

Kelly Colleges Under 18 Policy

***Under 18 Suspected Abuse or Bullying**

Please note that in cases where students under 18 year of age have lodged a complaint of abuse or bullying (formally *or* informally), normal procedures for complaints and appeals will not be used. These complaints are to be immediately referred to the Student Services Manager who will contact the appropriate party which could be either:

1. The child's parents or legal guardian
2. Police
3. Department of Communities (Child Safety Services)
1 800 811 810 07 3224 8045

The underage student is to be removed from the threatening situation *immediately* (within the same day) and will be placed in a safe and suitable alternative arrangement until long term arrangements can be made. The home of the Director of the College will be used in emergency situations where temporary alternative arrangements can not be immediately made.

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Where students under the age of 18 are not being cared for in Australia by a parent or suitable nominated relative, Kelly Colleges will ensure arrangements are made to protect their personal safety and social well-being.

Underage students must stay in accommodation approved by Kelly Colleges. Kelly Colleges will accept responsibility for approving student's accommodation, support and general welfare arrangements from specified dates, calculated as follows: 14 days before the commencement of the student's course at Kelly Colleges and 7 days after the completion of the student's course at Kelly Colleges.

DIAC defines 'suitable' relative as a person who is:

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

- aged at least 21;
- of good character

Only a parent of the student or a person who has custody of the student is allowed to nominate a carer for the student who is under 18 years of age.

Definitions

A person who has custody of the student is a person who has the right to have the daily care and control of the student and the right and responsibility to make decisions concerning this.

Kelly Colleges Approved Care Arrangements

Accommodation

At the time of application, all international students under 18 years of age will be required to demonstrate to Kelly Colleges that, they will be living with:

- a parent or a person who has custody of them; or
- a relative aged at least 21 nominated by either the parent or the person having custody of them; or
- a home-stay family that has been approved by Kelly Colleges.

Living with a parent, custodian or relative

If the student plans on living with a parent, custodian or suitable relative, a "*Under Age Living Arrangements*" form must be returned to Kelly Colleges, completed and signed by the parent or custodian.

The relative that the student will be living with will be required by DIAC to provide evidence that they are of good character. Further information on the process involved is available from any DIAC office or by calling 131 881.

Living with an approved home-stay family

If the student will not be living with a parent, custodian or suitable relative, they must be accommodated with a home-stay family that has been approved by Kelly Colleges.

In order to accommodate the student with an approved home-stay family, a parent or guardian must complete and return the "*Underage Living Arrangements*" form to Kelly Colleges.

All Kelly Colleges home-stay families must have a blue card.

Once approved accommodation has been organized, Kelly Colleges will provide an undertaking to the Department of Immigration and Citizenship (DIAC) that suitable accommodation and general welfare arrangements have been made for the student while they are in Australia. These arrangements must be maintained.

Kelly Colleges will nominate the dates for which it accepts responsibility for approving the students accommodation, support and general welfare arrangements and will advise DIAC in writing of the approval by using the PRISMS proforma letter- 'Confirmation of Appropriate

Accommodation/Welfare Arrangements' (CAAW);

Kelly Colleges will advise DIAC as soon as possible in the event that the under-18 year old student has changed his or living arrangements using the 'Approval to Change Accommodation/Welfare Arrangements' letter or Kelly Colleges no longer approves of the arrangements for the student using the specified PRISMS proforma letter- 'Non- Approval of Appropriate Accommodation/Welfare Arrangements' letter.

Support and Monitoring Arrangements

Under student visa condition 8532, all International students under 18 years of age are required to attend an appointment with the Welfare Advisor at least once each semester, or as requested, so that their welfare and academic progress can be monitored. These appointments allow students to identify and discuss problems they may be experiencing with their living arrangements, studies, health or any other personal issues.

Kelly Colleges will liaise with parents, person(s) who have custody, nominated relative or home-stay families regarding any issues that may be affecting the well-being of International students who are under 18 years of age.

Reporting of Non-Compliance with Condition 8532

Student visa condition 8532, imposes an obligation on all international students under 18 years of age to maintain accommodation and support arrangements approved by DIAC or Kelly Colleges for the duration of their studies with Kelly Colleges, or until they are 18 years of age.

In the event that Kelly Colleges terminates, suspends or cancels the enrolment of a student, Kelly Colleges will continue to check suitability of care arrangements until;

- the student is accepted by another registered provider who is willing to take on responsibility for approving the care arrangements;

- the student leaves Australia or other suitable arrangements are made;
- events have occurred that make it impossible for Kelly Colleges to continue to approve the arrangements for the student.

International Students under 18 years of age will be in breach of student visa condition 8532 if they:

- change their accommodation and support arrangements without seeking prior approval from either DIAC or Kelly Colleges; or
- do not comply with the guidelines that have been set out by Kelly Colleges

Where Kelly Colleges can no longer approve the living arrangements for an Under 18 student and all other attempts to assist the student to maintain appropriate arrangements have been exhausted, the student's situation will be reported to DIAC.

The breach of student visa condition 8532 will be reported to DIAC using the '*Non-Approval Appropriate Accommodation/Welfare arrangements' letter*'. This report to DIAC 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 the provider is able to approve.

Where a student has gone missing and all reasonable efforts have been made to contact the student, Kelly Colleges' Critical Incident policy will be implemented. The police and relevant agencies will also be contacted.

If after a reasonable period a student has not been found, Kelly Colleges will report the student's breach of visa condition 8532 to DIAC via PRISMS on the appropriate form.