



Edinburgh College

Procedural Fairness Policy

Document History

This policy is to be ratified by the College Council on Nov 2016
The life cycle of this policy is three years. It will be reviewed in 2020

Rationale

To ensure a positive school experience for all members of the Edinburgh College 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. The College'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 Edinburgh College policies, procedures and guidelines.

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).

Aims

Edinburgh College 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 College 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.

Procedure

(a) conflicts between Students/School Management

The specifics are regulated by the College'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 College'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
- 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 College Management

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

(c) conflicts between Students and Students

The specifics are outlined in the College's discipline policy and internal regulations.

Implementation:

1. The Principal or their representative will be the agreed complaints officer.
2. A College based policy is developed that incorporates the following process.
 - a. Complainant is encouraged by relevant College 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 and/or Deputy
 - ii. Principal
 - iii. College Council or sub-committee of Council
 - iv. Adventist Schools (Victoria) Ltd - Director of Education
 - v. Consult independent regulatory authority
 - 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 College 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.