

## SGA Students Under the Age of 18 – Overall Policy

### 1. Policy Statement and Purpose

Study Group Australia Pty Limited (SGA) educates students from every corner of the globe, enabling them to realize their potential through a transformational learning experience. SGA believes that student learning cannot be separated from student welfare and that the best learning environment is one where students feel safe and are happy. To support this, we are committed to providing safe and friendly learning environments that ensure our students' wellbeing and protection from harm.

While these aims are relevant to all students, SGA accepts a particular responsibility for students under the age of eighteen (U18 students). It is to these students, specifically, that this policy applies.

SGA protects the personal safety and social well-being of U18 students by providing care according to our staff screening policy, admissions policy, student welfare policy and accommodation and caregiver policies.

### 2. Scope

This policy applies to all students under the age of 18, enrolled or seeking to enrol in a course of study with SGA VET and University Partnership programs. The policy also applies to students enrolled in SGA courses delivered by SGA Licensed Partner Organisations. All of the above are, from here on referred, to as 'the College'.

### 3. Background and Need

Three categories of student are recognised in this policy:

- Domestic students who are U18;
- Overseas students on a student visa who are U18; and
- Overseas students on a non-student visa who are U18.

Specific sections of the policy are relevant to some of these groups.

#### Overseas Students entering Australia on a student visa

This policy supports Standard 5 of *The National Code 2007*, which requires that arrangements are made to protect the personal safety and social well-being of Overseas students in Australia under the age of 18. Should neither a parent nor a suitable relative be in Australia to directly provide for the welfare of an under-18 student, and SGA accepts the student's enrolment, it will ensure that appropriate accommodation, support and general welfare arrangements are provided until another provider accepts responsibility or the student leaves the country or turns 18.

Consistent with Standard 6 of *The National Code 2007* SGA Colleges will meet the following requirements:

- the provision of an age and culturally appropriate orientation program;
- access to services designed to assist students in meeting course requirements and maintaining their attendance;
- access to welfare-related support services;

- a designated member of staff or members of staff to be the official point of contact for students.

Australian legislation relevant to this policy includes, but is not limited to:

- Education Services for Overseas Students Act (2000)
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (2007) Standards 5 and 6;
- National Standards for ELICOS Providers and Courses
- Migration Regulations 1994
- Children Youth and Families Act 2015 (Victoria)
- Working with Children Act 2005 (Victoria)
- Child Protection (Offenders Registration) Act 2000 (NSW)
- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Commission for Children and Young People Act 1998 (NSW)
- Child Protection Act 1999 (Queensland)
- Child Protection Regulation 2000 (Queensland)
- Children and Community Services Act 2004 (WA)
- Working with Children (Criminal Record Checking) Act 2004 (WA)
- Working with Vulnerable People (WWVP) (ACT)
- Children's Protection Act 1993 (SA)

#### 4. Definitions and Abbreviations

Accommodation Providers Individual homestay providers, homestay companies and approved student hostels.

CAAW: Confirmation of Appropriate Accommodation Welfare arrangements.

Caregiver: A person engaged by the student's parent to provide certain support and welfare services to students in Australia on a student visa.

Caregiver company:- A company which provide Caregivers.

Department of Immigration and Border Protection (DIBP) The Australian government department responsible for immigration and visas.

ESOS Act This is the legislation which provides details of the obligations to overseas students of registered education providers.

Grievance A grievance is any type of problem, concern or complaint where a student or staff member believes that he/she has received unreasonable treatment from SGA, another staff member/s or student/s, and wishes to bring the grievance to SGA's attention for resolution.

Head of College – the most senior staff member for the College on the campus. May also be referred to as Centre Director, Principal, or Campus Director.

Mandatory Reporting The legislative requirement imposed on selected classes of people (including teachers) to report suspected cases of child abuse and neglect to government authorities. . In most

states, the requirement is to report if a person has a “belief on reasonable grounds” that abuse and/or neglect has occurred.

National Code 2007 The National Code was established under the ESOS Act to provide nationally consistent standards for the conduct of registered providers and the registration of their courses.

Parent(s) (or Legal Custodian) A student’s parent(s) or permanent legal custodian.

PRISMS: Provider Registration and International Student Management System

Suitable nominated relative

Under the Australian Migration Regulations 1994 a suitable nominated relative is someone who is approved by the Commonwealth and is:

- a grandparent, brother, sister, aunt, uncle, niece or nephew, or a step-grandparent, step-brother, step-sister, step-aunt, step-uncle, step-niece or step-nephew; AND
- nominated by a parent of the applicant or a person who has custody of the applicant; AND

A suitable nominated relative must:

- be aged at least 21; AND
- have the right to remain in Australia until the student’s visa expires or the student turns 18 years of age (whichever happens first); AND
- be able to show that they are of good character, by providing evidence of a police clearance in the country or countries in which they have lived for more than 5 years in the past 10 years after the age of 16.

Working with Children Check (WWCC) The Working with Children Check (WWCC) is a comprehensive criminal record check for people in child-related work in Australia. The WWCC aims to increase the safety of children in our community by helping to prevent people who have a criminal history that indicates they may harm children from working with children. In Queensland, the Working with Children Check is also referred to as the Blue Card check.

## **5. Policy Provisions**

### **5.1 Screening Employees**

As part of its set of Human Resources Policies and Procedures, SGA requires all employees to have a current and valid Working with Children Check or the state equivalent, irrespective if they have access to under age students or not.

All approved and contracted homestay service providers will be subject to ongoing review.

Each Head of College or delegate is responsible for ensuring that the appropriate documentation is provided and for maintaining a register of the status of employees, contractors and volunteers. Visitors and volunteers working in the College and in contact with the student body would either hold wwcc or be supervised by a SGA staff member with a wwcc.

Copies of these checks are also stored on employee files located within the Human Resources Department. Teachers, as part of the teacher registration process, undergo an equivalent check.

### **5.2 Admission of U18 students**

Overseas Students entering Australia on a student visa

The Australian Department of Immigration and Border Protection (DIBP) must be satisfied that appropriate accommodation, support and general welfare arrangements are in place for any U18 student before a visa will be granted.

A parent or a nominated suitable relative, or an education provider, must be responsible for the welfare of younger overseas students whilst in Australia. If a parent or suitable relative is taking responsibility for the welfare of the student, that person must complete Form 157N and provide with the visa application. (<http://www.border.gov.au/forms/Documents/157n.pdf>),

If SGA is to be responsible for the welfare of the student, the relevant SGA officer must nominate start and end dates for which SGA accepts responsibility by completing the Confirmation of Appropriate Accommodation and Welfare (CAAW) letter generated by PRISMS. Under Migration Regulations, SGA must nominate a period of at least the Confirmation of Enrolment (CoE) plus seven days prior to commencement in order to satisfy DIBP provisions for appropriate welfare arrangements.

Each Centre/College has appropriate accommodation services in place.

During the nominated time period, the U18 student will be required to gain the College's approval prior to any change to accommodation. SGA will notify DIBP via PRISMS of any changes to the accommodation arrangements, or if a student refuses to maintain SGA approved accommodation.

The DIBP pro-forma letters in PRISMS include:

- the 'Confirmation of Appropriate Accommodation/Welfare Arrangements' (CAAW) letter to nominate dates and indicate initial approval;
- the 'Approval to Change Accommodation/Welfare Arrangements' letter to advise DIBP of a change in arrangements which the provider supports/approves, use;
- the 'Non-Approval of Appropriate Accommodation/Welfare Arrangements' letter to advise DIBP of non-approval of arrangements, use. (This report is likely to result in cancellation of the student's visa. This reporting mechanism should only be used when a student is refusing to maintain care arrangements which SGA is able to approve. The decision to report is made by the Head of College in consultation with the relevant Executive Director)

### **5.3 Accommodation – Overseas Students**

All persons U18 travelling to Australia on any type of visa without being in the care of a parent, legal custodian or, in the case of a student on a student visa, a nominated suitable relative, must agree to live in SGA recommended accommodation, and be monitored by SGA for either the duration of their stay in Australia or until the student turns 18, whichever happens first.

The U18 student will be placed within one of SGA's managed accommodation venues or the student will be placed within an approved Homestay Provider, with due consideration to the student's preferences in relation to pets, dietary considerations, facilities, etc.

During non-compulsory study periods, students will remain in their existing accommodation or in the care of their parents/legal custodian.

All student accommodation will be assessed by SGA or delegate service provider for suitability.

Accommodation will be approved only if it meets SGA's requirements in relation to the standard of the accommodation offered, support services available and location.

If an U18 student is undertaking a package of courses with different providers, SGA will ensure that appropriate accommodation, support and general welfare arrangements are provided until the nominated date on the CAAW form or until the student leaves the country or turns 18. . Where a student under 18 years transfers from another provider to SGA or from SGA to another provider, SGA will take responsibility from the nominated date on the CAAW form.

Once SGA has nominated dates for which it will approve accommodation arrangements for an U18 student, the responsibility to approve arrangements continues throughout that period. SGA's arrangements with the accommodation provider must include a requirement that the provider notify SGA in the case of unapproved absence.

If SGA cancels the enrolment of the student, SGA will notify the parent or legal custodian and provide support to the family to return the student home or into the care of another registered provider.

#### **5.4 Caregiver services- Overseas Students**

SGA maintains a register of approved Caregiver services, which is made available to parents of intending U18 students. Parents who wish to engage a Caregiver service are required to contact the Caregiver service directly to arrange the appropriate service. The Caregiver service is required to confirm with Study Group that appropriate arrangements are in place.

#### **5.5 Arrival and Orientation**

Travel arrangements between home country and the authorised accommodation in Australia are the responsibility of the parent/ legal custodian and should include service provider homestay/airport reception.

All persons U 18 will have received information from the SGA Admissions Centre regarding emergency numbers to contact if they have any concerns about their accommodation or any other matters prior to the day they start studying.

Persons under 18 will be identified at orientation and introduced to the Under 18 welfare contact where monitoring procedures and homestay rules will be explained.

A student's details form is distributed to each student to be filled in and collected at each Orientation session or the beginning of each term, so that records of students' details are confirmed by all students in writing. Students' details include:

- the student's current residential address;
- the student's mobile phone number (if any);
- the student's email address (if any);
- any other details

At least every 6 months, while the student remains an accepted student, the student's details are confirmed in writing and the records of students' details are updated accordingly.

New information will be added to Study Global and flagged as current.

## 5.6 General Management U 18 Students

### 5.6.1 Attendance and Well Being reporting

#### Teachers

Teachers must be informed by the relevant Program Managers, or equivalent, that an U18 student is attending their class. Teachers will monitor the student's attendance according to SGA's Attendance policy. If the U18 student is absent from class the teacher is to report the absence by email to the U18 Welfare Contact who will contact the student to obtain an explanation. Notes will be recorded on StudyGlobal.

#### Homestay Providers

Individual Homestay Providers are encouraged to email the campus Student Services Manager weekly reporting on the wellbeing of the U18 students living in their home. If there are any issues of concern the Student Services Manager will inform the U18 Welfare Officer and/or the Head of College or delegate depending on the nature of the concern and the urgency of the action required. If the incident is classified as a Critical Incident then the Critical Incident policy and procedure will be followed

### 5.6.2 Conduct

Students who break the campus Code of Conduct rules, and/or Homestay rules and who after counselling continue the same misconduct will be required to return home. The Head of College or delegate will contact the student's parent, Caregiver and agent and organise for the student to return home.

SGA reserves the right to expel or evict from accommodation and courses arranged by SGA any student whose conduct is unsatisfactory at the discretion of the Head of College or delegate. A student has the right to appeal against such a decision through the SGA Student Complaints and Appeals Policy and Procedures.

Where SGA suspends or cancels the enrolment of an U18 student, it must continue to check suitability of care arrangements until:

- the student is accepted by another registered provider and that registered provider takes over responsibility for approving the student's accommodation, support and general welfare arrangements; or
- the student leaves Australia; or
- other suitable arrangements are made that satisfy migration regulations (for example, parent or other suitable relative takes ongoing responsibility for the student's accommodation and welfare); or
- it has advised DIBP that it can no longer approve of the accommodation and welfare arrangements for the student.

If the student will not maintain arrangements that SGA is prepared to approve, SGA will report that it can no longer approve the arrangements for the student once all other attempts to assist the student to maintain appropriate arrangements have been exhausted. By notifying DIBP using the 'Non-Approval of Appropriate Accommodation/Welfare Arrangements' letter, SGA is reporting a breach of student visa

condition 8532. This report is likely to result in cancellation of the student’s visa. This reporting mechanism will only be used when a student is refusing to maintain care arrangements which SGA is able to approve. The decision to cancel a student’s enrolment is made by the Head of College in consultation with the relevant Executive Director.

### 5.7 Critical Incidents and Mandatory Reporting with U18 students

If a student has gone missing from the approved accommodation and cannot be contacted, this will result in SGA implementing its documented Critical Incident Policy. The Critical Incident Policy ensures that the interests of students and their families are managed appropriately. Such policies also ensure registered providers are prepared for such incidents and have a clear protocol to follow in what can be distressing and upsetting circumstances.

This policy includes contacting the student’s parents, 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, SGA will report the student’s breach of visa condition 8532 to DIBP by submitting the ‘Non-Approval of Appropriate Accommodation/Welfare Arrangements’ letter.

Each person working at the College has a responsibility to report harm if they know or reasonably suspect that harm is occurring, has occurred or is likely to occur to an underage student. That includes risk of an U18 student being neglected or physically, sexually or emotionally abused. This process is called mandatory reporting. In all jurisdictions, legislation protects the reporter's identity from disclosure. In addition, the legislation provides that as long as the report is made in good faith, the reporter cannot be liable in any civil, criminal or administrative proceeding.

## 6. Roles and Responsibilities

The responsibilities undertaken by Head of College or delegated staff for the management of students U18 include:

- approving the appropriateness of living arrangements and/or homestay services ensuring that homestay arrangements/services engaged by SGA take responsibility for the care, personal safety and welfare of these students
- providing assistance, guidance, information, and warnings to students as appropriate
- actively helping students with their study by mentoring, encouragement, the provision of additional assistance, career guidance as appropriate
- prioritising the personal safety and welfare of students whilst attending classes or studying at SGA
- implementing the SGA Critical Incident Policy and/or Mandatory reporting if required

## 7. Approval and Review

<b>SGA Students Under the Age of 18 – Overall Policy</b>	
<b>ELT Guardian</b>	Executive Directors, VET and UP

<b>Policy owner</b>	Executive Directors, Vet and UP
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