



**CVAS**  
Clarence Valley  
ANGLICAN SCHOOL

# Procedural Fairness Policy

Procedural Fairness Policy		
<b>Policy Last Review</b> October 2021	<b>Review Date and Frequency</b> Every two years	<b>Responsible for Review</b> IT Manager
<b>Recommended By</b> School Executive	<b>Approved By</b> School Council	<b>Approval Date</b> 26 October 2021

## INTRODUCTION

Procedural fairness is a basic right of all individuals. In cases where there is a perceived difference between an individual's actions and Clarence Valley Anglican School ("the School") School rules and expectations, the School will aim for a fair decision, reached by an objective decision making process.

Procedural fairness seeks to ensure that decisions are reached only after the individual has been made aware of the allegations made against him or her. It also seeks to ensure that the individual has had the opportunity to present his or her claims in relation to the issues and the proposed decisions affecting them.

Procedural fairness also requires that the decision maker reaches a decision on the issue in an impartial manner. Care should be exercised to exclude real or perceived bias from the process.

## POLICY

The School will follow the principles set out below.

Procedural fairness is generally recognised as having two essential elements.

1. **The right to be heard** which includes:
  - (a) To know why the action is happening
  - (b) To know the way in which the issues will be determined
  - (c) To know the allegations in the matter and any other information which will be taken into account
  - (d) 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:
  - (a) Impartiality in the investigation and decision making phases
  - (b) Absence of bias by the decision maker

As part of ensuring the right to be heard, the School should establish if the individual requires an interpreter and if so, make arrangements for one to be available. The School will direct the individual 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, objective and timely manner aiming to act in and arrive at a just decision. Wherever possible use of the School's Chain of Command will assist in ensuring the fairness of the process and may serve to minimise a potential conflict of interest, whilst providing a potential avenue for review and/or appeal.

To ensure the elements of procedural fairness are met, it is appropriate to provide individuals with details of all allegations relating to the incident. The seriousness of the circumstances will be communicated to the individual and a support person/observer may be arranged for formal interviews.

## RELATED DOCUMENTS

- *Anti-Bullying and Harassment Policy*
- *Behaviour Support Policy*
- *Enrolment Policy*
- *Gender Diverse, Transgender and Intersex Students Procedure*
- *Student Code of Conduct Policy*
- *School Community Complaints Policy*
- *School Community Code of Conduct Policy*