



# Grievances and Disputes Procedural Fairness for Students

## 1. RATIONALE

Every day, people acting on behalf of Lindisfarne make decisions which affect the rights, interests or expectations of students and parents. In cases where there is a perceived discrepancy between an individual's actions and Lindisfarne Anglican Grammar School rules and expectations, the School will make all efforts to follow the principles of procedural fairness in making a decision.

Procedural fairness comprises three main components: the opportunity to be heard; there must be no bias, and the decision must have some basis in fact or reasoning.

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 that will be taken into account, and
- 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**, which includes:

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

## 2. PROCEDURES

### Decision Making

It is the responsibility of the school to determine incidents that may require disciplinary action and the nature of any penalties that may apply.

Procedural fairness requires that the decision maker (whether a member of the School executive, middle management or a classroom teacher) reaches a decision in an impartial manner. Care should be exercised to avoid real or perceived bias from the process.

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.

### Suspension and/or Expulsion

Lindisfarne Anglican Grammar School will follow the principles set out below in circumstances involving disciplinary matters facing potential suspension and expulsion with a particular emphasis on procedural fairness.

1. 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.

2. When investigating complicated issues that have the potential to lead to expulsion the Principal will endeavour to include the Heads of Sub School as part of the investigation wherever possible. To minimise a potential conflict of interest, the Principal may utilise other school personnel as required.
3. Both the investigative and decision making stages will be conducted in a reasonable and objective manner aiming to arrive at a fair decision.
4. Students and their parent(s) or carer(s) will be provided with sufficient 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.
5. Key points of fact and agreements reached during formal disciplinary interviews should be taken down in writing.

### 3. POLICIES AND PROCEDURES

Lindisfarne Anglican Grammar School staff will direct students and parent(s) or carer(s) to the relevant policies and procedures in the Parent and Student Guide or other relevant policy statements held by the School. The following Policies should be read in conjunction with these Guidelines:

- CODE003 Code of Conduct – Students
- COMM001 Communication Guidelines and Complaint Handling Policy for Parents and Guardians
- PAST001 Behaviour Management Policy (Junior School)
- PAST002 Behaviour Management Policy (Middle and Senior Schools)
- PAST007 Suspension and Expulsion of Students Policy

### 4. POLICY ADMINISTRATION

This policy will be reviewed periodically or in the event of any information or incident that indicates the need for a review or following relevant legislative or organisational change.

<b>STUT003 Grievance and Dispute Procedural Fairness for Students</b>	
<b>Date of Formulation</b>	April 2009
<b>Date of Last Review</b>	July 2016
<b>Date of Next Review</b>	July 2019
<b>Person Responsible</b>	Mark Douglas, Jeremy Godden, Charlotte Lush
<b>Position</b>	Heads of Sub Schools