



## **SSE 3-1.F2 Procedural Fairness Statement**

*Safe & Supportive Environment 3 Complaints 3-1 Complaint Management*  
*Safe & Supportive Environment 3 Complaints 3-2 Staff Grievance Policy*

Definitions for all policies and procedure documents under the Safe & Supportive Environment Framework 3 – Complaints are outlined in *3-1 Complaint Management Policy*.

Wagga Wagga Christian College is committed to providing a respectful environment that promotes quality education and learning for students; and a satisfying and professional work experience for staff.

Decision-making shall rely on evaluation of the most relevant and appropriate:

- Evidence
- Best practice
- Consultation with stakeholders
- Risk management, and
- Outcomes

in keeping with the College's goals and plans.

The College welcomes feedback from its students, parents and families, staff and the wider community. It seeks to partner with these stakeholders to provide a nurturing and safe environment, where students are encouraged to achieve their best.

Where an investigation is required to determine the facts of a matter, it shall be conducted in accordance with principles of procedural fairness.

### **Exception:**

Principles of procedural fairness shall be followed except where legislation or other regulations require specific procedures to be followed e.g. Child Protection Policy & procedures; or where other avenues of appeal are pursued e.g. Privacy Commissioner.

### **1. General**

- a) The school aims to apply its policies and procedures consistently; and to ensure that processes are fair and transparent.
- b) The school will seek to exercise principles of procedural fairness in situations where decision-making may adversely affect the rights, interests or legitimate expectations of a member of the school community.
- c) Any decision concerning an individual shall also have regard for the health, safety and well-being of other students and staff; and the effectiveness of the school's education programs.
- d) Where possible, the school aims to consult with stakeholders who may be adversely affected by a proposed decision that may affect their perceived rights, interests or expectations. Reasons for the proposed decision will be communicated.

## 2. Application of Procedural Fairness

Procedural fairness is integral to the majority of decisions, assessments and investigations within the school. These include but are not limited to:

- Student disciplinary matters, as regulated by BOSTES (see also: Discipline Policy)
- Staff employment – variation to contracts; staff appraisal; disciplinary action (Fair Work)
- Incidents, where applicable
- Significant complaints; including review of adverse decisions affecting an individual
- Allegations of wrong-doing or breaches of compliance
- Mediation of serious disputes within the school community

## 3. Rights of the Respondent

The person concerned has a right to:

- A fair and unbiased decision based on the evidence presented
- Assistance if required, e.g. an interpreter
- Know the evidence used to support the decision
- Know the process by which the matter will be considered
- Be informed about potential adverse findings and consequences
- Respond to the allegations
- Receive a summary of all relevant information before preparing their reply (original documents, and the identity of confidential sources, do not need to be provided)
- The presence of a support person in a hearing, if desired – especially if the matter involves a student
- Have their reply given genuine consideration before the decision is made
- A timely decision with written reasons
- An avenue of appeal of the decision

## 4. Components of Procedural Fairness in Planning an Investigation

(See: SSE 3-1.F3 Complaints Investigation Procedure; SSE 3-1.F4 Complaints Investigation Plan & Checklist)

- a) Identify to the respondent the specific complaint or allegation that has been made against them.
- b) Make available any relevant school policies and procedures.
- c) Ensure that the investigation process is clearly communicated, including who will make the final decision.
- d) Provide a summary of the relevant information and evidence to the respondent. Ensure the protection of witnesses' identify, if required.
- e) Ensure confidentiality – 'need to know' basis only.
- f) Conduct the investigation according to SSE 3-1.F4 Complaints Investigation Plan & Checklist without unnecessary delay.
- g) Gather all relevant evidence.
- h) Allow the respondent a reasonable opportunity to reply; and to provide other evidence.

- i) Advise him or her of their right to have a support person with them.
- j) Arrange for notes to be taken for records.

## 5. Decision-Making

- a) Ensure that the evidence supports the decision.
- b) For significant matters, the decision should be made by a person other than the Investigator.
- c) For serious matters, the Principal shall make the decision. If the matter concerns the Principal, the Board Chair shall make the decision.
- d) Communicate the decision in writing; providing reasons for the decision; and details of the appeal process, including who will make the final decision.
- e) Ensure a full record of the investigation has been made and filed in a secure location.

## 6. Appeal Process

- a) The written decision of the school shall inform the complainant how they may appeal the decision.
- b) Where practicable, the appeal will be heard by a person or panel uninvolved in the original decision. Most often, this will be the Principal or Board Chair.
- c) Other agencies of appeal include: BOSTES; the Privacy Commissioner; Fair Work Commission; NSW Ombudsman; Australian Human Rights Commission.

## 7. Avoiding Bias

To avoid the appearance of bias in a matter:

- Evidence or representations which have not been disclosed to the person may not be received or considered in the decision-making
- If possible, the investigator should not be the decision-maker
- Investigators and decision-makers must not prejudge evidence, or give the appearance of having done so, even if they have strong convictions on the matter
- Conflicts of interest within the investigating panel, or with the decision-maker, shall be declared, and shall be avoided or mitigated as appropriate
- Where possible, the appeal panel should consist of, or include, people not involved in the first decision

## 8. Documentation

All evidence shall be documented: minutes of meetings; witness statements; photos of material evidence/ damage; other communications etc.

Maintain files in a secure location on the school server; and locked file for hard copy.