

DEPARTMENT OF COMMUNITY SERVICES  
INSTITUTIONAL SERVICES BRANCH  
DISCIPLINARY DECISION MAKING PROCESSES

MINOR INFRACTION OF RULES:

Each unit is expected to have well developed and clearly stated incentives for good behaviour and sanctions for negative behaviour.

Minor infractions should be identified promptly and followed by a logical consequence which can be accepted by all parties involved as a fair and just outcome which settles the event.

Such applications should be recorded and marked on corrections sheets as requiring no further action.

Wherever possible resolution should be achieved as close to the occurrence of the event as possible by staff immediately responsible for the supervision of the child or young person at the time of the infraction. Where further steps are necessary they will be taken progressively in conjunction with senior staff along the line of responsibility.

Certain sanctions or loss of privileges will necessarily include consultation or approval from other quarters, eg Superintendent if isolation exceeds , Regional staff if leave is to be cancelled.

MAJOR EVENTS:

Each facility will have an established procedure for managing disciplinary decision making following serious incidents.

The procedure will

- nominate roles and responsibilities
- ensure that rights of all parties and principles of natural justice are followed
- allow for the clear resolution of the event to the satisfaction of all parties or referral to a further process which has the potential for achieving final resolution.

The basic procedure will allow for the establishment of a grievance and penalty committee to deal with the event.

A chairperson will be nominated by the Chief Executive of the facility who has sufficient authority to conclude the event. In some instances the chairperson will be the Chief Executive.

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A person will also be nominated to organise the proceedings and ensure that outcomes are followed through. This person will be of senior executive rank, eg Senior, Chief, Principal or Deputy Superintendent.

Each principal party to the grievance will nominate an advocate who can adequately represent the interests of that party in the decision making process.

When an incident occurs it will be referred to the Chief Executive of the facility who will nominate the chairperson and organiser of the committee.

The organiser will set a date for a hearing to occur within 48 hours or earlier as determined by the nature of the event.

The parties will be notified in writing of the hearing time and the grievance to be addressed.

At the appointed time the chairperson will convene a hearing attended by the aggrieved parties, their advocates and the chairperson and the organiser.

The chairperson will state the nature of the matter to be dealt with and the possible consequences flowing from the event.

The parties to the event will then be given an opportunity to describe the events under consideration.

The advocates for each aggrieved party will then ensure that all relevant facts and perspectives have been covered.

When agreement is reached that the matter has been sufficiently explored and that neither party wishes to exercise other prerogatives, eg to refer the matter for police investigation and Court involvement, the aggrieved parties and the organiser will retire to leave the matter to be deliberated by the chairperson with the assistance of the advocates.

The chairperson will examine the options in the light of the seriousness of the event and determine an appropriate course of action.

The aggrieved parties will return to the hearing where the chairperson will acquaint all parties of the decision.