Captain Cook Institute Pty Ltd trading as
George Brown College
Level 4, 56-58, York Street, Sydney NSW 2000
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Ensuring safety and well-being of younger overseas students

Purpose

This policy sets out the requirements to enroll overseas students under the age of 18

George Brown College (GBC) meets Commonwealth, state or territory legal requirements relating to child welfare and protection; and gives younger overseas students important age and culturally appropriate safety information, including what to do and who to contact in an emergency, and how to report any incident or allegation of sexual, physical or other abuse.

Policy:
To maintain welfare, overseas students will either:

- stay in Australia with a 'nominated guardian' approved by the Department of Home Affairs, who can be the overseas student's parent, person who has legal custody, or an eligible relative who is aged over 21 and is of good character;

or

- stay in accommodation, support and general welfare arrangements that have been arranged and approved by GBC. In this case, GBC will issue a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter.

Procedure:

GBC will ensure that the overseas student's living arrangements are safe and adequately meet their needs. GBC will take all practical steps to ensure welfare is maintained at all times, regardless of the overseas student's study circumstances.

GBC will:
• ensure any adults involved in providing overseas student accommodation or welfare arrangements have Working with Children Checks (WWCC) appropriate to the jurisdiction in which the provider operates, and the accommodation is sited.
• regularly verify that overseas student accommodation is appropriate to the student's age and physical needs.
• notify the police and any other relevant agencies as soon as practicable if unable to contact an overseas student and there are concerns for the overseas student's welfare.
• will report through Provider Registration and International Student Management System (PRISMS) if GBC is no longer able to take responsibility for the overseas student's welfare.
• make all efforts to contact a younger overseas student's parent or legal custodian immediately if they can no longer approve the overseas student's welfare.
• check WWCCs or Criminal Record for staff and/or homestay providers;
• will give age and culturally appropriate information to overseas students under the age of 18, in accordance with any state and territory requirements,
• who to contact in emergency situations, including contact numbers of nominated staff members or service providers; and
• how to seek assistance and report any incidents involving sexual, physical or other abuse.

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Welfare arrangements approved by the Department of Home Affairs –
If an overseas student is under the age of 18, a parent, legal custodian, or an eligible relative can be nominated to take responsibility for the overseas student's accommodation, welfare and support in Australia. The parent, legal custodian or eligible relative must have an appropriate visa or have applied for a Student Guardian visa (subclass 590).

An eligible relative is:
• a parent, spouse, de facto partner, brother, sister, step-parent, step-brother, step-sister, grandparent, aunt, uncle, niece or nephew, or a step-grandparent, 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 • aged at least 21; and
• of good character, and show this by providing a 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 be eligible to remain in Australia until the overseas student's visa expires or the overseas student turns 18 years of age (whichever happens first).

If the Department of Home Affairs will assess the nominated arrangements according to the Migration Regulations 1994 and, if approved, the parent, legal custodian or eligible relative will be the overseas student's 'nominated guardian'.

In the above case, GBC will not get involved and will not issue a CAAW letter. GBC is not obliged to follow up where a nominated guardian has been approved by the Department of Home Affairs. However, GBC should contact the Department of Home Affairs and other local agencies if it becomes aware the overseas student is not being well looked after. GBC will meet with the nominated guardian prior to, or shortly after, course commencement.

If GBC undertakes responsibility for the welfare arrangements of an overseas student under the age of 18, a CAAW letter is created at the same time as a Confirmation of Enrolment (CoE). They must be created together as the details of the CoE appear in the CAAW and vice versa. GBC will sign a CAAW to confirm they are placing an overseas student into, or are approving, arrangements they consider suitable. In this case, GBC is not taking over legal responsibility for the overseas student under the age of 18. The parent or person who has custody of the overseas student is at all times legally responsible for the student.

In the CAAW, GBC will nominate the beginning and end dates of the period for which they are willing to accept responsibility for approving accommodation, support and welfare arrangements for an overseas student under the age of 18. These nominated dates will cover the length of the CoE plus seven days at the end, at a minimum.

If an overseas student wishes to arrive in Australia earlier than their CAAW commencement date, he or she must be accompanied by a nominated guardian approved by the Department of Home Affairs. If the overseas student is unaccompanied, the registered provider must agree to extend its approved care arrangements to cover the overseas student from the date of their arrival or the student must not travel to Australia until the CAAW commences.

Acceptable welfare arrangements -
If GBC accepts responsibility for the welfare arrangements of an overseas student under the age of 18, the overseas student must stay in accommodation approved by the registered provider. GBC will not approve an overseas student's parent, legal custodian or eligible relative (as defined in 'Welfare arrangements approved by the Department of Home Affairs') as the welfare arrangement on a CAAW. If an overseas student's parent, legal custodian or eligible relative wishes to care for them in Australia, they should apply to be the overseas student's nominated guardian through the Department of Home Affairs.

GBC can approve a person who is not an Australian citizen or permanent resident (including a family friend, or a family member that does not meet the definition of eligible relative) to care for the overseas student on a CAAW. However, GBC will ensure that the visa holder is:

- at least 21 years old; and
- of good character; and
- has an appropriate visa to remain in Australia until the overseas student's visa expires or the overseas student turns 18.

GBB provides accommodation and home-stays with Student Accommodation. GBC undertakes this responsibility to ensure the accommodation meets the requirements of the National Code.

GBC engages 2Stay and Australian Homestay Hub to organise and assess welfare and accommodation arrangements, they must have documented policies and processes for selecting, screening and monitoring these third parties.

GBC retains the responsibility for approving and assuring welfare arrangements until the overseas student:
- is outside Australia; or
- turns 18;
or • transfers to another provider's CAAW;
or • enters the care of a nominated guardian approved by the Department of Home Affairs.

Monitoring welfare arrangements –
GBC verifies that the overseas student's accommodation is appropriate to the overseas students' age and needs:
- prior to the accommodation being approved; and
- at least every six months thereafter.

GBC will conduct an initial physical site visit to verify the overseas student's accommodation, prior to the accommodation being approved. GBC will do one or more of the following to ascertain that the accommodation still meets the overseas student's needs:
- a physical site visit;
- a student interview;
- a student survey;

As GBC is ultimately responsible for the overseas student's welfare GBC ensures that they receive some form of reporting or documentation by the homestay provider to the registered provider after each verification.

Transferring between registered providers - If an overseas student who is under the age of 18 on a CAAW is transferring to another registered provider, the receiving registered provider must ensure there is no gap in welfare arrangements. In accepting the overseas student, the receiving provider must liaise with the first registered provider to ensure the overseas student has appropriate welfare in place at all times and issue a CAAW letter covering the transition from one accommodation arrangement to another.

Packaged courses and multiple registered providers - When an overseas student is undertaking a package of courses, or a course with multiple registered providers, the overseas student must have adequate welfare arrangements during any gap period between courses or providers. Ideally an overseas student's parent or legal custodian should be able to negotiate a common date when the first registered provider's approval will cease and the new registered provider will take responsibility for the welfare arrangements. These arrangements should be made and confirmed through the provision of CAAWs prior to the overseas student applying for a visa. Where there is a gap between the periods nominated by the registered providers or the registered providers cannot agree on providing welfare arrangements, the Department of Home Affairs will only

issue a visa for the length of study where continuous welfare arrangements are in place. This is unless the overseas student's parent or legal custodian makes alternative welfare arrangements, such as nominating a guardian through the Department of Home Affairs. If an overseas student wishes to return to their home country during a gap between courses, a registered provider may still issue a CAAW letter to cover the period the overseas student will be abroad. This arrangement will mean the overseas student does not need multiple visa applications and should benefit both the provider and the overseas student.

Disruption to welfare arrangements - Emergency situations may disrupt welfare arrangements without warning. During such situation, GBC will include in their critical incident policy:
- the action to be taken;
- any immediate welfare arrangements in an emergency;
- required follow-up by GBC;
- records of the incident to be kept for at least two years after the overseas student ceases to be an accepted student; and
- protocols for informing authorities such as the police, the Department of Home Affairs officials, the overseas student's parent or legal custodian, and other relevant authorities.

Suspension or cancellation of enrolment - Where GBC suspends or cancels the enrolment of an overseas student on a CAAW, GBC will continue to check the suitability of care arrangements until one of the following occurs:
- the overseas student has alternative welfare arrangements approved by another registered provider; or
- the overseas student has a nominated guardian approved by the Department of Home Affairs; or
- the overseas student leaves Australia; or
- if GBC has notified the Department of Home Affairs through PRISMS that it is no longer able to approve the overseas student's welfare arrangements; or
- if GBC has taken the required action under Standard 5.5 after not being able to contact the overseas student; or
- the overseas student turns 18.

Terminating GBC's responsibility for welfare arrangements -

GBC's responsibility for welfare arrangements can only be terminated in two circumstances. The first is if alternative welfare arrangements have been put in place. In this circumstance, GBC will confirm that the new welfare arrangements are formally in place before terminating the CAAW. In the situation where an overseas student's parent, legal custodian, or eligible relative is planning to look after the overseas student for a short period, for example during a holiday, GBC will continue their CAAW arrangements rather than terminate the CAAW.

The second circumstance where GBC may terminate a CAAW is where they can no longer take responsibility for the overseas student due to events, such as:
- the overseas student refusing their accommodation or leaving their accommodation without notice, even after GBC has exhausted all possible avenues of assisting the overseas student to maintain appropriate arrangements;
- the accommodation provider becoming unable to maintain arrangements;
- the overseas student's enrolment being suspended or cancelled;
- the overseas student going missing from their accommodation and cannot be found or contacted, even after GBC has implemented its critical incident policy.

In the above situations, GBC will report the overseas student within 24 hours using the 'Non-Approval of Appropriate Accommodation/Welfare Arrangements' letter through PRISMS. This report should be used as a last resort, as it may lead to cancellation of the overseas student's visa by the Department of Home Affairs

for breaching visa condition 8532. GBC will make all reasonable efforts to ensure the overseas student's parents or legal custodians are notified immediately if it can no longer take responsibility for the overseas student's welfare. After an overseas student turns 18 GBC's CAAW responsibility for an overseas student under the age of 18 will cease when the overseas student turns 18. In addition, the requirements of Standard 5 will no longer apply at this point.

If GBC is enrolling students who will turn 18 years of age during the final period of their course may choose to apply a condition on enrolment in the course, requiring the overseas student to continue to reside in provider approved accommodation until the completion of the course. However, if this happens, this will be made clear in the overseas student's written agreement.

Variations
GBC reserves the right to vary, replace or terminate this policy from time to time.

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