

## Procedural Fairness Policy



### Help for non-english speakers

If you need help to understand the information in this policy please contact Kalianna School on 03 5442 1311

### Purpose

Procedural fairness is a basic right of all individuals. In cases where there is a perceived difference between an individual's actions, school rules and expectations, the school will aim for a fair decision, reached by an objective decision making process.

### Purpose

Procedural fairness seeks to ensure that decisions affecting students are reached only after the individual student has been made aware of the allegations made against him or her. It also seeks to ensure that the student has had the opportunity to present his or her claims in relation to the issues and the proposed decisions affecting him or her.

Procedural fairness also requires that the decision maker (whether a member of the School leadership or a classroom teacher) reach a decision on the issue in an impartial manner. Care should be exercised to exclude real or perceived bias from the process.

### Implementation

Kalianna School will follow the principles set out below in circumstances involving disciplinary matters, including dealings with students potentially facing suspension and expulsion.

Procedural fairness is generally recognised as having two essential elements.

1. The right to be heard which includes:

- To know why the action is happening
- To know the way in which the issues will be determined
- To know the allegations in the matter and any other information which will be taken into account
- The right of the person against whom the allegations have been made to respond to the allegations.



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

- To impartiality in the investigation and decision making phases
- To an absence of bias by the decision maker.
- As part of ensuring the right to be heard, Kalianna School staff should establish if parent(s) or carer(s) require an interpreter and if so, make arrangements for one to be available. Kalianna School staff will direct students and parent(s) or carer(s) to the relevant policies and procedures on the School's website or other relevant policy statements held by the school.
- Both the investigative and decision-making stages will be conducted in a reasonable and objective manner aiming to act justly and arrive at a just decision. When investigating complicated issues that have the potential to lead to expulsion, the Principal will endeavour to include the Head of Senior School or Head of Junior School carry out the investigation, wherever possible.
- To ensure the elements of procedural fairness are met, it is appropriate to provide students and their parent(s) or carer(s) with details of all allegations relating to the incident. This usually will involve providing copies of any relevant statements.
- If a long suspension or expulsion is a possible outcome of a disciplinary enquiry, the seriousness of the circumstances will be communicated to the student and a support person/observer may be arranged for formal interviews. Circumstances that may lead to long suspension or expulsion require particular emphasis on procedural fairness. Key points of fact and agreements reached during formal disciplinary interviews should be taken down in writing

**Policy Review and approval**

Policy last reviewed	December 2022
Approved by	Principal
Next scheduled review date	December 2025