

Review of decisions

1. Review of a decision by the Executive Director declining to further consider a complaint, whether at the initial stage or subsequently.

A complainant may request a review of a decision of the Executive Director not to refer a matter to Level 1 or, where it has proceeded to Level 1, not to proceed to Level 2.

- A complainant can seek review of the decision on the ground that it is clearly an inappropriate exercise of the Executive Director's relevant discretions, provided that he or she does so within seven days of being notified of the decision.
- The review will be conducted by the Chair of the Council, or by a Vice-Chair or other Council member designated by the Chair.
- The original decision is not changed on review unless the grounds for doing so are very strong.
- The review may lead to the Executive Director being required to give further consideration to the complaint or to specified aspects of it.

2. Revision or review of a provisional adjudication made by the Adjudication Panel

A complainant or a publication may request revision or review of a decision of an Adjudication Panel. The right to request revision or review does not apply to Third Party Matters.

(a) Revision by Adjudication Panel*

- A party can seek revision of a provisional adjudication by an Adjudication Panel on any ground which does not involve a change in whether aspects of the complaint are upheld or dismissed. The grounds may include, for example, lack of accuracy, clarity or due protection of privacy.
- The request for revision must be made within seven days of being notified of the decision.
- The Chair of the Panel, after consultation with the Executive Director, can approve revisions which do not substantially change the grounds in the provisional adjudication. Other revisions can be made with the agreement of the Panel.

(b) Review by Adjudication Panel* or Review Panel

- A party can seek review of an Adjudication Panel decision to uphold or dismiss the complaint or an aspect of the complaint, provided that he or she does so within seven days of being notified of the decision.
- The available ground for seeking a review is that
 - a serious error of fact or procedure occurred, or significant new evidence has become available which it was not reasonably possible to provide earlier; AND
 - correction of the error, or consideration of the new evidence, is reasonably likely to justify a change in the decision to uphold or dismiss.
- The Chair and Vice-Chairs of the Council will decide whether a reasonably credible case has been made for a review being conducted and, if so, whether the review will be conducted by the Adjudication Panel or the Review Panel. If they wish, they may decide to refer the matter for consideration by the Adjudication Panel before deciding subsequently whether to refer it to the Review Panel.

- In deciding which Panel will conduct the review, the Chair and Vice-Chairs may take account of factors such as the general significance of the case, its complexity, the submission of new evidence, the extent of any differences of opinion on the Adjudication Panel, the desirability of prompt finalisation of the review, and any other relevant factors.
- The Review Panel can amend the provisional adjudication in the same ways as if it was the Adjudication Panel.

3. Revision or review of a provisional adjudication made by the Review Panel

(a) Revision by Review Panel

- A party can seek revision of a provisional adjudication by a Review Panel on any ground which does not involve a change in whether aspects of the complaint are upheld or dismissed. The grounds may include, for example, lack of accuracy, clarity or due protection of privacy.
- The Chair of the Review Panel, after consultation with the Executive Director, can approve revisions which do not substantially change the grounds in the provisional adjudication. Other revisions can be made with the agreement of the Panel.

(b) Review by the Review Panel

- A party cannot seek review of the Review Panel's decision to uphold or dismiss the complaint or an aspect of the complaint.

4. Procedure for revisions and reviews

Revisions and reviews are will be conducted without oral consultation between the Panel and the parties, unless it is considered that highly exceptional circumstances make it necessary to do so.

*Note: *The Adjudication Panel here means the same people as initially considered the matter.*