

## Statutory and regulatory compliance

- National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018) Standards 3.5, 5, 6, 7.3, 9
- Student visa conditions 8532, 8534, 8535, 8202, 8533
- The Migration Act 1958
- Section 19 of the ESOS Act
- English Language Intensive Courses for Overseas Students (ELICOS Standards 2018) Standards P1, P2, P4, P8.4

## Related Policies

- Student support and welfare services
- Complaints and Appeals
- Information Provided to Applicants Prior to Enrolment
- Deferment, Suspension or Cancellation of Enrolment
- Completion within Expected Duration
- Refunds – Terms and Conditions

## Related Documents

- Students at risk report
- Monitoring Attendance
- Weekly Attendance Email
- Warning Letter 1 – under 90% - Weekly attendance letter to all student body
- Warning Letter 2 – Under 85% - Formal written warning outlining requirement to sign a probationary agreement with the Centre Director.
- Probationary agreement/ statutory declaration
- Notice of intention to report Letter 3 – Under 80% - Notice of Intention to Report. Students have 20 days (+3 for postage) to supply evidence and appeal their case to the Centre Director.
- Complaint or appeal lodgement form

- Request for case review accepted
- Final letter to report (outcome of internal review)
- Terms and Conditions
- Embassy English Website and MEE portal

## Policy

Embassy English educates students from every corner of the globe, enabling them to realize their potential through a transformational learning experience. Embassy 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, Embassy English accepts a particular responsibility for students under the age of eighteen (under 18 students). It is to these students, specifically, that this policy applies.

Embassy English protects the personal safety and social well-being of under 18 students by providing care according to Embassy English policies relating to recruitment of staff, admissions and student welfare.

## Procedure

### Background and Need

This policy supports Standard 5 of National Code of Practice for Providers of Education and Training to Overseas Students 2018 (The National Code 2018), 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 nominated relative approved by the Department of Immigration and Border Protection be in Australia to directly provide for the welfare of an under-18 student, and Embassy English accepts the student's enrolment, issues a Confirmation of Appropriate Accommodation and Welfare (CAAW), 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. Embassy English also acknowledges all existing state and territory regulatory frameworks relating to child protection and provides all of its student's information on who to contact in case of emergency and how to report alleged incidents of abuse.

Consistent with Standard 6 of The National Code 2018 relating to Overseas Student Support Services, Embassy English 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:

### *Commonwealth*

- Education Services for Overseas Students Act (2000)
- National Code of Practice for Providers of Education and Training to Overseas Students 2018;
- English Language Intensive Courses for Overseas Students (ELICOS) Standards 2018
- Migration Regulations 1994

### *States and territories*

- Child Protection Act 1999 (Qld)
- Child Protection Regulation 2000 (Qld)
- Child Protection (Offenders Registration) Act 2000 (NSW)
- Child Protection (Working with Children) Act 2012 (NSW)
- Children and Community Services Act 2004 (WA)
- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Children Youth and Families Act 2015 (Victoria)
- Children's Protection Act 1993 (SA)
- Commission for Children and Young People Act 1998 (NSW)
- Working with Children Act 2005 (Victoria)
- Working with Vulnerable People (Background Checking) Act 2011 (ACT)
- Working with Children (Criminal Record Checking) Act 2004 (WA)
- Working with Children (Risk Management and Screening) Act 2000 (Qld)

### **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.

**Department of Home Affairs (DHA):** The Australian government department responsible for immigration and visas ([www.homeaffairs.gov.au](http://www.homeaffairs.gov.au)).

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

**Centre Director:** Embassy English' most senior staff member on each campus.

**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 2018:** 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.

### Screening Employees

As part of its set of Human Resources Policies and Procedures, Embassy English 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 Centre Director 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 at Embassy English and in contact with the student body would either hold WWCC or be supervised by an Embassy English staff member with a WWCC.

Copies of these checks are also stored on employee files located within the Centre Director’s office. Teachers, as part of the teacher registration process, undergo an equivalent check

## Admission of students who are under the age of 18

### Overseas Students entering Australia on a student visa

The Australian Department of Home Affairs (DHA) must be satisfied that appropriate accommodation, support and general welfare arrangements are in place for any under 18 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.

<https://www.homeaffairs.gov.au/forms/Documents/157n.pdf>,

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

Each Embassy English campus has appropriate accommodation services in place.

During the nominated time period, the under 18 student will be required to gain the approval of Embassy English prior to any change to accommodation. Embassy English will notify DHA via PRISMS of any changes to the accommodation arrangements, or if a student refuses to maintain Embassy English's approved accommodation.

The DHA 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 DHA of a change in arrangements which the provider supports/approves, use;
- the 'Non-Approval of Appropriate Accommodation/Welfare Arrangements' letter to advise DHA 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 Embassy English is able to approve. The decision to report is made by the Student Services Manager in consultation with the Centre Director

### Accommodation services

All student's under the age of 18 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 parent or suitable nominated relative approved by DHA, must agree to live in Embassy English recommended accommodation, and be monitored by Embassy English for either the duration of their stay in Australia or until the student turns 18, whichever happens first.

The student under the age of 18 will be placed within one of Embassy English's approved homestay's through a Homestay Provider, with due consideration to the student's preferences in relation to pets, dietary considerations, facilities, etc.

Embassy English conducts checks to ensure that any adults involved in or providing accommodation and welfare arrangements to under-18 students have all working with children clearances (or equivalent) appropriate to the jurisdiction based on the location of the Embassy English centre.

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 Embassy English or delegate service provider for suitability. Accommodation will be approved only if it meets Embassy English's requirements in relation to the standard of the accommodation offered, support services available and location.

If an under 18 student is undertaking a package of courses with different providers, Embassy English 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 Embassy English or from Embassy English to another provider, Embassy English will take responsibility from the nominated date on the CAAW form or until the date of transfer.

For any student who has a CAAW, Embassy English ensures to verify the student's accommodation prior to the accommodation being approved and at least every six months thereafter to ensure it is appropriate to the student's age and needs.

Once Embassy English has nominated dates for which it will approve accommodation arrangements for an under 18 student, the responsibility to approve arrangements continues throughout that period. Embassy English's arrangements with the accommodation provider must include a requirement that the provider notify Embassy English in the case of unapproved absence.

If Embassy English cancels the enrolment of the student, Embassy English 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.

### **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 students' under the age of 18 will have received information from the Embassy English 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.

Students under the age of 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);
- who to contact in emergency situations

- 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

## **General Management**

### **Attendance and Well-being reporting**

#### Teachers

Teachers must be informed by the relevant Program Managers, or equivalent, that an under 18 student is attending their class. Teachers will monitor the student's attendance according to Embassy English's Attendance policy. If the under 18 student is absent from class the teacher is to report the absence by email to the under 18 Welfare Contact who will contact the student to obtain an explanation. Notes will be recorded on the Embassy English Student Management System called StudyGlobal.

#### Homestay Providers

The Homestay Providers are encouraged to email the campus Student Services Manager reporting on the wellbeing of the under 18 students living in their host's home. If there are any issues of concern the Student Services Manager will inform the under 18 Welfare Officer and/or the Centre Director 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.

The under 18 Welfare Officer maintains an under 18 register. Weekly checks on the well-being of each student under the age of 18 are conducted by talking to them on campus and discussing any issues they may have. Any issues that arise from these meetings will be reported to the Student Services Manager and/or the Centre Director.

### **Conduct**

Students who break the SGA Embassy Code of Conduct rules, and/or Homestay rules and who after counselling continue the same misconduct will be required to return home. The Student Services Manager and/or Centre Director will contact the student's parent, Caregiver and agent and organise for the student to return home.

Embassy English reserves the right to expel or evict from accommodation and courses arranged by Embassy English any student whose conduct is unsatisfactory at the discretion of the Centre Director. A student has the right to appeal against such a decision through the Embassy English's Student Complaints and Appeals Policy and Procedures.

Where Embassy English suspends or cancels the enrolment of an under 18 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 nominated relative approved by DHA takes ongoing responsibility for the student's accommodation and welfare); or
- it has advised DHA 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, Embassy English 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 DHA using the 'Non-Approval of Appropriate Accommodation/Welfare Arrangements' letter, Embassy English 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 Embassy English is able to approve. The decision to cancel a student's enrolment is made by the Student Services Manager and Centre Director.

### **Critical Incidents and Mandatory Reporting of students under the age of 18**

If a student has gone missing from the approved accommodation and cannot be contacted, this will result in Embassy English 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 students report with the police and/or children's services agencies. If, after a reasonable period, the student has not been found, Embassy English will report the student's breach of visa condition 8532 to DHA by submitting the 'Non-Approval of Appropriate Accommodation/Welfare Arrangements' letter.

Each person working at Embassy English 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 under 18 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

### **Roles and Responsibilities**

The responsibilities undertaken by Student Services Manager/Centre Director and/or delegated staff for the management of students under 18 include:

- approving the appropriateness of living arrangements and/or homestay services ensuring that homestay arrangements/services engaged by Embassy English 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 Embassy English’s Critical Incident Policy and/or Mandatory reporting if required

Policy Version Details	
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### Document History

Commencing Date	Summary of Changes	Next Review Date
December 2017	V4.0 Review, minor amendment and approval	December 2022
06 April 2018	v4.1 Review and amendment to maintain currency with business and regulatory changes	December 2022
31 August 2018	V4.2 Administrative amendments	December 2022