

Source of Obligation

Standard 5.1 of the National Code requires that where the College enrolls an overseas student who is under 18 years of age, it must meet the Commonwealth, state, or territory legislation or other regulatory requirements relating to child welfare and protection appropriate to the jurisdiction(s) in which it operates.

Needs of Younger Overseas Students

Standard P2 of the English Language Intensive Courses for Overseas Students (ELICOS) Standards requires that when the College enrolls overseas students under the age of 18, the operations of the College are appropriate for the age, maturity, and English language proficiency of the students.

The College must ensure that:

- its arrangements for students under the age of 18 comply with the National Code
- facilities and operations for any mixed-age student cohorts are designed to meet the needs of students of different ages, maturity and levels of English language proficiency
- students have access to services, learning opportunities, facilities and equipment that address their English language learning needs
- course materials and tutoring are tailored to meet student learning requirements, taking into account their differing levels of age and maturity.

Thomas Carr College's Policy

It is the College's policy to ensure continuous compliance with Commonwealth and state or territory legislation and regulatory requirements, and common law requirements relating to child welfare, child protection and student duty of care requirements as they apply to our overseas students.

The College meets our legal and regulatory student welfare and child protection obligations through the policies and procedures in our Student Duty of Care Program and Child Protection Program.

Age-and-Culturally Appropriate Information

Under Standard 5.2 of the National Code, the College must ensure that overseas students under 18 years of age are given 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 the College
- seeking assistance and reporting any incident or allegation involving actual or alleged sexual, physical or other abuse.

In the event of an emergency, the College ensures that all overseas students under 18 years of age enrolled at the College are provided with emergency contact numbers for:

- the Overseas Student Coordinator
- the College's Child Safety Officer

This emergency contact information, as well as information on how to seek assistance and report any incident or allegation involving actual or alleged sexual, physical or other abuse, is provided to our overseas students in an age and culturally appropriate way in our:

- student handbook
- Child Safety cards
- induction processes.

The College also provides each younger overseas student with a Student Safety Card that includes:

- if the student is in homestay, the homestay accommodation provider's address, home telephone number and mobile numbers
- the College's contact details including 24/7 contact details for the Overseas Coordinator and general emergency contact information
- a statement that Thomas Carr College is regulated by the VRQA and that students can contact the VRQA at www.vrqa.gov.au.

Accommodation, Support and General Welfare Arrangements

Under Standard 5.3, where the College takes on responsibility under the Migration Regulations for approving the accommodation, support and general welfare arrangements for a student who is under 18 years of age, the College:

- nominates the dates for which the College accepts responsibility for approving the student's accommodation, support and general welfare arrangements and advises the Department of Home Affairs of the dates in the form required
- ensures any adults involved in, or providing, accommodation and welfare arrangements to the student have valid Working with Children Check Cards in accordance with our Child Protection Program
- implements documented processes for verifying that the student's accommodation is appropriate to the student's age and needs, in accordance with our Younger Overseas Students Accommodation Arrangements Policy
- includes, as part of the College's Overseas Students Critical Incidents Response Policy 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
- maintains up-to-date records of the student's contact details outlined in Standard 3.5, including the contact details of the parent(s), guardian(s) or any adult responsible for the student's welfare in accordance with our Overseas Students Records Management and Retention Policy
- advises the Department of Home Affairs, in the form required by the department:
 - as soon as practicable if the student will be cared for by a parent or nominated relative approved by the Department of Home Affairs and a Confirmation of Appropriate Accommodation and Welfare (CAAW) is no longer required
 - within 24 hours if the College is no longer able to approve the student's welfare arrangements
- has documented policies and processes for selecting, screening and monitoring any third parties engaged by the College to organise and assess welfare and accommodation arrangements. Refer to our Welfare and Accommodation Selecting, Screening and Monitoring Policy.

Working with Children Checks

It is the College's policy that all adults, including parents and guardians, who provide overseas student accommodation or welfare arrangements (including other residents in the homestay house over the age of 18), must hold a current Working with Children Check Card.

The College No Longer Provides Welfare Arrangements

Under Standard 5.4, if the College is no longer able to approve the welfare arrangements of an overseas student, the College must make all reasonable efforts to ensure that the student's parents/guardians are notified immediately.

The College will notify the parents/guardians of the overseas student via email and phone if the College can no longer approve the welfare arrangements of an overseas student.

Missing Younger Overseas Students

Standard 5.5 requires that, if the College is unable to contact a student and has concerns for the student's welfare, the College 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.

Refer to our Missing Overseas Students Policy.

Welfare Arrangements After Suspension or Cancellation

Standard 5.6 requires that, where the College suspends or cancels the enrolment of the overseas student, the College must continue to approve the welfare arrangements for that student until:

- the student has alternative welfare arrangements in place approved by another school
- care of the student by a parent or nominated relative is approved by the Department of Home Affairs
- the student leaves Australia
- the College has notified the Department of Home Affairs 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.

Refer to our Deferring, Suspending or Cancelling an Overseas Student's Enrolment Policy for more information about the suspension and cancellation of enrolment processes.

Before terminating the CAAW for the student, the College must ensure that the student has new welfare arrangements formally in place. The student must provide a letter from another registered provider, or their parents/ guardians/eligible relatives confirming that they will take responsibility for the overseas student's welfare arrangements and the date from which the new arrangements will commence.

Where an overseas student's parent/guardian or eligible relative is planning to look after the overseas student for a short period of time, such as a holiday, the College may decide to continue their CAAW arrangements, rather than terminate the CAAW.

The College may decide to terminate a CAAW where it can no longer take responsibility for the overseas student due to events, such as:

- the overseas student refuses their accommodation or leaves their accommodation without notice
- after the College has exhausted all possible avenues of assisting the overseas student to maintain appropriate arrangements
- the accommodation provider becomes unable to maintain arrangements
- the overseas student's enrolment is suspended or cancelled
- the overseas student goes missing from their accommodation and cannot be found or contacted, even after the College has implemented our Overseas Students Critical Incident Response Policy.

In the situations listed above, the College must report the overseas student within 24 hours using the 'Non-Approval of Appropriate Accommodation/Welfare Arrangements' letter in PRISMS. This may lead to cancellation of the overseas student's visa by the Department of Home Affairs for breaching visa condition 8532.

If the Younger Overseas Student Turns 18

If the overseas student turns 18 while enrolled at the College, the College's CAAW responsibility will cease.

Additionally, the requirements under Standard 5 of the National Code and this policy will no longer apply to the student.

If an overseas student turns 18 while enrolled in the final period of their course, the College may decide to apply a condition on enrolment in the course, requiring the overseas student to continue to reside in the approved accommodation until the completion of the course. This will need to be made clear in an amended and signed written agreement or individual enrolment contracts signed by the parent/guardian.

Approval of Welfare Arrangements

Under Standard 5.7, if the College enrolls a student under 18 years of age who has welfare arrangements approved by another registered provider, the College 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 obligations to maintain their current welfare arrangements are approved or return to their home country until the new approved welfare arrangements take effect.

Welfare Arrangements Approved by the Department of Home Affairs

If an overseas student enrolled at the College is under the age of 18, a parent/guardian or eligible relative can be nominated to take responsibility for the overseas student's accommodation and welfare arrangements.

The parent/guardian, or eligible relative must have an appropriate visa or have applied for a Student Guardian visa (subclass 590).

An eligible relative can be:

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

The College is not obliged to follow up where a nominated guardian has been approved by the Department of Home Affairs. However, the College will contact the Department of Home Affairs and the Victorian Registration and Qualifications Authority (VRQA) if they become aware that the overseas student is not being appropriately cared for.

Arrangements Accepted by the College

The College accepts responsibility for the welfare arrangements of all overseas students who are under the age of 18. These students must only stay in accommodation approved by the College.

The College will not approve an overseas student's parent, guardian or eligible relative as an appropriate welfare arrangement in a CAAW – they must be approved by the Department of Home Affairs.

If the parent, guardian or eligible relative wants to care for an overseas student on a CAAW, they should apply to be the overseas student's nominated guardian through the Department of Home Affairs. They must be granted a Student Guardian visa through the Department of Home Affairs.

The College can approve a person who is not an Australian citizen or permanent resident (including a family friend or family member that does not meet the definition of eligible relative) to care for the overseas student on a CAAW. The College must ensure that the person is:

- at least 21-years-old; and
- of good character; and
- has an appropriate visa to remain in Australia until the visa expires or the overseas student turns 18.

Monitoring Welfare Arrangements

The College will monitor the welfare arrangements of overseas students, including the welfare arrangements where the student is living with an eligible relative under a Student Guardian visa, by conducting regular:

- student interviews
- student surveys
- physical site inspections
- maintenance and facilities review.

The monitoring of welfare arrangements is conducted by the Director of International Programs and/or another delegated staff member.

Refer to our Younger Overseas Students Accommodation Arrangements Policy.

Disruption of Welfare Arrangements

The College must activate our critical incident policy in emergency situations which may disrupt welfare arrangements without warning. Refer to our Overseas Students Critical Incidents Response Policy.

Records of any critical incident notifications must be maintained in accordance with the College's Overseas Students Records Management and Retention Policy.

Record Keeping

The College maintains evidence of compliance with this policy by maintaining records of CAAWs and any actions or activities undertaken by the College in relation to this policy. Records will be maintained in accordance with our Overseas Students Records Management and Retention Policy.

Policy status: New

Key Stakeholders: College staff, students and parents

Endorsement Body: College Executive

Ratification Body: College Board Policy

Author: Director of International Programs

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The content of this policy can be changed at the College Board's discretion at any time without notification.

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