



# St Philip's Christian College Port Stephens

## Procedural Fairness Policy

### General Statement

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

### Aim

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 College Leadership team, Year / Stage Coordinator 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.

### Objective

This policy sets out the manner in which St. Philip's Christian College, Port Stephens will endeavour to manage and resolve disciplinary matters, including dealings with students potentially facing suspension and expulsion.

### Context

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 way in which the issues will be determined*
- *the right 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:

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

As part of ensuring the right to be heard, SPCC staff should establish if parent(s) or carer(s) require an interpreter and if so, make arrangements for one to be available. SPCC staff will direct students and parent(s) or carer(s) to the relevant policies and procedures in the Student Diary or other relevant policy statements held by the college.

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 Deputy Principal or appropriate Head of School in the investigation, wherever possible. Use of the college's Chain of Command (classroom teacher, co-ordinator, Head of School, Deputy Principal, Principal) will assist in ensuring the fairness of the process and may serve to minimise any potential conflict of interest, whilst providing a potential avenue for review and/or appeal.

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. However, if it is determined that it is not appropriate to provide copies of statements, for example, because of a fear that witnesses may be intimidated, full details of the allegation(s) outlined in the statements should be provided.

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

This policy will be reviewed every 3 years, or as needed in line with legislative changes and the requirements of the Association of Independent Schools

The College's policies which are made from time to time are made pursuant to the requirements set out in section 47 of the *Education Act* and of the NESAs for registration of the school.