



## Governance support resources

### Principles of natural justice

The board, the principal and delegated staff need to follow a fair process when making decisions that impact on the rights, obligations and interests of staff, students and, at times, parents. This involves applying the principles of natural justice. In New Zealand these principles are protected in the Bill of Rights Act 1990, [section 27](#).

If a person is not happy with a decision of the principal about a staff or student matter they should follow the school's concerns and complaints procedure and, ultimately, may raise their complaint to the board. If they are not happy with a decision of the board they can:

- Ask the board to review the decision
- In some circumstances, apply to have the dispute resolved by a Ministry of Education dispute resolution panel\*
- Contact the Office of the Ombudsman
- Apply to the High Court to review the board's decision-making process

### Process

The board and school should already have a policy and procedures in place that make it easier to get things right:

- An example Concerns and complaints policy can be found in the [NZSTA Governance framework](#) – policy D9
- An example Concerns and complaints process guide for students, parents, whānau and community is also stored in Governance framework – C4
- An example complaints process checklist for boards is also stored in Governance framework – C4.1
- Processes e.g. in staff collective employment agreements

When making a decision that will impact on someone, the board must act within the principles of natural justice. In other words, must act in fairness.

### Principles of Natural Justice

The key principle is the person's right to a fair and impartial determination of their issue. This means:

- None of the decision-makers has a financial or any other kind of conflict of interest, such as a relational conflict of interest. For the board, this principle is spelt out for parent, staff and representative trustees in the [Education \(School Board\) Regulations 2020, regulation 15\(1\)](#). Applying this principle reduces the risk of actual or perceived bias or predetermination
- Decision makers keep an open mind until they have heard from everyone, looked at all relevant information and not taken account of irrelevant information

The person's "right to a fair and impartial determination" also means all of the following:

- The person needs to know what the allegation or complaint is, and who is making it
- The person needs a chance to respond fully to any allegations. For instance, this includes being given a chance to:
  - Ask questions about any allegations
  - Respond to an adverse finding about the matter, before a final decision is made
- The person has a right both to legal representation and to have an advocate or support person
- The person has a right to reasons for the decision e.g. the board's notification to a complainant that it has "considered your complaint and has decided to dismiss it" does not amount to a reason
- A right to complain, ask for a review or appeal



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For further advice please contact the  
**Advisory and Support Centre**  
**0800 782 435, option 1** or  
[govadvice@nzsta.org.nz](mailto:govadvice@nzsta.org.nz)

\*There is provision for this in the Education and Training Act 2020 – at time of publishing no panel has been set up.