

Victoria Police Manual

The Victoria Police Manual is issued under the authority of the Chief Commissioner of Police in s.60, Victoria Police Act 2013. Non-compliance with or a departure from the Victoria Police Manual may be subject to management or disciplinary action. Employees must use the VPM Professional and ethical standards to inform the decisions they make to support compliance.

Review of actions (grievance)

Context

A review of actions is a complaint from an employee who believes that they have been treated unfairly or unreasonably by their employer either through a workplace action, inaction or decision.

Victoria Police is committed in the first instance to review of actions being resolved at the local level. A formal review process has been established to manage review of actions that cannot be resolved locally. The review of actions process has been established within Victoria Police to provide an avenue for employees to resolve a management decision, action or inaction that the employee believes unfairly affects them.

Policy at a glance

This policy includes:

- guidance regarding general review of actions which can arise from management actions, inactions or decisions can be submitted by police employees and VPS employees
- guidance regarding selection-based review of actions which can result from issues with selection process/es to a vacant position and are exclusive to VPS employees
- information regarding the roles and responsibilities of employees, managers and support persons during reviews of actions aimed at progression towards resolution
- the functions of the reviews of actions Registrar (Registrar), the review officer and the delegate in resolving reviews of actions and maintaining fairness and due diligence
- an outline of informal resolutions involving the raising and resolving of reviews of actions at a local level and
- an outline of formal resolutions involving the submission, assessment and review processes that enables natural justice.

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Scope and application

This policy applies to all employees.

This policy also applies to any representatives of the employee as referred to in cl.10, *Victoria Police (Police Officers, Protective Services Officers, Police Reservists and Police Recruits) Enterprise Agreement 2025* and cl.13, *Victorian Public Service Enterprise Agreement 2024*.

Review of actions

1. Applying for a review of actions under this policy

An employee may apply for a review of actions under this policy in relation to a general review of actions (all employees) or a selection-based review of actions. Flowcharts for both types of review of actions can be found at Appendices 1 and 2 of this policy.

Employees retain the right at any stage to refer a matter to the Fair Work Commission (FWC) or Police Registration and Services Board (PRSB) (police members only), where applicable. If an employee elects to refer a matter to the FWC or PRSB, then the matter will be deemed out of scope of this policy.

2. General review of actions

Employees may lodge a general review of actions when a management action or decision, or a failure to take action or make a decision, directly affects them and they consider it either:

- unfair
- contravenes the *Public Administration Act 2004* (VPS employees only).

Examples of general review of actions are decisions, actions or inactions regarding:

- roster changes (workplace flexibility)
- leave applications
- progression payment and performance management outcomes
- salary and allowance entitlements
- VPS probation
- position classifications such as VPS grade or work value reviews
- secondary employment and outside interests
- training and development and
- payment of higher duties allowance.

3. Selection-based review of actions (VPS employees only)

A VPS employee (all employees under the VPS, not just Victoria Police VPS employees) may lodge a selection-based review of actions if they believe that there were significant deficiencies in a selection process/es to a vacant position. To apply for a selection-based review of actions under this policy, the following must apply:

- the employee lodging the review of actions must have been an applicant for the advertised position and
- there must be an error of law or a significant deficiency in the selection process (under s.64(2), *Public Administration Act 2004*, review of actions applications may only apply to the selection process not the person selected).

A selection-based review of actions does not apply to an Expression of Interest (EOI) process, or higher duties (refer to general review of actions sections 2 and 11 of this policy).

4. Types of review of actions that cannot be raised under this policy

Review of actions that cannot be raised under this policy, include those that:

- concern decisions, actions or inactions that can be raised with the PRSB under the Victoria Police Act 2013 (police members only). This includes police transfer, confirmation, probation, denial of progression based on performance, disciplinary decisions, termination, and incapacity
- concern decisions, actions or inactions that have previously been made in relation to the same matter through any review, appeal, and other such dispute resolution mechanisms under the relevant enterprise agreement or the Victoria Police Act (police members only)
- have already been raised and/or resolved under this policy
- are currently being pursued under another policy, including internal appeal or review mechanisms outlined under Victoria Police policy
- concern the application of this policy to a previous review of actions and which the employee may apply to the Victorian Public Sector Commission (VPSC) for a 'review' under r.7, Public Administration (Review of Actions) Regulations 2015 (VPS employees only)
- are in the process of being dealt with by, or have been referred to, an external dispute resolution body, such as FWC, the Victorian Equal Opportunity and Human Rights Commission, the Victorian Civil and Administrative Tribunal, or the Australian Human Rights Commission
- concern matters and outcomes that are, or have been, the subject of an investigation by Professional Standards Command
- relate to matters that fall under the **VPM Complaints** process
- concern decisions to not appoint an employee to a particular position which does not satisfy the definition of a selection-based review of actions (VPS employees only).

Roles and responsibilities

5. Employees

With the exception of a selection-based review of actions, employees applying for a review of actions under this policy must:

- first attempt to resolve their review of actions locally, with their direct manager, or next line manager in their management structure, using the informal resolution process (IRP) (refer to sections 11 and 12 of this policy)
- adhere to and respect the timeframes and the processes set out in this policy
- actively work to resolve the review of actions, including participating in all meetings they are required to attend to progress resolution of their review of actions
- provide any additional information when requested by any person with authority under this policy to resolve their review of actions and within the timeframe specified, provided that timeframe is reasonable

- give reasonable advance notice to the person conducting the meeting if they require the assistance or attendance of a support person or representative at any meeting scheduled under this policy and provide copies of this policy to the support person or representative
- continue to perform their duties in accordance with usual practice throughout any process commenced under this policy unless there is a risk to the person's health and safety
- comply with lawful instructions from management while attempts to resolve their review of actions are underway.

Employees can ask for any reasonable adjustments to be accommodated when attending meetings.

6. Managers

Managers in receipt of a review of actions under this policy must:

- actively try to resolve the review of actions at the local area level by implementing the IRP (refer to sections 11 and 12 of this policy)
- treat review of actions sensitively, promptly, and fairly
- offer employees the option of having a support person present at any meetings/hearings (refer to section 7 of this policy)
- take all reasonable steps to respect the confidentiality of the people involved
- ensure that fairness and impartiality prevail through the resolution process
- ensure employees who raise a review of actions are protected from victimisation or reprisal
- maintain and, when requested, provide to the Registrar records and notes of discussions, and attempts to resolve the concerns.

7. Support person and representatives

- Employees and managers may be supported by any person. This person may include a friend, family member, colleague and/or union representative.
- A support person cannot advocate or speak on behalf of the employee, but instead may, where requested by the employee:
 - provide moral, practical and emotional support and guidance to the employee
 - attend any meetings/hearings with the employee, taking notes on their behalf
 - assist the employee to prepare submissions, if required.
- A representative may not be a person holding a current certificate of legal practice, unless they are an employee of The Police Association Victoria, Community and Public Sector Union, or Victoria Police. -The employee may only be represented by a lawyer if the review officer considers that the employee would be at significant disadvantage.
- A representative may:
 - advocate for the employee
 - answer questions
 - make oral submissions.
- Representatives must:

- treat all matters in a confidential manner and agree to follow the principles and procedures as outlined in this policy
- work cooperatively to resolve review of actions without undue or unreasonable delay
- declare any conflict of interest to the relevant employee, manager and/or Registrar. If a conflict of interest exists, the Registrar may request or require the employee to nominate an alternative support person.

8. Registrar

The Registrar is the nominated person within the Business Partnering and Workplace Relations Division (BPWRD) responsible for facilitating the formal resolution process (FRP) and providing information and advice to employees and managers on the processes under this policy and how best to resolve review of actions.

The Registrar has delegated authority to either accept or decline an application. Upon receipt, an initial review will be undertaken to determine if any significant deficiencies existed in the process and determine the next steps. If the application is accepted, it will be referred to an independent review officer to conduct a formal review. If it is not accepted, the employee will be notified (refer to sections 15 and 16 of this policy).

In performing their functions under this policy, the Registrar must:

- treat review of actions sensitively, promptly, and fairly
- take all reasonable steps to respect the confidentiality of the people involved
- observe the rules of natural justice outlined in this policy.

In line with *Victoria Police Workforce Diversity and Inclusion Framework 2023-2030*, the Registrar must apply a diverse and inclusive lens on all matters for review and demonstrate they have diversity and inclusion awareness and an understanding of contemporary practices for workplace inclusion.

9. Review of actions review officer

The Review of actions review officer (review officer) is the appointed independent person who conducts a formal review of the review of actions and makes findings and recommendations to the Registrar.

In performing their functions under this policy, the review officer must:

- treat review of actions sensitively, promptly and fairly
- take all reasonable steps to respect the confidentiality of the people involved
- observe the rules of natural justice outlined in this policy
- conduct the review in an independent and objective manner.

The Registrar will appoint a review officer who will generally be an external party, independent of Victoria Police. The review officer should be able to demonstrate they have diversity and inclusion awareness and an understanding of contemporary practices for workplace inclusion.

The review officer will determine findings and make recommendations for the delegate. The delegate may then either accept, reject or vary the recommendations made by the review officer (refer to section 17 of this policy).

10. Authority and delegations

- The decision-making power with respect to review of actions that are progressed under the FRP, is vested in the Chief Commissioner of Police (CCP).
- The Director, BPWRD (the delegate), has the authority to accept, reject or vary recommendations made in a review of actions review report issued by a review officer under section 17.2 of this policy, with the exception of those in relation to requests for leave without pay for the purposes of temporary employment outside of Victoria Police.
- The Assistant Commissioner, Human Resources Command (the delegate), has the authority to accept, reject or vary recommendations made in a review of actions review report issued by a review officer under section 17.2 of this policy, in relation to requests for leave without pay for the purposes of temporary employment outside of Victoria Police.
- The Registrar has the authority to appoint a review officer to conduct a review of actions under section 17 of this policy.

Informal resolution process

11. General review of actions

11.1 *How to raise a general review of actions*

- When an employee wishes to raise a general review of actions, they must first raise it with their direct manager in writing. The employee must inform the manager that the review of actions is being raised under this policy so that relevant applicable timeframes can be managed.
- If the employee is unable to raise their general review of actions with their direct manager, the employee should report the matter to their next line manager.
- If the employee considers it inappropriate to raise their general review of actions with their next line manager, the employee should seek advice from the Registrar. The Registrar will provide information and guidance as to how the review of actions can be resolved, to both the employee and the relevant manager.

11.2 *How to resolve a general review of actions at the local level*

- If the review of actions is not resolved via the IRP or the IRP is not an appropriate resolution process, the employee and/or their manager/s should contact the Registrar for advice on how to proceed. In some circumstances, the Registrar may suggest that the matter proceed directly to the FRP.
- Once an employee raises a general review of actions with their direct manager or line manager, the manager should have an initial meeting with the employee to discuss the review of actions within 10 working days of the employee raising the matter.
- At the initial meeting, the manager will give the employee a reasonable opportunity to explain:
 - the details of their review of actions
 - how the action affects them
 - why they believe the decision or action (or inaction) is unfair or unreasonable in the circumstances

- the outcome they are seeking.
- The meeting is to be used to discuss and explore appropriate strategies to resolve the review of actions. Such strategies may include but are not limited to: holding an informal conciliation, the manager having a private conference with the persons named in the employee's review of actions or a combination of both.
- During any meeting or conciliation held with employees named in the review of actions, those employees will have an opportunity to respond to the review of actions. During any meeting or conciliation held at any stage of this process, employees and managers may have a support person present.
- Where an outcome is reached at the local level, the agreed position should be clearly documented and signed by the employee who lodged the review of actions, the employee/s who are the subject of the review of actions and the manager/s who have been involved in resolving the review of actions.
- A review of actions not resolved at the conclusion of the IRP, may be progressed to the FRP as set out in this policy.
- If, at any stage of the IRP, the manager considers the review of actions is one which has already been discussed with the employee as part of another process, the manager may seek advice from the Registrar to determine how the matter is to proceed.

12. Selection-based review of actions (VPS employees only)

- Before a VPS employee can raise a selection-based review of actions under the FRP, they must first discuss and seek feedback from the panel convenor, or nominated contact, of the selection panel.
- If the selection-based review of actions is not resolved by discussion and feedback, the employee may then proceed directly to apply for a review of actions under the FRP (refer to section 14 of this policy for timeframes).

Formal resolution process

13. Principles

- The FRP ensures natural justice is afforded to the parties and that a review of actions is, to the extent possible, managed in a timely manner.
- All review of actions are confidential and are subject to the provisions of the *Privacy and Data Protection Act 2014* and the *Public Records Act 1973*. Review of actions are recorded and reported consistent with these Acts and statistics may be used to monitor the application of merit and equity, and input to policy development.
- The rights of the employee and all other persons affected as a result of a review of actions must be protected at all times. Under no circumstances should an employee who lodges a review of actions, nor any witness called as part of a review of actions, be subjected to any form of retribution either stated or implied.
- Review of actions must, to the extent possible, be progressed in a timely manner, as a delay may limit the options available for their resolution. All parties involved in the FRP will be advised of the anticipated completion date set by the review officer. Any extensions will be confirmed in writing.

14. Submitting a review of actions

If the IRP has been unsuccessful in resolving the review of actions, or it is otherwise inappropriate to apply the IRP, an employee may submit a review of actions pursuant to the FRP. The employee must contact the Registrar to discuss seeking a review of actions. Should the employee wish to progress a review of actions, they must obtain a copy of the Review of Actions Form from the Registrar.

The employee must complete all sections of the Review of Actions Form, ensure all relevant endorsements are provided, including the employee's department head (assistant commissioner/executive director), and must be accompanied by any evidence referred to in the Review of Actions Form and on which the employee intends to rely in support of their application. This may include, but is not limited to, copies of policies used to make decisions, witness statements, copies of diary notes from discussions and emails.

The endorsed Review of Actions Form and supporting documentation must be submitted by email to REVIEWOFACTIONSREGISTRAR-MGR

The Review of Actions Form must be submitted to the Registrar within the following timeframes:

- **General review of actions** – within 28 calendar days of the conclusion of the IRP as set out in section 11.2 of this policy, or within 28 calendar days of the Registrar recommending to the employee that the process should proceed to the FRP.
- **Selection-based review of actions (VPS employees only)** – within seven calendar days from the date of being advised in writing of the selection decision. There is no requirement for the department head to endorse the Review of Actions Form for this type of review.

The Review of Actions Form and supporting documentation will be received by the Registrar as the employee's submission for assessment.

15. Assessing the review of actions

The Registrar is responsible for assessing the review of actions and determining whether it will be accepted or not.

15.1 *Acceptance of review of actions*

The Registrar may accept a review of actions application if it is lodged within the prescribed timeframe. The Registrar has discretion to accept a review of actions lodged outside the prescribed timeframe if the Registrar is satisfied the circumstances justify the acceptance of a late application.

If the Registrar accepts the application, the review of actions will be managed in accordance with section 16 of this policy and the employee will be advised in writing of their decision and, if relevant, the identity of any review officer appointed.

15.2 *Non-acceptance of review of actions*

The Registrar cannot accept a review of actions application in circumstances including, but not limited to, when:

- the review of actions relates to a matter listed in section 4 of this policy
- the review of actions is frivolous, vexatious or lacking in substance

- the employee does not have a sufficient personal interest in the resolution of the review of actions
- the employee has not specified all the details required to be set out in the Review of Actions Form (refer to section 14 of this policy)
- the matter is the subject of a complaint under the *Equal Opportunity Act 2010* or a proceeding in any court, commission or tribunal initiated by the applicant
- the matter could more appropriately be the subject of a complaint under the *Equal Opportunity Act* or a proceeding in any court, commission or tribunal.

If the Registrar does not accept the application, they will inform the employee in writing of that decision and the reasons for that decision within five working days of conducting the assessment.

16. Options for managing the review of actions

Upon receipt, the Registrar may:

- refer the employee's submission back to their senior management, for IRP (only where the Registrar believes reasonable attempts at local resolution have not been made)
- with the agreement of the relevant parties, appoint an appropriately trained and experienced mediator to mediate/discuss with the relevant parties
- progress the matter for review under section 17 of this policy.

17. Review

Where a review of actions submission has been accepted, the review should be conducted with as little formality as a proper consideration of the matter allows.

In doing so, the Registrar will:

- seek management's response to the review of actions
- appoint a review officer
- notify parties in writing of the identity of the appointed review officer. Any concerns must be declared in writing within five working days. -The Registrar will only assign a different review officer if they are satisfied reasonable grounds exist, including a potential conflict of interest or bias, real or perceived
- provide the review officer with the employee's submission, management's response and any relevant legislation, policies and/or procedures
- assist the review officer, with any formal hearing arrangements (if applicable).

17.1 Review process

The review officer:

- must commence the review within 28 calendar days from receipt of the review of actions file
- should advise parties of anticipated timelines for completion prior to commencing the review

- may seek further written submissions, background material or other documents from the employee and/or manager to assist the review
- may invite parties to provide a response to any materials submitted by the other party, in order to comply with the rules of natural justice
- will complete a paper-based assessment of the review of actions, once satisfied they have received all written submissions and supporting evidence from parties
- may alternatively deem it appropriate to conduct a formal hearing and seek additional written submissions through the Registrar from both parties prior to the hearing
- will conduct the hearing and may call witnesses to the hearing to verify statements.

17.2 *Review report*

- The review officer must document their findings and recommendations in a report to the Registrar. The report must include the:
 - nature of the review of actions
 - findings
 - recommendation(s)
 - rationale for the findings and recommendation(s).
- The recommendation(s) of the review officer may include recommendations to:
 - confirm the validity of the decision/action/inaction
 - vary, reverse or revoke the decision/action/inaction
 - request that a decision/action/inaction be reconsidered
 - resolve the review of actions in a manner that the review officer considers appropriate
 - amend/update the Victoria Police Manual policies and procedures
 - recommence the selection process with an entirely new selection panel (VPS employees only in relation to selection-based review of actions).

17.3 *Review outcome*

Upon receipt of the review officer's report, the Registrar must:

- consider the review officer's report
- ensure the review officer has complied with the processes in making their recommendation
- ensure the report contains all necessary information to enable the delegate to accept, reject or vary the recommendations.

Provided the Registrar is satisfied with the report they will provide it to the delegate for final decision.

The Registrar, within 14 calendar days of receipt of the report will notify in writing, all relevant parties, including a management representative (where applicable), of:

- the recommendations contained in the review officer's report
- whether the recommendations have been accepted, rejected or varied
- a copy of the review officer's report.

The relevant management representative, within five working days of receiving confirmation of the outcome from the Registrar (including where recommendations have been varied), is

expected to:

- arrange to meet with the employee to plan the way forward, consistent with the recommendation(s) in the review officer's report
- implement the recommendations as soon as practicable.

If there is an unreasonable delay in implementing the accepted recommendations, the employee in the first instance should raise this with the relevant management representative, but may contact the Registrar if the explanation for the delay appears unreasonable.

Recommendations rejected or varied

If the recommendations from the review report are not to be adopted, the delegate will provide confirmation of this outcome in writing to the employee and their management, including the delegate's reasons for rejecting or varying the recommendations, together with a copy of the review officer's report.

The delegate may only reject or vary a recommendation if they reasonably consider that there are exceptional circumstances justifying that course of action, including but not limited to:

- where the review officer did not afford natural justice to either party to the review
- where the review officer's recommendations are unreasonably burdensome on any party
- where the review officer's recommendations bear no relation to the review of actions lodged or would otherwise not resolve the review of actions either alone or in combination with other recommendations.

Further actions

18. Review of the outcome of the review of actions process

18.1 VPS employee referral

A VPS employee may apply to the VPSC for a review of the outcome of the review of actions process, if the employee considers that the review process:

- was unfair
- failed to comply with the *Public Administration Act*
- failed to comply with the *Public Administration (Review of Actions) Regulations*
- failed to comply with the standards for applying the employment principles.

Timelines for applications to the VPSC

- All applications for review by the VPSC must be lodged in writing within:
 - seven calendar days; after receiving notice of the decision from the Registrar, if the review of actions is related to an appointment or promotion
 - 28 calendar days; after receiving notice of the decision from the Registrar, for all other matters.
- The VPSC may consider applications outside of the above timeframes where circumstances justify acceptance.

- If an employee lodges a review of actions and Victoria Police fails to commence the initial review process within 30 calendar days from the date of receipt of the review of actions application, an employee may apply to the VPSC for a review of that decision (under .8(1), *Public Administration (Review of Actions) Regulations*). An employee must lodge their application with the VPSC no later than 70 calendar days from the date of lodgement of the Review of Actions Form with the Registrar.
- If an employee applies to the VPSC for a review of the internal review of actions process, the employee must provide notice to the Registrar within seven calendar days of submitting the application to the VPSC.

18.2 Police member referral

Police members cannot seek a review of the process by the VPSC.

In accordance with cl.11, *Victoria Police (Police Officers, Protective Services Officers, Police Reservists and Police Recruits) Enterprise Agreement 2025* the PRSB may act as an independent arbitrator for some matters.

Further information regarding the matters that PRSB may arbitrate can be found on the PRSB website

Rules of natural justice

The Registrar and any review officer appointed with the responsibility of assessing or reviewing a review of actions are required to observe the rules of natural justice. Elements of natural justice include:

- decision makers act fairly and without bias
- the process and outcome must be as timely as reasonably possible
- all persons should be informed of the reasons for the decision which affects them
- all parties to the matter should have the opportunity to present their case, and have the opportunity to respond to any materials submitted
- all parties should be made aware of all claims made against them and have an opportunity to challenge or contradict such claims
- all relevant information/evidence provided will be taken into consideration before a decision is made.

Employee wellbeing

Managers must take responsibility for employee wellbeing and offer assistance to all parties as required and where relevant. Assistance may include the offer of welfare services and counselling and representation as appropriate.

Victoria Police has a range of wellbeing support services and programs available to employees should they wish to seek confidential support or assistance. These services are available on a self-referral basis and are free of charge to employees, and include:

- Employee assistance programme (an independent and confidential self-referral counselling service):
 - Acacia Connection – Ph: 1300 364 273.

- Wellbeing Services (an internal service that provides tailored confidential wellbeing information, support, advice and referral services) – Ph: 1300 090 995.

Related documents

- *Victoria Police (Police Officers, Protective Services Officers, Police Reservists and Police Recruits) Enterprise Agreement 2025*
- *Victorian Public Service Enterprise Agreement 2024*
- *Public Administration Act 2004*
- *Victoria Police Act 2013*
- *Victoria Police Regulations 2024*
- *Public Administration (Review of Actions) Regulations 2015*

Further advice and information

For further advice and assistance regarding this policy, please contact the Registrar by emailing the PBEA: -REVIEWOFACTIONSREGISTRAR-MGR.

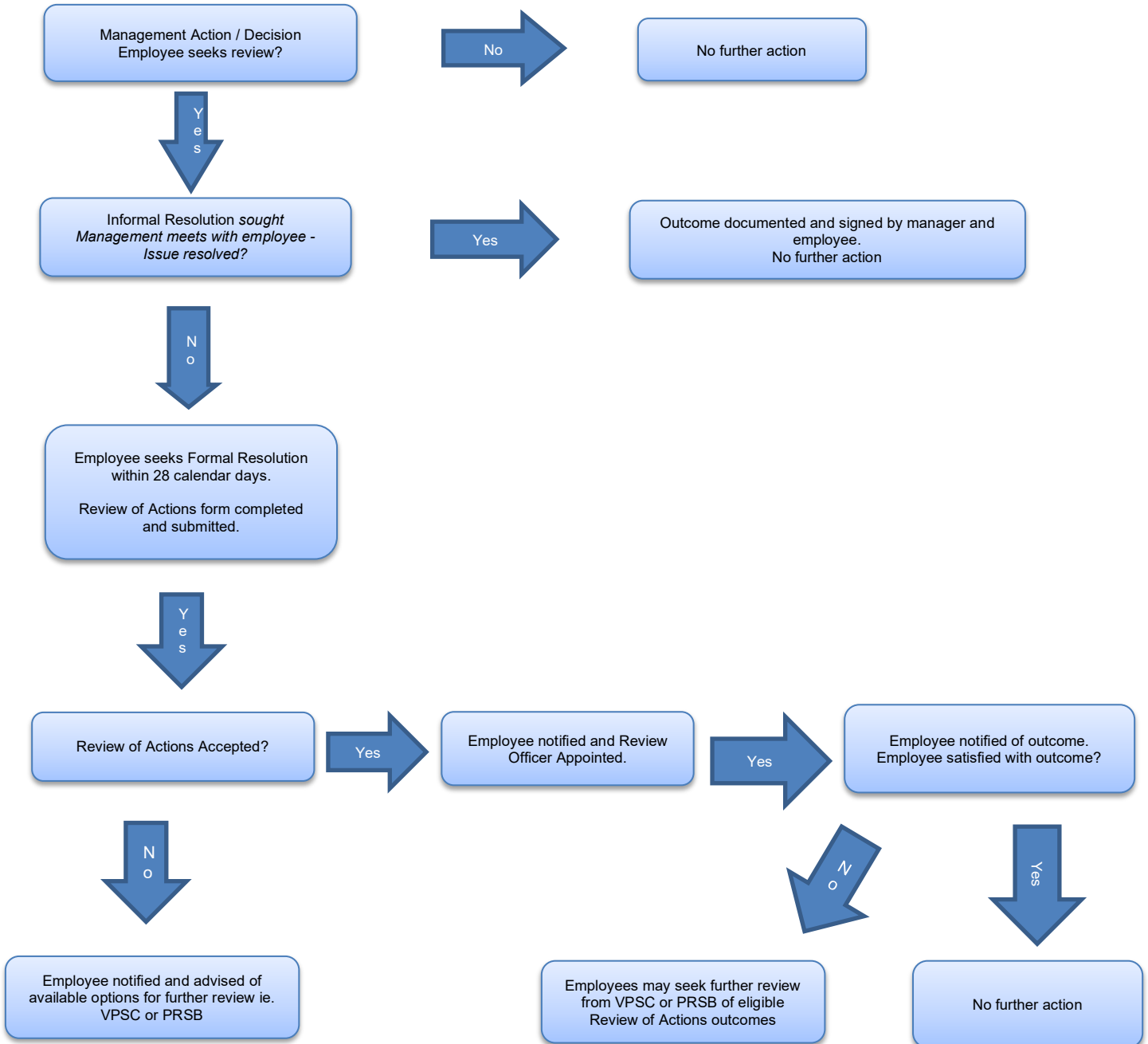
Update history

DATE OF FIRST ISSUE	23/09/19	
DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
23/09/19	This document combines and consolidates VPMP Grievances and VPMG Formal grievances .	FF-124135
18/12/20	Minor updates to incorporate changes to <i>Victorian Public Service Agreement 2020</i> and <i>Victoria Police (Police Officers, Protective Service Officers, Police Reservists and Police Recruits) Enterprise Agreement 2019</i> .	FF-185267
10/03/21	Minor update to reflect the Review of actions registrar and Review of actions officer should have received diversity and inclusion awareness training	FF-191451
17/11/25	Minor updates to reflect advice received from PRSB regarding Abandonment of Employment and changes to reflect new name of BPWRD. Minor changes to wording in what types of reviews cannot be raised under this policy. Minor and generic updates to wording, grammar and formatting, as well as reflecting the <i>Victorian Public Service Enterprise Agreement 2024</i> and <i>Victoria Police (Police Officers, Protective Services Officers, Police Reservists and Police Recruits) Enterprise Agreement</i>	FF-235396

	2025. Additional resources included in 'related documents' and 'further advice' section.	
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Appendix 1

General Review of Action Workflow



Appendix 2

Selection-based Review of Action workflow (VPS Employees only)

