed; and
- Ensuring the evidence supports the decision being made.

Recording and communicating decisions and providing reasons

Decision makers should record, communicate and, where appropriate, provide reasons for their decisions. This involves:

- Recording the critical details of the decision making process and the outcomes;
- Communicating the outcome clearly, concisely, and sensitively to appropriate people including those who may be adversely affected;
- Providing details of the reasons in a way that the person affected by the decision can understand what decision was made and why; and
- Considering what information should be released, to whom, and when, taking into account any privacy or confidentiality provisions.

Reviewing decisions

The review of decisions ensures public authorities are accountable, transparent and engaged in continuous improvement. Decision makers should inform affected parties about internal and external appeal or review processes, and reflect on the outcome of any such appeal or review to consider any potential improvements to the process for the future.

Proper Process - Checklist

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This checklist may be useful to assist public authorities and decision makers in ensuring they have the appropriate processes and associated tools in place to make efficient and effective decisions.

	YES	NO	IN DEVELOPMENT
Considerations for public authorities			
• Is guidance provided to decision makers about how to navigate and apply the decision making process and are associated policies, guidelines, templates and precedents easily accessible?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Are appropriate systems provided for decision makers to declare and manage conflicts of interest?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Is guidance provided to decision makers about recording and communicating decisions and releasing information about decisions to stakeholders?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Is there a system in place that provides for internal and external review of decisions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Are decision makers given the opportunity to reflect on their decision making process so they can identify areas for improvement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Considerations for decision makers			
• Do you know where to find guidance on the decision making processes relevant to the decision you are making?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Do you know where to find precedents, past practices and templates that might assist you during the process and in making a final decision?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Are you able to be impartial and unbiased in making this decision?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Do you know who to speak to if you are unclear about the proper process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Have you considered what the appropriate process to follow is to make this decision and does this incorporate procedural fairness considerations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Do you know what documentation you need to support the decision, the information you need to give to people affected (provided in the reasons for your decisions), how that documentation is recorded and released and how internal and external review processes can be accessed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>