



# Younger Overseas Students Policy

## Source of Obligation

Standard 5 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018

## CAAW Letter Definition

The term "CAAW Letter" means the document, in the form of a letter, issued by the School to an overseas student under the age of 18, evidencing that the School approves of an overseas student's arrangements for accommodation, support and general welfare and the dates for which the School's approval is given.

## Caulfield Grammar School's Policy

The School in this Policy includes school boarding premises.

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 overseas students. The School meets our legal and regulatory student welfare and child protection obligations through the policies and procedures in Student Duty of Care and Child Safety.

Please contact the Overseas Student Coordinator for information on these policies or programs.

## Age and Culturally Appropriate Information

The School must ensure that 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 and School Boarding premises;
- 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 overseas students under 18 years of age enrolled at the School are provided with emergency contact numbers for:

- the Overseas Students 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 overseas students in an age and culturally appropriate way in our:



- Child Youth Safe Strategy
- Orientation information
- Student Diary
- Induction processes.

The School also provides each younger overseas student with a Student Safety Card that includes:

- if the student is in homestay, the homestay accommodation provider's address, home telephone number and mobile numbers
- the School's contact details including 24/7 contact details for the Overseas Students Coordinator and general emergency contact information
- a statement that Caulfield Grammar is regulated by the VRQA and that students can contact the VRQA at [www.vrqa.gov.au](http://www.vrqa.gov.au).

### **Accommodation, Support and General Welfare Arrangements**

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 Youth Safe Strategy
- implements documented processes for verifying that the student's accommodation is appropriate to the student's age and needs, in accordance with our Younger Overseas Students Accommodation Arrangements Policy
- includes, as part of the School's Overseas Students Critical Incidents Response Policy, 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, including the contact details of the parent(s), guardian(s) or any adult responsible for the student's welfare in accordance with our 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 and School Boarding premises 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 organise and assess welfare and accommodation arrangements. Refer to our Welfare and Accommodation Selecting, Screening and Monitoring Policy and Terms and Conditions of Enrolment

### **Non-Delegable Responsibility**

It is the School's policy that when a CAAW Letter has been issued accepting the responsibility for approving the accommodation, support and general welfare arrangements for an overseas student who is under the age of 18, we do not delegate, outsource or contract out that responsibility.

### **Working with Children Checks**

If the School takes on responsibility under the Migration Regulations for approving the accommodation, support and general welfare arrangements, it must ensure that all adults who provide accommodation (including homestays) and welfare arrangements for an overseas student, must hold a current Working with Children Check, unless they are a parent or close relative of the overseas student

This requirement applies even if a person would otherwise be exempt from the need to have a WWCC under Working with Children Check legislation (for example because they are a parent of another student at the School and provide a homestay as a volunteer).

### **The School No Longer Provides Welfare Arrangements**

If the School is no longer able to approve the welfare arrangements of an overseas student, the School must make all reasonable efforts to ensure that the student's parents/guardians are notified immediately.

The International Student Co-Ordinator or Head of Boarding will notify the parents/guardians of the overseas student if the School and School Boarding premises can no longer approve the welfare arrangements of an overseas student.

### **Missing Younger Overseas Students**

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.

### **Welfare Arrangements After Suspension or Cancellation**

Where the School or School Boarding premises suspends or cancels the enrolment of the 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 that it is no longer able to approve the student's welfare arrangements, or that we taken the required action after not being able to contact the student

Before terminating the CAAW for the student, the School must ensure that the student has new welfare arrangements formally in place. The overseas student must provide a letter from another registered provider, or their parents/ guardians/eligible relatives confirming that they will take responsibility for the overseas student's welfare arrangements and the date from which the new arrangements will commence.

Where an overseas student's parent/guardian or eligible relative is planning to look after the 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 overseas student due to events, such as:

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

In the situations listed above, the School must report the overseas student within 24 hours in the Provider Registration and International Student Management System (PRISMS). This may lead to cancellation of the overseas student's visa by the Department of Home Affairs for breaching visa conditions.

Making a report is a last resort option for the School and School Boarding premises and accordingly, we will make all reasonable efforts to ensure the overseas student's parents/guardian are notified immediately if we can no longer take responsibility for the overseas student's welfare.

### **If the Younger Overseas Student Turns 18**

If the overseas student turns 18 while enrolled at the School, CAAW responsibility will cease.

If an 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 overseas student to continue to reside in the approved accommodation until the completion of the course. This will be made clear in an amended and signed written agreement or individual enrolment contracts signed by the parent/guardian.



## **Approval of Welfare Arrangements**

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 in welfare arrangements
- 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 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 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 overseas student's visa expires or the 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 the Victorian Registration Qualifications Authority (VRQA) if they become aware that the overseas student is not being appropriately cared for.

Making a report is a last resort option for the School and School Boarding premises and accordingly, we will make all reasonable efforts to ensure the overseas student's parents/guardian are notified immediately if we can no longer take responsibility for the overseas student's welfare.

## **Arrangements Accepted by the School and School Boarding Premises**

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



The School will not approve an 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 overseas student on a CAAW, they should apply to be the 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 overseas student on a CAAW. The School premises 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 overseas student turns 18; and
- has a current Working with Children Check in accordance with Working with Children Check legislation.

### **Monitoring Welfare Arrangements**

The School will monitor the welfare arrangements of 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
- student surveys
- physical site inspections

The monitoring of welfare arrangements is conducted by the Overseas Students Coordinator and/or another delegated staff member.

### **Disruption of Welfare Arrangements**

The School must activate our critical incident policy in emergency situations which may disrupt welfare arrangements without warning.

### **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 including conversations and emails with parents/guardians and all letters relating to transfers and welfare arrangements.



# Caulfield

grammar school

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