

Under 18 Policy

Scope

This policy applies to all students who are Under 18 while enrolled at a Kaplan Higher Education Pty Ltd (KHE), pathway college (College). It also includes staff and Affiliates who support students who are Under 18, and any third-party providing accommodation or welfare services on behalf of the College including:

- all College campuses and other facilities.
- face-to-face contact including but not limited to lectures, tutorials, work placements, events, sports events, client meetings, social gatherings, excursions, social gatherings, and cultural activities.
- all virtual spaces such as online forums, webinars, workshops, platforms, learning management system, social media and communities arranged or facilitated by third parties providing any services to the College.

Purpose

The purpose of this policy is to:

- provide guidance when making decisions concerning students who are Under 18 and outline the accommodation and welfare arrangements for students who will not be living with a parent/legal guardian or an approved suitable relative; and
- ensure appropriate arrangements are made to protect the personal safety and social well-being of younger students in accordance with Commonwealth, state and territory legislation relating to child welfare and protection, and the Education Services for Overseas Students (ESOS) framework.

Policy Statement

Child welfare and protection legislation in Australia applies to young people and children who are students under the age of 18. The minimum age permitted for an Under 18 enrolment at the College is 16 years of age and 16 years for Foundation Programs.

Kaplan uses the *National Principles for Child Safe Organisations* as a framework for the welfare and safety of Under 18s. The framework is legislated or in the process of being legislated by all Commonwealth, State and Territory governments. The *Child Safe Standards* in this framework have been adapted and embedded in Kaplan's policy principles for students who are under 18:

1. Child safety is embedded in institution leadership, governance and culture
2. Young people have opportunities to participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved
4. Equity is upheld, and diverse needs are considered
5. People working with children are suitable and supported
6. Processes to respond to complaints of child sexual abuse are age appropriate
7. Employees are equipped with the knowledge, skills and awareness to keep young people safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur
9. Implementation of the *Child Safe Standards* is continuously reviewed and improved
10. Policies and procedures document how the institution is safe for young people.

Definitions

Accommodation Provider	means the entity responsible for providing student accommodation for the duration of the CAAW. They include Homestays, campus villages, student residential and Purpose-Built Student Accommodation (PBSA) facilities.
Affiliates	means consultants and contractors to the College, Kaplan Higher Education employees and any other people appointed or engaged by the College to perform operational or academic duties on its behalf.
Award	means programs that are AQF qualifications, specifically diplomas, associate degrees, bachelor degrees, graduate certificates, graduate diplomas or master degrees.
Caregiver	means the person who provides direct care for the younger student whilst they are in Australia.
Carer	means an employee of a Welfare Provider who offers non-academic supervision and welfare support to international students under the age of 18.
CAAW	means the Confirmation of Appropriate Accommodation and Welfare letter – a document generated in PRISMS that indicates the College has approved a student visa holder's welfare and accommodation arrangements while Under 18 and enrolled in a CRICOS registered course(s) at the College.
Department of Home Affairs (DHA)	means the Australian Government department responsible for managing student visa services and issuing student visas.
Direct contact	means face-to-face, physical, written, oral or electronic contact.
Homestay	means accommodation where an international student lives as a member of an approved local family.
Homestay Provider	means an organisation that is responsible for arranging Homestay accommodation for students, including Under 18s.
Incidental Interaction	means a visitor to the College that may have ad hoc or brief contact with an Under 18 during normal operations, for example, maintenance contractors or parents of other students.
International student	means a person who holds or intends to hold a student visa with rights to study in Australia.
Mandatory Reporting	means State and Territory legislation defines specific groups of people for whom it is mandatory to report the abuse or neglect of children and young persons to government authorities.
National Principles	means the <i>National Principles for Child Safe Organisations</i> , a framework for the welfare and safety of Under 18s; legislated or in the process of being legislated in all states and territories.
Police Check	means a mandatory check of an employee to determine whether they have a criminal record and would present a risk if working with children or young people. The screening requirements vary between states and territories.
PRISMS	means the Provider Registration and International Student Management System.
Purpose Built Student Accommodation (PBSA)	means housing built specifically for students, which includes amenities specific to students such as study spaces, fully furnished units, a central location and building security.
Under 18	means a student who is under 18 years but not younger than 16 years at the time of commencement or during their enrolment.
Welfare Provider	means an organisation that is responsible for providing support and welfare monitoring to students until they turn 18.
Working with Children Check	means the Working with Children Check (WWCC) or equivalent, a mandatory check of an employee to assess their suitability for working with Under 18s. The screening requirements vary between the States and Territories.
Written agreement	means the legal contract between the College and the student. It must be signed by the student and the parent or legal guardian if the student is Under 18.



Policy Principles

KHE is committed to its duty of care. It will monitor the welfare of all students irrespective of their accommodation or welfare arrangements.

Screening Clearances

Employees and Affiliates

All employees and affiliates must have a current Working with Children Check (WWCC) (or equivalent) and Police Check according to the state or territory regulatory requirements, irrespective of whether they interact with Under 18s. The College will ensure WWCCs, and Police Checks are completed and/or renewed for all employees and/or contractors with all employment contracts.

Accommodation and Welfare Providers

Where the College has taken responsibility for approving the accommodation and general welfare arrangements for an International Under 18 Student, the College must ensure any adults, including subcontractors, involved in providing accommodation and welfare arrangements for the student have a WWCC (or equivalent) appropriate to the jurisdiction(s) in which the College operates.

Age-Appropriate Information

The College will ensure all Under 18s are given age and culturally appropriate information on who to contact in emergencies and how to seek assistance or report any instance or allegation of actual or alleged sexual assault, physical or other abuse. The information will include a nominated College phone number and the contact details for the College's third-party safety and well-being provider that offers access to services 24 hours per day, 7 days per week.

Emergency Contacts and Mandatory Reporting

The College will maintain up-to-date records of the contact details of students, parents, legal guardians, Carers, and any other adult responsible for the welfare of Under 18s. If contact details change, the student must notify the College within seven calendar days.

State and Territory legislation defines mandatory reporting to Government authorities for abuse or neglect of Under 18s. All employees and contractors to whom an Under 18 discloses allegations of abuse or neglect must follow the mandatory reporting procedures in the College's *Sexual Misconduct Prevention and Response Policy* and the *Critical Incident Policy*.

Electronic Media

The College is committed to providing a safe online environment. Students must abide by all relevant laws, policies and procedures when using electronic media. The College's *Code of Conduct* and *Electronic Media Policy* apply regardless of the medium used. Students are personally accountable and liable for everything they upload online.

Employees and Affiliates should also refer to the *IT Acceptable Use Policy*.

Face-to-Face and Online Contact

All reasonable efforts will be made to make the College a safe place for Under 18s by ensuring one-on-one in-person conversations are held in visible areas or by requesting the presence of an additional staff member or support person when meeting with a student. Online meetings will always include at least two (2) staff members and a support person (if required).

Support and Welfare

The College offers Under 18s a safe learning environment through a range of services until the student reaches the age of 18, including:

- A central contact point.
- An awareness of the needs of Aboriginal and Torres Strait Islander people.

- Access or referral to welfare-related support services.
- Regular contact.
- Age-appropriate emergency and orientation information.
- Age-appropriate management of complaints and appeals.
- Parents/legal guardians kept informed, and their approval sought for changes to enrolment.
- Surveys and other opportunities to contribute their opinions about their education and welfare to inform policies and procedures for Under 18s.
- All employees in positions of leadership and management must identify opportunities and take steps for continuous improvement to policies and procedures for Under 18s.

Employee Training

New employees must complete an orientation on working with Under 18s. All other employees must complete refresher training on an annual basis.

Guiding Procedures

This section is based on Standard 5 in the National Code 2018.

Accommodation for International Students (Under 18)

Under 18s may choose one of the following approved accommodation options:

1. One of the College's approved Accommodation Providers.
2. Live with a parent/legal guardian.
3. Live with an eligible relative.

Where an International Student under 18 will not live with a parent/legal guardian or nominated eligible relative in Australia, the College is responsible for approving the student's accommodation and welfare arrangements per this Policy.

The College has entered into agreements with certain Accommodation and Welfare Providers to ensure appropriate welfare and accommodation arrangements are available for students. Where the College is responsible for an Under 18 International Student's welfare and accommodation arrangements, it will inform the Australian Government by authorising a Confirmation of Appropriate Accommodation and Welfare Letter (CAAW) in PRISMS. A CAAW is only issued where a student will **not** live with their parent/legal guardian or nominated relative. Signed accommodation and welfare agreements must be sent to College Admissions, and the nominated approval dates must be confirmed before the CAAW and Confirmation of Enrolment (CoE) are issued.

The College will notify the Department of Home Affairs (DHA) if they can no longer approve an International Student's welfare arrangements or if they become aware that a student has breached their visa conditions.

The CAAW:

- (a) confirms the College's approval of the student's welfare and accommodation arrangements; and
- (b) nominates the date(s) for which the College has approved the accommodation and welfare arrangements, covering the period from 7 days prior to the proposed course start date on the student's CoE plus 7 days after the student turns 18. The College remains responsible for the student's welfare and accommodation arrangements until the student turns 18, until the student has progressed to university, or until alternative welfare arrangements are in place.

Where the College is responsible for the accommodation and welfare needs of an Under 18 student, the College will do the following:

- Re-confirm the student's accommodation and welfare arrangements before their arrival, including making sure the student's parent(s) or legal guardian(s) and agent (where applicable) are aware of and have access to this Policy.
- If the student needs accommodation, they are referred to the College's approved Accommodation Providers, including Homestay Providers and PBSA.
- Maintain third-party agreements with all Accommodation and Welfare Providers, including the College's right to audit provider student records and the premises' suitability for Under 18s.

- Ensure the Accommodation Provider agrees to:
 - maintain regular contact with the College and the student's parent(s) or legal guardian(s). The person(s) must immediately contact the College if the student is unable to attend class or does not return home each day for an unknown reason.
 - follow all reasonable and lawful directions from the College concerning the student and their accommodation and welfare.
 - allow the College to visit the dwellings to ensure that the College is satisfied with the accommodation arrangements.
 - inform the College within 48 hours if any of their contact details change.
- Inform the Australian Government, using the CAAW, that the College has approved the student's accommodation and welfare arrangements and nominate the date(s) for which the College has accepted responsibility for these arrangements.
- Determine whether the student will be accompanied to Australia by a parent/legal guardian or nominated relative. If this is not the case, the College will arrange for the student to be met at the airport and accompanied to their accommodation. Airport transfers arranged by the College will incur a cost to the student.
- An authorised College employee, who is local to the campus, will initially visit the accommodation, and at least every six months after that, to ensure that the living standard is acceptable and safe, that person(s) responsible for the student's living arrangements are suitable and to provide information regarding this policy and the responsibilities of the Caregiver. Details of such accommodation visits and outcomes are recorded on the student's record including the signed accommodation consent form from the student's parent(s) or legal guardian(s).

Welfare Arrangements for Under 18s

To ensure that all students under the age of 18 are supported appropriately, the College has entered into an agreement with a third-party Welfare Provider that specialises in student welfare, safety and support services.

Welfare/Student Support

Each student is assigned to a multi-lingual Carer who will act on the behalf of the student and the parent/legal guardian.

The Carer will:

- Contact parents/legal guardians and students before they arrive in Australia.
- Visit the student at their accommodation after they arrive in Australia
- Meet with the student at the College at least every 14 days.
- provide pastoral support to the student.
- report appropriately to the student's parent(s) or legal guardian(s).
- respond to requests from parent(s) or legal guardian(s) for additional information.
- Provide 24/7 emergency assistance.

Meetings

- Under 18s must regularly attend compulsory meetings with the Carer.
- At the meeting, student welfare issues will be discussed, including accommodation, health and welfare, general behaviour, attendance, relationships (if impacting on the student's welfare or academic progress) or items of concern to the student. The student's address and contact details will also be confirmed at each meeting.
- The student will be encouraged to discuss anything about their welfare, living arrangements, or health that concerns them.
- Records of these meetings will be noted on the student's record, and any serious issues will be reported to management for appropriate follow-up.
- The student's parent(s) or legal guardian(s) will receive updates on these meetings.



Additional Support for Under 18s

The College will identify all Under 18s before the commencement of each study period. The names and contact details of the student, parent(s)/legal guardian(s), Accommodation Providers and Carer will also be recorded on the student's record.

All Under 18s, their Caregivers and Carers, where applicable, will be provided with a 24-hour contact telephone number in case of emergency.

Academic Support

The College provides the following academic supports for Under 18 students:

- At the commencement of each study period, all teachers will be provided with a list of students in their class who are under 18 years of age. The College will ensure that course materials and tutoring are tailored to meet the student learning requirements, considering the age and maturity of the students.
- Teachers will regularly monitor, evaluate and report on Under 18s achievement through methods such as:
 - providing students with feedback on their performance.
 - teacher discussions.
 - interim reporting to academic managers.
 - making judgements of student achievement in relation to expected standards.
 - regular reporting on assessment outcomes and progress to students and their parent(s) or legal guardian(s) and Carer.
 - using student performance information to plan future learning programs.

Student Orientation

At Orientation, the College provides additional support to Under 18s by:

- having an Under 18s information session, where the College outlines its support services, the Under 18 Policy and relevant College and student obligations and responsibilities, including the Student Code of Conduct.
- organising for each student to visit the Student Success Advisor/Teacher regularly and providing Under 18 group sessions.
- providing information on facilities and operations for mixed age cohorts.
- providing a 24-hour contact telephone number in case of emergency.

Procedures for Managing Under 18 International Students in College-Approved Welfare and Accommodation Arrangements

Any deferral, suspension or withdrawal request initiated by an Under 18 student must be signed by the parent(s) or legal guardian(s).

Any transfer application to another provider must be approved per the *International Student Transfer Policy* and signed by the parent(s) or legal guardian(s).

For changes initiated by the College, the parent(s) or legal guardian(s), Carer and Accommodation and Welfare Providers must be informed as soon as practicable and within 48 hours.

The Australian Government must be informed via PRISMS as follows:

When the student changes their living arrangements before they turn 18 (with the College's prior approval)	Within (14) fourteen calendar days
When the College can no longer approve the student's accommodation arrangements, such as where the student: <ul style="list-style-type: none"> ○ refuses to maintain the approved accommodation arrangements, ○ has left Australia, ○ care by the parent(s) or legal guardian(s) is approved by the DHA or ○ has transferred to another provider who has approved their welfare and accommodation arrangements. 	Within 24 hours



If the College suspends or cancels the enrolment of an Under 18, the College must continue to approve the welfare arrangements until:

- another provider approves alternative welfare arrangements, or
- the student enters the care of a parent/legal guardian or nominated relative approved by the DHA, or
- the student leaves Australia, or
- the College notifies DHA that it can no longer approve the welfare arrangement.

When a student transfers from another provider to the College, the College must negotiate the transfer date for welfare arrangements with the releasing provider and ensure there is no gap. The same applies to students transferring to another provider and those who are under 18 when they complete their pathway program and progress to the university provider.

If the College is no longer able to approve the welfare arrangements of a student, all reasonable efforts must be made to contact the student's parent(s)/legal guardian(s) and Carer as soon as possible.

Further, if a student is missing from their approved accommodation and cannot be contacted by the College for longer than 48 hours without reason, then the College's Critical Incident Policy will be initiated. This will include all reasonable efforts to inform the student's parent(s)/legal guardian(s) immediately and to notify the Police where necessary.

If the College becomes aware that the welfare of an Under 18 International Student is at risk, or their accommodation and welfare arrangements breach their visa conditions, then it will intervene, within 48 hours of becoming aware of suitability issues, by recommending to the student's parent(s)/legal guardian(s) that the student moves to alternative, and suitable accommodation. The College will arrange emergency accommodation for the student if required.

If the student does not take up the College's recommendation for alternative accommodation within five (5) working days, a letter of intention to report for non-approval of welfare and living arrangements will be sent to the student and their parent(s)/legal guardian(s).

If the student fails to change their accommodation arrangements within seven (7) working days, the College's approval of the accommodation will be withdrawn, and the Australian Government will be informed via PRISMS. This may affect the student's visa and rights to stay in Australia.

Complaints and Appeals

Students dissatisfied with the application of this Policy by the College may refer to the College's Grievances, Complaints and Appeals Policy for information regarding their options.

Relevant Legislation

As a registered higher education provider, KHE operates under strict laws and regulations. Policies and procedures are in place to ensure compliance with the legislative instruments referenced below:

- Australian Human Rights Commission Act 1986 (Cth)
- Education Services for Overseas Students Act 2000 (ESOS Act)
- Education Services for Overseas Students Regulations 2019 (Cth)
- ELICOS Standards 2018
- Family Law Act 1975 (Cth)
- Foundation Program Standards 2021
- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- Work Health and Safety Act 2011 (Cth)
- Privacy Act 1988 (Cth)
- Child protection and welfare legislation as relevant for each State and Territory



Related Policies

This Policy should be read in conjunction with the following College policies:

- Admissions Policy
- Critical Incident Policy
- Diversity and Inclusion Policy
- Electronic Media Policy
- Grievances, Complaints and Appeals Policy
- Health and Safety Policy
- Incident and Hazard Report
- IT Acceptable Use Policy
- Prevention of Bullying and Harassment Policy
- Privacy Policy
- Sexual Misconduct Prevention and Response Policy
- Student Code of Conduct: Policy and Procedures



Version Control and Accountable Officers

It is the joint responsibility of the Implementation Officer and Responsible Officer to ensure compliance with this policy.

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Responsible Officer	General Counsel			
Implementation Officer	Head of College Services			
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Approved by				
Vice President, Academic under a standing delegation from the KHE Academic Board				
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1.0	Quality Regulations and Standards	New Policy	24/08/2023	01/09/2023
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