

Under 18 Student Policy

ADMIN USE ONLY

APPROVAL		
Position title:	Chair of the Academic Board	Date: 2 November 2023
Policy Title	Under 18 Student Policy	
Executive	Dean of Studies	
Manager	Student Services Manager	
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VERSION HISTORY

No.	Author	Description of change/purpose	Date
1.0			
2.0	Todd Tang (SSA), Alfred Gao (SSA U18)	New Under 18 Student Policy to align with the new student support framework	10/09/2023

POLICY PURPOSE

UTS College is committed to providing a safe and supportive environment for all students. Additional support for the welfare of students aged under 18 years is required particularly for the international student cohorts. This policy ensures that UTS College fulfils its obligations under the Commonwealth and State legislation that govern the protection of students aged under 18 years. All international students under 18 years of age are cared for and managed in accordance with the National Code 2018 and the Education Services for Overseas Students (ESOS) Act 2000.

SCOPE

This policy applies to all international student visa holders who are under 18 years of age from commencement of their studies with UTS College in Sydney until they turn 18.

This policy informs and guides staff and international students under 18 years of age on UTS College's legislative requirements and processes

DEFINITIONS are set out at the end of this policy.

POLICY PRINCIPLES

Principle
<p>i. Parents/legal guardians 'consent, obligation and information sharing</p>
<p>1. UTS College will ensure that any agreements or requests related to a student under 18 years of age are authorised and co-signed by a parent/ legal guardian, including but not limited to:</p> <ul style="list-style-type: none"> • Application form • Acceptance form • Course Transfer/ Deferral/ Release /Withdrawal requests • Accommodation and Welfare Arrangements and changes to these • Request to Waive UTS College Approved Transport • Holiday application form • Short stay form
<p>2. Student under 18 years of age should acknowledge, until they turn 18 years of age, UTS College will provide a progress report to the student's parent(s) or legal guardian after each semester/block, including information about student's academic results, welfare, attendance, study plan advice, and other comments.</p>
<p>3. Should the student require urgent medical treatment and UTS College is unable to obtain consent from the parents or legal guardians due to language difficulties, time constraints or otherwise, UTS College will therefore be under no instruction to obtain any such consent from the parents or legal guardians.</p>

4. The parents or legal guardians will ensure that the student complies with all policies, terms and conditions and enrolment conditions of UTS College, including all reasonable requirements made by UTS College

ii. Admission and enrolment

1. Students under 18 years of age who intend to study at UTS College must show evidence of adequate welfare and accommodation arrangements in Australia. A student visa will not be granted without evidence of such arrangements.
2. Students already in Australia when accepting an offer must provide written evidence of accommodation and welfare arrangements approved by the Department of Home Affairs or have a valid Confirmation of Appropriate Accommodation and Welfare (CAAW) from their current education provider and must remain in those arrangements until other arrangements have been approved.
3. UTS College will not issue a Confirmation of Enrolment (CoE) and enrol international students who are under 18 years of age unless one of the following conditions is met:
 - a. Written Confirmation that the Department of Home Affairs has approved their accommodation and welfare arrangements; or
 - b. UTS College has agreed to accept responsibility to provide welfare, support and accommodation arrangements; in which case a CAAW letter will be issued.
4. UTS College will not enrol students under 16 years of age at course commencement under any circumstances.
5. The CAAW and CoE will be created together as the details of the CoE appear in the CAAW and vice versa.
6. UTS College's Student Application and Admission Procedure applies to all UTS College students including those under the age of 18.

iii. Accommodation and welfare arrangement

1. ***When students live with a nominated student guardian, UTS College will not issue a CAAW letter.***

International students under 18 years of age may live with a parent, legal custodian, or relative, as approved by the Department of Home Affairs.

2. ***When students live in UTS College approved accommodation, UTS College will issue a CAAW letter.***

If a student under 18 years of age chooses to arrange a CAAW from UTS College, the student must live in accommodation approved by UTS College at least until they turn 18 years of age. UTS College will only approve the following types of accommodation:

- a. Approved Homestay accommodation
- b. Approved Student Residential accommodation
- c. Approved Special Host accommodation

Refer to the Homestay Procedure or the Student Residential Accommodation and Welfare Procedure for details on accommodation and welfare options available to students and the applicable requirements of each.

Parents or the legal guardians of the student will be required to nominate a guardianship service from UTS College approved guardianship provider.

A CAAW letter is only available to under-18 students on, or intending to apply for, a Subclass 500 Student Visa. UTS College will not accept welfare responsibility for under-18 students on any other visa type

3. ***Obligations for students under 18 years of age on a CAAW***

Where UTS College issues a CAAW the student must:

- a. Not arrive prior to the commencement dates listed on the CAAW. Students arriving earlier than these dates will be in breach of student visa conditions and this may result in a visa cancellation by the Department of Home Affairs.
- b. Advise UTS College / homestay provider / student residential of arrival details in Sydney.
- c. Use UTS College approved transport from the airport to their approved accommodation.
- d. Remain in UTS College approved accommodation and welfare arrangements at least until they turn 18 years of age.
- e. Remain in UTS College approved guardianship at least until they turn 18 years of age.
- f. Keep all contact details up to date including emergency contacts, parents and/or legal guardians.
- g. Comply with applicable UTS College policies and procedures as well as all other regulatory, legislative and UTS College Standards.
- h. Comply with all applicable policies and procedures of applicable third-party accommodation and welfare providers.
- i. Attend appropriate orientation activities including those relating to their accommodation and welfare services.
- j. Not change their accommodation and welfare arrangements without approval from UTS College.
- k. Ensure all fees relating to welfare and accommodation services are paid on time.
- l. Comply with curfew requirements.
- m. Not stay overnight outside their approved accommodation.
- n. Not leave Australia for holiday without prior approval from UTS College.

4. ***Breach of student obligations***

If students breach any of the obligations included in paragraph 4.3, it may result in an allegation of non-academic misconduct and will be managed in accordance with the UTS College's Non-Academic Misconduct Policy.

iv. Monitoring and supervision

1. Where UTS College accepts responsibility for approving the accommodation and welfare arrangements for a UTS College student who is under 18 years of age, UTS College will:
 - a. Nominate the dates for which responsibility is accepted for providing accommodation, support and welfare arrangements.
 - b. Advise the Department of Home Affairs by issuing a CAAW letter via PRISMS.
 - c. Ensure any adults involved in the provision of accommodation and welfare arrangements have a valid Working With Children Check (WWCC) as per the requirements in the state of New South Wales.
 - d. Ensure it has documented processes for the selection, screening and monitoring of third-party providers and their services.
 - e. Ensure it has documented processes for verifying that the student's accommodation and welfare arrangements are appropriate to the students age and needs, prior to the arrangements being approved and at least every six months thereafter.
 - f. Maintain up to date records of the students contact details including details of the student's parent(s), legal guardian or any adult responsible for the student's welfare.
 - g. Advise the Department of Home Affairs via PRISMS of any change in accommodation arrangements for the students.

v. Termination, suspension and cancellation of enrolment and welfare arrangement

1. Where UTS College is the appointed welfare provider and UTS College approves a release request, suspends, or cancels the enrolment of a student, UTS College will continue to provide the welfare arrangements for that student until any of the following applies:
 - a. The student has alternative welfare arrangements approved by another registered provider.
 - b. Care of the student by a parent, legal guardian or eligible nominated relative is approved by the Department of Home Affairs.
 - c. The student leaves Australia.
 - d. The student reaches 18 years of age.
 - e. UTS College has notified the Department of Home Affairs that it is no longer able to approve the student's welfare arrangements or that it has taken the required action after not being able to contact the student.
2. UTS College reserves the right to withdraw approval for accommodation, welfare and support for any student where the student breaches the following terms:
 - a. Student does not conduct themselves in accordance with UTS College and any applicable third-party policies and procedures and guidelines.
 - b. Student refuses to maintain UTS College approved accommodation and welfare arrangements.

3. If UTS College is no longer able to approve the welfare arrangements of a student, the College will:
 - a. Advise the Department of Home Affairs within 24 hours if it is no longer able to approve the student's welfare arrangements.
 - b. Make reasonable effort to notify the student's parents or legal guardians as soon as practicable if UTS College is no longer able to approve the welfare arrangements of a student.

vi. Critical incidents and emergencies

1. UTS College is committed to responding effectively to critical incidents and emergency situations involving students under 18 years of age in accordance with UTS College's Critical Incident Policy and Management of Student Incident Procedure.
2. Critical incidents may include but are not limited to:
 - a. Missing students
 - b. Severe verbal or psychological aggression
 - c. Death, serious injury or any threat of these
 - d. Natural disaster
 - e. Issues such as domestic violence, sexual assault, drug or alcohol abuse
 - f. Nonlife threatening events could still qualify as critical incidents.
 - g. Breach of Australian Law
3. UTS College will provide all students under 18 years of age with a 24/7 emergency contact.
4. UTS College will also provide students with an orientation and access to relevant information containing details on:
 - a. Who to contact in emergency situations, including contact numbers of a nominated staff member and/or service provider to UTS College.
 - b. Seeking assistance and reporting any incident or allegation involving actual or alleged sexual, physical or other abuse.
5. Where UTS College engages a third party to assist in the provision of accommodation and welfare responsibilities, it will ensure the third party's critical incident processes are in line with UTS College's own policy.

vii. Student transferring to UTS College

1. Where UTS College receives an application from a student under 18 years of age who has welfare arrangements approved by another registered provider, UTS College will:
 - a. Negotiate the transfer date for welfare arrangements with the releasing registered provider to ensure there is no gap.
 - b. 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.

viii. Complaints and appeals

1. Students may access the UTS College Student Complaints and Appeals process.

2. UTS College Student Complaints and Appeals Policy also applies to grievances or complaints received from the parents and legal guardians.
3. UTS College will continue providing welfare and accommodation arrangements for the student until the complaints and appeals process is finalised.

DEFINITIONS

CAAW	Confirmation of Appropriate Accommodation and Welfare and is the Department of Education's pro-forma letter downloadable through PRISMS.
CoE	Confirmation of Enrolment issued through the Australian Department of Education's PRISMS system, by authorised UTS College and/or UTS International (UTSI) staff. The CoE is required under Commonwealth Legislation for the purposes of applying for a Student Visa
Contact Details	Includes student residential address, mobile telephone number, and personal email address
Declaration of Accommodation and Welfare Arrangements for International Students under the age of 18 form	This is the form requesting details of the student's proposed accommodation and welfare arrangement which must be received at time of offer acceptance
Legal Guardian	A parent, step-parent, adoptive parent, or any other person who has legal responsibility for an international student.
PRISMS	Provider Registration and International Student Management System
Student	In this policy, this refers to an international student under 18 years of age who is enrolled at UTS College
Special Host	Means a person, such as a family friend, or a relative who is not eligible to be approved by the Department of Home Affairs that UTS College has approved to offer Homestay and related Support Services to students under the age of 18.
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.

UTS College	Insearch Limited, its representative offices and its controlled entities.
UTS College Approved Third-Party	Refers to an organisation or services that UTS College has a written agreement with to provide all or part of welfare, accommodation, and support arrangements.
Working with Children Check	A legislated requirement under the Child Protection (Working with Children) Act 2012 and managed by the NSW Office of the Children’s Guardian.

SUPPORTING DOCUMENTS

- Child Protection (Working with Children) Act 2012. No. 51
- The Children and Young Persons (Care and Protection) Act 1998 No. 157.
- Commission for Children and Young People Regulation 2009
- Declaration of Accommodation and Welfare Arrangements for International Students Under the age of 18
- Education Services for Overseas Students Act 2000 (ESOS)
- National Code 2018
- Higher Education Standards Framework 2021
- Higher Education Support Act 2003
- Student Application and Admission Procedure
- Critical Incident Policy – Student Management
- Management of Student Incident Procedure
- UTS College Homestay Procedure
- UTS College Homestay Terms and Conditions
- UTS College Code of Conduct for Special Hosts
- UTS College Special Host Terms & Conditions Student/Parents/ Legal Guardians
- UTS College Student Accommodation and Welfare Procedure
- Student Application and Admission Procedure
- Third Party Provider Audit Procedure
- Student Complaints and Appeals Policy
- Non-Academic Misconduct Policy