

# Under 18 Student Support and Accommodation Procedure

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## Purpose

This procedure describes the requirements for admission, support, safety and wellbeing and accommodation arrangements for students at the University of Tasmania under the age of 18 years and the specific requirements for support and accommodation in relation to *international* students under the age of 18, who hold an Australian student visa and are enrolled at the University of Tasmania .

## Applicable governance instruments

Instrument	Section	Principles
<a href="#">Education Services for Overseas Students (ESOS) Act 2000 (Cth)</a>	Division 2: The National Code	N/A
<a href="#">National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth)</a>	Standard 5: Younger Overseas Students	N/A
<a href="#">Education Services for Overseas Students (Foundation Program Standards) Instrument 2021</a>	Standard 10: Younger Students	N/A
<a href="#">Migration Regulations 1994 (Cth)</a>	(Public Interest Criterion (PIC) 4012A)	N/A
<a href="#">Registration to Work with Vulnerable People Act 2013 (Tas)</a>	6 Contact with a vulnerable person defined	N/A

<a href="#">Behaviour Policy</a>	3 Reporting and disclosure of inappropriate behaviour	3.1-3.5
<a href="#">Child Safety Policy</a>	1 Child-safe Culture 2 Child-safe environment	1.1-1.6 2.1-2.6
<a href="#">Child Safety Code of Conduct</a>	All	N/A
<a href="#">Data and Information Governance Policy</a>	1. Privacy	1.1-1.7

## Procedure

### 1. Background

The University of Tasmania recognises that some students enrolled in units or courses may be under the age of 18 years at the beginning of their studies. While the safety, wellbeing, and success of *all* enrolled students is a key priority for the University regardless of age, there are circumstances and activities in which additional or specific support is provided to students under the age of 18.

The University also acknowledges its responsibility to ensure that international students under the age of 18 are afforded appropriate welfare arrangements to protect their personal safety and wellbeing.

The [National Code of Practice for Providers of Education and Training to Overseas Students 2018 \(Cth\)](#) (National Code) sets out the legal obligations of registered higher education providers in respect of international students under the age of 18 who hold an Australian student visa.

In accordance with the National Code Standard 2.1.10 this procedure is made available to prospective international students under the age of 18, recruitment staff and agents of the University.

There are number of circumstances which may lead to a student commencing study whilst still under the age of 18. Younger students are often admitted to Foundation-level undergraduate courses.

In accordance with the [Student Participation and Attainment Ordinance](#), applicants who meet the relevant course entry requirements and are at least 17 years of age at the time of the commencement of the course, are eligible for admission.

College Executive Deans have delegated authority to approve admission of younger exceptionally high achieving students into undergraduate degree courses.

Senior secondary students who can demonstrate very high levels of academic performance may be eligible for admission into the [High Achiever Program \(HAP\)](#) or the [University Connections Program \(UCP\)](#) to study specific University units.

### 2. Tailored support for under 18 students

University staff must actively encourage under 18 students to seek out support services and information to assist their transition to University-level study.

The Student Advice and Mentoring (SAM) team will personally contact all under 18 students at the point of enrolment. Students who do not engage will be individually phoned prior to, and in the early weeks of, the study period in which they are commencing. The SAM team will monitor transition progress, answer any questions or concerns, make students aware of the full range of available supports and provide targeted referrals, as necessary.

The High Achiever Program Coordinator will advise Unit Coordinators of the names of under 18 students enrolled in their unit prior to the unit commencing. High Achiever Program students will also receive tailored orientation sessions as part of the program.

All academic staff, particularly those teaching introductory-level units, must exercise caution if planning to use course materials that are legally only available to people aged over the age of 18. Any such use must be made clear to students in unit outlines. It is an offence to show material (including film, computer games or publications) to children that is not in accordance with the Australian Classification ratings.

The University recognises that international students under the age of 18 have unique support needs and that there are specific legislative responsibilities around the support and care of these students. A range of tailored support measures are in place for these students.

The Student Academic Success team must facilitate monthly one-on-one meetings between International Student Advisers and students until they reach 18 years of age and provide specialised course planning advice and learning support services.

College Associate Deans (Learning and Teaching Performance) must monitor the academic progress of international students under the age of 18 through the University's Academic Progress Review (APR) process.

Student Systems and Administration must maintain robust and current data sets and records of all contacts, issues, student details and specific support arrangements (for example arrangements in relation to accommodation).

### **3. Student safety, wellbeing and protection**

University principles around reporting and responses to allegations of abuse, neglect or exploitation, or concerns that a child or young person needs protection are included in the [Child Safety Policy](#) and [Child Safety Code of Conduct](#).

The [University Behaviour Procedure](#) outlines the steps to be taken when reporting matters of concern, including the University's mandatory reporting obligations.

The Safe and Fair Community Unit (SaFCU) will provide pastoral care and support services, including counselling and information about how to report an incident or allegation involving actual or alleged sexual, physical or other abuse.

If staff or students have concerns for the wellbeing or safety of an under 18 student, they must report these concerns to SaFCU who will, where appropriate, refer the student to the University counselling service, a Student Advisor or other University or external support provider.

### **4. Consent to take part in off-campus activities**

Colleges must obtain parental/guardian consent for underage students to participate in off campus activities such as field trips, placements, work experience, or sporting activities. A student who is under the age of 17 will not be permitted to attend any overnight activity unless accompanied by a parent or guardian.

### **5. Counselling and informed consent**

The University provides a free and confidential counselling service for enrolled students, through the [Personal Counselling Service](#). This service is also available to those students who are under the age of 18.

Parental permission to access the counselling service is not required. However, if a student under the age of 18 is accessing the service for the first time, the counsellor must make a sound and reasoned judgement as to whether the underage student is able to provide informed consent by determining whether they can understand the nature, benefits and risks of the proposed service, the consequences of receiving or not receiving the service, and whether they have the capacity to make an informed choice.

If the counsellor believes that the student does *not* understand the benefits, nature, or risk of receiving or not receiving the service, consent is required from the underage student's parent/guardian.

Counsellors must also advise the student of the University's mandatory reporting requirements, as well as normal confidentiality provisions.

Where an underage student is judged to have the capacity to give informed consent, their consent is required for the disclosure of information to a parent or any third party, unless there is a clear risk to the safety of the underage student or others.

If a counsellor has concerns for the safety of the student, the nominated parent/guardian may be contacted, and mandatory reporting guidelines will be followed. If a parent/guardian is not able to be contacted, mandatory reporting guidelines must be followed as per state regulations.

The case notes prepared by counsellors are confidential and may not be accessed by parents/guardians unless the student provides consent for them to be released.

## 6. Registration to Work with Vulnerable People

University community members who are engaged in an activity, as a normal part of their duties, in which they have more than incidental contact with a person under the age of 18, must hold a current Registration to Work with Vulnerable People.

'More than incidental contact' is defined as contact between a person and a person under the age of 18 that:

- a. would reasonably be expected as a normal part of taking part in the activity;
- b. is more than incidental to taking part in the activity;
- c. is one or more of the following:
  - i. physical contact, including taking part in the activity at the same place as the child;
  - ii. oral communication, whether face-to-face or by telephone;
  - iii. written communication, including electronic communication;
  - iv. dealing with a record relating to a child; and
  - v. making a decision that affects a child.

This requirement applies to all University staff, University Council members, committee members, visiting and adjunct academics, volunteers and students.

Standard 5.1 of the [National Code of Practice for Providers of Education and Training to Overseas Students 2018 \(Cth\)](#) (Younger Overseas Students), requires that, where a registered provider enrolls an international 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. Accordingly:

- a. all fixed term, ongoing and casual academic teaching staff; and
- b. all staff and students in paid positions, nominated as having direct contact with under 18 overseas students,

must hold current Registration to Work with Vulnerable People.

University community members must apply for their own Working with Vulnerable People Registration in the relevant state. In Tasmania this is through the [Department of Justice](#) and in NSW this is through the [Office of the Children's Guardian](#).

The University will meet the cost of Working with Vulnerable People Registration applications for all employees, committee members, and adjunct and visiting academics who are required to possess a registration as part of their work with the University. This payment is to be managed by the relevant organisational unit.

It will be at the discretion of individual organisational units and other work areas to determine if the University will meet the costs of Working with Vulnerable People Registration applications for students and volunteers in their area.

University community members who are required to possess a Working with Vulnerable People Registration must present proof of the registration to their supervisor or organisational unit member prior to engaging in any activity that requires the registration. The organisational unit member is then required to verify the registration with the relevant government department. In Tasmania this can be completed on the [Department of Justice website](#). In NSW this can be completed on the [Office of the Children's Guardian website](#).

Organisational units should keep a record of registration verification and registration renewal dates.

Registrations are required to be renewed every three years. University community members must provide proof of a renewed registration to their supervisor or organisational unit member. The supervisor or organisational unit member is then required to verify the renewed registration. Organisational units should keep a record of registration verification and registration renewal dates.

In the circumstance where a University members' registration lapses, they must not undertake any activity that involves contact with vulnerable people until their registration is renewed and verified.

More information is available from the [Working with Vulnerable People](#) staff intranet page.

## **7. Emergencies and critical incidents**

The University has a Crisis Management and Recovery Team (CMRT) which is convened when required to manage crisis events. The CMRT, comprised of both strategic and operational (tactical) arms, is guided by an action document known as the Crisis Management and Recovery Plan.

In an emergency, CMRT representatives will contact the parent/guardian of an underage student using the most recent contact details provided. Students must keep their contact details up to date in eStudent.

Where emergency medical treatment is required for the underage student, action may need to be taken in the best interests of the student before their parent/guardian can be contacted. In such cases, University staff must follow the University's established emergency procedures.

If an international student under the age of 18 is involved in a critical incident, CMRT will implement the crisis management and recovery plan and emergency management procedures.

## **8. Legal relationships, privacy and insurance**

The University cannot act in the place of a parent/guardian in relation to domestic students who are under the age of 18 years. See section 14 for specific requirements around international students.

Where contracts are required, for example, for tuition fees or accommodation, the student's parent/guardian must act as guarantor to honour all obligations under any contract that the student enters prior to their 18<sup>th</sup> birthday. A failure by a student to pay any sums due under a contract may result in the University directing recovery measures to the parent/guardian.

Under the [Personal Information Protection Act 2004 \(Tas\)](#), all students regardless of their age have the legal right for information about them not to be disclosed without their consent. Unless a student gives their

consent, the University is not able to give information to parents or guardians regarding the student's progress, results, or personal circumstances.

All underage students are covered by the University's insurance policies for University approved and endorsed activities. Under the [Personal Accident Insurance Policy](#), the lower age limit is 14 years of age. More information on [insurance](#) is available from Financial Services.

## 9. Accommodation

University student living communities value safety, inclusion, and respect. To ensure the University can meet its duty of care obligations, several additional measures are put in place to support students under the age of 18 who reside in the University's student accommodation facilities. For example, wherever possible, students aged under 18 are co-located with other underage students with appropriate levels of care and supervision.

The Student Living team is responsible for, on receipt of an accommodation application, making direct contact with the parent/guardian to ensure there is a shared understanding of the supports and practices in place, and that the student accommodation is suitable for the student's needs.

The Student Living team must also maintain regular communications and ongoing contact with the parent/guardian as required.

## 10. Specific accommodation and welfare requirements for under 18 international students

The National Code, Standard 5, and visa condition 8532, require that international students under 18 years of age maintain suitable accommodation and general welfare arrangements for the duration of their student visa. Visa applicants under the age of 18 must therefore demonstrate that they have adequate welfare arrangements in place for the length of the student visa or until they turn 18.

The [Migration Regulations 1994 \(Cth\)](#) require that the international student must either:

- a. reside with a parent, legal custodian or suitable relative; or
- b. have welfare arrangements approved by the University.

These regulations mean that a student visa will only be granted by the Australian Government if the underage student has approval to reside in one of the following types of accommodation arrangements.

### ***Arrangement Type 1 – Accompanied (approved by Department of Home Affairs)***

Where the parent or legal custodian nominates themselves or an eligible relative as the child's guardian in Australia and organises their accommodation, the Department of Home Affairs is responsible for approving the accommodation arrangement.

A relative eligible to be nominated as a carer must be over the age of 21 and be either a brother, sister, step-parent, step-brother, step-sister, grandparent, aunt, uncle, niece or nephew, step-grandparent, step-aunt, step-uncle, step-niece or step-nephew.

### ***Arrangement Type 2 – Unaccompanied (approved by the University)***

Where the parent or legal custodian nominates the University of Tasmania to act as the child's guardian in Australia and organise acceptable accommodation, the University is responsible for approving the accommodation arrangement.



## 10.2. Approval of accommodation and welfare arrangements

As part of the visa application process, the parent or legal custodian of the younger international student must nominate the type of arrangement planned, referring to the [Australian Government Department of Home Affairs information](#).

The parent or legal custodian must personally sign the form for nominating the type of arrangement. This cannot be delegated to a third party.

For arrangements requiring Department of Home Affairs approval (accompanied – arrangement type 1), the parent or legal custodian must complete the requisite Department of Home Affairs forms and provide a copy to the University Admissions office for record keeping purposes.

The Admissions office must:

- a. enter the application information into the student management system and upload all related documents; and
- b. obtain information about the proposed guardian who will be responsible for the Department of Home Affairs approved arrangement.

For arrangements requiring University approval (unaccompanied – arrangement type 2), the Admissions office will refer the application to Student Living who will advise whether appropriate accommodation is available.

Student Living will contact the student and their family to discuss accommodation options and the arrangements for students. An accommodation offer will then be made to the student.

Student Living is responsible for approving all accommodation for under 18 international students. Student Living will only approve accommodation for international students under the age of 18 at either University of Tasmania Student Living premises, or at a University-approved accommodation provider (a provider with whom the University has previously entered into an agreement or Memorandum of Understanding with regard to student accommodation).

An international student under the age of 18 who wishes to take an excursion or stay overnight at an address other than their approved accommodation, must obtain approval from Student Living or the approved accommodation provider.

## 10.3. 'Confirmation of Appropriate Accommodation and Welfare' (CAAW)

If the application for accommodation is approved by Student Living, a Confirmation of Appropriate Accommodation and Welfare (CAAW) will be issued together with the Confirmation of Enrolment (CoE) for the student to include in their visa application. The CAAW and the CoE are only provided once the letter of offer is accepted and the required deposit paid.

The nominated start date in the CAAW, where the University will take responsibility for the student's welfare, will be up to 21 days prior to the start date of the relevant study period.

For a student still covered by a previous welfare arrangement with another registered provider within 21 days of commencement of classes, the University will assume welfare responsibility for the student on the day following the completion of their original welfare arrangement.

The end date in the CAAW will be the date the student turns 18 years of age or the end date of the CoE plus 7 days, whichever comes first.

Admissions must ensure that care arrangements for the student are in place for the entire period until the student turns 18, including any period of non-enrolment such as University holidays and/or up to 21 days before the commencement of classes.

#### 10.4. Changing from one type of accommodation and welfare arrangement to the other

If a student wishes to change their arrangement, they must seek prior approval from the University.

Students who are considering changing their accommodation or welfare arrangement must first discuss the proposed change with an [International Student Advisor](#).

##### ***Applications to change from arrangement type 2 (unaccompanied) to arrangement type 1 (accompanied)***

For applications to change from arrangement type 2 to arrangement type 1, the Admissions office will:

- a. confirm the student's current accommodation and welfare arrangement and check that they match the original arrangement approved by the Admissions office;
- b. determine the nature of the proposed alternative welfare arrangement; and
- c. assess whether the proposed change is acceptable, record the decision in the student management system and upload any related documents.

If the application to change arrangement is approved, the Admissions office will advise the student that they must complete the Department of Home Affairs [157N \(Student Guardianship Arrangements\)](#) form.

The student must then notify the Admissions office if or when the change of welfare arrangement has been approved by the Department of Home Affairs. The Admissions office will cancel the student's CAAW within 48 hours of receiving notification of the Department of Home Affairs decision.

If the application to change arrangement is not approved, the Admissions office will:

- a. inform the student of their obligation to maintain their current arrangement; and
- b. advise the student that if the University becomes aware that they have changed their arrangement without approval, this may lead to cancellation of the CAAW and their visa.

##### ***Applications to change from arrangement type 1 (accompanied) to arrangement type 2 (unaccompanied)***

For applications to change from arrangement type 1 to arrangement type 2, the Admissions office will:

- a. confirm the proposed alternative welfare arrangement with Student Living;
- b. assess whether the proposed change is acceptable; and
- c. record the decision in the student management system and upload any related documents.

If the application to change arrangement is approved, the Admissions office will:

- a. advise the student of the decision; and
- b. issue the CAAW to the student within 48 hours of the decision.

If the application to change arrangement is not approved, the Admissions office will:

- a. advise the student of the decision; and
- b. inform the student of their obligation to maintain their current arrangement.

For applications to change accommodation *site* within arrangement type 2 (unaccompanied), the Admissions office will:

- a. confirm the proposed alternative accommodation site with Student Living;
- b. assess whether the proposed change is acceptable; and
- c. record the decision in the student management system and upload any related documents.

If the application to change accommodation site is approved, the Admissions office will:



- a. advise the student of the decision; and
- b. amend the CAAW to reflect new accommodation site.

If the application to change accommodation site is not approved, the Admissions office will:

- a. advise the student of the decision; and
- b. inform the student of their obligation to maintain their current arrangement.

#### **10.5. Under 18 international students wishing to transfer to or from another registered provider**

In accordance with Standards 5.7 and 7.3 of the [National Code of Practice for Providers of Education and Training to Overseas Students 2018 \(Cth\)](#), international students under the age of 18 seeking to transfer to the University of Tasmania from another registered provider must provide written evidence from their parent/guardian to both providers and the Department of Home Affairs in support of the transfer.

Such students should apply for admission to the University using normal processes for international applicants. If the University enrolls a student who has welfare arrangements approved by another registered provider, the Admissions office must inform the student of their visa obligation to maintain their current welfare arrangement until such time as:

- a. the new welfare arrangement has been approved; or
- b. the student returns to their home country.

International students under the age of 18 seeking to transfer from the University of Tasmania to another registered provider must provide the Admissions office with written evidence from their parent/guardian supporting the transfer.

If the student is approved to transfer to another registered provider, the Admissions Office will liaise with the receiving registered provider to ensure that the accommodation and welfare arrangements for the student are appropriate.

#### **10.6. Withdrawing approval of accommodation and general welfare arrangements for under 18 international students**

The Admissions office may withdraw approval of accommodation and general welfare arrangements and report this decision to the Department of Home Affairs through the Australian government Provider Registration and International Student Management System (PRISMS) on the following grounds:

- a. the student refuses to maintain University approved accommodation or welfare arrangements;
- b. the student takes an excursion or stays overnight at an address other than the approved address without approval;
- c. the student's enrolment is suspended or cancelled by the University; or
- d. the student has gone missing, the University's critical incident procedures have been implemented and the student has not been found after a reasonable period.

By notifying the Department of Home Affairs, the University is reporting a breach of the student's visa condition 8532. This may result in the cancellation of the student's visa.

In these situations, the Admissions office will:

- a. ensure that the student has been warned about any welfare concerns before acting, which may include placing the student on a behaviour plan;
- b. consider any exceptional circumstances that may have led to the breach; and

- c. determine whether University approval should be withdrawn.

If University approval is withdrawn, the Admissions office will:

- a. advise the student of the decision;
- b. advise the parent or legal guardian of the decision;
- c. advise the Department of Home Affairs within 24 hours of the decision; and
- d. record the decision in the student management system and upload any related documents.

#### 10.7. Consequences of enrolment suspension or cancellation for under 18 international students

If the student's enrolment is suspended or cancelled, the Admissions office must continue to check the suitability and safety of arrangements for the student until such time as:

- a. the student is accepted by another registered provider who takes over responsibility for the accommodation, support and welfare arrangements of the student; or
- b. the student leaves Australia; or
- c. other suitable arrangements are made satisfying the [Migration Regulations 1994 \(Cth\)](#).

#### Related procedures

*Behaviour Procedure*

*Safety and Wellbeing Procedure for our Community Members*

#### Versions

Version	Action	Approved By	Approval Date	Business Owner
1	Approved	Provost	4 April 2022	Executive Director (Student Life and Enrichment)