

Under 18 Policy

Scope

This policy is applicable to

- Kaplan Higher Education Pty Ltd, trading as Murdoch Institute of Technology ('School') and
- Kaplan International Languages schools in Australia (each a "School" and collectively the "Schools"):

In addition, this policy applies to:

- any international students under the age of 18 at enrolment or during their enrolment; including students who are not being cared for in Australia by a parent or suitable nominated relative (as defined by the National Code of Practice for Providers of Education and Training to Overseas Students 2018 ('the National Code 2018' and the 'National Standards for Foundation Programs');
- any domestic students under the age of 18 at enrolment or during their enrolment;
- employees and contractors of the School;
- all School campuses and other facilities;
- all accommodation providers (where applicable);
- 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 School.

Purpose

The purpose of this policy is to:

- provide guidance when making decisions concerning students who are under the age of 18, particularly those on student visas;
- ensure appropriate arrangements are made to protect the personal safety and social wellbeing of domestic and international students in accordance with Commonwealth, state and territory legislation relating to child welfare and protection, and the ESOS framework.

Policy Statement

The 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 Schools is 16 years of age and 17 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 affirmed by all Commonwealth, State and Territory government; although not legislated it is a helpful summary of compliance obligations. The *Child Safe Standards* in this framework have been adapted and imbedded in Kaplan's Policy Principles for students who are under 18:

1. Child safety is imbedded 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 taken into account
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

Accommodations CAAW	Will include homestays, campus villages, student residential facilities. Confirmation of Appropriate Accommodation and Welfare – a document generated in PRISMS when a Confirmation of Enrolment (CoE) is created for an overseas student who is under the age of 18 at enrolment.
DHA	Department of Home Affairs
Homestay	Private accommodation for international students during their studies with a local family in their home
International student	A student from overseas studying a CRICOS course in Australia on a student visa. Student visas are regulated by the National Code 2018 and the ELICOS Standards 2018. Other types of visas for international students are not covered by the National Code 2018 but are still covered by the child protection and welfare framework.
Mandatory Reporting	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	The <i>National Principles for Child Safe Organisations</i> are a framework for the welfare and safety of Under 18s; affirmed by all levels of government.
Police Check	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	Provider Registration and International Student Management System is operated by Department of Education, Skills and Employment (DESE) and DHA. PRISMS is the government portal where an education provider will create and update a Confirmation of Enrolment (CoE) for an overseas student. The DHA uses CoEs in PRISMS when making decisions about student visas.
Student Visas	Are for international students who want to study full-time in Australia and will return to their home country when they have completed their qualification and/or course.
Working with Children Check	The Working with Children Check (WWCC) or equivalent is 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	The point at which the Under 18 student enrolls in their course and their enrolment document is signed by their parent(s) or legal guardian(s).

Policy Principles

Screening clearances

Employees and contractors

All employees and contractors 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 School will ensure WWCCs and Police Checks are completed and/or renewed for all employees and/or contractors with all employment contracts.

Accommodation providers

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

The requirements and eligibility to obtain a WWCC (or equivalent) differ slightly from State to State. For example, in Western Australia, an adult working at a residential facility used predominately by students of a tertiary institution is exempt and does not require a WWCC.

In addition, it is recommended for the School to ensure that any adults interacting with Under 18 students have obtained a Police Checks (or equivalent) appropriate to the State or Territory in which the adult is located.

The Police Check (or equivalent) must be no less than three years old and must not cite any offences or charges that would pose a risk to the welfare of any student.

For assistance in screening clearances, contact the Quality, Regulations and Standards team or Legal team.

Age-appropriate marketing

Policies and processes for student welfare and accommodation arrangements for Under 18 students are publicly accessible. The School will also ensure age-appropriate communications are used in all marketing materials.

Admissions/Enrolment

Admission/Enrolment in a course is in accordance with the School's Admission Requirements Policy. The parent or legal guardian must sign the admissions application/enrolment form for a student who is Under 18.

Emergency Contacts and Mandatory Reporting

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

Kaplan must provide Under 18s with information on who to contact in emergency situations, including contact numbers of nominated employees and information on seeking assistance and reporting any incident or allegation involving actual or alleged sexual assault, physical or other abuse.

State and Territory legislation defines mandatory reporting to Government authorities of abuse or neglect of students under 18. All employees and contractors to whom an Under 18 student discloses allegations of abuse

or neglect should follow the mandatory reporting procedure in Kaplan's Sexual Misconduct Prevention and Response Policy and the Critical Incident Policy.

Electronic media

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

- Students should refer to the Electronic Media Policy and the Online Content, Recording, Storage and Use Policy for further information.
- Employees and contractors should also refer to the IT Acceptable Use Policy.

Face-to-face and online contact

Under 18 students are identified, including class or examination lists. All reasonable efforts are made to make the School a safe place for under 18s by mitigating risks. Risks mitigating strategies may include holding one on one conversations in visible areas, requesting the presence of an additional staff member or support person to be present.

Support and welfare

The School offers students who are under 18 a safe learning environment through a range of services 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 and management of Complaints and Appeals
- parents/guardians being kept informed and their approval sought for changes to enrolments
- surveys and other opportunities to contribute their opinions about their education and welfare to inform policies and procedures for Under 18s
- providing this additional support until the student reaches the age of 18.

Employee training

New employees must complete an orientation on working with Under 18s and a refresher on an annual basis.

Guiding Procedures

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

Accommodation for International Students (under 18)

Where an international student, under the age of 18, will not be living with a parent or nominated relative in Australia, then the School must approve the student's welfare arrangements in accordance with this policy.

International students, under the age of 18, may choose one of the following approved accommodation options:

1. the care of a parent or nominated relative who travels to Australia to provide welfare for the student for the duration of their study
2. one of the School's approved accommodation providers, or
3. the care of an authorised local individual nominated and approved by the student's parent(s) or guardian(s) and endorsed by the School.

The School has entered agreements with certain accommodation service providers to ensure appropriate welfare and accommodation arrangements are available for students. Some of these accommodation providers are homestays, where the student stays with a local family in their home. These providers have been screened by the School based on their capacity to safely manage the welfare needs of students and the suitability of the accommodation they provide.

Where the School assumes responsibility for an Under 18, international student's welfare and accommodation arrangements, it will inform the Australian Government of the arrangements by submitting a Confirmation of Appropriate Accommodation and Welfare Letter (CAAW). A CAAW is only issued where a student will **not** be living with their parent or nominated relative. However, the School is committed to its duty of care and will monitor the student's welfare under the procedures below and will contact the Department of Home Affairs (DHA) if they become aware the student is not being well looked after under other welfare arrangements listed above.

The CAAW:

- (a) confirms the School's approval of the student's welfare and accommodation arrangements; and
- (b) nominates the date(s) for which the School has given its approval for the accommodation and welfare arrangements (generally covering the period of the student's Confirmation of Enrolment (CoE) plus seven calendar days or until the student turns 18).

The School is not responsible for the student's welfare and accommodation arrangements past this period, i.e. once a student turns 18 or seven calendar days after the student's Confirmation of Enrolment (CoE) with the provider ends, whichever occurs first.

Procedures for approving international student (under 18) welfare and accommodation arrangements

Where the School assumes responsibility for the welfare and accommodation needs of an international student under 18, the School will do the following:

- Determine, by enrolment time, the student's accommodation and welfare arrangements and whether or not the student will need accommodation to be approved by the School (i.e. the student will not be staying with a parent or nominated relative). This includes ensuring the student's agent (where applicable) and their parent(s) or guardian(s) are made aware of and have access to this policy.
- If the student needs accommodation arranged by the School, they are referred to the School's approved accommodation service providers including homestay.

- The School will maintain third-party agreements with accommodation/homestay providers and a handbook of their responsibilities including the maintenance of adequate homestay insurance and the right of the School to audit the suitability of the premises for Under 18s.
- If the student's parent(s) or guardian(s) request that the student be in the care of a non-relative in Australia, then parent(s) or guardian(s) must return to the School a signed accommodation consent form confirming their nomination of the local authorised individual and their approval for their son or daughter to be in that person's care while they are in Australia.
- Any individual who will be entrusted with the care of an international student, or who will be living in the same residence as the student, while they are in Australia, who is not the student's parent or nominated relative, must meet the following criteria:
 - The person must be over the age of 21;
 - The person must be eligible to remain in Australia (under a valid visa, permanent residency or citizenship status) until the student turns 18 or until the care arrangements end or the student's visa expires (whichever comes first); and
 - A Working with Children Check (or equivalent) and a Police Check according to state and territory legislation must have been undertaken in relation to the person and a copy provided to the School showing no adverse results against the individual. See the heading *Screening Principles* for more information on the WA accommodation provider exemption.
- The person(s) caring for the international student must:
 - accept all responsibility for the student's well-being and welfare, agree to act as the primary carer for the student in Australia, and ensure that the student resides with them, until the student reaches the age of 18. This must be confirmed by the person signing the relevant consent and agreement form(s) provided by the School;
 - agree to maintain contact with the School and the student's parent(s) or guardian(s) on a regular basis. The person must immediately contact the School 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 School in relation to the student and their accommodation;
 - allow the School to visit the dwellings to ensure that the School is satisfied with the accommodation arrangements; and
 - inform the School within 48 hours if any of their contact details change.
- Inform the Australian Government, using the CAAW, that the School has approved the student's accommodation and welfare arrangements and nominate the date(s) for which the School has accepted responsibility for these arrangements.
- Determine whether or not the relevant student will be accompanied upon their arrival into Australia by a parent or nominated relative. If this is not the case, the School will arrange for the student to be met at the airport and accompanied to their accommodation. Students should note there will be costs involved with airport transfers arranged by the School.

The School will initially visit the accommodation being provided by an authorised local individual, and at least every six months visit the accommodation being provided by its approved accommodation service provider(s). These visits are to ensure that the living standard is acceptable and safe, that person(s) responsible for a student's living arrangements are appropriate and to provide information regarding this policy and the responsibilities of

those caring for these students. 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).

Procedures for managing international students (under 18)'s School approved welfare and accommodation arrangements

Any deferral, suspension or cancellation of an enrolment initiated by a student who is under 18 must be signed by the parent(s) or guardian(s). Any transfer to another provider must be signed by the parent(s) or guardian(s). For changes initiated by the School, the parent(s) or guardian(s) must be informed.

The Australian Government must be informed via PRISMS as follows:

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

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

- alternative welfare arrangements are approved by another provider, or
- the care of a parent or nominated relative is approved by the DHA, or
- the student leaves Australia, or
- the DHA have been notified that they are not able to approve the welfare arrangement,

When a student transfers from another provider to the School, the School must negotiate the transfer date for welfare arrangements with the releasing provider to ensure there is no gap.

If the School is no longer able to approve the welfare arrangements of the students, all reasonable efforts must be made to contact the student's parent(s) or parent(s)/guardian(s) as soon as possible.

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

If the School becomes aware that an international student, who is under 18, is not properly being cared for in their accommodation arrangements approved by the School, then it will intervene by recommending to the student's parent(s) or guardian(s) that an alternative suitable accommodation arrangement be taken up within 48 hours from becoming aware of the suitability issues. The School will arrange emergency accommodation for the student if required.

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

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

Welfare Arrangements for Under 18 Students

To ensure that all students under the age of 18 are supported appropriately, the School will identify all Under 18 students before the commencement of each study period. The names and contact details of the student, parent(s), guardian(s), accommodation providers (if applicable) and authorised local individuals caring for these students (if relevant) will also be recorded on the student's record.

All Under 18 students and their caregivers, where applicable will be provided with a 24 hour contact telephone number in case of emergency.

Academic Support

The School will maintain a register of mandatory clearance screening of all employees and contractors to determine when clearance screening is due for renewal.

The School provides the following additional academic support for students who are under 18:

- At the commencement of each study period, all teachers are informed about which student(s) in their class is under 18 years of age. The School will ensure that course materials and tutoring are tailored to meet the student learning requirements, taking into account the age and maturity of the students.
- Teachers will regularly monitor, evaluate and report on Under 18 student's 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 guardian(s);
 - using student performance information to plan future learning programs.

Welfare/Student Support

Each student is assigned to a Welfare/Student Support Officer, who takes responsibility for conducting an initial meeting with the student and any regular ongoing meetings with the students.

Should the allocated Welfare/Student Support Officer not be available, then meetings will be managed by a nominated member of the student services team.

The Welfare/Student Support Officer will:

- provide pastoral support to the student
- report appropriately to the student's parent(s) or guardian(s)
- respond to requests from parent(s) or guardian(s) for additional information.

Student Orientation

At orientation, the School provides additional support to Under 18s by:

- having an Under 18s information session during the first week where the School outlines its support services, the Under 18 Policy and relevant School and student obligations and responsibilities including the Student Code of Conduct.
- organising for each student to visit the Welfare/Student Support Officer regularly and attending Under 18 group sessions

- providing information on facilities and operations for mixed-age cohorts.

Meetings

- Under 18 students are obliged to attend a compulsory one-on-one meeting regularly with the Welfare/Student Support Officer.
- At the meeting, student welfare issues 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 current address and contact details are also confirmed at each meeting.
- The student should be encouraged to discuss anything about their welfare, living arrangements, or health that is a concern to them.
- Records of these meetings are noted on the student's record and any serious issues reported to management for appropriate follow up.
- In some instances, the student's parent(s) or guardian(s) may be provided with updates about these meetings, e.g. issues such as missing regular meetings or to communicate exemplary student performance.

Complaints and Appeals

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

Relevant Legislation and Policies

As registered education providers, the Schools operate under strict laws and regulations. Policies and procedures are in place to ensure compliance with such laws. Below, please find the most relevant legislation which apply to this policy:

Commonwealth Legislation

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

States and Territories Legislation

- Child protection and welfare legislation as relevant for each State and Territory

Additional Resources

- National Principles for Child Safe Organisations from the 2019 Royal Commission
<https://humanrights.gov.au/>

Related Policies

This Policy should be read in conjunction with the following Kaplan policies available on the Company's Intranet:

- Code of Conduct
- Health and Safety Policy
- Incident and Hazard Report
- Online Content, Recording, Storage and Use Policy.

This policy should be read in conjunction with the following School policies:

- Critical Incident Policy
- Diversity, Inclusion and Equity Policy
- Electronic Media Policy
- Grievances, Complaints and Appeals Handling Policy
- Management of International Students
- Prevention of Harassment and Bullying Policy
- Privacy Policy
- Sexual Misconduct Prevention and Response Policy.

Version Control and Accountable Officers

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

Policy Category	Legal			
Responsible Officer	General Counsel			
Implementation Officer	MIT College Director, KIL Operations Support Manager ANZ			
Review Date	August 2023			
Approved by				
Academic Board for MIT Policy Committee for KIL				
Version	Authored by	Brief Description of the changes	Date Approved	Effective Date
1.0	Quality & Standards Group	Unpacking of one document into existing document	01.01.2014	01.01.2014
1.1	Quality & Standards Group	Renaming of policy from U18 Student Management. Amended to clarify responsibilities and procedures. Format and wording changes to align across all businesses	15.06.2015	15.06.2015
1.2	Academic Quality and Governance Team	Policy revised for currency. Information restructured to promote coherency and clarifications made as to when a CAAW is required	05.12.2017	20.12.2017
1.3	Academic Quality and Governance Team	Policy revised for currency, including updating to the Department of Home Affairs and National Code	07.03.2018	28.03.2018
2.0	Quality, Regulations and Standards Team	<ul style="list-style-type: none"> • Combined existing MIT and KIL policy into single international student policy • Added child welfare and protection legislative framework, and items from National Code. • Changed name to 'Under 18s Policy'. 	KIL: 28.8.2020 MIT: 17.9.2020	KIL: 11.9.2020 MIT: 1.10.2020