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<b>Approved by:</b>	Academy Board
<b>Date Approved:</b>	September 2010
<b>Last Reviewed:</b>	October 2016
<b>Related Policies:</b>	Attendance Policy Critical Incident Policy Student Progress Monitoring Policy

## 1. Overview

- 1.1. Australian Government regulations (ESOS National Code – revised 2007, Public Interest Criterion 4012A and Visa condition 8532) require international students under the age of 18 to have approved accommodation and welfare arrangements while they undertake study in Australia, before a visa is granted.
- 1.2. This Policy provides the operational guidelines for accommodation, support, monitoring and risk prevention for underage students.
- 1.3. This policy provides operational guidelines for West Australian legislation (Children & Community Services Amendment Act 2008) covering mandatory reporting of child sexual abuse.

## 2. Organisational Scope

- 2.1. This policy applies to all prospective and current students if under the age of 18 whilst studying at Phoenix Academy.
- 2.2. For students with ‘packaged offers’ which involve other providers, the Academy’s responsibility for underage students commences one week prior to orientation and ceases when the student withdraws from the course, or transfers to another provider. Where a student doesn’t commence study with the other provider as expected, parents need to inform Phoenix Academy of their intentions.

## 3. Definitions

- 3.1. **DIBP:** Department of Immigration and Border Protection: The Australian government agency responsible for issuing students with visas.
- 3.2. **CoE:** Confirmation of Enrolment is a document registered with DIBP to confirm a student’s acceptance into a particular course for a specified duration.
- 3.3. **WWCC:** Working with Children Check: is a national criminal history record check required by people who work with children and young people in certain categories of “child related” work in Western Australia. This is to protect children from harm.

## 4. Policy Principles

- 4.1. All underage students must satisfy the Academy that they have appropriate welfare and living arrangements in place for the duration of their studies or until they turn 18 years of age.
- 4.2. International underage students must also demonstrate that they have appropriate welfare and living arrangements in place which satisfies the Student Visa requirements for international students. Private rental accommodation without care arrangements in place is not permitted.

- 4.3. Non-related accommodation providers and staff who work with students in the course of their duties will be required to obtain a WWC or Police Clearance (PC).

## 5. Policy Content

- 5.1. Phoenix Academy has in place procedures to:

- Ensure the Academy is compliant with ESOS legislation and the National Code;
- Monitor and report underage international students where they are deemed to be in breach of their visa conditions;
- Place students in appropriate accommodation and care arrangements;
- Provide welfare support for underage students;
- Ensure employees working with underage students have submitted a 'Working with Children' or Police clearance, as required.

## 5.2. International Students

The welfare of international students studying in Australia is legislated under the ESOS Act 2000 and the National Code. The granting of a study visa for underage students is dependant on a number of conditions being met by the student's legal guardians, the student and the education provider.

International students under 18 years of age must demonstrate to DIAC that they have the approval of a parent or legal custodian to reside in Australia for the duration of the program in which they are enrolled, or until they become 18 years of age

## 6. Approval of living arrangements for underage students studying at Phoenix Academy

Phoenix Academy will only issue the Confirmation of Enrolment (CoE) to a student under the age of 18 when appropriate living arrangements have been made and confirmed by the parent or Legal Guardian. Phoenix Academy will only approve the living arrangements if the student is living in one of the following arrangements:

### **Living with a parent**

**Living in Phoenix Academy approved home-stay** – Phoenix Academy staff will obtain written confirmation from the Home-stay Placement Coordinator that appropriate accommodation arrangements have been made for the student. The Home-stay Placement Coordinator will provide Phoenix Academy with updated details when the student has been allocated to a home stay accommodation. Should the accommodation arrangements change at any time it is the responsibility of the Home-stay Placement Coordinator to notify Phoenix Academy about these changes immediately.

**Living with a suitable relative** - A 'suitable relative' means 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 who is at least 23 years of age and is of good character. A suitable relative is required to complete the following:

A Phoenix Academy Local Carers Duty Statement confirming that they agree to the responsibilities associated with being a Local Carer.

**Living with a Local Carer who is not a relative** - Parents may nominate a non-relative to be the Local Carer provided that they are at least 21 years of age and of good character. The Local Carer must be approved by the Academy and is required to complete the following:

- A Phoenix Academy Local Care Duty Statement (LCDS) confirming that they agree to the responsibilities associated with being a Local Carer
- A Police Clearance or Working with Children Check

Phoenix Academy will approve the living arrangements for an underage student when they have received completed documentation and are satisfied that the accommodation arrangements for the student are appropriate. Phoenix Academy will then issue a "Confirmation of Appropriate Accommodation/Welfare Arrangements" letter which must be attached to the Confirmation of Enrolment (CoE) for the student to apply for an international student to apply for a Student Visa.

## **7. Obligations of the Local Carer / Relative**

Phoenix Academy will contact the registered Local Carer / Relative each study period (four times per year) to confirm that living arrangements for the student are appropriate. This will continue until either the student turns 18 or graduates from Phoenix Academy.

It is the responsibility of the Local Carer / Relative to respond to the Academy as soon as practicably possible when receiving a request from the Academy to confirm that the living arrangements have not changed and that they agree to their obligations in regards to the underage student in their care.

Should any of the living arrangements for the underage student change (e.g. change addresses; circumstances change, minor moves out unexpectedly) it is the responsibility of the Local Carer / Relative to advise Phoenix Academy staff immediately of the change.

### **7.1. Non-approved or Inappropriate Accommodation Arrangements**

In cases where the Academy staff are unable to confirm acceptable Local Carer / Relative / Home-stay arrangements for a minor, the Academy will as soon as practicably possible, undertake to contact the parents to make alternative Local Carer / Relative / Home-stay arrangement.

Where Phoenix Academy can no longer approve the accommodation and welfare arrangements for an underage student and all other attempts to assist the student to maintain appropriate arrangements have been exhausted, the student may be reported to DIBP using the 'Non-approval of Appropriate Accommodation/Welfare Arrangements' form on PRISMS. Prior to reporting, the student and parent / legal guardian will be sent an Intention to Report to DIAC letter giving them 20 working days in which to appeal the decision.

## **8. Obligations of the Student**

Where a student wishes to change living arrangements (e.g. change local carer or address) they must first contact Phoenix Academy to obtain approval. The Academy will assist the student in making appropriate alternative arrangements and confirming these arrangements with the parents / legal guardians.

Students should discuss any proposed changes with the Homestay Manager wherever possible.

#### **8.1.1. Approving arrangement for semester breaks**

Underage international students who are residing in Australia in an approved living arrangement may be allowed to temporarily change their accommodation arrangements (other than returning home) during a semester break or during semester, provided the following conditions are met:

- Student to meet with Homestay Manager at least four weeks prior to end of semester of a change being made.
- Parents or legal custodian of the student must provide written approval of the temporary arrangements.

Phoenix Academy reserves the right to refuse an application where it feels the student's welfare will be put at risk by the change.

Students who change their accommodation arrangements without approval from Phoenix Academy will be regarded as breaching their student visa conditions and may be reported to DIAC as a result.

#### **8.1.2. Complaints regarding unsuitability of accommodation/welfare arrangements**

Underage students who are experiencing problems or have concerns about the suitability of their accommodation/welfare arrangements should inform the following:

- Home-stay Placement Manager – in the first instance, students who are not happy in their home-stay environment should contact the Home-stay Manager.
- All matters referred to the Homestay Manager will be acknowledged and investigated within 5 working days.

### **9. Obligations of the Academy**

Phoenix Academy will undertake the following steps to ensure the welfare of underage students studying at the Academy:

Confirmation of appropriate living arrangements each study period - Phoenix Academy will reconfirm living arrangements for students under the age of 18 each study period. Where living arrangements cannot be confirmed within a 10-day period or the living arrangements are deemed to be unsatisfactory the Academy will take steps to take appropriate steps to ensure that ensure the welfare and safety of the student (see "Non-approved or Inappropriate Accommodation Arrangements")

- Phoenix Academy will contact the Local Carer / Relative prior to any in semester/trimester break to confirm provision of appropriate care arrangements during the non-study period.
- Phoenix Academy lecturers are requested to notify the Academy support staff of any students considered to be at risk to ensure that appropriate intervention is undertaken. Intervention may include one or more actions including increased monitoring, welfare advice, counselling, academic support or formal warnings.
- The Phoenix Academy Student Services Manager is responsible for the following duties as they relate to underage students:
  - exercise duty of care with regards to student arrangements,

- monitor student attendance, progress, and welfare arrangements
- offer intervention strategies to students at risk to facilitate corrective action
- alert Senior Management to any potential or actual critical incidents involving underage students
- report to DIAC students who are in breach of their visa conditions
- Liaise with Homestay Manager/ Local Carer / Relative and relatives in regard to underage (minors) student care.
- Phoenix Academy staff who have contact with underage students in the normal course of their duties are required to obtain a Working with Children Check and Police Clearance through Australia Post.
- All matters relating to the management of underage students will be directed to the Student Services Manager.

### **9.1. Period of Phoenix Academy Responsibility for Accommodation and Welfare Arrangements**

- For international students with 'single course offers' (only studying at Phoenix Academy), who will stay with a local carer either nominated or approved by parents, a Confirmation of Appropriate Accommodation/Welfare Arrangements letter will be issued for which the nominated period of responsibility will be at least 7 days beyond the CoE date.
- For students with 'packaged offers' which involve other providers, Phoenix Academy's responsibility for underage students commences one week prior to orientation and ceases when the student withdraws from the course, transfers to another provider or graduates (whichever is sooner). Where a student doesn't commence study with a further study institution their parents need to inform Phoenix Academy of their intentions. Under circumstances deemed appropriate by the Academy, this responsibility may be extended as required.

### **9.2. Class Attendance Monitoring**

- Students who do not attend school regularly must be case managed and encouraged to resume regular school attendance
- In cases where an underage student is missing classes the Academy, the Local Carer / Relative will be notified (Attendance Procedure)
- If a student has gone missing from the approved accommodation and cannot be contacted, the Academy will implement its documented critical incident policy.
- Actions may include contacting the student's parents and DIAC and filing a missing persons report with the police and/or children's services agencies.
- If, after a reasonable period, the student has not been found, Phoenix Academy will report the student's breach of visa condition 8532 (see Attendance Procedure)

### **9.3 Out of Class Monitoring**

- Full time academic staff are rostered on during the school schedule breaks to monitor & supervise underage students outside of the class room in appointed zones.
- Staff are to monitor (and intervene as required) for:
  - Any aggressiveness, bullying or any other inappropriate behavior
  - Unidentified strangers on campus
- Staff are required to report incidents as soon as practicably possible to the Academic Director or delegate.

#### **9.4 Mandatory Reporting**

Under the Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2008, **teachers are stipulated as being mandatory reporters.**

- **Teachers** are required to report suspected child sexual abuse if they believe, based on reasonable grounds, in the course of their paid or unpaid work to the **Department of Child Protection.**
- Teachers may make a verbal report in the first instance but must follow this with a written report within 24 hours to the Department.
- Failure to make a report can result in a fine of up to \$6000 &/or prosecution within three years of failure to report an incident.
- Teachers must also follow normal Phoenix Academy Critical Incident Procedures.

#### **10. Administrative procedures**

- Underage students (Minors) will be informed about this policy upon arrival at Phoenix Academy for orientation. They will also be informed about the Underage Student Management policy at the information session, which takes place at the commencement of their course.
- Staff will be informed about this policy at induction where it is related to their role description. Training for all staff on this policy will be provided on an annual basis at minimum.
- The Phoenix Academy Underage Student Management Policy will be accessible via the
- Phoenix Academy intranet and website.