

YOUNGER STUDENTS POLICY

Approving authority	Academic Board
Purpose	This policy has been developed to meet the ESOS National Code Standard 5: Younger Overseas Students. In particular, this policy is designed to ensure that Ozford Institute of Higher Education (the Institute), when enrolling overseas students with a minimum age of 17, meet the relevant Commonwealth, state or territory legislation or other regulatory requirements relating to child welfare and protection appropriate to the jurisdiction in which the Institute operates.
Responsible Officer	Head of Student Services & Administration
Next scheduled review	December 2023
Document Location	http://www.ozford.edu.au/higher-education/policies-and-procedures/
Associated documents	<ul style="list-style-type: none"> • Younger Student Procedures • Child Safety Policy and Procedures • Admission Policy and Procedures • Human Resources Policy & Procedures • Student Support & Services Policy & Procedures • Critical Incident Policy and Procedures

1. PRINCIPLES

The National Code states that all registered providers who enrol overseas students with a minimum age of 17 (underage) must meet certain obligations. They must:

- meet Commonwealth, state or territory legal requirements relating to child welfare and protection; and,
- give younger overseas students important age and culturally appropriate safety information, including what to do and who to contact in an emergency, and how to report any incident or allegation of sexual, physical or other abuse,
- assess, assign and monitor accommodation and welfare arrangement for under 18 international students when accepting the responsibility by signing the Confirmation of Appropriate Accommodation and Welfare (CAAW) letters.

As a student visa condition, if an overseas student is under the age of 18, the student's welfare must be maintained for the duration of their stay in Australia. To maintain welfare, overseas students can either:

- stay in Australia with a '**nominated guardian**' approved by the Department of Home Affairs, who can be the overseas student's parent, person who has legal custody, or an eligible relative who is aged over 21 and is of good character; **or**
- stay in accommodation, support and general welfare arrangements that have been approved by the Institute. In this case, the Institute will issue a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter.

This policy and associated procedure outlines the Institute's commitment to ensuring that there is appropriate welfare, accommodation and support for underage students and the conditions under which the Institute will accept responsibility for approving the CAAW arrangements, and the succeeding monitoring and reporting processes associated with the arrangements.

2. SCOPE

This policy applies to all staff, accommodation and welfare providers and underage students who are currently enrolled at the Institute.

Students are advised of the policies and procedures of the Institute, by the following means:

- on the Institute website;
- within the Student Handbook;

- within the student acceptance agreement;
- at orientation or induction;
- by publication, from time to time, of bulletins and notices;
- within the information provided by student services staff;

3. DEFINITIONS

HES Framework

Higher Education Standards Framework (Threshold Standards) 2015.

ESOS National Code

The ESOS National Code refers to the National Code of Practice for Providers of Education and Training to Overseas Students 2018 established under the Education Services for Overseas Students Act 2000.

PRISMS

Provider Registration and International Students Management System (PRISMS). It provides Australian education providers with the Confirmation-of-Enrolment (CoE) facilities required for compliance with the Education Services for Overseas Students (ESOS) Legislation.

CAAW

Confirmation of Appropriate Accommodation and Welfare

Compassionate or Compelling circumstances

Compassionate or compelling circumstances are generally those beyond the control of the student and which have an impact upon the student's course progress or wellbeing. These could include, but are not limited to:

- serious illness or injury, where a medical certificate states that the student was unable to attend classes;
- bereavement of close family members such as parents or grandparents;
- major political upheaval or natural disaster in the home country requiring emergency travel and this has impacted on the student's studies;
- a traumatic experience that has impacted on the student which could include involvement in, or witnessing of a serious accident; and witnessing or being the victim of a serious crime, supported by police or psychologist's reports; or
- where the Institute was unable to offer a pre-requisite subject.

Off-Campus Students

Students who are studying online or externally.

Critical Incident

A critical incident is defined as '*a traumatic event, or the threat of such (within or outside Australia), which causes extreme stress, fear or injury*'. It includes, but is not limited to, incidents that may cause physical or psychological harm.

Critical incidents are not limited to, but could include:

- missing students;
- severe oral, written or psychological aggression;
- death, serious injury or any threat of these;
- natural disaster; and
- issues such as domestic violence, sexual assault, drug or alcohol abuse;
- signs of physical and/or sexual abuse, and neglect.

Non-life-threatening events can be classed as critical incidents.

4. POLICY

4.1 The Institute's Admission Procedure details the criteria for admission. In general, applicants must be a minimum of 18 years of age prior to commencing a course at the Institute. However, applicants who are aged 17 years or above may apply directly to the Academic Dean for admission which will be considered on a case by case basis. Such applicants must satisfy Younger Student welfare arrangement conditions as set out in the Younger Student Policy before admission can be considered.

4.2 As part of the enrolment process to meet Younger Student welfare arrangement conditions and to meet student visa welfare requirements, applicants and their parents/legal guardians must agree that during the enrolment period and before students turn 18 years of age, students:

- stay in Australia with a **'nominated guardian'** approved by the Department of Home Affairs, who can be the overseas student's parent, person who has legal custody, or an eligible relative who is aged over 21 and is of good character (Option 1); **or**
- stay in Australia in accommodation, support and general welfare arrangements that have been approved by the Institute. (Option 2).

4.3 For applicants who nominate Option 1 to stay in Australia with a **'nominated guardian'** approved by the Department of Home Affairs, the Department of Home Affairs is responsible to assess the nominated arrangements according to the *Migration Regulations 1994* and, if approved, the parent, legal custodian or eligible relative will be the overseas student's **'nominated guardian'**. The Institute is not involved and will not issue a CAAW letter under such arrangement.

4.4 For applicants who nominate Option 2 and require the Institute to accept the responsibility of welfare arrangement, the applicants and their parents/legal guardian must agree to the condition that the applicants, upon arrival in Australia, reside and remain in Institute's approved accommodation and not move out without approval until the age of 18. In this case, the Institute will issue a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter under the Migration Regulations 1994, Commonwealth, state/territory legislation and other regulatory requirements.

4.5 Upon taking the responsibility, the Institute will select, inspect, assess and only approve and assign to the student accommodation that is safe, appropriate and adequate to meet their needs. All adults involved in providing overseas student accommodation or welfare arrangements must meet child safe screening and induction process, including that all persons over the age of 18 residing in the household must provide the Institute with a current Working with Children Checks (WWCC).

4.6 The CAAW responsibility the Institute undertakes **cannot be delegated to any other party** such as a homestay service. The Institute retains the ultimate responsibility for approving and assuring welfare arrangements until:

- o the overseas student turns 18
- o the student has a nominated guardian approved by the Department of Home Affairs; or
- o the overseas student leaves Australia; or
- o the student has alternative welfare arrangements approved by another registered provider;

4.7 When creating CAAW letters, the Institute is not taking over legal responsibility for the student. **The parent or person who has custody of the overseas student is at all times legally responsible for the student.**

4.8 Upon admission, the Institute will provide underage international students with an age and culturally orientation and support including information on:

- o safety on campus and while living in Australia.
- o who to contact in emergency situations, including contact numbers of nominated staff members or service providers; and
- o how to seek assistance and report any incidents involving sexual, physical or other abuse

4.9 The Institute will ensure underage students welfare arrangement are maintained for the duration of their stay in Australia. The CAAW responsibility for an overseas student under the age of 18 will cease when the overseas student turns 18.

4.10 The Institute is committed to monitor and review the appropriateness and adequacy of the accommodation arrangement and welfare support provided to underage students for child safety at least every six months, regardless of their study circumstances.

- 4.11 No underage students will be involved in Work Integrated Learning before they turn 18 years of age.
- 4.12 The Institute's responsibility for welfare arrangements can only be terminated in the following circumstances:
- Alternative welfare arrangements have been put in place, OR
 - Students returning to home country, OR
 - The Institute can no longer take responsibility for the overseas student due to events such as:
 - the overseas student refusing their accommodation or leaving their accommodation without notice, even after the Institute has exhausted all possible avenues of assisting the overseas student to maintain appropriate arrangements;
 - the accommodation provider becoming unable to maintain arrangements
 - the overseas student's enrolment being suspended or cancelled;
 - the overseas student going missing from their accommodation and cannot be found or contacted, even after the Institute has implemented its critical incident policy
- 4.13 In the above situations, the Institute will report the overseas student within 24 hours using the "Non-approval of Appropriate Accommodation/Welfare Arrangements" letter through PRISMS and active its Critical Incident Policy and Procedures. These include measures in:
- Making contact with the Department of Home Affairs and other local agencies if it becomes aware the any overseas student is not being well looked after by his/her '**nominated guardian**'.
 - Informing Department of Home Affairs via PRISMS that the Institute is no longer able to confirm CAAW if any underage student moves out of assigned accommodation without approval from the Institute. The Institute will make all reasonable efforts to inform students' parents or legal guardian accordingly.
 - Notifying the police and any other relevant agencies as soon as practicable if the Institute staff is unable to contact an overseas student and there are concerns for the overseas student's welfare. The Institute will make all reasonable efforts to inform students' parents or legal guardian accordingly.
- 4.14 Where the Institute suspends or cancels the enrolment of an overseas student on a CAAW, the Institute must continue to check the suitability of care arrangements until one of the following occurs:
- the overseas student has alternative welfare arrangements approved by another registered provider; **or**
 - the overseas student has a nominated guardian approved by the Department of Home Affairs; **or**
 - the overseas student leaves Australia; **or**
 - the Institute has notified the Department of Home Affairs through PRISMS that it is no longer able to approve the overseas student's welfare arrangements; **or**
 - the Institute has taken the required action under Standard 5.5 after not being able to contact the overseas student; **or**
 - the overseas student turns 18.
- 4.15 To ensure the Institute complies with Commonwealth, State and any other regulatory requirements relating to child welfare and protection relevant to the Institute, all staff and adults in approved accommodation providers must be child safe screened including providing the Institute with a valid working with children check. The Institute will also ensure that they are appropriately trained in their National Code and child safe obligations on appointment and on an ongoing basis.
- 4.16 The provision of underage support is a joint responsibility of Student Services and the academic staff. All staff who interact directly with overseas students must be made aware of the Institute's obligations under the ESOS framework, regulation around reporting of child abuse by teachers,

counsellors or other support personnel; Victoria’s ‘Child Safe Standards’ and the potential implications for overseas students arising from these obligations.

5. QUALITY ASSURANCE

To ensure that this policy is fit for purpose and meets the requirements of the HES Threshold Standards the policy will be;

- 5.1 internally endorsed by the Executive Management Team on development or review, prior to approval by Governing Board, or the Academic Board or other delegated authority;
- 5.2 externally reviewed as part of any independent review of the HES Threshold Standards approved by the Governing Board;
- 5.3 internally reviewed by the Responsible Officer every three years from the date of approval (if not earlier).
- 5.4 referenced to the applicable HES threshold Standard and/or other legislation/regulations.

6. FEEDBACK

Feedback or comments on this policy is welcomed by the listed Responsible officers of the Institute.

7. ACKNOWLEDGEMENTS

This policy was initially developed with reference to the following institution’s policy:

Oxford College, Younger Student Policy and Procedures, March 2019

CQUniversity, Younger Overseas Students under 18 Policy and Procedures, January 2018

8. VERSION CONTROL

Version	Date approved	Description	Approved by
1.0	December 2020	Initial issue	AB
Related legislation/ regulation/standard	HES Threshold Standards 2015 ESOS National Code 2018 Standard 5 The Victorian Child Safe Standards Child Wellbeing and Safety Act 2005 Children, Youth and Families Act 2005		