

Procedural Fairness

These guidelines apply to all CEDP staff and students.

When decisions about a person are made within CEDP, it is expected that:

- the dignity of all parties in the decision-making process is respected
- the process is conducted in an orderly manner
- decisions are based on evidence
- the alleged facts are clearly stated to the person who is the subject of any allegations
- the person about whom a decision is to be made is given an opportunity to respond, before the decision is made

It is also expected that evidence will be given appropriate weight according to the circumstances of each case.

1. What is procedural fairness?

The principle of natural justice requires that a person be given the opportunity to respond to allegations, which may negatively impact that person. CEDP's commitment to natural justice should be implemented by following procedural fairness in situations when 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 CEDP policies, procedures and guidelines.

2. What needs to be done to follow procedural fairness?

1. Procedural fairness requires that when informing a person of concerns, complaints or allegations about him or her, the person is:
 - informed of concerns or allegations being made – this means that the person will be informed of the content of the concern at a point in time when it is clear what the issues are, and who needs to respond to them
 - treated impartially – this means that interventions or investigations are conducted impartially, and decisions are made without bias
 - given the opportunity to respond – this means that where a concern is raised which may have a detrimental effect on the person the person will normally be given an opportunity to respond
 - informed of the complaints process and the review process which may be followed.
2. Other key aspects of procedural fairness are:
 - timeliness - this means the issue must be raised with the person within a reasonable time and outcomes reached as soon as reasonably practicable
 - records of process must be maintained
3. A person who is required to respond to allegations should always be treated impartially and be given an opportunity to respond. If a decision-maker has any concerns about competing obligations advice should be sought from their supervisor as soon as reasonably possible.

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Office of the Executive Director

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Public

Head Policy
Communications Policy
(in progress)



Catholic Education
Diocese of Parramatta

3. Investigations

In serious matters under investigation, where possible, the person carrying out the investigation will not be the same as the person making the decision.

4. Which CEDP procedures require me to follow procedural fairness?

Procedural fairness applies to any CEDP process where a decision is likely to have a significant effect on the person subject of the decision. This includes, but is not limited to the following:

- [Complaint Handling Procedures 2010](#)
- Student Well-being Procedures (draft)
- Student Well-being Guidelines (draft)
- Student Suspension Transfer Expulsion and Exclusion Procedures 2012 NEW!
- Student Suspension Transfer Expulsion and Exclusion Guidelines 2012 NEW!
- Student management processes
- Discipline processes
- Performance management
- Return to work processes
- Workplace health and safety processes

If in any doubt decision-makers should consult with their supervisor and search Oscar for processes to which procedural fairness may apply.

