



Hamlyn Views School

Procedural Fairness Policy

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

1. 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 them. It also seeks to ensure that the student has had the opportunity to present their claims in relation to the issues and the proposed decisions affecting them.
- Procedural fairness also requires that the decision maker, whether a member of the School Leadership Team, Teacher or Education Support staff member, reach a decision on the issue in an impartial manner. Care should be exercised to exclude real or perceived bias from the process.

2. Implementation

- Hamlyn Views 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:
 - ⇒ Impartiality in the investigation and decision-making phases
 - ⇒ An absence of bias by the decision maker.
- As part of ensuring the right to be heard, school staff should establish if parent(s) or carer(s) require an interpreter and if so, make arrangements for one to be available. 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:

HVS has zero tolerance to any form of child abuse

- Endeavour to include Learning Community Leaders to carry out the investigation, wherever possible.
- 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 a particular emphasis on procedural fairness. Key points of fact and agreements reached during formal disciplinary interviews should be recorded in writing. A copy will be maintained on the student file and a copy sent to parent(s) or carer(s).

Evaluation

- This policy will be reviewed as part of the school's four-year review cycle.

**This Policy was ratified by School Council in August, 2019
Review in 2023**