



UNDERAGE STUDENT MANAGEMENT POLICY

POLICY TITLE: UNDERAGE STUDENT MANAGEMENT POLICY

POLICY NUMBER: **WIP0910 - 040**

RESPONSIBILITY: MANAGER STUDENT ADMINISTRATION

SCOPE

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

BACKGROUND

- The Department of Immigration and Border Protection (DIBP) must be satisfied that appropriate welfare arrangements are in place for under- 18 students before a visa is granted.
- A parent, a nominated suitable relative or an education provider must be responsible for the welfare of younger international students while in Australia.
- If a parent or suitable nominated relative takes responsibility for the welfare arrangements of the student, Standard 5 does not apply and providers do not need to complete a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter.
- Should neither a parent nor a suitable relative be in Australia to directly provide for the welfare of a student, and the education provider accepts the student, the provider must approve suitable accommodation and welfare arrangements.
- Where the provider approves the arrangement for under-18 students, it must nominate two dates: (1) when the provider has elected to begin taking responsibility; and (2) when the provider will cease to take responsibility for approving the welfare arrangements for that student.
- Under Migration Regulations the provider must nominate a period of at least the Confirmation of Enrolment (CoE) plus seven days in order to satisfy DIBP provisions for appropriate welfare arrangements.

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Policy and Procedure

In order to comply with the requirements of the National Code Standard 5, when a student applies to WAIFS and the student is under 18 years of age, WAIFS must:

- a. Nominate the dates for which the registered provider accepts responsibility for approving the student's accommodation, support and general welfare arrangements using the specified PRISMS pro forma letter;
- b. Advise DIBP in writing of the approval using the specified PRISMS pro forma letter;
- c. Have documented procedures for checking the suitability of the student's accommodation, support and general welfare arrangements; and
- d. Advise DIBP as soon as possible in the event that the under-18 year old student has changed his or her living arrangements or the registered provider no longer approves of the arrangements for the student using the specified PRISMS pro forma letter.

Visa condition 8532 requires that under-18 year old students maintain suitable accommodation, support and general welfare arrangements. Under-18 year old students may stay with a parent or suitable relative or, if this is not possible, they may stay in accommodation approved by their education provider.

If the student is not residing with a parent or legal custodian, or in accommodation approved by WAIFS, the student can reside with a relative who 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;
- Nominated by a parent of the applicant or a person who has custody of the applicant;
- Aged at least 21; and
- Of good character.

Note: If a parent/legal guardian arranges for a younger student to stay with a family friend who is not a permanent resident, can the provider approve those arrangements?

If the person providing that care is not a permanent resident, the provider must have evidence the carer was allowed to stay in the country at least until the end of the care arrangements. DIBP strongly recommends that providers ensure that providers approve of carers that are:

- At least 21 years old
- Are of good character
- Have permission to reside in Australia until the student turns 18 or their visa expires.

Older siblings younger than 21 are generally not considered to be appropriate carers.

If the student will not be staying with a parent or suitable relative, the student must stay in accommodation approved by WAIFS.

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WAIFS uses the DIBP proforma letter in PRISMS to inform DIBP of welfare arrangements and any changes to them:

- To nominate dates and indicate initial approval, use the 'Confirmation of Appropriate Accommodation/Welfare Arrangements' (CAAW) letter;
- To advise DIBP of a change in arrangements which the provider supports/approves, use the 'Approval to Change Accommodation/Welfare Arrangements' letter; and
- To advise DIBP of non-approval of arrangements, use the 'Non-Approval of Appropriate Accommodation/Welfare Arrangements' letter.

5.2 Where Standard 5.1 applies and the student is under 18 with a student visa that covers multiple courses, the registered provider with whom the student is currently enrolled is responsible for approving arrangements for the student's accommodation, support and general welfare during that nominated period.

WAIFS must approve the accommodation and welfare arrangements of each under-18 student enrolled with it where 5.1 applies. If a student is undertaking a package of courses, the student must ensure that he or she has adequate welfare arrangements in place during any gap period between courses. Each of the providers can nominate the period for which it will undertake to approve welfare arrangements.

Ideally the student should be able to negotiate with the providers a common date when the first provider's approval will cease and the new provider will take responsibility for approving welfare arrangements. It is preferable that these arrangements be made and confirmed (through the provision of CAAWs) prior to the student applying for a visa, as where there is a gap between the periods nominated by the education providers DIBP will only issue a visa for the length of study where continuous welfare arrangements are in place. For example, if there are continuous welfare arrangements in place which cover the first and second courses and the period between them, but there is a gap in welfare arrangements between the second and third courses, the visa will only be issued to cover the first and second courses.

In order to comply with good practice, where WAIFS delivers courses as part of a package of courses with another provider, e.g. Edith Cowan University, the Manager, Student Administration Services should communicate with the other provider about sharing responsibility for approving accommodation, support and general welfare arrangements for under-18 year old overseas students. As students who find themselves with a gap in care arrangements may decide to go home and not return to Australia to complete their studies, commercial decisions need to be made to ensure that any likely gap period is covered by the providers involved in delivering a package of courses.

The Manager, Student Administration Services should confirm by email all arrangements which have been agreed with another provider to cover welfare arrangements for a student undertaking a package of courses. A copy of the email confirmation should be kept on the student's file.

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- 5.3 Where Standard 5.1 applies and WAIFS suspends or cancels the enrolment of the student, the registered provider must continue to check the suitability of arrangements for that student until:
- a. 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;
 - b. The student leaves Australia;
 - c. Other suitable arrangements are made that satisfy the [Migration Regulations](#); or
 - d. WAIFS reports under Standard 5.1.d that it can no longer approve of the arrangements for the student.

The degree of monitoring required by WAIFS will vary according to the student’s age and/or maturity.

If a student is under 18 and not living with a parent or suitable relative the student is only able to obtain a student visa to study in Australia because WAIFS has taken responsibility for approving the student’s accommodation and welfare arrangements.

Where WAIFS terminates, suspends or cancels the enrolment of the student, WAIFS must continue to check suitability of care arrangements until:

- The student is accepted by another registered provider who is willing to take on responsibility for approving the care arrangements;
- The student leaves Australia or other suitable arrangements are made (for example, parent or other suitable relative takes ongoing responsibility for the student’s accommodation and welfare); or
- Events have occurred that make it impossible for the provider to continue to approve the arrangements for the student.

Usually a provider’s responsibility will end when one of the three events in 5.3 a. to c. occur.

However, there are rare occasions where the student will not maintain arrangements that the provider is prepared to approve. A provider should only 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, a provider 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 should only be used when a student is **refusing to** maintain care arrangements which the provider is able to approve.

If a student has gone missing from the approved accommodation and cannot be contacted, this will result in the provider implementing its documented critical incident policy (see [Standard 6](#)). This policy may include 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, the provider should report the student’s breach of visa condition 8532 to DIBP by submitting the ‘Non-Approval of Appropriate Accommodation/Welfare Arrangements’ letter.

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Policy Principles

- All underage students must satisfy WAIFS that they have appropriate welfare and living arrangements in place for the duration of their studies or until they turn 18 years of age.
- International underage students must also demonstrate that they have appropriate welfare and living arrangements in place which satisfy the DIBP visa requirements for international students. Private rental accommodation without care arrangements in place is not permitted.
- Non-related accommodation providers and staff who work with students in the course of their duties will be required to obtain a WWC or Police Clearance (PC).

Policy Content

WAIFS has in place procedures to:

- Ensure WAIFS is compliant with ESOS legislation and the National Code;
- Monitor and report underage international students where they are deemed to be in breach of their visa conditions;
- Place students in appropriate accommodation and care arrangements;
- Provide welfare support for underage students;
- Ensure employees working with underage students have submitted a 'Working with Children' or Police clearance, as required.

Approval of living arrangements for underage students studying at WAIFS

WAIFS will only issue a Confirmation of Enrolment (CoE) to a student under the age of 18 when appropriate living arrangements have been made and confirmed by the parent or Legal Guardian (Relevant document: "Under 18 Student Welfare and Accommodation Approval Form") WAIFS will only approve the living arrangements if the student is living in one of the following arrangements:

- **Living with a parent**
- **Living in a WAIFS' approved home-stay** – WAIFS staff will obtain written confirmation from the Home-stay Placement Coordinator that appropriate accommodation arrangements have been made for the student.

The Home-stay Placement Coordinator will provide WAIFS with updated details when the student has been allocated to a homestay accommodation. Should the accommodation arrangements change at any time it is the responsibility of the Home-stay Placement Coordinator to notify WAIFS about these changes immediately.

- **Living with a suitable relative** - A 'suitable relative' means a brother, sister, step-parent, step-brother, step-sister, grandparent, aunt, uncle, niece or nephew, step-grandparent, step-aunt, step-uncle, step-niece or step-nephew who is at least 21 years of age and is of good character. A suitable relative is required to complete the following:

- A WAIFS' Local Care Duty Statement (LCDS) confirming that they agree to the responsibilities associated with being a Local Carer

- **Living with a Local Carer who is not a relative** - Parents may nominate a non-relative to be the Local Carer provided that they are at least 21 years of age and of good character. The Local Carer must be approved by WAIFS and is required to provide the following:

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- Photo ID (current passport or Driver's License)
- A current Police Clearance or current Working with Children Check

WAIFS will approve the living arrangements for an underage student when they have received completed documentation and are satisfied that the accommodation arrangements for the student are appropriate. WAIFS will then issue a "Confirmation of Appropriate Accommodation/Welfare Arrangements" letter which must be attached to the Confirmation of Enrolment (CoE) for the student to apply for an international student to apply for a Student Visa.

Obligations of the Local Carer / Relative / Home-stay Placement Coordinator

WAIFS will contact the registered Local Carer / Relative / Home-stay Placement Coordinator to confirm that living arrangements for the student are appropriate. One of WAIFS' staff will visit the premises to ensure that the accommodation is considered appropriate.

A record of the visit will be maintained by the staff member in the appropriate WAIFS' register.

Should any of the living arrangements for the underage student change (eg. Change of Address, circumstances change, minor moves out unexpectedly) it is the responsibility of the Local Carer / Relative / Home-stay Placement Coordinator to advise WAIFS' staff within five days of the change.

Non-approved or Inappropriate Accommodation Arrangements

In cases where WAIFS' staff are unable to confirm acceptable Local Carer / Relative / Home-stay arrangements for a minor within a 10 day period the manager, Student Administration will undertake to contact the parents to make alternative Local Carer / Relative / Home-stay arrangement.

Where WAIFS 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 'Nonapproval of Appropriate Accommodation/Welfare Arrangements' form on PRISMS.

Prior to reporting, the student and parent / legal guardian will be sent an Intention to Report to DIBP letter giving them 20 working days in which to appeal the decision.

Obligations of the Student

Where a student wishes to change living arrangements (eg change local carer or address) they must first contact WAIFS to obtain approval. WAIFS will assist the student in making appropriate alternative arrangements and confirming these arrangements with the parents/legal guardians.

Students should discuss any proposed changes with the Manager, Student Administration or Student Support Officer wherever possible.

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Approving arrangement for semester breaks

Underage international students who are residing in Australia in an approved living arrangement may be allowed to temporarily change their accommodation arrangements (other than returning home) during a semester break or during semester, provided the following conditions are met:

- Student to meet with Manager, Student Administration/ Student Support Officer at least four weeks prior to end of semester of a change being made.
- Parents or legal custodian of the student must provide written approval of the temporary arrangements.
- WAIFS reserves the right to refuse an application where it feels the student's welfare will be put at risk by the change.
- Students who change their accommodation arrangements without approval from WAIFS will be regarded as breaching their student visa conditions and may be reported to DIBP as a result.

Complaints regarding unsuitability of accommodation/welfare arrangements

Underage students who are experiencing problems or have concerns about the suitability of their accommodation/welfare arrangements should inform the following:

- Home-stay Placement Coordinator – in the first instance, students who are not happy in their home-stay environment should contact the Home-stay Placement Coordinator.
- Manager, Student Administration or Student Support Officer.
- All matters referred to the manager Student Administration/Student Support Officer will be acknowledged and investigated within 5 working days.

Obligations of WAIFS

WAIFS will undertake the following steps to ensure the welfare of underage students studying at WAIFS:

- Confirmation of appropriate living arrangements– WAIFS will confirm living arrangements for students under the age of 18 are appropriate by visiting the premises and recording the outcome of the visit. If there are any issues with the living arrangements, WAIFS will contact the guardian of the student in writing outlining any concerns which need to be addressed within 5 working days of the initial visit. The communication from WAIFS will outline the issues to be addressed and give a reasonable timeframe for this to be achieved.
Note: "Reasonable" should be considered in light of the fact that the student is under 18 years of age.
- Where any issues cannot be resolved, WAIFS will consider whether alternative appropriate living arrangements can be found or whether the living arrangements are therefore non-approved/inappropriate.
- Where living arrangements cannot be confirmed within a 10 day period or the living arrangements are deemed to be unsatisfactory WAIFS will take appropriate steps to ensure the welfare and safety of the student (see "Non-approved or Inappropriate Accommodation Arrangements")
- WAIFS' trainers are requested to notify the manager, Student Administration Services of any students considered to be at risk to ensure that appropriate intervention is undertaken. Intervention may include one or more actions including increased monitoring, welfare advice, counselling, academic support or formal warnings.

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WAIFS' Manager, Student Administration Services is responsible for the following duties as they relate to underage students:

- Exercise duty of care with regards to student arrangements,
- Monitor student attendance, progress, and welfare arrangements
- Offer intervention strategies to students at risk to facilitate corrective action
- Alert Senior Management to any potential or actual critical incidents involving underage students
- Report to DIBP students who are in breach of their visa conditions.
- Liaise with Local Carer / Relative / Home-stay Placement Provider and relatives in regard to underage (minors) student care.
- WAIFS' 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 Police Clearance as required.
- All matters relating to the management of underage students will be directed to the Manager, Student Administration Services or Student Support Officer.

Class Attendance Monitoring

In cases where an underage student is missing classes at WAIFS, the Local Carer/Relative/ Home-stay Placement Provider will be notified (see Progress & Attendance Policy)

If a student has gone missing from the approved accommodation and cannot be contacted, WAIFS will implement its documented critical incident policy. Actions may include contacting the student's parents and 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, WAIFS will report the student's breach of visa condition 8532 by submitting the 'Non-Approval of Appropriate Accommodation/Welfare Arrangements' letter.

Period of WAIFS' Responsibility for Accommodation and Welfare Arrangements

For international students with 'single course offers' (only studying at WAIFS) ,who will stay with a local carer either nominated or approved by parents, a Confirmation of Appropriate Accommodation/Welfare Arrangements letter will be issued for which the nominated period of responsibility will be at least 7 days beyond the CoE date.

For students with 'packaged offers' which involve other providers WAIFS' responsibility for underage students will generally commence one week prior to orientation and ceases when the student withdraws from the course or transfers to another provider.

Where a student doesn't commence study with WAIFS their parents/legal guardians need to inform WAIFS of their intentions. Under circumstances deemed appropriate by WAIFS, this responsibility may be extended as required.

Administrative procedures

Underage students (Minors) will be informed about this policy upon arrival at WAIFS for orientation. They will also be informed about this policy in the 'Letter of Offer'.

Staff will be informed about this policy at induction where it is related to their duty statement. WAIFS' Underage Student Management Policy will be accessible via WAIFS' website.

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