



UNDER 18 STUDENT MANAGEMENT POLICY

POLICY NUMBER: NC18-PP025
RESPONSIBILITY: MANAGING DIRECTOR

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1. Scope

This policy applies to all current and future students of WAIFS if under the age of 18 whilst studying at WAIFS, except where otherwise stated. This policy (and associated procedures) meets the Commonwealth State legislation and other regulatory requirements relating to child welfare and protection as well as the requirements of the National Code 2018 and the ESOS Act 2000.

2. Policy Principles

- All underage students must satisfy WAIFS procedures regarding 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 Department of Home Affairs (DoHA) visa requirements. Private rental accommodation without care arrangements in place is not permitted.
- Non-related accommodation providers and staff who work with students during their duties will be required to obtain a WWC or Police Clearance (PC).

3. Policy Content

WAIFS has procedures in place 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.

4. Legislative Requirements

If a student is intending to come to Australia to study and they are under 18 years old, adequate welfare arrangements must be in place in Australia up until they turn 18.

If a student will be under 18 when they arrive in Australia, they must do one of the following:

- Nominate a parent/legal custodian or a relative over 21 years as a student guardian. This person must have a visa to remain in Australia for the duration of the student's visa or until the student turns 18 (*see definition of relative following*).
- Provide evidence that a parent/legal custodian or relative over 21 years will accompany them as a student guardian visa holder.
- Organise for their education provider (in this case WAIFS) to approve their welfare arrangements. Under this option, WAIFS will issue a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter to DoHA which informs DoHA when the welfare arrangements start and end.



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Note: If a student's welfare arrangements are approved by WAIFS, the minimum period stated on the Confirmation of Appropriate Accommodation and Welfare letter must be the period of the CoE plus seven days at the end of the CoE or the date the student turns 18.

It is recommended WAIFS takes responsibility for a student's welfare at least a week before the student's course commences.

Note: This is not a compulsory fixed time period. The student cannot enter the country without approved arrangements in place, as such the time period should be agreed upon with the student's parent/legal custodian and WAIFS.

If granted, the student visa will be granted according to the dates of the welfare arrangements. If the student has turned 18 during studies the standard visa end date will be applied.

Welfare arrangements must be in place continuously until the student turns 18, (this is still required even if the student turns 18 before their course commences at WAIFS i.e. from when they arrive in Australia to when they turn 18).

If the student is enrolled in two or more courses with more than one provider, continuous welfare arrangements must be in place. If more than one education provider is approving welfare arrangements for a student, there must not be a gap in between the dates nominated by both providers and the onus is on the subsequent provider to ensure this is the case). *It is the responsibility of the receiving provider to ensure continuous arrangements are in place.*

Definition of parent/legal custodian or relative:

A relative is defined as a parent, spouse, de facto partner, a child, brother or sister of the applicant, step-child, step-parent, step-brother or step-sister of the applicant, grandparent, grandchild, aunt, uncle, niece or nephew, or a step-grandparent, step-grandchild, step-aunt, step-uncle, step-niece or step-nephew of the applicant.

Where a student will be in the care of a relative (who is not the parent or legal custodian) then they MUST be over 21 years of age.

5. National Code 2018 Requirements

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:

- Meet the Commonwealth and state legislation or other regulatory requirements relating to child welfare and protection (as appropriate to WAIFS' geographical area/(s) of operation)
- Provide age and culturally appropriate information on:
 - Who to contact in emergency situations, including contact numbers of a nominated staff member and/or service provider to WAIFS
 - Seeking assistance and reporting any incident or allegation involving actual or alleged sexual, physical or other abuse

Where WAIFS takes on responsibility for the under-18 student, WAIFS must:

- Nominate the dates for which WAIFS accepts responsibility for approving the student's accommodation, support and general welfare arrangements and advise DoHA, which is responsible for administering the Migration Regulations, of the dates in the form required by the department. This is currently through the completion of a CAAW in the Provider Registration and International Student Management System (PRISMS).
- Ensure any adults involved in or providing accommodation to the student have all working with children clearances (or equivalent) appropriate to the jurisdiction/(s) in which WAIFS is operating.
- Have and implement a documented process for verifying the student's accommodation is appropriate to the student's age and needs:
 - Prior to the accommodation being approved
 - At least every 6 months thereafter.

Note: the National Code 2018 Explanatory Statement states: "Verification does not necessarily require a physical check of accommodation, although providers are expected to conduct an initial physical check as best practice."



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- WAIFS believes that its under-18 students are best served by the following:
 - (i) A physical review of accommodation before initial approval
 - (ii) A telephone call/Skype call at 6 months
 - (iii) A further physical review of accommodation after 12 months
 - (iv) Then repeated for additional 6 and 12 month intervals
 - (v) Additional physical visits should be scheduled as required (e.g. someone contact WAIFS with news accommodation for an under-18 is not appropriate/the under-18 is no longer living in the accommodation and has not notified WAIFS.) – WAIFS Staff – *Please refer to the Senior Management Team, Managing Director or CEO for guidance.*
- Include as part of WAIFS' 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
- 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
- Advise DoHA in the form required by that department:
 - As soon as practicable if the student will be cared for by a parent or nominated relative approved by DoHA and a Confirmation of Appropriate Accommodation and Welfare (CAAW) is no longer required
 - Within 24 hours if WAIFS is no longer able to approve the student's welfare arrangements.
- Have documented policies and processes for selecting, screening and monitoring any third parties engaged by WAIFS to organise and assess welfare and accommodation arrangements.
- If WAIFS is no longer able to approve the welfare arrangements of a student, WAIFS must make all reasonable efforts to ensure that the student's parents or legal guardians are notified immediately.
- If WAIFS is unable to contact a student and has concerns for the student's welfare, WAIFS 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.
- Where Standard 5.3 applies (i.e. where WAIFS has taken responsibility for the under 18 student) and WAIFS suspends or cancels the enrolment of the overseas student, WAIFS must continue to approve the welfare arrangements for that student until any of the following applies:
 - The student has alternative welfare arrangements approved by another registered provider
 - Care of the student by a parent or nominated relative is approved by DoHA
 - The student leaves Australia
 - WAIFS has notified DoHA 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.
- If WAIFS enrolls a student under 18 years of age who has welfare arrangements approved by another registered provider, the **receiving registered provider** must:
 - Negotiate the transfer date for welfare arrangements with the releasing registered provider to ensure there is no gap
 - 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.
- Changing Welfare Arrangements:
 - A student cannot change welfare arrangements without DoHA approval.
 - If the student has a student guardian and they need to leave Australia while the student remains, alternative welfare arrangements must be made.
 - The student's approved guardian must provide evidence that there are compelling and compassionate circumstances and that they have made alternative welfare arrangements for the student's accommodation, general welfare and support until they return. *The guardian can make the following alternative welfare arrangements:*



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- They can nominate 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 \(178KB PDF\)](#) must be submitted to DoHA along with WAIFS' approval (in a letter or email) before the original guardian leaves Australia.
- WAIFS can take responsibility for their welfare by issuing a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter which will state the start and end dates for approval of welfare arrangements. This will only occur in exceptionally rare compassionate and compelling circumstances.
- DoHA will advise the guardian if the alternative arrangements have been approved. If the arrangements are not considered suitable by DoHA, the guardian cannot leave Australia without the student.
- If the student does not maintain adequate welfare arrangements, their visa could be cancelled.

Full information on the National Code 2018 can be found at: <https://www.legislation.gov.au/Details/F2017L01182>

6. WAIFS Contact Details in case of an Emergency

Monday to Friday 8.30am to 5.30pm Head of Administration: Nazeer Iqbal Marketing: Jerly Peregrino	T: 6200 6200 E: admissions@waifs.edu.au E: nazeer@waifs.wa.edu.au E: jerly@waifs.wa.edu.au
Monday to Thursday evenings 5.30pm to 9.30pm Administration/Student support: Horace Khor	Tel: 6200 6200 E: Horace.Khor@waifs.wa.edu.au
Saturday and Sunday 8.30am to 5.30pm Administration/Student support: Horace Khor	Tel: 6200 6200 E: Horace.Khor@waifs.wa.edu.au
Monday to Sunday CEO: Louise Edwards	T: 0430 965 368 E: ceo@waifs.edu.au
Monday to Sunday Managing Director: Sean Tuhakaraina	T: 0430 965 389 E: sean@waifs.edu.au