

## Standard 5: Younger Overseas Students- Operating Procedures

### Overview

The *Education Services for Overseas Student Act 2000* (ESOS Act) requires Providers to be registered on the *Commonwealth Register of Institutions and Courses for Overseas Students* (CRICOS). A registered provider<sup>(1)</sup> must have met, and continue to meet, the requirements of the ESOS Act and *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code). Registration is under the ESOS Agency as determined by the education sector and jurisdiction UNE operates in.

UNE is required to demonstrate compliance with the National Code 2018 at the point of CRICOS registration and throughout its CRICOS registration period. This requirement also applies to students enrolled in courses delivered in association with another provider where UNE is the registered provider. UNE is responsible for breaches of the National Code, whatever the nature of its contractual or other arrangements with another provider.

### Scope

Standard 5 sets out that registered providers who enrol a student under 18 years of age, must meet the Commonwealth, state or territory legislation or other regulatory requirements relating to child welfare and protection appropriate to the jurisdictions(s) in which it operates.

### Procedure

1. UNE must ensure students under 18 years of age are given age- and culturally-appropriate information on:
  - 1.1 Who to contact in emergency situations, including contact numbers of a nominated staff member and/or service provider to UNE.
  - 1.2 Seeking assistance and reporting any incident or allegation involving actual or alleged sexual, physical or other abuse.
2. Where UNE takes on responsibility under the Migration Regulations for approving the accommodation, support and general welfare arrangements (but not including guardianship, which is a legal relationship not able to be created or entered into by UNE) for a student who is under 18 years of age, UNE must:
  - 2.1 nominate the dates for which UNE accepts responsibility for approving the student's accommodation, support and general welfare arrangements and advise Immigration, which is responsible for administering the Migration Regulations, of the dates in the form required by that department.
  - 2.2 ensure any adults involved in or providing accommodation and welfare arrangements to the student have all working with children clearances (or equivalent) appropriate to the jurisdiction(s) in which UNE operates.
  - 2.3 have and implement documented processes for verifying that the student's accommodation is appropriate to the student's age and needs:
    - 2.3.1 prior to the accommodation being approved



- 2.3.2 at least every six months thereafter.
- 2.4 include as part of UNE's policy and processes for critical incidents under Standard 6, a process for managing emergency situations and when welfare arrangements are disrupted for students under 18 years of age.
- 2.5 maintain up-to-date records of the student's contact details as outlined in Standard 3.5, including the contact details of the student's parent(s), legal guardian or any adult responsible for the student's welfare.
- 2.6 advise immigration in the form required by that department:
  - 2.6.1 as soon as practicable if the student will be cared for by a parent or nominated relative approved by Immigration and a Confirmation of Appropriate Accommodation and Welfare (CAAW) is no longer required
  - 2.6.2 within 24 hours if UNE is no longer able to approve the student's welfare arrangements.
- 2.7 have documented policies and processes for selecting, screening and monitoring any third parties engaged by UNE to organise and assess welfare and accommodation arrangements
- 3. If UNE is no longer able to approve the welfare arrangements of the student, UNE must make all reasonable efforts to ensure that the student's parents or legal guardians are notified immediately.
- 4. If UNE is unable to contact a student and has concerns for the student's welfare, UNE 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.
- 5. Where Standard 5.3 applies and UNE suspends or cancels the enrolment of the student, UNE must continue to approve the welfare arrangements for that student until any of the following applies:
  - 5.1 the student has alternative welfare arrangements approved by another registered provider
  - 5.2 care of the student by a parent or nominated relative is approved by Immigration
  - 5.3 the student leaves Australia
  - 5.4 UNE has notified Immigration under Standard 5.3.6 that it is no longer able to approve the student's welfare arrangements or under Standard 5.5 that it has taken the required action after not being able to contact the student.
- 6. If UNE enrolls a student under 18 years of age who has welfare arrangements approved by another registered provider, UNE must:
  - 6.1 negotiate the transfer date for welfare arrangements with the releasing registered provider to ensure there is no gap
  - 6.2 inform the student of their visa obligation to maintain their current welfare arrangements under the transfer date, or have alternate welfare arrangements approved or return to their home country until the new approved welfare arrangements take effect.

## Glossary

CAAW	Confirmation of Appropriate Accommodation and Welfare: Letter lodged with Immigration via PRISMS
CoE:	Confirmation of Enrolment – evidence of a student's enrolment with a Provider
CRICOS:	The Commonwealth Register of Institutions and Courses for Overseas Students is the register prescribed under Section 10 of the ESOS Act
ELC:	UNE English Language Centre
ESOS:	Education Services for Overseas Students Act 2000
Manager ISC	Manager International Services & Compliance
National Code 2018	
Registered Provider <sup>(1)</sup> :	An institution in Australia that provides CRICOS registered courses to overseas students as defined by the ESOS Act
Student <sup>(2)</sup> :	An overseas/international student studying on a Student Visa in Australia.
PRISMS <sup>(3)</sup> :	Government database provides Providers with CoE facilities for compliance with ESOS – Provider Registration and International Student Management System

## Administration

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[Signature]



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### **Related Documents:**

UNE International Student Support Services (Guidelines and Operating Procedures)

UNE Critical Incidents (Operating Procedures)

UNE Critical Incident Immediate Response (Checklist)

UNE International Student Transfer Between Registered Providers (Rule and Procedures)

ESOS Act (Education Services for Overseas Students) legislative framework

National Code 2018 (National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018) Regulations

University of New England CRICOS Provider Number 00003G