



Procedural Fairness Best Practices

Preamble

The object of this policy is to ensure that all decisions affecting students or staff must be fair and must be seen to be fair. Furthermore, this principle applies equally to any process for appeal involving decisions made by Brookes Westshore officials. Fair procedures reassure students, parents and staff by providing integrity and consistency in respect to decisions made in the school setting which in turn will help to avoid misunderstandings and disputes.

Expectations of Procedural Fairness

Whenever the legal rights of an individual may be affected by officials exercising legal decision-making authority, there is an expectation that the decision will be made in accordance with the principles of "procedural fairness" and "natural justice". Decision makers must comply with the following principles:

- When considering a matter which may affect a person's rights, that person should be informed of the matter
- The person should be given a reasonable opportunity to make oral or written submissions to the decision-maker on the matter being considered
- The person is entitled to know and answer the case against them, that is to say, be informed of and be given the opportunity to respond to all information submitted which might influence a decision, prior to the decision being made
- The person should be told the reasons for the decision
- The decision-maker should act in a manner which is unbiased, fair and open-minded.

Guidelines for Procedural Fairness when dealing with Students

1. Students need to be treated with respect and dignity and to know what is expected of them. The school must enact codes of conduct and rules that are clear and well communicated.
2. In accordance with school policy, a student who is accused of breaching a rule should be notified of that of which he/she is accused, with the essential facts of what he/she is alleged to have done.
3. An accused student should be given an opportunity to tell his/her side of the story. The right to be heard is a fundamental element of procedural fairness. Where the stakes are minor, this can be satisfied by the principal or teacher asking the student to explain her/his actions. More serious matters require more formal investigation and documentation.

¹ We thank the Federation of Independent Schools Association (FISA) for providing the principles behind this policy in their *Procedural Fairness Best Practices Guidelines for Independent Schools*.