

## International Students - Welfare of Students Under 18 Procedures

### 1. PREAMBLE

- 1.1. Charles Darwin University (CDU) accepts international students on student visas who are under the age of 18 at the time of commencement and is committed to having appropriate welfare arrangements in place to protect their personal safety and well-being while studying in Australia.

### 2. PURPOSE

- 2.1. This document outlines CDU's processes for ensuring it meets compliance requirements regarding welfare arrangements for international students on a student visa who are under 18 years of age while enrolled at CDU.

### 3. SCOPE

- 3.1. These procedures apply to all CDU staff and to all CDU international students on a student visa who are under the age of 18.

### 4. PROCEDURE

#### CDU's Obligations

- 4.1. The [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) (National Code) requires CDU to comply with Commonwealth, state or territory legislation or other regulatory requirements relating to child welfare and protection appropriate to the jurisdiction(s) in which CDU operates.
- 4.2. CDU's processes align with the NT [Care and Protection of Children Act 2007](#), [Care and Protection of Children \(Screening\) Regulations](#) and NSW [Children and Young Persons \(Care and Protection\) Act 1998](#).
- 4.3. The Department of Home Affairs (DHA) must be assured that international students on student visas under the age of 18 have appropriate welfare and accommodation arrangements in place until they turn 18. Under the student visa conditions of the [Migration Regulations](#), international students under the age of 18 must:
  - a. be approved by DHA to reside with a parent, legal custodian or suitable relative of good character over the age of 21; or
  - b. have accommodation, support and welfare arrangements approved by CDU.
- 4.4. CDU must ensure that its documented processes align with the [National Code 2018](#) and [Migration Regulations](#) for approving the accommodation, support and general welfare arrangements for international students under the age of 18.

#### Homestay Providers

- 4.5. CDU may enter into an agreement and grant Approved Homestay Provider status to suitably qualified and experienced providers who are able to meet regulatory compliance requirements.



- 4.6. Formal agreements between the Approved Homestay Providers and CDU outline minimum service standards. Compliance with these standards will be regularly monitored through implementation of CDU's documented processes.
- 4.7. CDU may discontinue its agreement with an Approved Homestay Provider if the provider does not adhere to its agreement with CDU, or where discontinuing the arrangement is in the best interests of CDU or its students.
- 4.8. CDU will ensure suitable alternative arrangements are in place for students before terminating particular Homestay Provider arrangements.

#### **Nomination of accommodation and welfare arrangements**

- 4.9. The applicant's parent or legal custodian must nominate the type of arrangement required for accommodation, support and welfare arrangements, and personally sign the relevant CDU form. This cannot be delegated to a third party.
- 4.10. Where the applicant's parent or legal custodian nominates themselves or an eligible relative as the child's guardian in Australia and organises accommodation, DHA is responsible for approving the arrangements, as advised on the 157N Student Guardianship Arrangements [form](#).
- 4.11. Where the applicant's parent or legal custodian nominates accommodation, support and welfare arrangements approved by CDU and the applicant submits a copy of the signed Accommodation Agreement with an Approved Homestay Provider with their application for study, CDU is responsible for approving the arrangements.
- 4.12. CDU will not take on the rights, responsibilities and authority that the parent or legal custodian has and will not act in the place of parent or legal custodian in relation to students under the age of 18.

#### **Assessing applications for study**

- 4.13. Applications from relevant students will be assessed in accordance with this procedure. The decision to admit a student under the age of 18 will take into consideration:
  - a. whether the student is at least 17 years of age;
  - b. the student's capacity and maturity to engage with academic content;
  - c. the student's decision-making capability;
  - d. whether the student is not significantly disadvantaged by studying while under 18;
  - e. the capacity and capability of staff to be engaged with vulnerable students; and
  - f. whether there are appropriate accommodation and welfare arrangements in place until the student turns 18, exits CDU, or leaves Australia.
- 4.14. Where the applicant submits a signed copy of an Accommodation Agreement with an Approved Homestay Provider, CDU has a documented process to verify that the arrangements are appropriate to the student's needs and age prior to the accommodation being approved. Arrangements are reviewed at least every six months.
- 4.15. If the application is approved, a Confirmation of Enrolment (CoE) and Confirmation of Appropriate Accommodation and Welfare (CAAW) letter will be issued.
- 4.16. If the application is rejected, the applicant will be advised of the outcome and of any alternative arrangements available.

#### **Monitoring Approved Homestay Providers**

- 4.17. CDU will monitor Approved Homestay Providers to ensure homestay hosts provide appropriate accommodation, welfare assistance and advice to students, in accordance with the terms of agreement with CDU. Compliance is monitored regularly, and an annual review is to be undertaken.
- 4.18. Monitoring of Approved Homestay Providers includes, but is not limited to:

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- a. conducting regular meetings with providers; and obtaining evidence that the provider has contacted the homestay host by phone at least once per study period to discuss and access feedback on the arrangement;
- b. receiving and compiling reports from students and taking appropriate follow up action with the providers regarding concerns or incidents as they arise;
- c. undertaking occasional home visits to check on the wellbeing and safety of students;
- d. ensuring providers verify homestay hosts suitability and contact homestay hosts at the commencement of the placement and as required thereafter;
- e. ensuring providers are accessible to homestay hosts in case of emergencies; and
- f. requiring providers to provide annual evidence that all employees involved in providing accommodation and welfare arrangements for students have a Working with Children Clearance that is valid for the duration of the agreement.

### **Monitoring student welfare and support**

- 4.19. CDU will monitor general student welfare and support of relevant students through documented processes and the provision of an Accommodation and Welfare Plan.
- 4.20. Commencing students will receive an age-appropriate and culturally appropriate orientation program, during which students under age 18 will receive a copy of their Accommodation and Welfare Plan. The Plan will provide important contact and support details and describe the schedule of meetings to monitor their welfare, support and accommodation arrangements, that the student must attend until they turn 18.
- 4.21. Monitoring of general student welfare and student support includes, but is not limited to:
- a. liaising with CDU staff, providers and support services to prepare and implement Accommodation and Welfare Plans; and regular meetings with students and CDU International College staff to monitor student experience and report on welfare and care arrangements and homestay provisions;
  - b. suspension or termination of enrolment;
  - c. requests to change approved accommodation and welfare arrangements;
  - d. observing of reasonable standards of behaviour as outlined in the student's Accommodation and Welfare Plan; and
  - e. intervention in case of prolonged or unexplained absences, a serious welfare concern or critical incident.

### **Changes to accommodation and welfare arrangements**

- 4.22. Students who are considering changing their accommodation, support and welfare arrangements must first discuss the proposed change with CDU's Student Support Unit. Changes made without prior approval will breach student visa conditions and the CDU is obliged to notify DHA.
- 4.23. The decision to approve changes to accommodation, support and welfare arrangements will take into consideration:
- a. the nature of the proposed welfare arrangements;
  - b. whether the proposed change is acceptable; and
  - c. any exceptional circumstances that may apply in relation to accommodation arrangements.
- 4.24. CDU has a documented process to verify proposed arrangements are appropriate to the student's needs and age.



### **Change from residing in CDU approved accommodation and welfare arrangements to residing with a parent, legal custodian or suitable relative**

- 4.25. If the application to change from residing in CDU approved accommodation and welfare arrangements to residing with a parent, legal custodian or suitable relative is approved, the student will be advised and a CAAW will be issued, and DHA notified within 24 hours of the decision.
- 4.26. If the application is not approved, the student will be informed of their obligation to remain in their current arrangements and that if CDU becomes aware that they have changed their arrangements without approval, it may lead to cancellation of their CAAW and student visa.

### **Change from residing with a parent, legal custodian or suitable relative to residing in CDU approved accommodation and welfare arrangements**

- 4.27. If the application to change from residing with a parent, legal custodian or suitable relative to residing in CDU approved accommodation and welfare arrangements is approved, the student will be advised of the decision and the CAAW will be issued within 48 hours.
- 4.28. If the application is not approved, the student will be advised of the decision and informed of their obligation to remain in their current arrangements.

### **Change of CDU approved accommodation and welfare arrangements**

- 4.29. If the application to change the CDU approved accommodation and welfare arrangements is approved, the student will be advised and a CAAW will be issued, and DHA notified within 24 hours.
- 4.30. If the application is not approved, the student will be advised and a CAAW will be issued, and DHA notified within 24 hours.

### **Transfers to other registered providers**

- 4.31. CDU has documented processes for negotiating the accommodation and welfare arrangements for students for whom there are existing accommodation and welfare arrangements in place and who are transferring to another registered provider.

### **Withdrawal of accommodation and welfare arrangements**

- 4.32. CDU will make all reasonable efforts to assist students with difficulties impacting their accommodation and welfare arrangements. However, CDU may consider withdrawing the approval of accommodation, support and welfare arrangements in certain situations. The decision to cancel arrangements will take into consideration:
- a. the particular, including exceptional, circumstances; and
  - b. previous warnings about any welfare concerns, which may include placing the student on a behaviour plan.
- 4.33. If approval is withdrawn, the student, the student's parent or legal custodian and DHA will be advised within 24 hours.

### **Records and reporting**

- 4.34. CDU maintains records of its accommodation, support and welfare monitoring activities in accordance with its [Privacy and Confidentiality Policy](#) and [Records Management Policy](#).
- 4.35. Reports are provided to the relevant CDU committees and other relevant authorities in the case of serious welfare concerns or critical incidents.

### **Complaints**

- 4.36. The Student Policy and Complaints Management Unit provides advice to students on the various avenues available for resolving a complaint.



4.37. Complaints in relation to accommodation, support and welfare arrangements for international student on student visas under the age of eighteen (18), are made in accordance with the [Students – Administrative Complaints Procedure](#).

## 5. NON-COMPLIANCE

5.1 Non-compliance with Governance Documents is considered a breach of the [Staff Code of Conduct](#) or the [Student Code of Conduct](#), as applicable, and is treated seriously by the University. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures.

5.2 All staff members have an individual responsibility to raise any suspicion, allegation or report of fraud or corruption in accordance with the Fraud and Corruption Control Governance Framework, [Fraud and Corruption Control Policy](#) and [Whistleblower reporting \(Improper Conduct\) Procedures](#).

## RELATED AND SUPPORTING DOCUMENTS

Legislation	<a href="#">Anti-Discrimination Act 1992</a> <a href="#">Care and Protection of Children Act 2007</a> <a href="#">Care and Protection of Children (Screening) Regulations</a> <a href="#">Children and Young Persons (Care and Protection) Act 1998</a> (NSW) <a href="#">Education Services for Overseas Students (ESOS) Act 2000</a> (Cth) <a href="#">Information Act 2002</a> <a href="#">Migration Regulations 1994</a> (Cth) <a href="#">National Code of Practice for Providers of Education and Training to Overseas Students 2018</a> (Cth) <a href="#">Privacy Act 1988</a> (Cth)
Policy	<a href="#">Privacy and Confidentiality Policy</a> <a href="#">Records Management Policy</a> <a href="#">Working with Children Policy</a>
Procedures	<a href="#">International Students – Transfer Between Registered Providers Procedures</a> <a href="#">Students – Administrative Complaints Procedure</a> <a href="#">Working with Children Screening and Clearance Procedures</a>
Definitions	<a href="#">CDU Glossary</a>

## GOVERNANCE

Responsible Executive	Deputy Vice-Chancellor Students and VET
Implementation Officer	Director Student Engagement
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Approving authority	Vice-Chancellor
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## DOCUMENT HISTORY AND VERSION CONTROL

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2.00	17 Nov 2021	Academic Board	<ul style="list-style-type: none"><li>Complete review and rewrite of the document</li></ul>