

SGA Safety and Wellbeing of Under-18 Students Policy and Procedure

1. Policy Statement and Purpose

Study Group Australia Pty Limited (SGA) educates students from every corner of the globe, enabling them to realise their potential through a transformational learning experience. SGA believes that student learning cannot be separated from student welfare and that the best learning environment is one where students feel safe and are happy. To support this, we are committed to providing safe and friendly learning environments that ensure our students' wellbeing and protection from harm.

While these aims are relevant to all students, SGA accepts a particular responsibility for students under the age of eighteen (U18 students). It is to these students, specifically, that this policy applies.

SGA protects the personal safety and social well-being of U18 students by providing care according to our policies, procedures and processes relating to staff screening, admissions, student safety and welfare and accommodation and caregiver arrangements.

2. Scope

This policy and procedure applies to all intending and current students under the age of 18 of a High School, Foundation, ELICOS or Higher Education course delivered and awarded by a SGA College listed in the footer of this document and staff of these colleges.

3. Definitions and Abbreviations

Accommodation Providers: Individual homestay providers, homestay companies and approved student hostels.

CAAW: Confirmation of Appropriate Accommodation and Welfare arrangements.

Caregiver: A person engaged by the student's parent to provide certain support and welfare services to students in Australia on a student visa.

Caregiver company: A company which provides Caregivers.

Department of Home Affairs (DHA): The Australian government department responsible for immigration and visas.

ESOS Act: This is the legislation which provides details of the obligations to overseas students of registered education providers.

Grievance: A grievance is any type of problem, concern or complaint where a student or staff member believes that he/she has received unreasonable treatment from SGA, another staff member/s or student/s, and wishes to bring the grievance to SGA's attention for resolution.

Head of College: This is the most senior staff member for the College on the campus. May also be referred to as Centre Director, Principal, or Campus Director.

Mandatory Reporting: The legislative requirement imposed on selected classes of people (including teachers) to report suspected cases of child abuse and neglect to government authorities. In most states, the requirement is to report if a person has a "belief on reasonable grounds" that abuse and/or neglect has occurred.

National Code 2018: The National Code of Practice for Providers of Education and Training to Overseas Students 2018 established under the Education Services for Overseas Students Act 2000 (ESOS Act) to provide nationally consistent standards for the conduct of registered providers and the registration of their courses.

Overseas Student: means a person (whether within or outside Australia) who holds a student visa for study in Australia as defined by the ESOS Act (may also be referred to as international student).

Package Offer: A letter of offer to a student containing two or more programs. Usually completion of earlier programs at a certain level of attainment is a requirement for progressing to the next program.

Parent(s) (or Legal Custodian): A student's parent(s) or permanent legal custodian.

Principal Course means the main course of study to be undertaken by an overseas student. If the student visa has been issued for multiple courses of study, i.e. a 'package' of courses, the principal course would normally be the final course of study and that leads to the highest qualification in the 'package'. Where a study visa has been issued for only one course that course is the student's principal course of study. For the school sector, the principal course is the first school course.

PRISMS: Provider Registration and International Student Management System

Suitable nominated relative: Under the Australian Migration Regulations 1994 a suitable nominated relative is someone who is approved by the Commonwealth and is:

- a grandparent, brother, sister, aunt, uncle, niece or nephew, or a step-grandparent, step-brother, step-sister, step-aunt, step-uncle, step-niece or step-nephew; AND
- nominated by a parent of the applicant or a person who has custody of the applicant; AND

A suitable nominated relative must:

- be aged at least 21; AND
- have the right to remain in Australia until the student's visa expires or the student turns 18 years of age (whichever happens first); AND
- be able to show that they are of good character, by providing evidence of a police clearance in the country or countries in which they have lived for more than 5 years in the past 10 years after the age of 16.

Working with Children Check (WWCC): The Working with Children Check (WWCC) is a comprehensive criminal record check for people in child-related work in Australia. The WWCC aims to increase the safety of children in our community by helping to prevent people who have a criminal history that indicates they may harm children from working with children. In Queensland, the Working with Children Check is also referred to as the Blue Card check.

4. Policy Provisions

4.1 Overseas Students entering Australia on a student visa

Where SGA enrolls a student under 18 years of age SGA ensures at all times it meets the Australian Commonwealth, state or territory legislation or other regulatory requirements relating to child welfare and protection appropriate to the jurisdiction(s) of its College operations.

This includes, but is not limited to SGA's obligations under the National Code, which requires that arrangements are made to protect the personal safety and social well-being of younger overseas students in Australia, these being students under the age of 18. Should neither a parent nor a suitable relative be in Australia to directly provide for the welfare of an under-18 student, and SGA accept the student's enrolment, it will ensure that appropriate accommodation, support and general welfare arrangements are provided until another provider accepts responsibility or the student leaves the country or turns 18.

It also includes SGA's commitment to ensure it maintains currency of exemption permitting the enrolment of students under the age of 17 (minimum acceptable age is 16) in a SGA CRICOS registered Foundation Program.

Accordingly, SGA and its Colleges ensure the following requirements at all times are met

- the provision of an age and culturally appropriate orientation program;
- access to services designed to assist students in meeting course requirements and maintaining their attendance;

- access to welfare-related support services;
- a designated member of staff or members of staff to be the official point of contact for students.

5.0 Procedures

5.1 Screening Employees

Consistent with SGA's Human Resources Policies and Procedures, SGA requires all employees and any voluntary staff doing paid or voluntary work with students under the age of 18 (U18) to have a current and valid Working with Children Check or the state equivalent. It is a condition of employment/contract that individuals who will have regular, direct, unsupervised contact with students under the age of 18, undergo a working with children and/or criminal record check as per relevant state legislation. All new employees/contractors must have completed the screening process and achieved a positive outcome, prior to commencing employment. In instances where an application has been made but the completed check has not been received, employees must be supervised during direct contact with students under 18 years of age by another employee that holds the relevant WWC Check or equivalent. This includes employees/contractors in a role involving student contact in an academic leadership, teaching, coaching, or tuition or counselling/advisory capacity. For other roles, the need for a WWC Check or equivalent for an employee/contractor role will be determined on a case-by-case basis by the responsible senior College or corporate office staff member with guidance from the Human Resources Department. Existing staff and contractors must undergo any WWC Check (or equivalent) as relevant to their role as per state legislation and from time to time, when state requirements change.

Each Head of College or delegate is responsible for ensuring that the appropriate documentation is provided and for maintaining a register of the status of employees and contractors. Visitors and volunteers participating in the College activities and in contact with the student body must either hold WWCC or be supervised by a SGA staff member with a WWCC or be unlikely to be alone with a child without another adult present or otherwise be exempted from a WWC Check or its equivalent as per legislative requirements.

Evidence of these checks are recorded on employee files located within the Human Resources Department. High School teachers, as part of the teacher registration process, undergo an equivalent check.

5.2 Admission of U18 students

Overseas Students entering Australia on a student visa

The Australian Department of Home Affairs (DHA) must be satisfied that appropriate accommodation, support and general welfare arrangements are in place for any U18 student before a visa will be granted.

A parent or a nominated suitable relative, or an education provider, must be responsible for the welfare of younger overseas students whilst in Australia. If a parent or suitable relative is taking responsibility for the welfare of the student, that person must complete Form 157N and provide with the visa application. (<http://www.homeaffairs.gov.au/forms/Documents/157n.pdf>).

If SGA is to be responsible for the welfare of the student, the relevant SGA officer must nominate start and end dates for which SGA accepts responsibility by completing the Confirmation of Appropriate Accommodation and Welfare (CAAW) letter generated by PRISMS. Under Migration Regulations, SGA must nominate a period of at least the Confirmation of Enrolment (CoE) plus seven days prior to commencement in order to satisfy immigration (DHA) provisions for appropriate welfare arrangements.

SGA will advise Immigration in the form required by that department (via PRISMS):

- as soon as practicable if the student will be cared for by a parent or nominated relative approved by Immigration and a Confirmation of Appropriate Accommodation and Welfare (CAAW) is no longer required, or
- within 24 hours if SGA is no longer able to approve the student's welfare arrangements.

Each Centre/College has appropriate accommodation services in place.

During the nominated time period, the U18 student will be required to gain the College's approval prior to any change to accommodation. SGA will notify DHA via PRISMS of any changes to the accommodation arrangements, or if a student refuses to maintain SGA approved accommodation.

The immigration (DHA) pro-forma letters in PRISMS include:

- the 'Confirmation of Appropriate Accommodation/Welfare Arrangements' (CAAW) letter to nominate dates and indicate initial approval;
- the 'Approval to Change Accommodation/Welfare Arrangements' letter to advise DHA of a change in arrangements which the provider supports/approves, use;
- the 'Non-Approval of Appropriate Accommodation/Welfare Arrangements' letter to advise immigration (DHA) of non-approval of arrangements, use. (This report is likely to result in cancellation of the student's visa. This reporting mechanism should only be used when a student is refusing to maintain care arrangements which SGA is able to approve. The decision to report is made by the Head of College in consultation with the relevant Executive Director).

5.3 Accommodation – Overseas Students

All overseas students U18 travelling to Australia on a student visa without being in the care of a parent, legal custodian or, in the case of a student on a student visa, a nominated suitable relative, must agree to live in SGA recommended accommodation, and be monitored by SGA for either the duration of their stay in Australia or until the student turns 18, whichever happens first.

The U18 student will be placed within one of SGA's managed accommodation venues or the student will be placed within an approved Homestay Provider, with due consideration to the student's preferences in relation to pets, dietary considerations, facilities, etc.

During non-compulsory study periods, students will remain in their existing accommodation or in the care of their parents/legal custodian.

All student accommodation will be assessed by SGA or delegate service provider for suitability.

Accommodation will be approved only if it meets SGA's requirements in relation to the standard of the accommodation offered, support services available and location.

All approved and contracted homestay service providers will be subject to ongoing review.

If an U18 student is undertaking a package of courses with different providers, SGA will ensure that appropriate accommodation, support and general welfare arrangements are provided until the nominated date on the CAAW form or until the student leaves the country or turns 18. Where a student under 18 years transfers from another provider to SGA or from SGA to another provider, SGA will take responsibility for the duration of the nominated period on the CAAW form.

Once SGA has nominated dates for which it will approve accommodation arrangements for an U18 student, the responsibility to approve arrangements continues throughout that period. SGA's arrangements with the accommodation provider must include a requirement that the provider notify SGA in the case of unapproved absence.

If SGA cancels the enrolment of the student, SGA will notify the parent or legal custodian and provide support to the family to return the student home or into the care of another registered provider.

For any student who has a CAAW letter, the relevant Head of College or delegate is responsible for verifying the student's accommodation via an initial physical check prior to the accommodation being approved. This can be done by an accommodation provider. At least every six months, the accommodation is verified via an interview or a survey to ensure it is appropriate to the student's age and needs.

5.4 Caregiver services - Overseas Students

SGA maintains a register of approved Caregiver services, which is made available to parents of intending U18 students. Parents who wish to engage a Caregiver service are required to contact the Caregiver service directly to arrange the appropriate service. The Caregiver service is required to confirm with Study Group that appropriate arrangements are in place.

5.5 Arrival and Orientation

Travel arrangements between home country and the authorised accommodation in Australia are the responsibility of the parent/ legal custodian and should include service provider homestay/airport reception.

All U18 students will have received culturally-appropriate information from the SGA Admissions Centre regarding prior to the day they start studying on:

- who to contact in emergency situations, including contact numbers of a nominated College staff member and/or service provider;
- seeking assistance and reporting any incident or allegation involving actual or alleged sexual, physical or other abuse.

Students under 18 will be identified at orientation and introduced to the Under 18 welfare contact where monitoring procedures and homestay rules will be explained.

A student's details form is distributed to each student to be filled in and collected at each Orientation session or the beginning of each term, so that records of students' details are confirmed by all students in writing. Students' details include:

- the student's current residential address;
- the student's mobile phone number (if any);
- the student's email address (if any); and
- any other details.

At least every 6 months, while the student remains an accepted student, the student's details are confirmed in writing and the records of students' details are updated accordingly.

New information will be added to Study Global and flagged as current.

5.6 General Management U 18 Students

5.6.1 Attendance and Well Being reporting

Teachers

Teachers must be informed by the relevant Program Managers, or equivalent, that an U18 student is attending their class. Teachers will monitor the student's attendance according to SGA's Attendance policy. If the U18 student is absent from class, the teacher is to report the absence by email to the U18 Welfare Contact who will contact the student to obtain an explanation. Notes will be recorded on SGA's Student Administration System (StudyGlobal).

Homestay Providers

Individual Homestay Providers are encouraged to email the campus Student Services Manager weekly reporting on the wellbeing of the U18 students living in their home. If there are any issues of concern the Student Services Manager will inform the U18 Welfare Officer and/or the Head of College or delegate depending on the nature of the concern and the urgency of the action required. If the incident is classified as a Critical Incident, then the SGA Critical Incidents Involving Students Policy and Procedure will be followed.

5.6.2 Conduct

Students who break the campus Code of Conduct rules, and/or Homestay rules and who after counselling continue the same misconduct will be required to return home. The Head of College or delegate will contact the student's parent, Caregiver and agent and organise for the student to return home.

SGA reserves the right to expel or evict from accommodation and courses arranged by SGA any student whose conduct is unsatisfactory at the discretion of the Head of College or delegate. A student has the right to appeal against such a decision through the SGA Student Complaints and Appeals Policy and Procedures.

Where SGA suspends or cancels the enrolment of an U18 overseas student, it must continue to approve the welfare arrangements for that student until any of the following applies:

- the student has alternative welfare arrangements approved by another registered provider
- care of the student by a parent or nominated relative is approved by immigration (DHA)

- the student leaves Australia
- SGA has notified immigration (DHA) under the National Code (Standard 5.3.6) that it is no longer able to approve the student's welfare arrangements or under the National Code (Standard 5.5) that it has taken the required action after not being able to contact the student.

If the student will not maintain arrangements that SGA is prepared to approve, SGA will report that it can no longer approve the arrangements for the student once all other attempts to assist the student to maintain appropriate arrangements have been exhausted. By notifying immigration (DHA) using the 'Non-Approval of Appropriate Accommodation/Welfare Arrangements' letter, SGA is reporting a breach of student visa condition 8532. This report is likely to result in cancellation of the student's visa. This reporting mechanism will only be used when a student is refusing to maintain care arrangements which SGA is able to approve. The decision to cancel a student's enrolment is made by the Head of College in consultation with the relevant Executive Director.

5.7 Critical Incidents and Mandatory Reporting with U18 students

If SGA is unable to contact a student and has concerns for the student's welfare, SGA will 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.

If an U18 Student has gone missing from the approved accommodation and cannot be contacted within 24 hours, this will result in SGA implementing its documented Critical Incidents Involving Students Policy and Procedure to ensure that the interests of students and their families are managed promptly and appropriately. This policy and procedure sets out the clear protocol to be followed in what can be distressing and upsetting circumstances. This policy includes contacting the student's parents/guardian, and filing a missing person's report with the police and/or children's services agencies. If, after a reasonable period, the student has not been found, SGA will report the student's breach of their visa condition to immigration (DHA) by submitting the 'Non-Approval of Appropriate Accommodation/Welfare Arrangements' letter.

Each person working at the College has a responsibility to report harm if they know or reasonably suspect that harm is occurring, has occurred or is likely to occur to an underage student. That includes risk of an U18 student being neglected or physically, sexually or emotionally abused. This process is called mandatory reporting. In all jurisdictions, legislation protects the reporter's identity from disclosure. In addition, the legislation provides that as long as the report is made in good faith, the reporter cannot be liable in any civil, criminal or administrative proceeding.

6. Roles and Responsibilities

The responsibilities undertaken by Head of College or delegated staff for the management of students U18 include (but are not limited to):

- approving the appropriateness of living arrangements and/or homestay services ensuring that homestay arrangements/services engaged by SGA take responsibility for the care, personal safety and welfare of these students
- providing assistance, guidance, information, and warnings to students as appropriate
- actively helping students with their study by mentoring, encouragement, the provision of additional assistance, career guidance as appropriate
- prioritising the personal safety and welfare of students whilst attending classes or studying at SGA
- implementing the SGA Critical Incidents Involving Students Policy and Procedure and/or Mandatory reporting if required

7. Policy Review

This policy is reviewed at a minimum of once every 5 years by the policy owner (or delegate) to ensure alignment to appropriate strategic direction and its continued relevance to current and planned operations. The next scheduled review of this document is listed in the document history section of this document.

8. Records Management

Records in association with this policy will be kept in accordance with SGA's Records Management Policy. Confidential documents related to the implementation of the policy will be maintained according to relevant privacy requirements.

9. Related Documents

SGA Critical Incidents Involving Students Policy and Procedure, SG-ANZ Child Protection Policy, SGA Student Privacy Policy, SGA Records Management Policy, SGA Student Code of Conduct, which includes reference to bullying, harassment and victimisation; SGA Student Complaints and Appeals Policy and Procedure. See also forms for course withdrawal, and requesting a refund. Policies and forms can be accessed from the College's website.

10. Related Regulations

This policy has been developed in line with requirements set out in the: Education Services for Overseas (ESOS) Act 2000 (and its amendments); National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the National Code) which complements existing national quality assurance frameworks in education and training including the Higher Education Standards Framework (Threshold Standards), the English Language Intensive Courses for Overseas Students (ELICOS) Standards 2018, the Foundation Standards (operating adjunct to the National Code), the NSW Education Act and related regulations for NSW Education Standards Authority (NESA) registered High Schools, and other Commonwealth and State legislation and regulatory frameworks and standards including the Privacy Act 1988, Corporations Act 2001; Competition and Consumer Act 2010; and as noted also earlier in this policy document.

Other Australian legislation relevant to this policy includes, but is not limited to: Child Protection (Offenders Registration) Act 2000 (NSW); Child Protection Act 1999 (Queensland); Child Protection Regulation 2000 (Queensland); Children and Community Services Act 2004 (WA); Children and Young Persons (Care and Protection) Act 1998 (NSW); Children Youth and Families Act 2015 (Victoria); Children's Protection Act 1993 (SA); Commission for Children and Young People Act 1998 (NSW); Migration Regulations 1994; Working with Children (Criminal Record Checking) Act 2004 (WA); Working with Children (Risk Management and Screening) Act 2000 (Qld); Working with Children Act 2005 (Victoria); Working with Vulnerable People (WWVP) (ACT).

Document Approval

Document ID	SGA Safety and Wellbeing of Under-18 Students Policy and Procedure		
Policy Owner(s)	Head of International Study Centres – ANZ and Head of Compliance		
Approved by	SGA Board of Directors	Date Approved	6 September 2018
		Date Commencing	15 September 2018

Document History

Commencing Date	Summary of Changes	Next Review Date
30 May 2016	v1.0 Initial approval by Executive Directors	May 2021
15 September 2018	v2.0 Retitled and minor amendments to maintain regulatory and business currency. Former title 'SGA Students Under the Age of 18 Overall Policy and Procedure'	September 2023
2 April 2019	v2.1 Minor administrative amendment to maintain currency	September 2023
7 June 2019	v2.2 Minor administrative amendment to maintain currency. Extension of scope to include University of Sydney Foundation Program (CRICOS Course Code: 022310D) delivered by SGA's Taylors College (Sydney campus) on behalf of the University of Sydney (CRICOS Provider code 00026A). (Authorised by COO-ANZ. Effective from 7 June 2019)	September 2023