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14.3.1 Introduction

It is publicly recognised that a strength of independent schools is the ability to maintain discipline and deal with disciplinary matters quickly and effectively to ensure that a positive and productive learning environment is maintained for all students.

The students of the School in Odyssey House are over 18 years of age and reside within a Residential Rehabilitation program. The disciplinary action taken by the School will be the same as that used in the Odyssey House Residential Rehabilitation program.

14.3.2 Procedural Fairness

The NSW Government has accepted the recommendations of Part 1 of the Review of Non-Government Schools (Grimshaw Review) which includes requiring schools to develop policies relating to discipline that includes suspension, expulsion and alternatives to corporal punishment (which must be precluded).

To be registered, it is a requirement of a non-government school to have disciplinary procedures that are based on principles of procedural fairness.

The following is an extract from the Odyssey House Residents Manual:

Procedural fairness is a basic right of all when dealing with authorities.

Procedural fairness refers to what is sometimes described as the 'hearing rule' and the 'right to an unbiased decision'.

The 'hearing rule' includes the right of the person against whom an allegation has been made to:

- *know the allegations related to a specific matter and any other information which will be taken into account in considering the matter.*

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- *know the process by which the matter will be considered.*
- *respond to the allegations.*
- *know how to seek a review of the decision made in response to the allegations.*

The 'right to an unbiased decision' includes the right to:

- *impartiality in an investigation and decision making.*
- *an absence of bias by a decision-maker," and*

The review mechanism adds to the fairness of the process."

Odyssey House PLC holds the view that the right of review or appeal depends on the circumstances of each individual case and it is not a necessary component of providing procedural fairness.

14.3.3 Guidelines and potential consequences

- Students are required to abide by the School's Rules and to follow the directions of teachers and other people with authority delegated by the School.
- Where a student disregards rules, disobeys instructions or otherwise engages in conduct which causes or may cause harm, inconvenience or embarrassment to the School, staff members or other students, the students may be subject to disciplinary action.
- The disciplinary procedures undertaken by the School vary according to the seriousness of the alleged offence. Where the allegation, if proved, may result in the student being asked to exit the School, the student and Odyssey House Residential Director will be informed of the allegations and procedural steps to be followed in dealing with the matter. In relation to all matters to be investigated, students will be informed of the nature of the allegation and given an opportunity to respond to the allegations.
- The penalties imposed vary according to the behaviour and the prior record of the student. At the lower end of the scale, an admonition or detention may be appropriate. At the upper end of the scale, the behaviour could result in suspension or expulsion from the OH Residential Program.

- The school prohibits the use of corporal punishment in disciplining students attending the School.
- The School doesn't explicitly or implicitly sanction the administering of corporal punishment by non school persons, including parents, to enforce discipline at the school.
- The following are suggested options only to assist your school in determining when and how to apply processes that might result in the suspension or expulsion of a student, and what review and appeal rights, if any, are afforded to students in such situations.
- Where the offending behaviour is of such a nature that it may result in suspension or expulsion, the student will be:
 - (a) informed of the alleged infringement.
 - (b) informed as to who will make the decision on the penalty.
 - (c) informed of the procedures to be followed which will include an opportunity to have a parent or guardian present when responding to the allegations;
and
 - (d) afforded a right of review of appeal.
- The Principal will reach a preliminary decision in relation to the allegation and any proposed penalty and advise the student of the view. The student would be advised that if they wish this preliminary decision to be reviewed, they may make application for a review to the Principal and submit any information they want to be considered during the review process. The Principal will then either confirm the preliminary decision as final decision or amend the preliminary decision based on the additional information provided; or

The Principal in consultation with the Director of Residential Services is the body that makes the final determination in relation to disciplinary matters that may result in suspension or expulsion.

References: AISNSW