



GUIDELIGHTS

British Columbia Confederation of Parent Advisory Councils

INFORMATION

ADMINISTRATIVE FAIRNESS GUIDELIGHT

Whether in Europe, Hong Kong, Ontario, or British Columbia, the principles of administrative fairness are the same. There is an expectation that the public being served by an organization or government should be treated in a certain way in order for natural justice and procedural fairness to be upheld. Together these determine if the organization is administratively fair.

Administrative Fairness Principles

- Those affected by a decision should be involved in the making of that decision.
- Those affected by a decision should be informed and consulted in a meaningful way and have their point of view listened to and considered.
- Decisions should be made within a timely, fair, and consistent process and be based on relevant facts and without bias.
- People should understand who will make the decision, how the decision is to be made, and why the decision was made.
- All people deserve to be treated with respect and courtesy and in a way in which they can understand.
- There should be a clearly defined complaint procedure that everyone involved is made aware of directly, and which protects against retribution.
- The public is invited to participate in planning programs and services, and has access to information needed to evaluate and improve performance.

These principles are the basis of democratic government and human rights and are considered the centre of a healthy society. The BC Ombudsman, the Fair Schools Report (1995), and BCCPAC's own Advocacy Project are based on these principles.

The involvement of parents in PACs, DPACs, BCCPAC, and School Planning Councils (SPCs) are also linked to these rights.

Natural justice is the laws, policies, and common practices governing an organization. In the case of the school system, these are the School Act, Ministerial Orders, the outcomes of any lawsuits and legal decisions, school district policies, and past practices and procedures.

Administrative fairness involves the processes and interactions used to develop and follow up Natural Justice.

BC Ministry of Education Policy Order from 1989 states

Parents have the right and responsibility to participate in the process of determining the educational goals, policies and services provided for their children.

They have a primary responsibility to ensure that children are provided with the healthy and supportive environment necessary for learning. They have a responsibility to help shape and support the goals of the school system and share the task of educating their young.

The Fair Schools Report 1995 by the BC Ombudsman states

The Ombudsman supports parental involvement in schools at the local, district and provincial level.

One of the ways parents can be involved in schools is through Parent Advisory Councils. The Ombudsman is encouraged by those school districts that invite greater participation and involvement of parents through PACs.

Many school districts across British Columbia have adopted a "strategic planning" model of decision making. This model emphasizes inclusion, a principle supported and promoted by the ombudsman. Students, parents, teachers, teachers aides and all others whose work impacts students must be heard in decisions that affect them.

Real power sharing is essential if partnerships in education are to become more effective. Giving proper consideration to each partner in the system requires redefining roles and responsibilities and changing the "top down" structure of the organization.

Any type of fair and inclusive management, regardless of the name we give it, challenges administrators and staff to consider the paramount interests of the students above and beyond professional self-interest.

What does this mean for parents at different levels of our public school system?**The individual parent and student**

- Parents and students need to understand the educational decisions being made, their consequences for that student's future, and be directly involved in those decisions in an informed and respected way.
- IEPs (Individual Education Plans) should be cooperatively developed and evaluated between parents and educators.
- Parents need to be given information on who will make a decision and how and why a decision was made.
- There needs to be well understood and accessible complaint and appeal procedures when a student or parent feels that a decision by an educator affects the education, health, or safety of a student.
- Parents or students may take an advocate to any meetings with educators to support them.
- Parents and students now have an opportunity to evaluate their school through the provincial Satisfaction Surveys, grades 4, 7, 10, and 12.

At the school level

- According to the School Act, section 8(4), Parent Advisory Councils (PACs) *may advise the board and the principal and the staff of the school respecting any matter relating to the school.*
- School Parent Advisory Councils should be an integral part of the decision making process within the school to determine and support the programs, services, and culture of the school.
- Parents through the PAC need to be invited to participate in the school committees that work on safety in the school, culture, activities, programs, and anything else related to the students in the school.
- The PAC works closely with the School Planning Council through the three parent members to assist with the planning for the school.

At the district level

- Similar to the role PACs play in the school, District Parent Advisory Councils (DPACs) should be an integral and respected partner in the planning and support for parents and students at the district level.
- DPACs may give advice on any matter through the involvement of all schools in the district.
- The inclusion of parents on district committees, through the DPAC, allows for a valuable two way dialogue in determining priorities and processes that support students and parents.
- Many DPACs initiate an Advocacy Project within their district to support parents seeking resolution of a concern that is in the best interest of the student.
- The School Act, section 11(2), states: *If a decision of an employee of a board significantly affects the education, health or safety of a student, the parent of the student or the student may, within a reasonable time from the date that the parent or student was informed of the decision, appeal that decision to the board.*
- Along with the legal requirement for a district to have an appeal bylaw goes the need for the district to include parents, through the DPAC, in developing effective complaints and appeal procedures and to notify all parents of how it works.
- If parents have a concern regarding administrative fairness during an appeal, they may refer these concerns to the Ombudsman.

Responsibilities

Along with these rights comes the responsibility of parents to be inclusive of all parents at the school, and to strive through their PAC and DPAC bylaws to have fair processes in place which allow all parents to participate in decision making. In some school communities, being inclusive may require translation of material or the use of interpreters. Each school and district is unique and whether parents use newsletters, email, or conference calls, communication, fairness, and consistency are key elements in giving all parents an opportunity to be involved in making responsible decisions.

In addition to carrying forward the voice of parents at the provincial level, BCCPAC strives to encourage and support all parents in becoming involved in educational decision making at each level, in cooperation with all the partners in education.

References

- The BC School Act
- Fair Schools: Public Report No.35. BC Ombudsman 1995
- Administrative Fairness Checklist, Office of the Ombudsman of BC
- Freedom of Information and Privacy Act of BC
- The UN Rights of the Child
- Human Rights Code
- Ombudsman Fairness Standards, Ontario Ombudsman
- Administrative Fairness Guidelines, Office of the Ombudsman, Alberta, Canada
- Fairness in Government, Yukon Ombudsman
- Hong Kong: The Facts, The Ombudsman
- The European Code of Good Administrative Behavior, The European Ombudsman
- *Rights Talk: Students and Civil Liberties at School*, 2001, BC Civil Liberties Association
- BCCPAC sample PAC/DPAC Constitution and Bylaws (BCCPAC website)
- BCCPAC Advocacy Project Manual (BCCPAC website)
- BCCPAC Practice Note: *A Conflict or Not?*, February 2003