



**Birmingham City University International College**  
**CPR M1: Students Under 18**  
**Version 1.14**

**1. Introduction**

- 1.1 A small proportion of the students admitted to a Navitas UK College will be enrolled before they reach their eighteenth (18<sup>th</sup>) birthday. Navitas UK, through its Colleges, has specific responsibilities towards those who are under 18 years of age, as they are classified as children under The Children Act 1989. This document defines Navitas UK policy for the treatment of international students under the age of eighteen years at the time of their enrolment. As most of these students will remain under age for a short time only it is the policy of the College to treat them as 'students' from the outset.
- 1.2 In line with the partnership ethos, Navitas UK Colleges will comply as closely as possible with:
- a) policies and regulations of the Partner University with regard to the treatment of students under the age of 18 years;
  - b) UKBA regulations with regard to the provision of higher education to international students studying on a Tier 4 (General) student visa; and
  - c) UKCISA guidelines as to the recruitment and provision for students under the age of 18 years.

**2 Legal Requirements**

- 2.1 No student under the age of 18 years [17 for Scotland] can be refused admission to a pathway of study under the Equality Age legislation of 2006. Throughout the admission process all applicants must be treated with equality and on academic and English language skills merit as the basis for entry to a pathway of study for international students under Tier 4. Where the Partner University has specific risk assessment requirements surrounding students on a course under 18 or 16 years of age, these should be consulted, discussed in full and agreed with the University prior to any admission being granted. Deferred entry to a pathway will be granted where appropriate.
- 2.2 All applicants under the age of 18 years at their time of enrolment are required to inform the College of all/any disabilities or intermittent/ongoing medical conditions at the time of admission.
- 2.3 Navitas UK further requires, that parents/legal guardians sign the Acceptance of Offer Form contained within the Offer Pack to acknowledge that they have read and understood the requirements of a mature learning environment and the responsibilities that they and their son/daughter/ward are entering into. They are also required to complete the Consent Form, indicating that they understand the UKBA requirements for travel and living arrangements for students between the ages of 16 and 18 years of age in the UK. UKBA Tier 4 sponsor guidance states that students between the ages of 16 and 18 years who apply to study in the UK, must provide parental consent.
- 2.4 Applicants and parents/legal guardians not resident in the UK, will be made aware that it is good practice and advisable for them to appoint a UK Guardian until the student turns 18 years of age. Colleges will advise parents/legal guardians to approach the Association of Educational Guardians for International Students (AEGIS) for advice on the appointment of a Guardian.
- 2.5 Where one parent or legal guardian has custody or sole legal responsibility for the applicant/student, then the Acceptance of Offer, Consent Form and parental consent for immigration purposes must



confirm this. Any inconsistencies, unless recorded and supported in full to the College within five working days of any legal change, will be taken as a serious breach of agreement.

- 2.6 Parents or legal guardians must ensure that any change in their contact details or that of the UK Guardian, are advised to the College Student Services Team within five working days.
  - 2.7 All Navitas UK Colleges comply with the Care Standards Act 2000 in relation to provision for those persons under the age of 18 years.
  - 2.8 Students under the age of 18 years [17 years in Scotland] are legally considered minors in the UK and as such each College formally recognises their existence and accepts a higher level of responsibility for their educational, social and welfare provision under the Protection of Children Act 1999 for persons under 18 years old and the Further and Higher Education Act 1992. The Colleges however, does not act in *loco parentis*, with the exception of cases of medical emergency or when a student may not be able to make a decision for him/herself, and the next point of contact is unreachable for any reason, and there is a need to act quickly.
  - 2.9 Each College will ensure that it is compliant under the Unfair Contract Terms Act 1977 regarding student contracts.
  - 2.10 The Colleges see no contractual issues with students enrolling prior to their 18<sup>th</sup> birthday as conditions are enforceable if they relate to necessities such as education and accommodation. If student loans were to be made available via a College to the parents or legal guardians, the student would then be asked to confirm agreement when they reach the age of 18 years.
  - 2.11 The Colleges have an overriding policy that the contractual relationship with students over 18 years of age is specific and does not, therefore, legally involve parents or guardians.
  - 2.12 In accordance with statutory requirements, it is not possible to offer confidentiality to a person under 18 years. As such, any disclosures must normally be reported to a parent/legal guardian or the nominated UK Guardian apart from child protection issues which will be reported to appropriate UK authorities.
  - 2.13 Colleges, commensurate with all educational institutions, have statutory obligations in the area of 'child abuse and protection', which are applied to those students under the age of 18. Suspicions or allegations relating to the abuse of students should be brought to the attention of the College Director/Principal and/or the head of Academic and Student Services. Where the situation involves staff from the Partner University, the Vice Chancellor or senior member of staff with responsibility for the partnership should be informed immediately along with QaSO. Where the situation involves staff from the College, QaSO should be informed immediately. All situations should be dealt with in a collaborative and transparent manner with College students and staff, the University and Social Services as applicable.
  - 2.14 All CPRs relate to guidelines governing relationships between students and staff and these also apply to the treatment of under 18 year olds. Notably, under the provision of the Sexual Offences Act 2003, a member of the College's or the partner University's staff who engages in a sexual relationship with a student under 18 is guilty of a criminal offence.
- In line with treatment of minors, all College employees involved in pathway delivery, academic and student services are subject to checks by the College regarding the Disclosure and Barring Services (DBS) [Disclosure Scotland] under the Police Act 1997.
- 2.16 The Colleges are cognisant of the Rehabilitation of Offenders Act 1974 (Amended) 1986 and 2002 in relation to regulated positions (see Criminal Justice and Court Service act 2002), in higher or further education where normal contact may be had with persons under the age of 18 years.



- 2.17 All student complaints are subject to investigation by the Learning and Teaching Board and, where appropriate, by QaSO. Note that student complaints associated with a College are not dealt with by the Partner University and, as a result, they cannot normally be referred to the Office of the Independent Adjudicator for Higher Education (OIA) unless prior agreement has been reached with the Partner University, via the Operations Manual.
- 2.18 All Students' Unions/Associations of Partner University's have definitive guidelines as to the behaviour of under 18 students who are members of the University on campus:
- a) Members shall not purchase alcohol on any University property with the intention that the alcohol is consumed by a person who is under 18 years of age.
  - b) Members who are under 18 years of age shall not purchase or consume alcohol whilst on any Students' Union /Association licensed premises.
  - c) Members of the Students' Union/Association and students of the College, who are under the age of 18 years of age, shall not carry or consume alcohol whilst on any University premises.
- 2.19 Students who are under 18 years of age must observe the regulations of any sports or other societies associated with the University and/or Students' Union/Association with regard to membership and activities.

### **3 Procedure and Guidance for Staff**

- 3.1 The purpose of this guidance is to advise all staff of the legal implications relating to students under 18 years of age and the procedures to be followed. This guidance forms part of a wider set of policy that includes the Navitas UK commitment to equal opportunities and the Code of Ethics agreed to by each staff member in contact with students, and applicants. Agents and Navitas UK representatives must comply with the guidance contained within the Code of Ethics Agreement.
- 3.2 The aims of this guidance are:
- To contribute to ensuring that each College, and therein Navitas UK, meet the legal obligations for caring for those who are under 18 years of age.
  - To provide a framework for overseeing the welfare and safety of those who are under 18 years of age.
  - To provide guidance for those staff who have responsibility for them while they are studying in a Navitas UK College.
  - To ensure the principles and procedures applied remain up to date in relation to legislation.
- 3.3 Procedures for recruitment of students under 18 years of age.

#### **3.3.1 Pre-entry advice**

Each College Admissions Office is responsible for ensuring that all applicants under the age of 18 and their parent/s, carer/s or legal guardian/s are provided with information relating to the expectations and responsibilities of all parties involved in their enrolment. The candidate's Application Form will include his/her date of birth which must be checked in all instances prior to an Offer of Admission

being made. An Offer of Admission may be made to a student under 18 with the provision that the Offer cannot be confirmed or approved as fully accepted by the Admission Office until such time as the parent/s or legal guardian/s have completed the Acceptance of Offer Form and given parental consent. In doing so they indicate that they agree to all statements and therein conditions of the status of their son/daughter/ward until they turn 18 years of age and their current welfare and state of health.



### 3.3.2 Recruitment and Enrolment

Students aged under 18 years will be informed in person during an interview with a member of the Marketing Team, in writing, and through the Pre-Departure Guide, the Student Handbook and various CPRs, that they are subject to United Kingdom law in relation to such matters as purchasing alcohol, giving consent and holding office. The College Admission Office will also:

- a) Prepare a report detailing applicants under 18 and forward these to the head of the College Academic and/or Support Services as well as the College Learning and Teaching Board in order that appropriate arrangements can be made as necessary.
- b) Inform relevant support units that a student under 18 has accepted a place on a pathway so that suitable provision can be made in relation to accommodation.

### 3.3.3 After enrolment

Any student under the age of 18, once he/she is admitted, will be flagged for enhanced monitoring by the College head of Support Services or appropriate nominee. The head of Support Services will act as a mentor and continually monitor the student's progress and welfare until he/she reaches the age of 18.

### 3.3.4 Abuse of trust.

All relevant College staff must be aware of the offence of abuse of trust under Section 3 of the Sexual Offences (Amendment) Act 2000. Whilst a young person can consent to sexual activity once they reach the age of 16, it is still a criminal offence to engage in any kind of sexual activity with a person under the age of 18 where the adult is in a position of trust.

### 3.3.4 Child protection.

It is important for all College staff to note the following information:

- a) No non-administrative member of staff or other adult should be left alone with a person under 18 where they cannot be seen by another adult on College premises.
- b) Section 115(4) (a) of the Police Act 1997 states that a person can be considered to be vulnerable if he/she is "substantially dependent upon others in performing basic physical functions, or his/her ability to communicate with those providing services or to communicate with others is severely impaired, and, as a result, he/she would be incapable of protecting him/herself from assault or other physical abuse, or there is a potential danger that his/her will or moral well-being may be subverted or overpowered".

### 3.3.5 Risk assessment

Risk assessments completed by the College Director/Principal (or nominee) must identify the risks posed by the presence of any persons under 18 and ensure any identified risks are addressed as appropriate.

### 3.3.6 Record keeping

College Student Services will hold a record of all students' emergency contact details regardless of age, including his/her parents/carers or legal guardians. The names of these latter individuals must be obtained directly for those students who are under the age of 18 years, as there may be estranged parents who should not be contacted or court orders that have to be observed.

### 3.3.7 Reporting

Student Services staff will be responsible for informing the College head of Academic and/or Support Services and/or the College Director/Principal of any incidents and their outcomes involving persons under 18 (other than Child Protection), so that a central record is maintained. Child Protection issues must be reported in accordance with the Child Protection Policy (see section 5 below), including any allegation against a member of staff involving a person under 18. If any member of staff has any cause



to believe that a student under 18 is at risk in any other context, he/she must contact the College Director/Principal who will be responsible for informing QaSO and thereby the Executive General Manager University Programmes UK and/or the Senior Leadership Team Navitas UK.

### 3.3.8 Staff Development

In accordance with best practice, each College will ensure that relevant staff, student and other personnel, such as Student Ambassadors, will receive appropriate training in working with those under 18 and in child protection procedures.

## 4 Roles and Responsibilities

4.1 The Executive General Manager University Programmes UK will have overall responsibility for the welfare of students under the age of 18 years for any student enrolled in a Navitas College.

4.2 Responsibility for the academic and personal support provided to such students will be the responsibility of the College Director/Principal who reports to and maintains compliance with the requirements as set down in section 5.

## 5 Child Protection Policy

5.1 Each Navitas UK College fully recognises:

- a) its responsibilities with regard to child protection;
- b) that this policy applies to all College staff, sessional academics, consultants/contractors, student ambassadors, visitors to the College, University staff and governors, and all Navitas UK staff;
- c) that as stated in the Children Act 1989, the legal definition of a child is “a person under the age of 18”; and
- d) that as stated in Section 115(4) (a) of the Police Act 1997, a person can be considered to be vulnerable if they are “substantially dependent upon others in performing basic physical functions, or his ability to communicate with those providing services, or to communicate with others, is severely impaired, and, as a result, he would be incapable of protecting himself from assault or other physical abuse, or there is a potential danger that his will or moral well-being may be subverted or overpowered”.

5.2 Each College will ensure as part of its normal operations that it:

- a) practices safe recruitment in checking the suitability of staff, sessional academics, volunteers and student ambassadors to work with any enrolled student under the age of 18 years. This is inclusive of DBS disclosure [Disclosure Scotland]. A Standard Disclosure must be implemented as it applies directly to those interacting with students under the age of 18 years. For further information on the workings of the DBS, see <http://www.disclosuresdb.co.uk>; or NACRO <http://www.nacro.org.uk>.
- b) maintains and enhances awareness of child protection issues and equips students under the age of 18 years with the skills needed to keep them safe both on and off the partner University campus. This requires a close working relationship with the University’s support/student services team and the local police community liaison office.
- c) maintains and enhances the College Students in Jeopardy scheme, to identify and report cases, or suspected cases, of abuse or cases where a student may not be coping with living away from home in a UK living and learning environment.
- d) provides an environment of regular contact and approachability that encourages enrolled students under the age of 18 years to talk with staff and have their discussions taken seriously and escalated to the appropriate adult/s within a reasonable time frame.
- e) supports enrolled students under the age to 18 years who have been abused, in accordance with his/her agreed Student Management Plan.
- f) maintains and enhances a safe environment in which enrolled students under the age of 18 years can learn and develop.



g) follows, where appropriate, government guidance to:

- ensure there is a designated senior person for child protection who has access to appropriate training and support for this role (where appropriate) and who is known within the College and to the Partner University.
  - notify social services if there is an unexplained absence of more than two days of an enrolled student under the age of 18 years who is on the Child Protection Register.
  - ensure that all communication and correspondence is recorded in the appropriate student file and in the Student Records Management System (MAZE) notably with regard to any concerns about such a student, even where there is no need to refer the matter immediately to the Learning and Teaching Board and the senior person for child protection.
- h) follows procedures where an allegation is made against a member of College or Partner University staff, sessional, consultant/contractor, Student Ambassador, member of Navitas UK staff or visitor to the College.
- i) recognises that enrolled students who are under the age of 18 years and who are or have been subject to abuse or witness to violence, may find it difficult to develop a sense of self worth; that such students may feel helplessness, humiliation and some sense of blame; that the College may be the only stable, secure and predictable element in the lives of persons at risk; and that the College will endeavour to support all such students.

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