



St. Joseph's Primary School

Procedural Fairness Policy

2014

Rationale:

Procedural fairness is a basic right of all individuals dealing with authorities. The community has a legitimate expectation that the school will follow these principles in all circumstances.

Procedural Fairness is generally recognised as having two essential elements:

1. The right to be heard which includes:

- The right to know why the action is happening.
- The right to know the ways in which the issues will be determined.
- The right to know the allegations in the matter and any other information that will be taken into account
- The right of the person against whom the allegations have been made to respond to the allegations.
- The right to an appeal.
- The right to a support person for any interview relating to a complaint or grievance.

2. The right of the person to an impartial decision that includes:

- The right to impartiality in the investigation and decision making phases.
- The right to an absence of bias in the decision maker.

Implementation:

The Principal should establish if parents/caregivers require an interpreter and if so, make arrangements for one to be available.

The Principal will also ensure that students and parents/caregivers have access to policies and procedures under which action is being taken.

While it is generally preferable for the functions of investigating and decision making be carried out by different people, in the school setting this may not always be possible.

If the Principal is conducting both the investigative and decision making stages, he or she must be reasonable and objective. Ultimately, the Principal must act justly and be seen to act justly. While it is difficult to combine the roles of investigator and adjudicator, it is acceptable to do so given the nature of the Principal's

responsibilities. Nevertheless, it is always preferable to have another appropriate person, such as the REC, carry out the investigation, if possible.

Note: Students must never be interviewed/ questioned alone.

The availability of a line of appeal adds to the fairness of the process and offers a check, in case there is a perception of a conflict of interest.

Students and parents/caregivers who consider that correct procedures have not been followed, or that an unfair decision has been made, may appeal.

- The student's parents have a right to appeal against a notice of expulsion within five (5) working days of the action.
- This appeal is made in writing to the Director of Schools stating the grounds on which the appeal is being made.
- In hearing the appeal, the Director of Schools will be assisted by a Principal and a school Counsellor.
- Following an unsuccessful appeal, the student's parents have the right of appeal to the Bishop, Maitland-Newcastle Diocese, within thirty (30) days. The Bishop or his appointee may appoint an appropriate person to hear the appeal.

Evaluation:

Evaluation of this policy will take place:

- Every three years, or
- With significant staff changes
- When changes in government and/or diocesan policy occur

Next scheduled review 2017