



# ACCOMMODATION AND WELFARE POLICY FOR UNDER 18 YEAR OLD OVERSEAS STUDENTS

## PREAMBLE

The College is committed to ensuring the safety, welfare and wellbeing of Underage Students. It takes all steps to meet Commonwealth and State legal requirements relating to child welfare and protection and to give Underage Students age and culturally appropriate information. This Policy provides the guidelines as to what is appropriate accommodation and support for Underage Students and how that is achieved and monitored.

This Policy applies to all prospective and current overseas Underage Students.

**The domestic Underage Students welfare is managed in the College's Student Care Policy.**

## DEFINITIONS AND ACRONYMS

**"CAAW"** means the Confirmation of Appropriate Accommodation and Welfare arrangements.

**"CoE"** means the electronic Confirmation of Enrolment.

**"College"** means Australian Pacific College and English Unlimited.

**"DHA"** means the Department of Home Affairs.

**"Eligible Relative"** means:

- a) a parent, spouse, de facto partner, brother, sister, step-parent, step-brother, step-sister, grandparent, aunt, uncle, niece or nephew or a step-grandparent, step-aunt, step-uncle, step-niece or step-nephew; and
- b) nominated by a parent of the applicant or a person who has custody of the applicant; and
- c) aged at least 21 years; and
- d) of good character, and show this by providing a police clearance from the countries in which they have lived in for more than 12 months in the past 10 years after the age of 16; and
- e) an Australian citizen, permanent resident or be eligible to remain in Australia until the overseas students' visa expires or the overseas student turns 18 years of age (whichever happens first).

**"ESOS Act"** means Education Services for Overseas Students Act 2000 (Cth) and the Education Services for Overseas Students Regulation 2019 (Cth).



“**Homestay**” means accommodation in the home of a local family provided to overseas students while studying at the College.

“**Homestay Agency**” means a company in the business of arranging Homestay accommodation to students.

“**Homestay Agency Agreement**” means a contract entered into between the College and a Homestay Agency.

“**Homestay Contract**” means the contract entered into between the College and the Homestay Provider.

“**Homestay Provider**” means the person(s) providing the Homestay and who has entered into the Homestay Contract with the College.

“**National Code**” means the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth).

“**Policy**” means this Accommodation and Welfare Policy for Under 18 Year Old Students.

“**PRISMS**” means the Provider Registration and International Student Management System.

“**Underage Student**” means a student of the College who is under the age of 18 years (calculated from the time of the student’s date of birth) at the date of enrolment with the College.

“**WWCC**” means a Working With Children Check issued by the appropriate State Government Department.

## 1. ACCOMMODATION, WELFARE AND SUPPORT

1.1 The College has in place policies and procedures to:

- a) ensure the College is compliant with the ESOS Act, the National Code, the ELICOS standards and relevant child safety and welfare legislation and standards that apply across the states to Underage Students;
- b) provide current and accurate information to Underage Students regarding living in Australia, including costs and accommodation options;
- c) place Underage Students in appropriate accommodation and care arrangements;
- d) provide welfare support for Underage Students;
- e) ensure employees/volunteers working with Underage Students have a current WWCC or police clearance, as required; and
- f) monitor and report international Underage Students where they are deemed to be in breach of their visa conditions.



- 1.2 All overseas Underage Students must have appropriate accommodation, welfare and support arrangements in place that meet the College's criteria and/or are deemed appropriate according to DHA.
- 1.3 The College will provide information to all students about Homestay accommodation on its website, on notice boards and through marketing materials. Student Care staff are also able to provide information about Homestay accommodation options.
- 1.4 An Underage Students' accommodation, welfare and support must be maintained for the entire duration of their stay at the College (or until they turn 18 years of age). The College requires all Underage Students to either:
  - a) stay with a nominated guardian, who may be a parent, legal custodian or an Eligible Relative and who is approved by the DHA; or
  - b) stay in accommodation and have support and general welfare arrangements approved by the College and confirmed in a CAAW letter.

Private rental accommodation without care arrangements in place is not permitted.

Any parent, legal custodian or Eligible Relative who is claiming to be maintaining the welfare of an Underage Student must have an appropriate visa, or have applied for a student guardian visa.

- 1.5 Underage Students, their families/guardians are informed at orientation what to do in the case of an emergency or critical incident, or if they need assistance or to report incidents or allegations involving sexual, physical or other abuse to immediately contact the Campus Manager/Director. At orientation, all Underage Students and their families/guardians are also given the Child Safe Policy and the Student Care Policy which lists a range of National and State emergency numbers that they can utilise as well.
- 1.6 The College maintains up to date records of the contact details of the:
  - a) student;
  - b) student's parents; and
  - c) any legal guardian or adult responsible for the student's welfare.

## **2. ACCOMMODATION, WELFARE & SUPPORT ARRANGEMENTS APPROVED BY THE DHA**

- 2.1 If the DHA approves the accommodation, welfare and support arrangements of the student, the approved parent, legal custodian or Eligible Relative will be considered the Underage Student's nominated guardian. The College is not involved in this process and does not issue a CAAW.



- 2.2 Although the College is not part of the process of DHA approved accommodation and welfare arrangements, the College will contact the DHA if it becomes aware that the Underage Student is not being well looked after.

### 3. ACCOMMODATION, WELFARE & SUPPORT ARRANGEMENTS ORGANISED BY THE COLLEGE

- 3.1 If the College approves the accommodation, welfare and support arrangements for the student, it will ensure, to the best of its ability, that those arrangements are safe and adequately meet the students' needs.

- 3.2 A College approved residence for an Underage Student may be:

- a) living in Homestay accommodation arranged or approved by the College; or
- b) having a local carer nominated by parents and approved by the College. A 'suitable local carer' is someone who is in most cases over 21 years of age, of good character, has an appropriate visa to remain in Australia until the Underage Students' visa expires or the student turns 18 years or age and is responsible as determined by the College.

- 3.3 Parents (or legal custodians) once they have executed the Letter of Offer need to take the following steps to confirm accommodation and welfare arrangements for their child:

- a) an Under 18 Accommodation & Welfare Arrangements Form must be submitted to the College declaring their intended accommodation and welfare arrangements.
- b) students will be invoiced according to the accommodation and welfare arrangement chosen.
- c) using PRISMS, a COE will be issued for the Underage Student indicating whether the College is accepting responsibility for the Underage Student's accommodation and welfare arrangements.
- d) where the College accepts responsibility a CAAW is issued as well.
- e) details of the Underage Student's parent or guardian will be recorded against the student's COE.
- f) if the student has requested the College arranges the welfare and/or homestay requirements for them, it will verify and check that the accommodation is appropriate to the student's age and needs and all adults involved in or providing accommodation and welfare arrangements to the students have appropriate WWCC prior to the accommodation being approved. The College will monitor the suitability of the accommodation placement for College placed Homestays and guardianship arrangements, at least every six months thereafter. Refer to this Policy for the College's procedures relating to verification and monitoring of Homestays.

- 3.4 Underage Students must keep the College informed of changes to their accommodation arrangements. Underage Students should discuss any proposed changes with the College's Campus Manager and this Policy should be followed



before the College allows any change to be enacted. The College will make all reasonable attempts to assist the Underage Student to maintain appropriate welfare and accommodation arrangements and keep the students' parents and/or legal guardians informed.

- 3.5 If all attempts to ensure the Underage Student maintains appropriate welfare and accommodation arrangements have been exhausted, the Underage Student may be reported to DHA. Prior to reporting to DHA, the Underage Student will be sent:
- a) an Intention to Report to Immigration Letter; together with
  - b) a letter giving the student 7 days to rectify their accommodation and welfare arrangements or their CAAW will be revoked.

The student's parents or legal guardians will also be notified.

- 3.6 The College will advise DHA as soon as possible if the Underage Student has changed his or her welfare and/or living arrangements. This includes advising DHA as soon as practicable if the student will be cared for by a parent or nominated relative approved by DHA and that a CAAW is no longer required.
- 3.7 The College will advise DHA within 24 hours if it no longer approves of the arrangements for the Underage Student, using the DHA pro-forma letter available through PRISMS.
- 3.8 The College will also inform DHA as soon as practicable if alternate welfare arrangements need to be made.

#### **4. PERIOD OF RESPONSIBILITY OF THE COLLEGE**

- 4.1 Where the College takes on responsibility under the Migration Regulations 1994 for approving the accommodation, support and general welfare arrangements of an Underage Student, the College must nominate the dates (both start and end dates) for this period of care. The student must not enter Australia before the day nominated by the College as the day on which the approved arrangements are to commence.
- 4.2 If an Underage Student with accommodation and welfare approved by the College wishes to arrive in Australia earlier than their CAAW commencement date they must be accompanied by a nominated guardian approved by DHA. If they are unaccompanied then the College must extend its approved care arrangements to cover the student from the date of their arrival.
- 4.3 For Underage Students who arrange to stay with a local carer, a CAAW letter will be issued for which the nominated period of responsibility will be at least 7 days beyond the CoE date.
- 4.4 For Underage Students with 'package offers' which involve multiple courses at the College or other providers, responsibility for Underage Students commences one



week (seven (7) days) prior to orientation and ceases seven days (7) after the student withdraws from the course, transfers to another provider or where the CAAW is withdrawn by the College. This clause must be read in conjunction with clauses 4.5 to 4.7 below.

- 4.5 Where the College suspends or cancels the enrolment of a student on a CAAW, the College will continue to check suitability of arrangements for the Underage Student until:
- a) the student has alternate welfare arrangements approved by another registered provider; or
  - b) care of the student is supplied by a parent or nominated guardian and is approved by DHA; or
  - c) the student leaves Australia; or
  - d) the College has notified DHA that it is no longer able to approve the student's welfare arrangements; or
  - e) it has taken the required action after not being able to contact the student (refer to clause 7.2 of this Policy); or
  - f) the student turns 18 years of age.
- 4.6 If the College enrolls an Underage Student who has welfare arrangements approved by another provider, the College must:
- a) negotiate the transfer date for welfare arrangements with the releasing provider to ensure there is no gap; and
  - b) advise 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 place.
- 4.7 If an Underage Student of the College, on a College issued CAAW, is transferring to another registered provider the receiving provider must:
- a) ensure there is no gap in welfare arrangements; and
  - b) liaise with the College to ensure the Underage Student has appropriate welfare in place at all times and issue a CAAW letter covering the transition from one accommodation to another.

## 5. MONITORING ACCOMMODATION AND WELFARE ARRANGEMENTS

- 5.1 Homestay Providers are informed of the College's expected standards and of their responsibilities with regard to the placement of Underage Students. Prior to any placement of a student, Homestay Providers must sign and return a Homestay Contract which outlines all their responsibilities and requirements.
- 5.2 All College Homestays are to be inspected by a College staff member before approval for use and checked at least every six (6) months after approval. The



inspection is to determine if the accommodation is appropriate to the student's age and physical needs. Homestay Providers are required to meet the College's standards as outlined in the Homestay Contract and this Policy.

- 5.3 All adult house-members are required to complete a WWCC. The Homestay Provider who is receiving payment from the College is required to have a paid WWCC and all other adult household members are required to have the voluntary (unpaid) WWCC.
- 5.4 Monitoring of the service provided by Homestay Providers is conducted formally, during follow-up interviews with hosts and from surveys completed by our students upon departure from their Homestay. Informally, College staff also inspect the homes when they drop off students at the Homestay upon their arrival.
- 5.5 If the College uses a Homestay Agency, the agency is required to comply with the Colleges' Homestay Agency Agreement. This is governed by the College's Policy and Procedure for Entering Into Agreements with External Homestay Agencies.

## 6. GUARDIAN/CARER RESPONSIBILITIES

- 6.1 A guardianship is a legal relationship entered into between the parents of the Underage Student and a third party.
- 6.2 The College is not able to create or enter into a guardianship with a student.
- 6.3 Guardians must sign and return the relevant section of the Under 18 Accommodation and Welfare Arrangements Form which outlines all responsibilities and requirements for guardians and carers.
- 6.4 All guardians and carers are required to complete a WWCC. A guardian who is receiving payment from the College is required to have a paid WWCC and guardians who are not being paid are required to have the voluntary (unpaid) WWCC. A guardian can apply for a WWCC by through this [website](#).

## 7. CRITICAL INCIDENTS AND MISSING STUDENTS

- 7.1 The College's Critical Incident Policy will be activated in the event of an emergency that is deemed by the College to be a critical incident. Disruptions to an Underage Students' welfare and accommodation caused by a critical incident will be dealt with under that Policy.
- 7.2 If a student has gone missing from their approved accommodation and cannot be contacted, the College will implement its Critical Incident Policy. The College will notify the police and other relevant agencies as soon as practicable if it is unable to contact an Underage Student and there are concerns for his/her welfare. If, after a reasonable period, the Underage Student has not been found, the College will report the student's breach of visa condition 8532 by submitting the 'Non-Approval of Appropriate Accommodation/Welfare Arrangements' letter in PRISMS.



## 8. STUDENTS WHO TURN 18 DURING STUDY

8.1 Once an Underage Student turns 18 their parents must nominate the details of a contact person in Australia. These details will be recorded in the student’s records. The College’s CAAW responsibility ceases at this time, however, the College strongly recommends that students over 18 years remain in approved Homestay accommodation or continue to reside with their relatives until they complete their course. Parents may be contacted to approve changes to a student's living arrangements.

## 9. STUDENT COMPLAINTS

9.1 Underage Students who are experiencing problems or have concerns about the suitability of their accommodation or welfare arrangements should inform Student Care or the Campus Director of their concerns immediately. Student Care or the Campus Director will investigate the student’s claims with the Campus Manager and respond within a reasonable time frame.

9.2 The College’s staff will follow up any grievances made by students about the Homestay Provider or by the Homestay Provider about the student.

## REVIEW

This Policy will be reviewed as part of the College’s three year review process or as required by legislation.

## RELEVANT LEGISLATION

This document references the following legislation, regulations, codes and standards:

Relevant Legislation/codes/standards	
<b>Commonwealth</b>	National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth) Education Services for Overseas Students Act 2000 (Cth)
<b>Victoria</b>	Child Safe Standards

## RELATED POLICIES AND PROCEDURES

This document references the following College policies and/or procedures:

Related Policies and Procedures	
<b>Policies</b>	Orientation Policy and Procedure Critical Incident Policy Child Safe Policy Student Care Policy





	<p>Policy and Procedure for Entering into Agreements with External Homestay Agencies Homestay Contract Under 18s - Welfare and Accommodation arrangements Form</p>
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## KEYWORDS

<b>Keywords</b>	<i>Accommodation, Homestay, underage students, welfare arrangements, working with children, guardian</i>
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## POLICY OWNER

<b>Policy Owner</b>	Learner Experience Unit
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## POLICY/PROCEDURE HISTORY

Policy History			
Current version	Current version release date	Author	Description of changes
Homestay and Accommodation Policy v2.4	18 May 2015	Sharon Luhr	Original Document
Accommodation and Welfare Policy for Under 18 year Old Students v1.8R	Sept 2018	Sara Gaudry	A specific policy created for under 18 year old students. Full update in accordance with the Policy and Procedure Template v1.0, Guidelines for Drafting Policies and Procedures v1.0 and the National Code
Accommodation and Welfare Policy for Under 18 year Old Overseas Students v1.9R(APC/EU)	November 2020	Sara Gaudry	Update of letterhead, removal of reference to APTT and general review