

## UNDERAGE STUDENT MANAGEMENT GUIDELINES

### RELEVANT POLICY/PROCEDURE

These guidelines are made under the [Student Support and Engagement Policy](#)

### SCOPE

These guidelines apply to all award courses offered at the University of Melbourne.

### GUIDELINES

#### 1. Principles for managing underage students

- 1.1 The University has a duty to take reasonable care in respect of all its students both on and off campus. What amounts to reasonable care will vary according to the particular circumstances of any situation and may well involve a higher level of care being required for students under the age of 18 in some circumstances. .
- 1.2 The University recognises that commencing underage students, particularly those aged 16 and under, may have additional transition issues. Student centres should identify students aged 16 and under at commencement and offer them additional support in accordance with the Student Support Procedure. Student centres may choose to extend this offer to students aged 17.
- 1.3 Additional requirements are imposed on international underage students in accordance with Commonwealth legislation. These requirements are outlined in more detail in section 6 below.

#### 2. Working with Children Checks

- 2.1 Working with Children Checks are not required for University staff in student-facing roles who may come in contact with an underage university student in the course of their duties or for staff who present to prospective underage students as part of their recruitment activities. However, staff in regular direct contact with persons under the age of 18 should obtain a Working with Children Check or act under the supervision of a member of staff with a Working with Children Check. In particular, all University staff working in health services, counselling services or children's services are required to complete a Working With Children Check as part of their employment application. Refer to the [Recruitment and Appointment Policy](#) and the [Pre-Employment Procedure](#).

#### 3. Capacity to enter into Contracts

- 3.1 Underage students are only able to enter into contracts for "necessaries", that is, for basics such as food, a place to live, clothing, medicine and, in most instances, the contractual arrangements for their education. Consequently it is possible for an underage student to sign the enrolment declaration and for it to bind the student. However, for other types of contractual arrangements, faculties and departments must obtain parental consent for underage students to participate in activities such as field trips, placements, work experience, sporting activities or medical trials. All other types of contracts entered into by an underage student will not be legally binding. For example, it is not possible for an underage student to enter in a legally binding loan. Refer to the [Student Financial Support Procedure](#) for further information.

#### 4. Privacy and insurance

- 4.1 The University is required to comply with the Information Privacy Act 2000 (Vic) in relation to all students' personal information regardless of their age. An underage student's consent is required if the University wishes to use or disclose the student's personal information for a purpose other than that for which it was collected or for purposes as outlined in the [Privacy Policy](#). Consent may not be binding if an underage student does not have sufficient understanding to give their consent.
- 4.2 Where applicable, all underage students are covered by the University's insurance policies for University approved and endorsed activities.

#### 5. Wellbeing and protection

- 5.1 If staff have concerns for the wellbeing of an underage student they should raise these concerns with their Head of Department and, where appropriate, refer the student to the University Health Service, Counselling Service, relevant Student Centre or other appropriate University or external support provider.
- 5.2 Medical treatment provided by the [University Health Service](#) and counselling provided by the University [Counselling Service](#) requires informed consent. Medical and counselling practitioners will need to make a sound and reasoned judgement on whether an underage student can provide informed consent by determining whether the underage student can understand the nature, benefits and risks of the proposed service and the consequences of receiving or not receiving the proposed service, whether they have the capacity to make an informed choice and whether they can understand the limits of confidentiality. Where an underage student has the capacity to give informed consent, their consent is required for the disclosure of information to a parent or any third party unless there is a clear risk to the safety of the underage student or others.
- 5.3 In accordance with the Children's Youth and Families Act 2005 (Vic), mandatory reporting requirements apply to certain groups of medical professionals if they believe on reasonable grounds that an underage student is in need of protection.
- 5.4 Underage consumption of alcohol is illegal. Event managers are required to ensure that alcohol will not be served to persons under the age of eighteen, in accordance with the [Responsible Management and Use of Alcohol Policy](#).
- 6. Additional requirements for the management of underage international students on student visas**
- 6.1 Underage international students must have appropriate care arrangements in place to meet Department of Immigration (DIAC) student visa requirements. Parents of underage students must register the proposed care arrangements with International Student Services (Student Administration) by completing the relevant forms before accepting their offer of a place to study at the University.
- 6.2 To meet Australian Government student visa requirements, underage students may enrol in the Under 18 Supervision Program by completing the relevant application form. Enrolment in the program is subject to payment of fees and approval of the student's accommodation and general welfare arrangements.
- 6.3 Student Support Services (Student Administration) is responsible for coordinating the Under 18 Supervision Program and regularly reviews the program fees and standards for approval.
- 6.4 When Student Support Services (Student Administration) has approved the intended arrangements, it will authorise the Office of Admissions to issue a Confirmation of Approved Accommodation and Welfare form. Students who are accepted in the Under 18 Supervision Program must not arrive in Australia prior to the commencement date of their care arrangements.
- 6.5 Student Support Services (Student Administration) will offer comprehensive support and monitor the welfare of students on a weekly basis until they turn 18 years of age or their enrolment at the University is ceased or suspended.
- 6.6 Students must obtain written approval from Student Support Services (Student Administration) before changing approved arrangements. Where Student Support Services (Student Administration) no longer approve of the student's accommodation and/or welfare arrangements, it will notify the Department of Immigration as soon as possible.

#### **RELATED DOCUMENTS**

- [Information Privacy Act 2000 \(Vic\)](#)
- [Pre-Employment Procedure](#)
- [Recruitment and Appointment Policy](#)
- [Responsible Management and Use of Alcohol Policy](#)
- [Student Support and Engagement Policy](#)
- [Student Financial Support Procedure](#)
- [Student Support Procedure](#)
- [The Education Services for Overseas Students \(ESOS\) Act 2000](#)

- [The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007](#)
- [Children, Youth and Families Act 2005](#)
- [University of Melbourne Under 18 Supervision Program \(for international students\)](#)
- [University Privacy Policy](#)
- [Working with Children Act 2005 \(Vic\)](#)

## DEFINITIONS

Term	Definition
Underage student	A student enrolled or enrolling in a course at the University of Melbourne who is under the age of 18.
Working with Children Check	A national criminal history record check required by people who work with children and young people in certain categories of child-related work.

## RESPONSIBLE OFFICER

The Academic Registrar is responsible for the development and review of these guidelines.

## IMPLEMENTATION OFFICER

The Manager, Policy and Programs, Office of the Deputy Vice-Chancellor (Academic) is the contact officer who can provide further information on these guidelines.

## REVIEW

These guidelines are to be reviewed by 30 November 2016.

## VERSION HISTORY

Version	Authorised By	Approval Date	Effective Date	Sections Modified
3	Provost	5 August 2013	5 August 2013	Full review incorporating updated legal advice. Re-ordering and refining of content in Section 2. Updating of name changes to related policies and procedures
2	Provost	Nov 2011	1 Feb 2011	All sections. These guidelines have been rewritten in line with the Melbourne Policy Framework 2011, based on Underage Student Management Guidelines UOM0413.
1	Provost	7 Sept 2010	7 Sept 2010	New