

Document current as at 17 December 2018. Updates to content may have been made since this date. Refer to your Fundamentals site for the latest version.

[Kambala > Overseas Students Program > Our Compliance with the National Code Standards > Standard 5: Younger Overseas Students > Younger Overseas Students Policy](#)

Younger Full Fee Paying Overseas Students Policy

Source of Obligation

Standard 5.1 of the National Code requires that where the School enrolls a full fee paying 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.

Kambala's Policy

It is the School'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 full fee paying overseas students.

The School 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 School must ensure that full fee paying 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 School
- seeking assistance and reporting any incident or allegation involving actual or alleged sexual, physical or other abuse.

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

- the Overseas Coordinator
- the School.

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 full fee paying overseas students in an age and culturally appropriate way in our:

- student handbook
- induction processes.

Accommodation, Support and General Welfare Arrangements

Under Standard 5.3, where the School 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 School:

- nominates the dates for which the School 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 appropriate Working With Children Check clearances in accordance with the School's **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 Full Fee Paying Overseas Students Accommodation Arrangements Policy**
- includes, as part of the School's **Full Fee Paying 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 **Full Fee Paying 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 School 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 School 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 School's policy that all adults, including parents and guardians, who provide full fee paying overseas student accommodation or welfare arrangements, must hold a current Working With Children Check clearance. This requirement applies even if a person is not required by Working With Children Check legislation to obtain a Working With Children Check.

The School No Longer Provides Welfare Arrangements

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

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

Missing Younger Full Fee Paying Overseas Students

Standard 5.5 requires that, if the School is unable to contact a student and has concerns for the student's welfare, the School 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 Full Fee Paying Overseas Students Policy**.

Welfare Arrangements After Suspension or Cancellation

Standard 5.6 requires that, where the School suspends or cancels the enrolment of the full fee paying overseas student, the School 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 School 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 Full Fee Paying Overseas Student's Enrolment Policy** for more information about the suspension and cancellation of enrolment processes.

Before terminating the CAAW for the student, the School 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 full fee paying overseas student's welfare arrangements and the date from which the new arrangements will commence.

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

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

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

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

If the Younger Full Fee Paying Overseas Student Turns 18

If the full fee paying overseas student turns 18 while enrolled at the School, the School'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 full fee paying overseas student turns 18 while enrolled in the final period of their course, the School may decide to apply a condition on enrolment in the course, requiring the full fee paying overseas student to continue to reside in the approved accommodation until the completion of the course. This will need to 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 School enrolls a student under 18 years of age who has welfare arrangements approved by another registered provider, the School 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 full fee paying overseas student enrolled at the School is under the age of 18, a parent/guardian or eligible relative can be nominated to take responsibility for the full fee paying 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 full fee paying overseas student's visa expires or the full fee paying overseas student turns 18 years of age (whichever happens first).

The School is not obliged to follow up where a nominated guardian has been approved by the Department of Home Affairs. However, the School will contact the Department of Home Affairs and NESAs if they become aware that the full fee paying overseas student is not being appropriately cared for.

Arrangements Accepted by the School

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

The School will not approve a full fee paying 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 full fee paying overseas student on a CAAW, they should apply to be the full fee paying 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 School 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 full fee paying overseas student on a CAAW. The School 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 full fee paying overseas student turns 18.

Monitoring Welfare Arrangements

The School will monitor the welfare arrangements of full fee paying 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

The monitoring of welfare arrangements is conducted by the Joanne Sarmiento, Director Of Students and/or another delegated staff member.

Refer to our **Younger Full Fee Paying Overseas Students Accommodation Arrangements Policy**.

Disruption of Welfare Arrangements

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

Records of any critical incident notifications must be maintained in accordance with the School's **Full Fee Paying Overseas Students Records Management and Retention Policy**.

Record Keeping

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