

YOUNGER STUDENTS PROCEDURES

Approving authority	Executive Management Team (EMT)
Purpose	This procedure has been developed to meet the ESOS National Code Standard 5: Younger Overseas Students. In particular, this procedure is designed to ensure that Ozford Institute of Higher Education (the Institute), when enrolling overseas students under 18, 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 (HOSSA)
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 Policy • Admission Policy and Procedures • Human Resources Policy & Procedures • Student Support & Services Policy & Procedures • Critical Incident Policy and Procedures • Child safe policy and procedures

1. PRINCIPLES

The National Code states that all registered providers who enrol overseas students under the age of 18 (underage) must meet certain obligations. They must:

- meet Commonwealth, state or territory legal requirements relating to child welfare and protection which is Victorian Child Safe Standards; 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 overseas student's registered provider. In this case, the registered provider will issue a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter.

This policy and associated procedure outlines the Institute's commitment to supporting 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 procedure 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. PROCEDURES

4.1 Admission and Enrolment

- 4.1.1 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. Applicants at the age of 17 years or above upon commencement may apply directly to the Academic Dean for consideration on a case by case basis, and must satisfy Younger Student welfare arrangement conditions as set out in the Younger Student Policy before admission can be considered.

- 4.1.2 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 are to:
- 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 accommodation, support and general welfare arrangements that have been approved by the Institute (**Option 2**).
- 4.1.3 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 must not issue a CAAW letter under such arrangement.
- 4.1.4 If applicants 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.

4.2 Confirmation of Appropriate Accommodation and Welfare (CAAW)

- 4.2.1 If the Institute accepts responsibility for the welfare arrangements of an overseas student under the age of 18, a CAAW letter is created at the same time as a Confirmation of Enrolment (CoE). They must be created together as the details of the CoE appear in the CAAW and vice versa. The Institute will sign a CAAW to confirm they are placing an overseas student into, or are approving, arrangements they consider suitable. The Department of Home Affairs is not involved in this process.
- 4.2.2 In the CAAW, The Institute must nominate the beginning and end dates of the CAAW period. These nominated dates must cover the length of the CoE plus seven days at the end, at a minimum. By default, the nominated date for which the Institute accepts responsibility for approving the student's accommodation, support and general welfare arrangements is for the period of the CoE plus 7 days before and after the CoE date.
- 4.2.3 Visa condition 8532 requires overseas students under the age of 18 to maintain appropriate welfare arrangements for the duration of their stay in Australia. Therefore, this condition prevents overseas students under the age of 18 from entering Australia without appropriate welfare arrangements in place. If a student wishes to arrive in Australia earlier than their CAAW commencement date, he or she must be accompanied by a nominated guardian approved by the Department of Home Affairs. If the overseas student is unaccompanied, the student must seek agreement from the Institute to extend its approved care arrangements to cover the overseas student from the date of their arrival or the student must not travel to Australia until the CAAW commences.
- 4.2.4 The Institute will ensure the overseas student lives in approved accommodation and not move out without approval.

4.3 Approved Accommodation Selection Process

- 4.3.1 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 their needs. 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 the overseas student:

- is outside Australia; or
 - turns 18; or
 - transfers to another provider's CAAW; **or**
 - enters the care of a nominated guardian approved by the Department of Home Affairs
- 4.3.2 During the accommodation selection process, the Institute (or a registered homestay service provider) will:
- 4.3.2.1 conduct an initial physical site visit to confirm that the accommodation will include has suitable facilities including a bedroom for the student's sole use that is age appropriate.
- 4.3.2.2 confirm that all adults living in any approved accommodation (accommodation provider) are suitable for child connected work. through:
- 4.3.2.2.1 interviewing to confirm suitability as a homestay provider and for child connected work
- 4.3.2.2.2 referee checking to confirm suitability as a homestay provider and for child connected work
- 4.3.3 ensuring all persons over 18 years of age living in the household have valid WWCC. The WWCC will be verified using the Working for Children Victoria verification check to confirm its validity.
- 4.3.3.1.1 confirming through review of personal identification that the key homestay provider is over the age of 21 years and that the personal identification for all persons over the age of 18 is consistent with other documentation submitted
- 4.3.4 All adults in approved accommodation must provide the Institute with their contact details and appoint an adult as the Key Contact of the Household.
- 4.3.5 To ensure students are safe and suitable welfare is maintained at all times, the Key Contacts of approved accommodations must agree to inform the Institute as soon as they are made aware that:
- The student does not return home overnight without approval from the Institute
 - The student moves out without approval from the Institute
 - They are unable to provide accommodation for the student
 - There are changes in the accommodation arrangement and household composition; any additional adults moving into the accommodation must receive a briefing on their obligation and provide the Institute with valid WWCC.
- 4.3.6 The Institute will provide information about the Institute's younger student policy and procedures, the homestay provider's obligations under the ESOS framework and in respect to child safety on appointment and during each site visit.

4.4 Additional Induction and Orientation Support for Younger Students

- 4.4.1 Upon admission, the Institute will provide underage international students with an age and culturally orientation and support including information on:
- safety on campus and while living in Australia,
 - Child Safe awareness,
 - underage student visa requirements on appropriate welfare and accommodation arrangement,
 - who to contact in emergency situations, including contact numbers of nominated staff members or service providers; and
 - how to seek assistance and report any child safe incidents including any involving sexual, physical or other abuse
- 4.4.2 This underage student orientation is conducted in addition to the General Orientation as set out in the Student Support Policy and Procedures

4.5 Ongoing Monitoring and Review of Arrangement

- 4.5.1 The Institute is committed to regularly monitor, verify and review the appropriateness and adequacy of the accommodation arrangement and welfare support provided to underage students, at least every 6 months after the accommodation being approved. This will include verification of WWCC details for all persons over the age of 18 in the household.
- 4.5.2 The aim is to ensure they continue to be appropriate for students' age and meet students' needs.
- 4.5.3 The monitoring and verification process involves one or more of the following:
- a physical site visit;

- a student interview;
 - a student survey;
 - any other ways of confirming that the accommodation still meets the overseas student's needs.
- 4.5.4 Inspections to the accommodation will take place if there are concerns raised about the student welfare by the students, parents/legal guardian or staff members who have direct interaction with the students.

4.6 Change of Student Enrolment

- 4.6.1 The Institute will take all practical steps to ensure welfare is maintained at all times, regardless of the overseas student's study circumstances.
- 4.6.2 If an underage student on a CAAW is transferring to the Institute from another provider, the Institute must ensure there is no gap in welfare arrangements. In accepting the overseas student, the Institute will liaise with the student's current registered provider to ensure the student has appropriate welfare in place at all times and issue a CAAW letter covering the transition from one accommodation arrangement to another.
- 4.6.3 If an underage student on a CAAW is transferring to another provider from the Institute, the accepting registered provider is responsible to ensure there is no gap in welfare arrangements. The Institute will cancel the student's CAAW 7 days after enrolment end date.
- 4.6.4 If the student is undertaking a package of courses within the Institute, the Institute will maintain the CAAW during any gap period between courses.
- 4.6.5 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.

4.7 Disruption and Cancellation of Welfare Arrangement

- 4.7.1 The Institute will activate its critical incident policy and procedures in any emergency situations which disrupts welfare arrangements.
- 4.7.2 The Institute will notify the police and any other relevant agencies as soon as practicable if 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.
- 4.7.3 If any underage student moves out of assigned accommodation without approval from the Institute and refuses to move back into an approved accommodation, the Institute is obligated to inform Department of Home Affairs via PRISMS that the Institute is no longer able to take responsibility for the student's welfare. In this case, the CAAW letter will be cancelled. The Institute will make all reasonable efforts to inform students' parents or legal guardian accordingly.
- 4.7.4 The Institute will make 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'**.
- 4.7.5 The Institute's responsibility for welfare arrangements can only be terminated in the following two circumstances:
- Alternative welfare arrangements have been put in place, **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
- 4.7.6 Except in the circumstance set out above where the Institute can no longer approved the CAAW arrangement, the Institute must ensure be confirmed that there is no welfare gap with the new welfare arrangements are formally in place before terminating the CAAW.
- 4.7.7 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. This report should be used as a **last resort**, as it may lead to cancellation of the overseas student's visa by the Department of Home Affairs for breaching visa condition 8532.

4.8 Staff Obligations

- 4.8.1 The provision of underage support is a joint responsibility of Student Services and the academic staff.
- 4.8.2 During staff induction, 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.
- 4.8.3 During staff induction and at the commencement of each trimester, teaching staff will be provided with the details of the younger students enrolled in their units/classes. Staff will be required to inform the HOSSA on the same day if any underage student is missing from class.

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:

Ozford 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	EMT
Related legislation/ regulation/standard	HES Threshold Standards 2015 ESOS National Code 2018 Standard 5		