

**POLICY: STATEMENT ON PRINCIPLE OF NATURAL JUSTICE**

**Statement**

The principle of Natural Justice is to be applied to all practices at Rotorua Lakes High School including all aspects of student management and discipline.

**Background**

Under the NZ Bill of Rights and Case Law (M & R vs Board of Trustees of Palmerston North High School and McGechan vs Auckland Grammar Board of Trustees) Rotorua Lakes High School is required to adhere to the principle of Natural Justice for all students. The principal of Natural Justice relates to the rules and procedures that must be followed when dealing with the rights of others. It is usually applied to discipline situations in particular student stand-downs and suspensions.

The school’s discipline systems and any specific discipline process/decision or consequences must all comply with the principle of Natural Justice.

Natural Justice means that the management and discipline of students must be fair and also flexible enough to take into account the particular circumstance of each case. The key requirements of Natural Justice are:

1. A person (eg. the Principal) may not be both the judge and the prosecutor.
2. A person’s defence must always be fairly heard.
3. Decisions must be made in good faith without bias and prejudice.

**Making Discipline Decisions in Good Faith**

Discipline decisions by the school must be made after considering both sides with an open mind and with no preconceived ideas. Decisions must not follow an inflexible rule or policy and must only consider relevant factors.

**Rotorua Lakes High School Discipline Policies/Procedures and Principle of Natural Justice**

A student cannot be stood down or suspended automatically because he/she has broken a school rule – the circumstances of each case must be considered. The discipline procedures/strategies outlined in the Rotorua Lakes High School Staff Handbook and the policy guidelines such as the Discipline Policy and Drug and Alcohol Policy are guidelines only and are not to be treated as inflexible rules. The particular circumstance of each case is to be considered by the Deans/Senior Management/Principal/Board.

The policy guidelines and Staff Handbook processes are not to be seen as self-imposed rules that do not permit exceptions. There must always be room to cater for individual student needs, problems and circumstances.

The following statement from the judge in the Palmerston North Boys High case is very relevant – “Schools may have a general policy towards alcohol and drugs, but cases of alcohol and drug use must not be resolved automatically in accordance with such policy. Principals and Boards instead must carefully consider all circumstances of each individual case.”

REVIEW: These guidelines will be reviewed according to the Board of Trustees’ triennial Programme of self review (MAY 2019)

DATE CONFIRMED: 24 MAY 2016