

YOUNGER OVERSEAS STUDENTS UNDER 18 POLICY AND PROCEDURE



CONTENTS

1	PURPOSE.....	1
2	SCOPE.....	1
3	POLICY STATEMENT	2
4	PROCEDURE	2
	Breaches	4
	Dealing with suspected breaches	4
	Penalties	4
	Appeals	4
5	RESPONSIBILITIES	4
	Compliance, monitoring and review	4
	Reporting.....	5
	Records management.....	5
6	DEFINITIONS	5
7	RELATED LEGISLATION AND DOCUMENTS.....	5
8	FEEDBACK.....	5
9	APPROVAL AND REVIEW DETAILS.....	5

1 PURPOSE

- 1.1 Australian Government regulations ([The National Code of Practice for Providers of Education and Training to Overseas Students 2018](#)) and [Department of Home Affairs](#) (student visa conditions) require students under the age of 18 to have appropriate accommodation, support and general welfare arrangements.
- 1.2 This policy and procedure outlines CQUniversity's commitment to supporting students enrolled under the age of 18 years of age and the conditions under which the University will accept responsibility for approving the accommodation support and general welfare arrangements (excluding guardianship) for overseas students under 18 years of age, and the monitoring and reporting processes associated these arrangements for the accommodation, support and welfare of underage international students.
- 1.3 The [Department of Home Affairs](#) will not approve a student visa unless one of the following arrangements have been made for the student:
 - nominate a parent/legal custodian or a relative over 21 years as your student guardian. This person must have a visa to remain in Australia for the duration of your student visa or until you turn 18
 - provide evidence that a parent/legal custodian or relative over 21 years will accompany the student as a student guardian visa holder, or
 - organise for the education provider to approve the student's welfare arrangements.

2 SCOPE

- 2.1 This policy and procedure relates to CQUniversity staff, students, Committees and the University Council.
- 2.2 The following must also comply with this policy:
 - accommodation providers
 - homestay providers

- homestay hosts
- residents of homestay host homes
- homestay students
- CQU student residences accommodation
- welfare providers

2.3 Under 18 international students who have been issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter by CQUniversity are approved to stay at Student Residences in North Rockhampton.

3 POLICY STATEMENT

3.1 CQUniversity welcomes overseas students aged under 18 years of age. The University will issue a Confirmation of Appropriate Accommodation and Welfare (CAAW) accepting responsibility under the [Migration Regulations 1994](#), Commonwealth, state/territory legislation and other regulatory requirements, for approving the accommodation, support and general welfare arrangements (excluding guardianship) for an overseas student under 18 years of age or until the age of 18 based on the following conditions:

- under 18 international students will be required to live and study in a CQUniversity approved location
- under 18 international students will be required to reside in CQUniversity approved accommodation and have a CQUniversity approved welfare agreement, and
- the student is due to turn 18 within 12 months of starting at CQU

These conditions apply for the duration of a student's enrolment with CQUniversity or until the age of 18.

4 PROCEDURE

4.1 These procedures relate to:

- CQUniversity staff, students, Committees and University Council
- the Statement of Commitment to the safety and well being of children and the protection of children from harm
- the [Code of Conduct](#) for interacting with children and young people in the homestay industry
- the [Code Of Conduct](#) for interacting with children and young people in a residential college industry
- recruiting, selecting, training and managing of homestay and residential college accommodation
- handling of disclosures of suspicions of harm, including reporting guidelines
- the plan for managing breaches of the [Risk Management Policy and Procedure \(FMPP\)](#), and
- compliance with the [Education Services for Overseas Students \(ESOS\) Act 2000](#) and the [National Code of Practice for Providers of Education and Training to Overseas Students 2018 \(the National Code\)](#).

4.2 Before a student under 18 is accepted into a CQUniversity course, the student's parents or legal guardian must complete an [application form](#) with full details of the student including:

- student's full name, address, date of birth and academic history
- health status and restrictions
- allergies
- parents' or legal guardian's contact details both during the day and after hours
- contact details both during the day and after hours of another nominee in the student's home country, and
- referee's reports (if required).

- 4.3 The minimum length of the approved accommodation, support and welfare arrangements will be a minimum of the length of the confirmation of enrolment, (CoE) plus seven days while the student is under the age of 18.
- 4.4 Before a student is admitted into a CQUniversity course, the designated International Admissions Officer will ensure that the student has a formalised agreement with a CQUniversity approved welfare provider and that the student's parents or legal guardian have signed an agreement accepting the conditions of the welfare arrangements (excluding guardianship). Welfare providers must advise the designated Coordinator International Student Support of any change in circumstances during the time they are hosting the underage student.
- 4.5 If a student under the age of 18 enters into a user pays agreement with a CQUniversity accommodation or welfare provider, the student and their parents or legal guardian are responsible for maintaining the agreement for the duration of their enrolment at CQUniversity until the student turns 18 years of age.
- 4.6 CQUniversity is committed to ensuring approved welfare and accommodation providers meets the [Good Practice Guidelines for Enhancing Student Safety 2011](#) and [ESOS Act](#) requirements. The University will assess, verify and ensure the suitability of accommodation and welfare services by third party providers prior to approval and at least once every six months.
- 4.8 Welfare and accommodation providers must adhere to the following standards of service delivery:
- provide 24 hour, seven days a week telephone advice and emergency assistance and support as required
 - liaise with the student concerning any grievances of the student in relation to the student's accommodation facility
 - provide location orientation for the student including age and culturally appropriate information on accommodation, emergency situations, contact details and reporting an incident
 - provide CQUniversity data information and access as required
 - ensure support personnel and contractors have all the necessary Working with Children Checks
 - maintain regular contact with the student and CQUniversity and inform the Coordinator, International Student Support of any accommodation or welfare related grievances
 - liaise closely with the Coordinator, International Student Support to monitor the student's progress and inform parents, and
 - immediately report any student critical incidents to the parents and CQUniversity.
- 4.9 If CQUniversity takes on responsibility for approving the accommodation, support and general welfare arrangements (excluding guardianship) the student's parents or legal guardian will be informed of the full details of the 'guardian' including:
- full name, address, date of birth, contact details, occupation, details of any pets and services that they can provide (computer access, swimming pool etc.)
 - any vacations or activities the guardian may have planned for the student
 - expectations that the guardian will have of the student, and
 - "Working with Children" suitability card number.
- 4.10 CQUniversity will be required to advise the [Department of Home Affairs](#) through the PRISMS reporting system within 24 hours in the event that the under 18 student has changed his/her living arrangements or the living arrangements for the students are no longer approved by CQUniversity.
- 4.9 Students under the age of 18 years will be provided with culturally and age appropriate information on who to contact in emergencies including contact numbers of nominated staff, and how to seek assistance and report any incident or allegation involving actual or alleged sexual, physical or other abuse,
- 4.10 When a student is under a student visa that covers multiple courses, CQUniversity will be responsible for the student's welfare while he/she is currently enrolled in a CQUniversity course and under 18 years of age.

Students under the age of 18 will not be permitted to transfer provider without written parent/guardian permission. If the student is approved to transfer to another registered provider, CQUniversity will liaise with other registered providers to ensure the accommodation, support and welfare of the student is appropriate until:

- such time as the student is accepted by another registered provider, and that provider is responsible for the student
- the student leaves Australia
- other suitable arrangements are made that satisfy the [Migration Regulations](#)
- the registered provider reports under Standard 5.1 of the [National Code](#) that it can no longer approve the arrangements for the student, or
- in the case of a student going missing, all care will be taken to ensure that the student is located.

Breaches

4.11 In keeping with CQUniversity's commitment to student safety and wellbeing, it is a requirement of this policy that no person to whom this policy applies will have:

- breached the [Code of Conduct](#)
- failed to follow the policies and procedures of the relevant child protection authority in each state or territory
- appointed or continued to employ any person in contravention of the procedures contained with this document and/or
- engaged in child abuse.

Failure to observe these requirements by any person to whom this policy applies will result in disciplinary action as per CQUniversity policy.

Dealing with suspected breaches

4.12 Suspected or actual breaches of these procedures must be reported to the relevant authorities. Breaches may result in criminal prosecution or incur disciplinary action.

Penalties

- 4.13 Breaches may be penalised under the common law, disciplinary provisions of the [Public Service Act 2008](#) or by management intervention.
- 4.14 Breaches of this policy and procedure will be referred to appropriate authorities immediately. A homestay family may also be removed from the University register.

Appeals

4.15 An appeal may be lodged through the relevant appeals process. Appeals on serious procedural breaches reported to the relevant authorities must be filed through the appropriate channels, e.g. Commissioner for Children and Young People and Child Guardian.

5 RESPONSIBILITIES

Compliance, monitoring and review

- 5.1 The Deputy Vice-Chancellor (Student Experience, Strategic Development and Wide Burnett Region) has overall responsibility for ensuring compliance for this policy and procedure.
- 5.2 The Director, Student Experience has overall responsibility for implementing this policy and ensuring these procedures are followed.
- 5.3 Adherence to the policy and procedure will be monitored via:

- regular home visits or residential college visits
- monitoring the University Working with Children Check
- self-assessments by homestay families or residential college
- exit interview by students and
- student surveys.

5.4 This policy and procedure will be regularly evaluated and reviewed to ensure compliance with the [Department of Home Affairs](#), [ESOS Act](#) and [National Code](#) requirements.

Reporting

5.5 No additional reporting is required.

Records management

5.6 Staff must maintain all records relevant to administering this policy and procedure in a recognised University recordkeeping system.

6 DEFINITIONS

6.1 Terms not defined in this document may be in the University [glossary](#).

7 RELATED LEGISLATION AND DOCUMENTS

[Code of Conduct](#)

[Education Services for Overseas Students \(ESOS\) Act 2000](#)

[Information Privacy Act 2009 \(Qld\)](#)

[Migration Regulations 1994](#)

[National Code of Practice for Providers of Education and Training to Overseas Students 2018 \(National Code\)](#)

[Privacy Act 1988 \(Qld\)](#)

[Risk Management Policy and Procedure \(FMPM\)](#)

[Student Charter](#)

8 FEEDBACK

8.1 University staff and students may provide feedback about this document by emailing policy@cqu.edu.au.

9 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Academic Board
Advisory Committee to Approval Authority	Learning and Teaching Committee
Administrator	Director, Student Experience
Next Review Date	15/11/2020

Approval and Amendment History	Details
Original Approval Authority and Date	Executive Director (Corporate Services) 4/07/2007
Amendment Authority and Date	Updated on 9/07/2009 to include CQUniversity's new logo, title and CRICOS code; Academic Registrar 20 September 2010; Position titles updated 7/08/2013; Academic Board 15/11/2017; Administrator 19/12/2017.
Notes	This document will consolidate and replace the Unaccompanied Students Under 18 Policy and Unaccompanied Students Under 18 Procedure.