

# Procedural Fairness Policy

## 1. Rationale

To ensure a positive school experience for all members of the school community through the provision of sound procedural fairness practice in accordance with the principles of natural justice. The principle of natural justice requires that a person be given the opportunity to respond to allegations, which may negatively impact that person. Adventist Christian Schools Western Australia's commitment to natural justice should be implemented by following procedural fairness in situations where decisions may be taken, which could have a detrimental effect on the rights, interests or legitimate expectations of a person. Procedural fairness is integral to the management of processes affecting people under Adventist Christian Schools Western Australia's policies, procedures and guidelines.

## 2. Definition

The rules or principles of natural justice, also known as procedural fairness, have been developed to ensure that decision-making is fair and reasonable. Put simply, natural justice involves decision-makers informing people of the case against them or their interests, giving them a right to be heard (the 'hearing' rule), not having a personal interest in the outcome (the rule against 'bias'), and acting only on the basis of logically probative evidence (the 'no evidence' rule).

## 3. Aims

Adventist Christian Schools Western Australia is committed to supporting its schools in providing a safe and inclusive school environment where all members can expect to receive procedural fairness in their dealings with school management. This includes their right to:

- Know which specific allegations have been made
- Know the process by which the matter will be considered
- Respond to the allegations
- Know the procedures for seeking a review of a decision made in response to allegations
- Impartiality in an investigation and decision-making
- A bias-free decision-making process

### Further:

In serious matters under investigation the person carrying out the investigation will not be the same as the person making the decision.

## 4. Procedure

### A. Conflicts between Students/School Management/Staff/Volunteers

The specifics are regulated by the school's discipline policy and internal regulations. The general procedures with regards to procedural fairness will always include the following:

- allegations are to be substantiated in writing to the Principal;
- the Principal is to inform the student of an alleged breach of the school's discipline code;
- the student is to be given the opportunity to make a statement pertaining to the alleged breach;
- in order to safeguard maximum objectivity, the Principal is to include the Head of School/Deputy or other member of staff in the process of investigation;
- the student must be given the opportunity to have an authority of his/her choice (parent/other representative) present during the interview with the Principal/Deputy Principal; and
- prior to a decision by the Principal, the student is to be informed about the possibility and procedure of a review of the decision.

### B. Conflicts between Staff and School Management

- Principal to investigate allegations, where appropriate and possible with the help of the Deputy Principal and/or a senior school administrator
- Staff member to be informed of specific allegations in writing
- Principal to interview staff member in the presence of Deputy Principal and/ a senior school administrator
- Staff member to be given the opportunity to have a representative present in interviews with the School Management

### C. Conflicts between Students and Students

- Refer to each individual school's discipline policy and internal processes

### D. Child Protection Concerns

- Refer to Child Protection Policy and Child Safety Code of Conduct

## 5. Implementation

1. The Principal or his representative will be the agreed complaints officer.
2. A school based policy is developed that incorporates the following process.
  - a. Complainant is encouraged by relevant school leader to seek a resolution at the level at which the complaint is made.
  - b. If a resolution cannot be reached at the initial level the claim can then submitted to the next level of management as follows:

- i. Head of School or Deputy
  - ii. Principal
  - iii. School Council/Advisory or sub-committee of Council
  - iv. Director of Education, Adventist Christian Schools Western Australia
- c. Provide written acknowledgement of complaint to both parties including an outline of the process and expected time frame for the complaint to be reviewed.
- d. Consider all relevant information including the views of all parties in line with school policy.
- e. Ensure an impartial decision is made based on appropriate evidence and a proper investigation of the facts and inform all parties of the reason for the decision.
- f. Once an agreement between the parties has been reached, provide a written response.
- g. Provide all parties with details of the appeal process if a resolution is not reached at each level.

### **Acknowledgements**

1. Child Safe Standards (Victoria)
2. Adventist Schools Victoria Procedural Fairness Policy

**To be reviewed as part of Adventist Christian Schools' 3 year review cycle.**

**Approved by Adventist Christian Schools Board of Directors on 29<sup>th</sup> June, 2017.**

**Date:**

**Signature Chairperson:**

**Policy Review Due: 2020**