

Underage Students (Minors) Policy

Policy Owner	Academic Director
Contact Officer:	Student Counsellor
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Approved by:	Senior Management Group (22/05/17); Learning and Teaching Committee (23/11/2017); Academic Council (15/12/17)
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Related Policies:	Attendance Policy Complaints and Appeals Policy Critical Incident Policy Enrolment Policy Progress and Graduation Policy Student Wellbeing, Counselling and Support Policy
Related Forms	Excursions: Teacher Proposal Form Complaints and Appeals Form Critical Incident Report Form Local Carer Duty Statement (Homestay/Carer form) Minors Pre-Approval Form (A) Minors Pre-Visa Accommodation & Welfare Statement Form (B)

1. Overview

- 1.1. This policy aligns with requirements set out in the:
 - Education Services for Overseas (ESOS) Act 2000 and the National Code 2018
 - National quality assurance frameworks including TEQSA's Higher Education Standards Framework (Threshold Standards)
- 1.2. This policy ensures ECC students are managed responsibly and in accordance with the requirements of the ESOS Act 2000, specifically Standard 5 of the National Code.
- 1.3. The Department of Immigration and Border Protection (DIBP) student visa regulations require international students under the age of 18 to have approved accommodation and welfare arrangements while they undertake study in Australia.
- 1.4. This policy provides the operational guidelines for accommodation, support, monitoring of welfare and risk prevention for Underage students.

2. Organisational Scope

- 2.1. This policy applies to all prospective and current students if under the age of 18 whilst studying at ECC, except where otherwise stated.

3. Definitions

- 3.1. **CoE:** Confirmation of Enrolment is a document registered with DIBP to confirm a student's acceptance into a particular course for a specified duration.
- 3.2. **CAAW:** *Confirmation of Appropriate Accommodation and Welfare* arrangements is a statement generated on PRISMS and uploaded with student data by ECC. It is sent to applicants to accompany their CoE and application for a student visa to study in Australia.

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- 3.3. DIBP:** Department of Immigration and Border Protection: The Australian government agency responsible for issuing students with visas.
- 3.4. ESOS:** Education Services for Overseas Students Act 2000 (and its amendments)
- 3.5. Local Carer:** Person over the age of 21, with valid National Police Certificate who is nominated by the parents of an under aged student who is prepared to accommodate and undertake the duties outlined in the Local Carer's Duty Statement and holds a visa or residency status valid until the under aged student turns 18.
- 3.6. Minor:** In Australia, this is any person under the age of 18 years.
- 3.7. National Code:** is a legislative instrument established under the *Education Services for Overseas Students (ESOS) Act 2000*. ECC is legally obliged to adhere to the requirements of the National Code. Further details can be accessed at:
- <https://internationaleducation.gov.au/Regulatory-Information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/National-Code/Pages/default.aspx>
 - <https://www.legislation.gov.au/Details/F2017L01182>
- 3.8. National Police Certificate (NPC):** A statement issued by the Australian Federal Police to attest that someone has no criminal record.
- 3.9. PRISMS:** The *Provider Registration and International Student Management System* is the database system of the Department of Education and Training (DET). It is used to process information from education providers to the Secretary of DET and Immigration authorities.
- 3.10. Study Period:** For Pathway students, one Study Period comprises one trimester or one semester. For ELICOS students, one Study Period comprises one 10-week block unless otherwise stated in the Letter of Offer.
- 3.11. Underage Students:** refer to Minor
- 3.12. Working with Children Clearance (WWC):** is a national criminal history record check required by people who work with children and young people in certain categories of "child-related" work in Western Australia. This clearance aims to protect children from harm.

4. Policy Principles

- 4.1.** All international students who are Minors must have accommodation arrangements which meet the ECC criteria for approval and/or are deemed appropriate by DIBP. Non-related accommodation providers and staff who work with students in the course of their duties are required to obtain a Working with Children Clearance (WWC) or a National Police Certificate (NPC).
- 4.2.** Australian Underage students are monitored by the Student Counsellor, but there are no requirements pertaining to their accommodation/care arrangements.
- 4.3.** Under Australian law, ECC may release details of an Underage student's fees, study progress or any other relevant information pertaining to enrolment or welfare concerns to his/her parents or legal guardians at their request.

5. Policy Content

- 5.1.** ECC has in place procedures to:
- Ensure the college is compliant with ESOS legislation and the National Code;

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- Monitor and report Underage international students where they are deemed to be in breach of their visa conditions;
- Through a service provider, place international students in appropriate accommodation and care arrangements;
- Provide welfare support for Underage students;
- Ensure employees working with Underage students have submitted a current Working with Children Clearance or National Police Certificate, as required.

5.2. International Students

5.2.1. The welfare arrangements of international students studying in Australia is legislated under the ESOS Act 2000. The granting of a study visa for Underage students is dependent on a number of conditions being met by the student's homestay family, local carer, or legal guardian the student and the education provider.

5.2.2. International students under 18 years of age must demonstrate to DIBP that they have parent or legal custodian approval to reside in Australia for the duration of the program in which they are enrolled, or until they turn 18 years of age. This may occur when the student is:

- Living with a parent or legal custodian (person who has legal custody of); or
- Living in Homestay accommodation arranged or approved by ECC;
- Living with a relative who is over 21 years old, nominated by parents and approved by DIBP;
- Living with a local carer nominated by parents (to be approved by ECC)

5.2.3. A 'suitable relative' to be nominated as a carer means a brother, sister, step-parent, step-brother, step-sister, grandparent, or any other family member recognised by the Student Counsellor, who is at least 21 years of age *and* is considered to be of good character.

5.2.4. A 'suitable local carer' is someone who is deemed suitable by the College and must be over 21 years of age. Local Carers will be required to submit a National Police Certificate (NPC) and *Local Carer Duty Statement* before approval can be granted.

5.3. ECC Staff Working With Underage Students

All ECC staff (academic, administration and marketing) that have contact with Underage students have a role in ensuring the welfare of the students is protected. These responsibilities are:

5.3.1. All staff who have contact with Underage students in the normal course of their duties are required to obtain a Working with Children Clearance through Australia Post or a National Police Certificate as required.

5.3.2. If any staff member has cause to believe a student may be at risk, he/she can flag their concern to their supervisor and/or via the online At Risk procedures. Intervention may include one or more actions including wellbeing support, increased monitoring, welfare advice, counselling, academic support or formal warnings.

5.3.3. The ECC Student Counsellor is responsible for the following duties as they relate to Underage students:

- Implement documented processes for verifying the suitability of the student's accommodation prior to the accommodation being approved and at least every six months thereafter
- Exercise duty of care with regards to student arrangements – liaise with, and notify students if their arrangements contravene details on CAAW.
- Maintain up-to-date records of the student's contact details including the student's parent(s), legal guardian or adult nominated as responsible for the student's welfare.
- Liaise with carers and relatives in regard to the care and wellbeing of Underage (Minor) students and immediately notify parents/legal guardians in the event that ECC is no longer able to approve the CAAW arrangements
- Ensure Underage students are given age-and-culturally appropriate information on who to contact in emergency situations (including contact numbers of nominated staff and/or service providers)

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- Ensure Underage students are given age-and-culturally appropriate information on seeking assistance and reporting any incident or allegation involving actual or alleged sexual, physical or other abuse
- In collaboration with the Student and Academic Services (SAS) Team, to monitor student attendance, academic progress and welfare arrangements
- Offer intervention strategies to students at risk to facilitate progress and improvements to a student's situation
- Alert Senior Management to any potential or actual critical incidents involving Underage students
- Alert senior management with respect to the need to report to DIBP students who are in breach of their visa conditions.
- Advise DIBP:
 - As soon as practicable of any student who will be cared for by a parent or nominated relative approved by DIBP and no longer requires a CAAW
 - Within 24 hours if ECC is no longer able to approve the CAAW

5.4. Changes to Living Arrangements

5.4.1. Underage students must keep the college informed with respect to changes to accommodation arrangements. Students should discuss any proposed changes with the Student Counsellor prior to moving residence. The Student and Academic Services staff will refer all students under 18 to the Student Counsellor when they are notified of changes.

5.4.2. ECC will advise DIBP as soon as possible in the event that the Minor has changed his or her living arrangements or no longer approves the arrangements for the student using the DIBP PRISMS database.

5.5. International Student Complaints RE: Unsuitable Accommodation/Welfare Arrangements

Underage students who are experiencing problems or have concerns about the suitability of their accommodation/welfare arrangements should inform the Student Counsellor of their concerns. The Student Counsellor will liaise with relevant parties as required and intervene as appropriate, as soon as practicable.

5.6. Approving arrangements for Study Period breaks

5.6.1. Underage international students who are residing in Australia in any of the above situations may be allowed to temporarily change their accommodation arrangements (other than returning home) during a Study Period or Study Period break, provided the following conditions are met:

- Students must notify the Student Counsellor in writing at least four weeks prior to the end of the Study Period;
- Parents or legal custodian of the student must approve the temporary arrangements.

5.6.2 ECC will consider each case individually however, ECC requires students to be accommodated by a suitable relative or local carer who has submitted a National Police Certificate and duty statement.

5.6.3 ECC reserves the right to refuse an application where it feels the student's welfare will be put at risk. International students who change their accommodation arrangements without the necessary approvals will be regarded as breaching their student visa conditions and may be reported to DIBP..

5.7. Period of ECC Responsibility for Accommodation and Welfare Arrangements

5.7.1. For international students with 'single course offers' (only studying at ECC), who will stay with a local carer either nominated or approved by parents, a *Confirmation of Appropriate Accommodation/Welfare Arrangements* letter will be issued to nominate the dates for which ECC accepts responsibility for approving CAAW.

- The nominated period of responsibility will be at least 7 days beyond the CoE date.
- For students with 'packaged offers' which involve other providers (eg Edith Cowan University), ECC's responsibilities under this policy commence one week prior to orientation and cease when the student turns 18, withdraws from the course, is reported for breach of visa conditions,

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transfers to another provider or enters ECU (whichever is sooner and provided the new provider has accepted responsibility for the student).

5.7.2. Where a student does not commence study with ECU, their parents need to inform ECC of their intentions. Under circumstances deemed appropriate by ECC, the college may continue taking on this responsibility by extending it for a set period of time.

5.7.3. Where ECC cancels or suspends the enrolment of an Underage student, ECC will continue to approve the CAAW arrangement until one of the following applies:

- the student has alternative welfare arrangements approved by another registered provider
- care of the student by a parent or nominated relative is approved by Immigration
- the student leaves Australia
- ECC has notified DIBP that it is no longer able to approve the student's welfare arrangements or that it has taken the required action after not being able to contact the student.

5.7.4. If ECC enrolls a student under 18 who has welfare arrangements approved by another provider, ECC will:

- negotiate the transfer date for welfare arrangements with the releasing provider to ensure there is no gap
- advise the student of their visa obligation to maintain their current welfare arrangements until the transfer date *or* have alternate welfare arrangements approved *or* require the student to return to their home country until the new approved welfare arrangements take effect

5.8. Reporting Students who fail to maintain approved accommodation arrangements

5.8.1. Where ECC can no longer approve the accommodation and welfare arrangements for an Underage student and all other attempts to assist the student to maintain appropriate arrangements have been exhausted, the student may be reported to DIBP using the 'Non-approval of Appropriate Accommodation/Welfare Arrangements' form on PRISMS. Prior to reporting, the student will be sent an *Intention to Report to DIBP* letter giving them 20 working days in which to appeal the decision.

5.8.2. If a student is regarded as missing from the approved accommodation and cannot be contacted, this will result in ECC implementing its documented *Critical Incident Policy*.

- Under such circumstances ECC reserves the right to disclose limited personal information about a student to the necessary authorities (including but not limited to the police, DIBP and any other relevant government agency) where it is considered to be in the best interests of the student.
- Actions may include contacting the student's parents and/or DIBP and filing a Missing Persons Report with the police and/or children's services agencies.
- If, after a reasonable period, the student has not been found or has been located as living in circumstances that have not been approved by the college, ECC will report the student's breach of visa condition in PRISMS.

5.9. Homestay Providers (Homestay Placement Agents) Responsibilities

Homestay providers will be informed of their responsibilities with regards to placement of Underage students. Homestay Providers will be requested to assure ECC that they understand their duties and responsibilities in this regard and can demonstrate that they meet all compliance conditions required by ECC. (Refer to individual provider contracts)

6. Administrative Procedures

6.1. Underage students will be informed about this policy at the point of offer. They will also be informed about this policy at the information session which takes place at the commencement of their course.

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- 6.2. Staff will be informed about this policy at induction where it is related to their duty statement. Any changes to this policy and related procedures will be communicated to staff via email.
- 6.3. This policy is accessible via the ECC website at: <http://www.edithcowancollege.edu.au/policies>