

# FSAC Ltd

## Board Policy No 15. Homestay Management

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# Homestay Accommodation and Welfare Procedure No. 15.3

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2017

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## 1. POLICY STATEMENT

### Board Policy No. 15 – Homestay Management

## 2. PROCEDURE STATEMENT

The purpose of this procedure is to provide written processes to ensure that St John’s International College Homestay Family arrangements comply with *the Education Services for Overseas Students (ESOS) Act 2000* and the requirements of Standard 5 of the National Code of Practice 2007 (National Code) for ensuring the suitability of accommodation, support and general welfare for Homestay Students under 18 years of age.

In particular, the purpose of this Policy is to:

- Ensure that St John’s International College has in place arrangements to protect the personal safety and wellbeing of Homestay Students and to protect them from harm;
- meet the requirements of Student Protection in Anglican Schools Policy and Procedures, Migration Act and Regulations and the standards of the ESOS Act regulatory framework outlined in the National Code (established under the *Education Services for Overseas Students (ESOS) Act 2000*);
- provide guidelines for the selection of Homestay Families to ensure that suitable accommodation and a stable environment is provided to Homestay Students throughout the duration of their studies;
- provide guidelines to manage potential risks and duty of care issues associated with activities undertaken outside of school hours by Homestay Students.

**Special Note: This Policy should be read in concert with Policy No. 2 Student Protection in Anglican Schools Policy and Procedure which deals with matters of harm, sexual abuse or inappropriate behaviour. The Student Protection policy and procedures must be kept at the forefront when considering and implementing the contents of this policy and associated procedures. In the event that reasonable suspicions that harm, and/or sexual abuse has occurred or is likely to occur, the Student Protection Policy and Procedures must be followed.**

### 2.1. Scope

This procedure applies to:

- St John’s Anglican College and St John’s International College staff
- Homestay Families
- Residents of Homestay Family homes
- Homestay students
- Visitors to Homestay Family residences
- Employees of Homestay Families (if they meet a “regular contact” provision)

### 2.2. PRINCIPLES:

St John’s International College will uphold the following principles under this procedure:

- St John’s believes all Homestay Students have the right to feel safe, be listened to, be involved in decisions that affect them, have their cultural values respected, not be

unjustly discriminated against on the basis of their status, activities, expressed opinions or beliefs of their parents or carers, and have their best interests considered.

- Students under the care of St John's should be provided with the knowledge and information they require to feel empowered to take action in the event of abuse or neglect.
- St John's acknowledges that Homestay Students are unique and valued individuals and deserve to be treated with care and respect.
- St John's recognises that respect for Homestay Students is the foundation upon which all Homestay policies and procedures are developed.
- St John's is committed to promoting the wellbeing of Homestay Students under its protection by protecting their security, safety and wellbeing.

### 2.3. AFFILIATED AUTHORITIES

- *Education (Accreditation of Non-State Schools) Act 2001*
- *Work Health and Safety Act 2011*
- *Child Protection Act 1999*
- *Student Protection in Anglican Schools Policy and Procedures*
- *Working with Children (Risk Management and Screening) Act 2000*
- *Working with Children (Risk Management and Screening) Regulation 2011*
- Staff Handbook

The Minister for Education, Training and Youth Affairs has established a National Code of Conduct for Registration Authorities and Providers of Education and Training to Overseas Students (The National Code) under the federal Education Services for Overseas Students (ESOS) Act 2000. Education providers approving care arrangements for students under 18 years old must:

1. Give the Department of Immigration and Citizenship (DIAC) a signed statement confirming that appropriate arrangements have been made for the student's accommodation, support and general welfare during their stay in Australia until they turn 18, and
2. Notify the department in writing of any changes to the care arrangements. Additionally, students are required to obtain their educational provider's approval to change these arrangements if they wish to do so after their arrival in Australia.

The St John's International College Homestay Program shall meet Queensland legislative requirements under Section 9 of the Education (Overseas Students) Regulation 1998 and the Working with Children (Risk Management and Screening) Act 2000 and Regulation, as well as under Standard 5 of the National Code. These include:

- Continuous dates for approved welfare arrangements

### 3. SPECIFIC DEFINITIONS

- Documented procedures for checking suitability of accommodation, support and general welfare arrangements
- Guidelines for selecting Homestay Families and ensuring the family can provide a stable environment for the duration of the student's enrolment at the school
- Criteria about accommodation services to be provided, and contract for arrangements about providing accommodation services
- Orientation program for Homestay Families new to the provision of Homestay services
- Blue Card obligations for adults living in the Homestay residence other than Homestay students
- Compliant Homestay Risk Management Strategy, reviewed annually

The following definitions for Harm and Sexual Abuse should be noted:

**"Harm"** means the activity or deliberate or careless inactivity which causes significant harm, that is to say, any detrimental effect of a significant nature on a person's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. The harm can be caused by:

- Physical, psychological or emotional Abuse or neglect
- Sexual Abuse or exploitation

**"Sexual Abuse"** in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances:

- a) The other person bribes, coerces, exploits, threatens or is violent toward the relevant person;
- b) The relevant person has less power than the other person;
- c) There is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

### 4. RESPONSIBILITIES

#### **The College:**

Where St John's International College has taken on responsibility under the Migration regulations for approving the accommodation, support and general welfare arrangements for a student who has not turned 18, St John's will :

- a) Ensure that each adult occupant (18 years or older, excluding other international students) residing at the Homestay Residence holds a Blue Card in accordance with the Working with Children (Risk Management and Screening) Act 2000.
- b) Nominate the dates for which it accepts responsibility for approving the Homestay Student's accommodation, support and general welfare arrangements using the

specified School Registration & International Student Management System (PRISMS)

- c) Advise Department of Immigration and Citizenship (DIAC) in writing of the approval using specified PRISMS pro forma letter
- d) Have documented procedures for checking the suitability of the Homestay Student's accommodation, support and general welfare arrangements;
- e) Advise DIAC as soon as possible, using the specified PRISMS pro forma letter, in the event that the Homestay Student has changed his or her living arrangements or the school no longer approves of the arrangements for the student;
- f) Provide Homestay Families with a Homestay Agreement (which must be signed and returned to the school) which outlines all terms and conditions, including responsibilities for Homestay Families.
- g) Provide Homestay Families with a Code of Conduct which must be included in the Homestay Handbook
- h) Provide orientation sessions for new Homestay Families
- i) Provide training workshops for Homestay Families at least on an annual basis
- j) Ensure the PMSA Homestay Risk Management Strategy is publicly available
- k) Comply with the provisions of the Right to Information Act

**The Homestay Families:**

All Homestay Families will be informed of their responsibilities with regard to placement of Homestay Students under 18 years of age.

The Homestay Family must:

- a) agree to a Code of Conduct and comply with all College Terms and Conditions and all applicable policies and procedures, as well as relevant legislation and the laws and regulations of the State of Queensland and Australia, and comply with all policies that have been established for the safety of Homestay Students.
- b) ensure that each adult occupant (18 years or older, excluding other international students) residing at the Homestay Residence holds a Blue Card in accordance with the Working with Children (Risk Management and Screening) Act 2000.
- c) Consent to the Blue Card Services providing advice to the College of any changes to the status of a Blue Card held by the Homestay Family member.
- d) Obtain approval for any risk activities or events and identify risks related to activities under their supervision
- e) report all risk situations to relevant staff
- f) report immediately, to the College, any harm or reasonable suspicion of harm towards a Homestay student

## 5. REQUIREMENTS FOR APPROVED WELFARE ARRANGEMENTS:

- g) participate in orientation and training sessions conducted by the College
- h) participate in monitoring and reviews of the homestay arrangement
- i) not host, at the same time, any more than two international students enrolled with any education School.

### Homestay Student:

- Each student is expected to abide by the terms and conditions of enrolment and the policies, procedures and code of conduct of St John's International College.
- Obtain the approval to change their care arrangements if they wish to do so after their arrival in Australia.

Under the National Code 2007, where students under the age of 18 are not being cared for in Australia by a parent or suitable nominated relative, St John's will ensure that appropriate accommodation, support and general welfare arrangements are in place for the period for which the College takes responsibility for the student.

### Key requirements under the National Code include:

- The Department of Immigration and Citizenship (DIAC) must be satisfied that appropriate welfare arrangements are in place for students under 18 years of age before a visa is granted.
- A parent, a nominated suitable relative or an education provider must be responsible for the welfare of Homestay students under 18 years of age while in Australia.
- Should neither a parent nor a suitable relative be in Australia to directly provide for the welfare of a student, and St John's International College accepts the student, the College will approve suitable accommodation and welfare arrangements.
- Where the St John's approves the arrangement for Homestay students, regardless of whether they are under or over 18 years of age, it must nominate two dates: (1) when the school has elected to begin taking responsibility; and (2) when the school will cease to take responsibility for approving the welfare arrangements for that student.

### Confirmation of Enrolment (CoE)

- Under Migration Regulations, if St John's International College is approving the accommodation, support and general welfare arrangements for the Homestay Student, the College will nominate the period for which it will take responsibility for the student. This period will be at least the Confirmation of Enrolment (CoE) **plus seven days** in

order to satisfy DIAC provisions for appropriate welfare arrangements.

### **Confirmation of Appropriate Accommodation and Welfare (CAAW)**

The DIAC requires students to have welfare arrangements in place when they apply for a visa. St John's International College will generate a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter through the DIAC's 'School Registration and International Student Management System (PRISMS)', to accompany the Homestay Student's Confirmation of Enrolment (CoE). A CAAW letter cannot be generated without the details of the CoE.

**NB.** If a parent or suitable nominated relative takes responsibility for the welfare arrangements of the student, Standard 5 of the National Code does not apply and the College does not need to complete a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter.

## **6. MANAGING APPROVED ACCOMMODATION AND WELFARE ARRANGEMENTS:**

### **School Vacation Periods**

For school vacation periods, the following accommodation options will be made available to Homestay Students:

- Student returns home to parents
- Student continues to live in Homestay arranged and approved by the College
- Student may attend a supervised excursion, camp, etc., if all requirements are met in order to attain College approval

If the student is planning to go home over a school vacation period, the College may still issue a CAAW letter to cover the period (agreed with the student and his/her family) for which the student will be abroad. This arrangement will mean the student does not need multiple visa applications and would benefit both the student and the College.

### **Responsibility after expiry of CAAW letter**

The Department of Immigration and Citizenship (DIAC) will issue the Homestay Student with a visa according to the dates nominated on the CAAW letter. If the student does not go home, or does not change their visa type, e.g. if their parents visit, they will be in breach of their visa. The College will discuss the conditions of the approval of welfare arrangements with the Homestay Student at an appropriate time, but the College is **not** responsible for ensuring that the student leaves the country.

### **Extension of Approved Care Arrangements**

- St John's International College is only responsible for approving welfare arrangements for a student for the dates they have nominated on the CAAW letter.
- If the CAAW letter has been issued and the student cannot get a flight within the nominated period, a new CoE and CAAW letter must be issued and the student must apply for a new visa.
- Under the Migration Act, the College must approve care arrangements for at least seven days after the course end date.

### **Student Absences from Homestay without Notice**

Once the College has nominated dates for which it will approve care arrangements for a Homestay Student, the responsibility to approve arrangements continues throughout that period. The College's agreement with the Homestay Family will include a requirement that the Homestay Family will notify the College in the case of prolonged or unexplained absence, by the Homestay Student, from the Homestay Residence.

### **Termination, Cancellation or Suspension of Student Enrolment**

Where St John's has taken responsibility under the Migration regulations for approving the accommodation, support and general welfare arrangements for a Homestay Student, and it terminates, suspends or cancels the enrolment of the Homestay Student, the College will continue to check the suitability of arrangements for that student until:

- the student is accepted by another registered School and the registered School takes over responsibility for approving the Homestay Student's accommodation and welfare arrangements
- the student leaves Australia
- the College reports under Standard 5.1 of the National Code that it can no longer approve the arrangements for the student

### **Termination of Homestay Family Arrangement**

#### **Termination by the Homestay Family**

- The Homestay Family may withdraw as a Homestay Family by providing 4 weeks written notice to the School.
- The Homestay Family agreement is valid for 12 months, with a possibility of 12 months extension. At the end of this period, the Homestay Family is required to reapply to St John's international College.

#### **Termination by St John's international College**

St John's international College may revoke the Homestay Families status as an authorized Homestay Family:



- providing the Homestay Family with notice to that effect, and also removing the student from the Homestay Residence; or
- in any other case, by providing the Homestay Family with 2 weeks' notice, or as otherwise mutually agreed between the College and the Homestay Family.

### **Requests to Change Agreed Arrangements**

All Homestay Students are required to notify the College of a change of address while enrolled with the College, and students who live in College approved accommodation must not change agreed arrangements without prior approval of the College. If there is a change in a student's care arrangements under section (3) 5.1.d of the National Code, St John's will inform DIAC.

Should the College not approve requests for changes to agreed arrangements, and the student refuses to maintain the approved and agreed arrangements, the College will notify the DIAC and the student that they are no longer able to approve the student's welfare. This will be reported to DIAC via the pro forma letter in PRISMS. This will be a breach of the student's visa and the student may have their visa cancelled and be subject to a three year exclusion period. DIAC will contact the student directly to ensure visa implications are understood.

### **Gaps in Welfare Arrangements**

If, after reasonable efforts to find suitable accommodation arrangements, a student under-18 years old is left with a 'gap' period in care arrangements, the College must report this using the 'Non-Approval of Accommodation/Welfare Arrangements' letter. As this letter indicates a breach of student visa condition 8532 ('must maintain care arrangements') DIAC may cancel the student's visa.

If a student is unable to make alternative arrangements of which the College could approve, the student would be best advised to voluntarily return to the student's home country for the 'gap' period, in order to avoid breaching visa condition 8532.

St John's International College will assess and approve the suitability of a Homestay Families accommodation in line with the provisions contained in the Confirmation of Appropriate Accommodation & Welfare (CAAW) and the National Code.

The College will monitor the ongoing accommodation arrangements and the welfare of Homestay Students to ensure that the students are placed in appropriate care and are protected from possible exploitation and abuse and to maximise their success whilst living and studying in Australia.

For the College to approve the accommodation, support and general welfare arrangements provided by Homestay Families, the College must be satisfied that the Homestay Family is able to

## **7. ACCOMMODATION ARRANGEMENTS**

provide the student with the appropriate accommodation and living assistance, including:

- full board in a clean, tidy household that has been approved as the Homestay Residence.
- a safe, secure, private bedroom with suitable storage space for clothes, personal effects and study materials.
- suitable facilities for study including a desk, a chair and adequate lighting.
- three meals daily ensuring adequate nutritious food and reasonable access to other appropriate food as may be requested.
- access to bathroom and laundry facilities.
- access to a landline telephone (or suitable alternative) in the Homestay Residence.
- access to household items, such as towels, sheets, blankets and eating/cooking utensils.

## **8. SUPERVISION AND CARE OUTSIDE SCHOOL HOURS:**

In approving accommodation, support and general welfare arrangements provided by Homestay Families, the College will be satisfied that the Homestay Family will:

- ensure that the student is appropriately supervised at all times throughout the duration of the Homestay including by:
  - maintaining suitable supervision of the student outside of school hours.
  - monitoring the student's general welfare including by reference to the student's social activities.
  - confirming with the student and the College Homestay Manager where necessary, that appropriate approval has been obtained by the student prior to the student participating in travel and activities.
- notify the College if the Homestay Family is temporarily unable to provide accommodation for, or supervision of, the student.

## **9. MONITORING:**

Monitoring of the service provided by the Homestay Families will be conducted by the College, through the Homestay Manager and will include but not be limited to:

- Conducting periodic surveys of Homestay Students which includes an evaluation of their accommodation and welfare arrangements and taking action as required
- Regular contact with the Homestay Family by phone and/or email to discuss and review the arrangement
- Conducting informal meetings with Homestay Students and pastoral care meetings to monitor adjustment; at a minimum once per study period
- Where appropriate, liaise with teachers of Homestay Students

## 10. RISK MANAGEMENT:

- Where appropriate, undertake occasional visits to the Homestay Residence to check on the wellbeing and safety of students
- School's Complaints Register
- Monitoring Blue Card status to ensure all Blue Cards are current and recorded on the Blue Card Register
- Self-assessment by Homestay Families
- Exit statements by Homestay Students and Families

St John's International College will exercise a duty of care and approve arrangements that are appropriate for the age and capability of the Homestay Student.

To ensure effective identification and management of risks relating to students accommodated in Homestay arrangements, the College will:

- Have an established risk register which identifies and evaluates risks involved with the accommodation, support and general welfare of a student accommodated in homestay arrangements, and an established process for developing strategies to minimise the impact of these risks (e.g. risks associated with pre departure, post arrival and departure activities).
- Ensure that all potential risks to Homestay Students are included as part of the standard risk management processes applied by the College when developing risk management plans for high risk and special events in which students, including Homestay Students, may participate.(e.g. sporting carnivals, school excursions and camps).
- Educate Homestay Families to identify, assess and control risks relating to the Homestay Student's activities under their supervision, and to ensure child protection issues are addressed as part of the standard risk management processes in the Homestay arrangement (e.g. supervision of the student during the Homestay, including outside of school hours, and risks associated with the student's general welfare including social activities and travel).

The risk management approach implemented by St John's International College will be consistent with the framework set out in the *FSAC Ltd Risk Management Policy*.

### **Homestay Risk Management Strategy**

The Homestay Risk Management Strategy will be brought to the attention of all Homestay Families through the Homestay Handbook, and in particular, during the induction process for all new Homestay Families. The Homestay Risk Management Strategy will also be made publicly available on the College's website.

### **11. CRITICAL INCIDENTS:**

A critical incident involving a Homestay Student will be managed by the College in accordance with the College's ***Critical Incident Management Procedure***.

### **12. DEFERMENT, SUSPENSION OR CANCELLATION OF STUDY DURING ENROLMENT:**

St John's International College will only enable Homestay Students to defer or temporarily suspend their studies, including granting a leave of absence, during a course through formal agreement on the following grounds:

- a) compassionate or compelling circumstances
- b) misbehaviour of the student

In the event of deferment, suspension or cancellation of a Homestay Student's studies the College will:

- Have documented procedures for assessing, approving and recording a deferment of the commencement of study or suspension of study for the student, including keeping documentary evidence on the student's file of the assessment of the application.
- Inform the Homestay Students prior to enrolment of the grounds on which their enrolment may be deferred, suspended or cancelled.
- Inform the student that deferment, suspension or cancellation of enrolment may affect his or her student visa.
- Notify the student of its intention to suspend or cancel his or her enrolment and allow the student 20 working days to access the College's internal complaints and appeals process, unless extenuating circumstances relating to the welfare of the student apply.
- Allow the student access to the College's Complaints and Appeals process and will not notify DIAC of a change to the enrolment status until the internal complaints and appeals process is completed.

### **13. COMPLAINTS, GRIEVANCES AND APPEALS:**

Under Standard 8 of the National Code, St John's International College will have an Internal Complaints Handling and Grievance Process for Homestay Students that is independent, easily and immediately accessible and inexpensive for the parties involved and includes access to an independent external body if necessary.

The College's Complaint and Grievance Procedures will be based on the following principles:

- complaints and grievances will be heard, by the College, as quickly as possible
- complaints and grievances will be treated seriously, sensitively and impartially
- complaints and grievance procedures and guidelines will be based on the principles of Natural Justice
- individuals will be encouraged to use these procedures, and can be confident that there will be no negative consequences from doing so

- confidentiality will be strictly observed by all participants and at all stages of the Complaints and Grievance Process.

The College will have in place a process for managing internal complaints and grievances that:

- requires a written record if the complaint or appeal cannot be resolved informally;
- provides a Homestay Student with the opportunity to formally present his or her case at minimal or no cost;
- allows the student to be assisted or accompanied by a support person;
- provides a written statement of the outcome, including details and reasons for the decision;
- ensures that processes begin within 10 working days of the College receiving the formal written lodgement of the complaint or appeal;
- provides access to an independent external person or organisation to hear the complaints or appeals where the College's internal process has been completed and the student remains dissatisfied;
- allows for the Homestay Student's enrolment to be maintained while the Complaints and Appeals Process is ongoing. This does not necessarily mean that a student must remain in class.

If the outcome of a Homestay Student's appeal through the College's internal or external Complaints and Grievance Process is favourable to the student, the College will immediately advise the student of this and implement any decision and/or corrective and preventative action required.

The availability of the Complaints and Grievance Process, does not remove the right of the Student or the Parents to take action under Australia's consumer protection laws.

#### **Complaints and Grievances Not Covered Under This Policy**

- Any complaint relating to harm or potential harm of a Homestay Student must be dealt with by the school under the Student Protection in Anglican Schools Policy and Procedure
- Grievances brought by a student against another student will be dealt with under the College's Behaviour Management Policy/Code of Conduct.
- Grievances arising from the College's suspension or cancellation of a student's studies will be dealt with under the College's Deferment, Suspension and Cancellation Policy.

#### **14. PRIVACY STATEMENT:**

Personal information of any Homestay Student or Homestay Family is subject to the Privacy Act (1988) which prohibits the disclosure of any personal information or details. St John's International College will ensure that all personal information, as

**15.PROCEDURE  
ADMINISTRATION**

defined in the Privacy Act (1988), is obtained, stored and released in accordance with the Privacy Act (1988).

In accordance with procedure development and review protocol this procedure will be recorded as an authorised procedure approved by the Senior Leadership Team at its meeting of the date shown on the front of this procedure document.

The procedure will be reviewed twelve months from the date of the approval shown herein.

Notwithstanding the scheduled review, should any circumstance change materially before the 12 month review period, the procedure will be immediately reviewed in order to maintain appropriate accuracy, relevance and authority.