



# Standard 5

## Younger Overseas Student Policy

# 1 PURPOSE

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Award Academy Australia (EBC) is committed to providing a safe, enjoyable and rewarding place study experience to overseas students in Australia. In particular, we recognise the need to give special consideration for the protection and safety of younger students. This policy is dedicated to ensuring EBC promote secure, quality education with a focus on safety and welfare of overseas students under 18 years of age.

This policy has been developed to provide guidance to staff about appropriate actions if there is suspicion on reasonable grounds, that an underage student is at risk of being neglected or sexually, physically or emotionally abused. in accordance with the requirements of The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018' Standard 5

# 2 SCOPE

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All students under 18 years of age have a right to feel and be safe. This policy applies to any overseas student or prospective student under the age of 18 years; as well as all staff, contractors or sub-contractors of EBC. This policy incorporates the safety of younger students in their places of learning, including campuses, industry / work placements

This policy also assures the suitability of employees, contractors and sub-contractors for direct contact with under 18 students as part of their employment with us by preventing individuals with a criminal history, which affects their suitability to work with minors, from working with students under 18 years

# 3 POLICY STATEMENT

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All under 18 students applying for a student visa must have their proposed accommodation and welfare arrangements approved by the Australian Department of Home Affairs. There are two arrangements possible for younger students:

- A) An under 18 student can study in Australia if staying with a parent/legal guardian or a suitable nominated relative who is over 21 years of age and is deemed by Australian Department of Home Affairs to be of good character, (referred to from this point forward as arrangement A), or
- B) The under 18 student must have all accommodation and welfare arrangements approved by their provider RTO (referred to from this point forward as arrangement B)

For both arrangements A and B, the following applies:

The enrolment of any student under the age of 18 years must satisfy all legislative and regulatory requirements relating to child welfare and protection appropriate for our jurisdiction. (5.1)

EBC will ensure the dissemination of the following information in an age appropriate and culturally sensitive manner: (5.2)

- Who the student can contact in emergency situations, both links to external services and contact numbers of a nominated staff member and/or service provider <sup>(5.2.1)</sup>
- How to seek assistance and report harm to the student such as any incidents /allegations of actual or alleged sexual, physical or other abuse in Australia <sup>(5.2.2)</sup>

### 3.1 ACCOMMODATION, SUPPORT AND WELFARE ARRANGEMENTS

#### 3.1.1 Arrangement A

If the student will be cared for by a parent or nominated suitable relative approved by Immigration and a Confirmation of Appropriate Accommodation and Welfare (CAAW) is not required

Accommodation and Welfare Verification Procedure will be followed, with the living arrangements of the younger student being confirmed by the parent(s) or guardian by completing The Accommodation and Welfare Arrangement Form.

#### 3.1.2 Arrangement B

If neither a parent nor a nominated suitable relative are available in Australia to directly provide for the welfare of a student, EBC may opt to accept the student and as the education provider EBC must approve suitable accommodation and welfare arrangements.

Where EBC assumes responsibility under the Migration regulations for approving the accommodation, support and general welfare arrangements for a student who is under 18 years of age, the registered provider must: <sup>(5.3)</sup>

- Nominate the dates of the period for which EBC accepts the responsibility of approving the student's accommodation, support and general welfare arrangements, including the date that EBC begins taking on responsibility and the date of ceasing such responsibility.
- This period nominated must be at least the duration of the CoE with the addition of seven days, or until the student reaches 18 years of age. Immigration recommend that providers take responsibility for the welfare of a younger student at least one week before their course commences
- Advise Immigration, as the party responsible for administering the Migration Regulations, of these dates in the form required by that department. <sup>(5.3.1)</sup>
- EBC must have welfare arrangements in place until the student turns 18, even if this is before their course commences untenable
- Accurate and up-to-date records of the student's contact details will be maintained, as outlined in Standard 3.5, including contact details for the parent(s), legal guardian or any adult responsible for the student's welfare. Recorded changes are subject to the same obligation to advise Immigration in the form required by that department. <sup>(5.3.5-6)</sup>
- Younger students must seek prior approval from EBC before making changes to their accommodation and welfare arrangements.

#### 3.1.3 Approving living arrangements

For students studying under Arrangement B,

- EBC will acquire written confirmation from the management/coordinator if the student is staying at a homestay or similar. If unfamiliar with the homestay or similar accommodation arrangement, a staff member will visit the facility and seek confirmation before making a decision on approving it as a living arrangement.

- b) EBC will consider approving the accommodation and welfare provider who is not a relative of the student under the following conditions
- c) The parents nominate the individual(s) specifically to be the provider of accommodation for the student and welfare whilst in Australia. This must be confirmed by completion of the Accommodation and Welfare Arrangement Form
- d) Nominated individual(s) must supply the following
  - their full name, address and telephone details to EBC
  - supply a current and valid photo identification (passport or Driver's License)
  - a current Working With Children Check and/or Police Clearance
- e) Approval for either residing at a homestay (or similar) or with a nominated non relative can only be given when the following conditions are met:
  - receipt of all completed documentation
  - EBC are satisfied that the accommodation arrangements for the student are appropriate and secure
- a) Upon approval EBC will issue the student with a Confirmation of Accommodation Welfare Arrangements letter, for attachment to the Confirmation of Enrolment (CoE) for the student to apply for a Student Visa

### 3.1.4 If the student's guardian leaves Australia

For students studying under Arrangement B

If a student's guardian is required to leave Australia during their stay alternative welfare arrangements must be made prior to their departure. Should EBC become aware that this may occur, the student and their guardian will be advised of the following and referred to the Australian Department of Home Affairs webpage below for further information:

<https://www.homeaffairs.gov.au/Trav/Stud/More/welfare-arrangements-under18>

The student's guardian must provide evidence of:

- compelling and compassionate circumstances
- alternative accommodation and welfare arrangements have been made until the guardian returns
- dates of departure and return

The following alternative welfare arrangements are acceptable to immigration:

- Nomination of an alternative student guardian who must be, except in limited circumstances, a parent or relative aged 21 years or over. [Form157N Nomination of a student guardian \(178KB PDF\)](#) will outline documentation to provide when nominating a student guardian.
- This form must be submitted to EBC for approval
- The required documentation must be lodged with Australian Department of Home Affairs by the guardian prior to leaving Australia

Australian Department of Home Affairs will advise the student or the student's guardian, if they hold a Student Guardian visa, whether the alternative arrangements are approved. If the arrangements are not by Australian Department of Home Affairs, the student's guardian cannot leave Australia

without the student, and doing so could result in the student's visa being cancelled. If you do not maintain adequate welfare arrangements, your visa could be cancelled.

### 3.1.5 Responsibility for approval and ceasing responsibility

For students studying under Arrangement B

- a) EBC will follow the VET CRICOS procedure for verifying that the student's accommodation is appropriate to the student's age and needs both prior to accommodation approval and also at least every six months thereafter <sup>(5.3.3, 5.3.3.2)</sup>
- b) In verifying suitability of younger students' accommodation, refer to the Accommodation and Welfare Arrangement Form and Accommodation and Welfare Verification Procedure. If EBC enrolls an under 18 student who has welfare arrangements approved by another registered provider, EBC must negotiate transfer dates for existing welfare arrangements with the releasing provider to ensure there is no gap <sup>(5.7, 5.7.1)</sup>
- c) In the event of transfer to another provider, EBC will inform the student of their visa obligation to maintain their current welfare arrangements until such time as;
  - the transfer date, or
  - the student has alternate welfare arrangements approved, or
  - return to their home country until the new approved welfare arrangements take effect <sup>(5.7.2)</sup>
- d) Checking and monitoring the suitability of a student's accommodation, support and general welfare arrangements. EBC's responsibility in this regard extends to students whose enrolment has been terminated, suspended or cancelled until: <sup>(5.6)</sup>
  - The student leaves Australia, or <sup>(5.6.3)</sup>
  - Other suitable arrangements are made that satisfy Migration regulations, such as the care of the student by a parent or nominated relative being approved by Immigration, or <sup>(5.6.2)</sup>
  - The student is accepted by another registered provider willing to accept and take over the responsibility for approving the student's accommodation and welfare arrangements, or <sup>(5.6.1)</sup>
  - EBC has notified Immigration under Standard 5.3.6 that it is no longer able to approve the student's welfare arrangements, or, under Standard 5.5 that EBC has taken the required action after not being able to contact the student. <sup>(5.6.4)</sup>
  - In the event of a younger student refusing to maintain arrangements, EBC is prepared to approve, EBC only report that it can no longer approve the arrangements for the student after all other attempts to assist the student to maintain appropriate arrangements have been exhausted.
  - By notifying Australian Department of Home Affairs, EBC is reporting a breach of student visa condition 8532, it is highly probable that this action will result in cancellation of the student's visa
- e) Any refusal by the student to comply with reasonable direction from EBC regarding the student's accommodation, support and general welfare will be reported to Australian Department of Home Affairs
- f) Australian Department of Home Affairs must be advised immediately if:

- the student will be cared for by a parent or nominated relative approved by Immigration and a Confirmation of Appropriate Accommodation and Welfare (CAAW) is no longer required, or <sup>(5.3.6.1)</sup>
  - EBC is no longer able to approve the student's welfare arrangements <sup>(5.3.6.2)</sup>
- g) Should EBC no longer able to approve the welfare arrangements of a student, it must make all reasonable efforts to ensure that the student's parents or legal guardians are to be notified immediately. <sup>(5.4)</sup>

### 3.2 STUDENT CONTACT AND ENSURING WELLBEING

For both arrangements A and B the following applies:

- a) Students under 18 years of age will be required to meet with a student support staff member every month. These regular scheduled meetings may be brief and are intended to be a check-in, giving student support an opportunity to monitor and evaluate the younger student's wellbeing and enquire about any changes in status, circumstances, contact details or other variations. The student will have the opportunity during monthly check-ins to speak confidentially and air any concerns, issues or uncertainties, whether study related or more broadly regarding living in Australia.
- b) Student support staff will make every reasonable effort to make contact with a younger student who is absent without explanation or prior approval for more than two consecutive days. Such contact can be by phone, text message, email or any combination of these. <sup>(5.5)</sup>
- c) If unable to contact the younger student, and/or if there are concerns for the student's welfare, EBC will make all reasonable efforts to locate the student. <sup>(5.5)</sup>
- d) Inability to contact a student and verify their wellbeing and safety will be considered a critical incident, (refer to Critical Incident Policy and Procedure). Parents or guardians will be notified, regardless of whether they are in Australia or not. Police and any other relevant Commonwealth, state or territory agencies may be notified

### 3.3 REPORTING HARM

For both arrangements A and B, the following applies:

- a) All staff are to understand their obligation to notify relevant authorities should there be any reasonable suspicion (belief on reasonable grounds) that an under 18 person is being, harmed, neglected or abused by a member of their family or any other individual.
- b) Any instance of reporting known harm or reasonable suspicion of harm will be considered a critical incident, (refer to Critical Incident Policy and Procedure).
- c) For further information on reporting abuse or neglect of an under 18 person, in particular the mandatory reporting requirements of your state/territory jurisdiction refer to the Australian Government website; Australian Institute of Family Studies:  
<https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>
- d) Organisations to contact regarding abuse/neglect reporting:
  - Australian Capital Territory - Child Protection Line – 1300 556 728
  - New South Wales - Child Protection Line - 13 21 11
  - Northern Territory - Child Protection Line – 1800 700 250
  - Queensland - Child Safety Line - 1800 177 135
  - South Australia - Child Abuse Report Line - 13 14 78

- Tasmania - Child Protection Line – 1300 737 639
- Victoria - Child Protection Crisis Line – 13 12 78
- Western Australia - Child Protection Line – 13 14 44

Call the police on 000 if you have urgent concerns for a an underage student’s safety

### 3.4 SELECTING, SCREENING AND MONITORING OF THIRD PARTIES

Any third parties engaged by EBC to organise and assess welfare and accommodation arrangements will be selected, screened to ensure they have:

- supplied a current and valid photo identification (passport or Driver’s License)
- a current Working With Children Check and Police Clearance
- a minimum of two industry referees

For an overview of the types of Working with Children Checks and Police Checks that operate in Australia and state and territories requirements refer to: <https://aifs.gov.au/cfca/publications/pre-employment-screening-working-children-checks-and-police-checks>

Third parties engaged by EBC to organise and assess welfare and accommodation arrangements will be monitored by the CEO by quarterly review meetings and analysis of student feedback survey information 5.3.7

## 4 RESPONSIBILITIES

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Role within RTO	Area of responsibility
CEO	Approval Authority
CEO	Development/Review
CEO	Monitoring and Evaluation
CEO	Compliance
CEO	Implementation

The CEO shall ensure that the Accommodation and Welfare Verification Procedure is carried out.

The CEO will process and record all Accommodation and Welfare Arrangement Forms. Decisions about the suitability of accommodation and welfare arrangements that are made as a result of these forms and the verification process is the ultimate responsibility of the CEO.

Student support staff regularly review student wellbeing, progress and enquire about any changes. All changes are to be recorded and followed up by student support acting under the direction of the CEO.

Student support staff will make contact with any younger student who is absent without explanation or prior approval for more than two consecutive days. Such check-ins may be made by phone call, text message, email or any combination of these. Failure to make contact is to be reported by the student support staff member to the CEO for follow up without delay.

It is the responsibility of the CEO to ensure all staff members are aware of the Younger Student Policy in full. This policy is a vital component of the staff induction and orientation process and shall be included in staff handbooks

All staff are to understand their obligation to notify relevant authorities should there be any reasonable suspicion (belief on reasonable grounds) that an under 18 person is being, harmed, neglected or abused.

## 5 RELATED LEGISLATION AND REGULATIONS

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- \* The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018' Standard 5
- Standards for Registered Training Organisations (RTOs) 2015
- Education Services for Overseas Students Regulations 2001
- Education Services for Overseas Students Act 2000
- Australian Qualification Framework (AQF) and its Policies
- Children and Young People Act 2008 (ACT)
- Child Protection (Working with Children) Act 2012 (NSW)
- Care and Protection of Children Act 2014 (NT)
- Commission for Children and Young People and Child Guardian Act 2000 (QLD)
- Children's Protection Act 1993 (SA)
- Working with Children Act 2005 (VIC)
- Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (VIC)
- Registration to Work with Vulnerable People Act 2013 (TAS)
- Working with Children (Criminal Record Checking) Act 2004 (WA).

## 6 RELATED POLICIES, PROCEDURES AND DOCUMENTS

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- Accommodation and Welfare Verification Procedure
- Accommodation and Welfare Arrangement Form
- Critical Incident Policy and Procedure
- Engagement Prior to Enrolment Policy and Procedures
- Formalisation of Enrolment Policy and Procedures
- Non approval of Accommodation Welfare Arrangements letter (PRISMS)
- Confirmation of Accommodation Welfare Arrangements letter (PRISMS)



## STANDARD 5

### Younger overseas students

- 5.1 Where the registered provider enrolls a student who is under 18 years of age, it must meet the Commonwealth, state or territory legislation or other regulatory requirements relating to child welfare and protection appropriate to the jurisdiction(s) in which it operates.
- 5.2 Registered providers must ensure students under 18 years of age are given age-and culturally-appropriate information on:
  - 5.2.1 who to contact in emergency situations, including contact numbers of a nominated staff member and/or service provider to the registered provider
  - 5.2.2 seeking assistance and reporting any incident or allegation involving actual or alleged sexual, physical or other abuse.
- 5.3 Where the registered provider takes on responsibility under the Migration Regulations for approving the accommodation, support and general welfare arrangements (but not including guardianship, which is a legal relationship not able to be created or entered into by a registered provider) for a student who is under 18 years of age, the registered provider must:
  - 5.3.1 nominate the dates for which the registered provider accepts responsibility for approving the student's accommodation, support and general welfare arrangements and advise Immigration, which is responsible for administering the Migration Regulations, of the dates in the form required by that department
  - 5.3.2 ensure any adults involved in or providing accommodation and welfare arrangements to the student have all working with children clearances (or equivalent) appropriate to the jurisdiction(s) in which the registered provider operates
  - 5.3.3 have and implement documented processes for verifying that the student's accommodation is appropriate to the student's age and needs:
    - 5.3.3.1 prior to the accommodation being approved
    - 5.3.3.2 at least every six months thereafter.
  - 5.3.4 include as part of their policy and processes for critical incidents under Standard 6 (Overseas student support services), a process for managing emergency situations and when welfare arrangements are disrupted for students under 18 years of age
  - 5.3.5 maintain up-to-date records of the student's contact details as outlined in Standard 3.5, including the contact details of the student's parent(s), legal guardian or any adult responsible for the student's welfare
  - 5.3.6 advise Immigration in the form required by that department:
    - 5.3.6.1 as soon as practicable if the student will be cared for by a parent or nominated relative approved by Immigration and a Confirmation of Appropriate Accommodation and Welfare (CAAW) is no longer required

- 5.3.6.2 within 24 hours if the registered provider is no longer able to approve the student's welfare arrangements
  - 5.3.7 have documented policies and processes for selecting, screening and monitoring any third parties engaged by the registered provider to organise and assess welfare and accommodation arrangements.
- 5.4 If the registered provider is no longer able to approve the welfare arrangements of a student, the registered provider must make all reasonable efforts to ensure that the student's parents or legal guardians are notified immediately.
- 5.5 If the registered provider is unable to contact a student and has concerns for the student's welfare, the registered provider must make all reasonable efforts to locate the student, including notifying the police and any other relevant Commonwealth, state or territory agencies as soon as practicable.
- 5.6 Where Standard 5.3 applies and the registered provider suspends or cancels the enrolment of the overseas student, the registered provider must continue to approve the welfare arrangements for that student until any of the following applies:
  - 5.6.1 the student has alternative welfare arrangements approved by another registered provider
  - 5.6.2 care of the student by a parent or nominated relative is approved by Immigration
  - 5.6.3 the student leaves Australia
  - 5.6.4 the registered provider has notified Immigration under Standard 5.3.6 that it is no longer able to approve the student's welfare arrangements or under Standard 5.5 that it has taken the required action after not being able to contact the student.
- 5.7 If the registered provider enrolls a student under 18 years of age who has welfare arrangements approved by another registered provider, the receiving registered provider must:
  - 5.7.1 negotiate the transfer date for welfare arrangements with the releasing registered provider to ensure there is no gap
  - 5.7.2 inform the student of their visa obligation to maintain their current welfare arrangements until the transfer date, or have alternate welfare arrangements approved or return to their home country until the new approved welfare arrangements take effect.