



Approved by School Council Tuesday 3rd March 2020

Purpose

This policy outlines the obligations of DET (IED) and school staff to any student where DET (IED) has taken responsibility, under the *Migration Regulations 1994* made under the *Migration Act 1958* (Cth) and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (Cth) (National Code) for approving the accommodation, support and general welfare arrangements for a student who is under 18 years of age.

For the purpose of this policy, international students (students) are defined as students participating in the International Student Program (ISP) who hold a subclass 500 Student – Schools visa and have been issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter.

Scope

The ISP Homestay Policy applies to all students who have been issued a CAAW letter by DET (IED) through the Provider Registration and International Student Management System (PRISMS). For more information on non-CAAW students, please refer to the [ISP Accommodation and Welfare Policy](#).

Policy

National Code obligations

Under Standard 5 of the National Code, DET (IED) has the following obligations to all CAAW students:

- nominate the dates for which it accepts responsibility for approving the student's accommodation, support and general welfare arrangements of the student and advise the Department of Home Affairs (DHA) through PRISMS
- ensure any adults involved in or providing accommodation and welfare to the student all have valid Working With Children Checks (WWCC)
- have and implement processes for verifying the student's accommodation is appropriate to the student's age and needs:
 - prior to the accommodation being approved
 - at least every six months thereafter.
- a process for managing emergency situations and where the welfare arrangements are disrupted for a student
- maintain up-to-date records of the student's contact details, including the contact details of the student's parent(s)/legal guardian(s) or any adult responsible for the student's welfare
- advise DHA:
 - as soon as practicable if a student will be cared for by a parent/legal guardian
 - within 24 hours if DET (IED) is no longer able to approve the student's welfare arrangements.

- if DET (IED) is no longer able to approve the student's welfare arrangements, all reasonable efforts must be made to immediately notify the student's parent(s)/legal guardian(s)
- where DET (IED) suspends or cancels the enrolment of a student, DET (IED) must continue to approve the welfare arrangements for the student until any of the following applies:
 - the student has alternative welfare arrangements approved by another provider
 - care of the student by a parent/legal guardian is approved by DHA
 - the student leave Australia
 - DET (IED) has notified DHA that it can no longer approve the student's welfare arrangements and has taken all the required actions after not being able to contact the student.
- when DET (IED) is enrolling a student who has welfare arrangements approved by another provider, DET (IED) must:
 - negotiate the transfer date for welfare arrangements with the releasing provider to ensure there is no gap
 - inform the student of their visa obligation to maintain their current welfare arrangements until the transfer date, or have alternate welfare arrangements approved or return to their home country until the new approved welfare arrangements take effect.

DET (IED) discharges these obligations as outlined below.

CAAW responsibility

The CAAW responsibility that has been undertaken by DET (IED) cannot be delegated to any other party, such as a homestay service. DET (IED) retains the ultimate responsibility for approving and assuring welfare arrangements until the student:

- leaves Australia, or
- turns 18, or
- transfers to another provider's CAAW, or
- enters the care of a parent/legal guardian or DHA-approved relative.

Welfare and Accommodation

DET (IED) must:

- ensure that documentary evidence is sighted to confirm that the international student is at least 13 years of age at the time of commencing homestay accommodation
- nominate the dates for which the DET (IED) accepts responsibility for approving the student's accommodation, support and general welfare arrangements using the DHA pro-forma available through PRISMS
- advise DHA in writing of the approval using the DHA pro-forma available through PRISMS
- provide clear advice, support and training to ensure that the school has documented and implemented procedures for the child safe screening and monitoring of the suitability of the student's accommodation, support and general welfare arrangements as set out in the ISP School Toolkit
- formally notify DHA through PRISMS, as soon as practicable, when a student under the age of 18 years has changed their welfare or accommodation arrangements
- formally notify DHA through PRISMS, within 24 hours, if DET (IED) determines it can no longer approve the arrangements for the student.

Schools must:

- provide written confirmation to DET (IED) formally accepting the welfare and accommodation request, as per the ISP Admissions and Enrolment Procedure, and undertake the necessary steps for the provision of this request
- ensure that the homestay provider is aged 21 years or over
- discharge their duty of care obligations under the Reportable Conduct Scheme, Child Safe Standards and DET's School Incident Management System (SIMS) policy and guidelines
- formally facilitate any change in welfare arrangements
- notify DET (IED) if there are any changes or concerns regarding the student's welfare arrangements
- maintain up-to-date records of the student's contact details as outlined in the ISP Record Keeping Procedural Guidelines.

Selecting and screening a homestay provider

Schools must:

- verify the suitability of homestay accommodation by conducting the initial homestay checks which includes completion of the Homestay Assessment and Site Visit Checklist as part of a site visit (unless the particular homestay has been verified through a site visit in relation to another student in the previous three months)
- conduct a homestay check prior to the student's homestay commencement to verify the appropriateness of the homestay accommodation, including child safe and WWCC requirements
- schools must undertake this check within six months prior to the homestay placement. While not required, schools will ideally undertake this check at least six weeks prior to commencement of the homestay placement to allow additional time to remediate any issues identified
- ensure that all homestay providers and those frequently residing at the homestay who are aged 18 years or older have a valid and current Working with Children Check (WWCC)
- complete a referee check for the homestay provider to confirm suitability for child-related work
- complete an identification check for the homestay provider
- after completing the above, make a recommendation to the school Principal to approve (or not approve) the homestay provider.

Enrolment

DET (IED) must:

- obtain confirmation the host school has the appropriate provision for the accommodation and welfare option requested by the student
- issue a CAAW letter formally confirming the accommodation and welfare where the responsibility is assumed by the DET.

Schools must:

- ensure that they have documented and implemented procedures for the child safe screening and monitoring of the suitability of the student's accommodation, support and general welfare arrangements as set out in the ISP School Toolkit
- verify and approve the student's accommodation prior to placing the student in the homestay and at least every six months thereafter

- ensure that the student's accommodation is appropriate to the student's age and needs by taking into consideration additional factors prior to assigning a student to a homestay provider, including: age, gender, cultural background.

School holiday and student travel register

DET (IED) must:

- have processes and supports in place to assist schools in the oversight of a student's location at all times during their enrolment.

Schools must:

- maintain an up-to-date school holiday and student travel location register
- ensure any travel must be in line with DET (IED)'s Student Travel Policy and be subject to an evaluation of any associated risks to the student.

Monitoring a homestay provider

Homestay site visits

DET (IED) must:

- have and implement documented processes for verifying that the student's accommodation is appropriate to the student's ages and needs at least every six months.

Schools must:

- conduct a homestay assessment and site visit check every six months after the initial site visit (or more frequently if required, for example, following a critical incident).

Working With Children Checks (WWCC)

- All persons 18 years and over residing or frequently residing in a homestay must have a valid WWCC.
- No student should be placed in accommodation and welfare arrangements where an adult does not have a WWCC.
- Where a homestay is hosting an international student who is over 18 and an international student who is under 18, the international student who is over 18 must also have a valid WWCC.

DET (IED) must:

- conduct regular audits of schools to assess the validity of all WWCCs
- notify the school as soon as it becomes aware of any homestay provider that does not hold a valid WWCC. DET, IED will receive:
 - real-time notifications from the Employee Conduct Branch of any negative notices, interim negative notices and notifications of WWCCs that have been revoked or suspended
 - notification from the DET (IED) auditor of any homestay providers that do not hold a valid WWCC.

Schools must:

- move the student into emergency homestay as soon as they are notified or become aware of any homestay provider or and all persons aged 18 and over living or regularly visiting the homestay that do not hold a valid WWCC, until the WWCC is obtained. Where there are compassionate and compelling circumstances, the school may request that the DET (IED) assess the circumstances and determine whether or not the student should be moved. This may require

evidence that the required WWCC has been applied form and the school has appropriate risk mitigation strategies in place

- maintain an up-to-date WWCC register which encompasses all homestay providers and all persons aged 18 and over living or frequently residing in the homestay.

Disruption to homestay arrangements

DET (IED) must:

- have a process for managing emergency situations which may disrupt a student's homestay arrangements.

Schools must:

- maintain a complete and up-to-date Emergency Homestay Accommodation Register
- ensure that they are activating a critical incident response to any situation that results in the disruption of a student's homestay arrangement.

Exiting the homestay program

Transfer to another CRICOS-registered provider

DET (IED) must:

- ensure that the receiving provider is CRICOS registered by checking the CRICOS register
- communicate with the receiving provider to ensure that there are no gaps in welfare arrangements
- sight evidence of the new welfare arrangements or evidence of the student's return home prior to cancelling the CAAW.

Schools must:

- formally facilitate the transfer to another CRICOS-registered provider
- inform the student to remain in their approved accommodation until confirmation is received from DET (IED) that the transfer has been approved.

CAAW to non-CAAW

DET (IED) must:

- advise DHA, via PRISMS, as soon as practicable if a student will be cared for by a parent/legal guardian or DHA-approved relative and a CAAW is no longer required
- sight a completed Welfare Provision Change Form and relevant evidence prior to approving any welfare changes.

Schools must:

- formally facilitate the change in welfare arrangements
- ensure the student remains in their approved accommodation until confirmation is received from DET (IED) that the new welfare arrangements have been approved.

Cancellation or suspension of student enrolment on a CAAW

DET (IED) must:

- continue to check the suitability of care arrangements for any student where their enrolment is suspended or cancelled by DET (refer to the ISP Department Initiated Suspension and Cancellation Policy), until:
 - the student has alternative welfare arrangements approved by another CRICOS-registered provider, or
 - the student has a nominated guardian approved by DHA, or
- the student leaves Australia, or
- DET (IED) has notified DHA through PRISMS that it is no longer able to approve the student's welfare arrangements, or
- DET (IED) has taken the required action under Standard 5.5 of the National Code after not being able to contact the student (as outlined in the ISP Critical Incident Procedural Guidelines), or
- the student turns 18.
- if none of the abovementioned alternative welfare arrangements are made within 7 days, DET (IED) will cancel the CAAW and report to DHA, through PRISMS, that it can no longer approve the student's welfare arrangements. DET (IED) must make all reasonable efforts to ensure that the student's parent(s)/legal guardian(s) are notified immediately.

Schools must:

- maintain their welfare and accommodation responsibilities and related provisions for any student where their enrolment is suspended or cancelled by DET, until advised otherwise by DET (IED).

Course completion

The student's CAAW arrangement will cease 7 days after the last day of the student's course.

STUDENT TURNS 18

The student's CAAW arrangements will cease once the student turns 18.

Reporting

DET (IED) must:

- work cooperatively with other Government agencies including DHA and other relevant Divisions within DET on issues related to student welfare and satisfy all reporting obligations.

Schools must:

- immediately raise any issues related to student welfare and visa conditions with DET (IED).

Support and training for schools

DET (IED) must:

- provide schools with the resources to support the delivery of accommodation and welfare services that they provide in accordance with the *Education Services for Overseas Students Act 2000* (Cth) (ESOS Act), Victorian Child Safe Standards, the Commissioner for Children and Young People Reportable Conduct Scheme and the VRQA Guidelines for Enrolment of Overseas Students Aged Under 18 Years

- provide school staff (at Principal Class Officer and International Student Coordinator level) with training to support the delivery of accommodation and welfare services in compliance with the following requirements:
 - policies and procedures for verifying that the student’s accommodation is appropriate for the student’s age and needs
 - DET’s policies and procedures for managing emergencies and critical incidents
 - Victorian Government Child Safe Standards, and
 - ESOS Act, National Code, VRQA Guidelines for Enrolment of Overseas Students Aged Under 18 Years.

Schools must:

- provide homestay providers with information and annual training on Child Safe Standards
- provide homestay providers with information and annual training on critical incident management.

Roles and responsibilities

- The **Secretary, DET** has the authority to make decisions regarding the accommodation and welfare of students. Under clause 37 of the Ministerial Order the **Secretary, DET** has authorised the **Executive Director, IED** to undertake the following under the Instrument of Authorisation No. 2019/A01:
 - issue a Confirmation of Appropriate Accommodation and Welfare (CAAW) letters, in accordance with the *Migration Regulations 1994* (Cth)
 - undertake responsibility, by issuing CAAW letters for approving the accommodation, support and general welfare arrangements for students who have not turned 18 (and who will not be residing with a parent or Department of Home Affairs approved relative in Australia), as required by the VRQA Guidelines for the Enrolment of Overseas Students Aged Under 18 Years, made under the *Education and Training Reform Act 2006*
 - approve the provider’s Accommodation and Welfare policy, as revised from time to time, and
 - provide support and guidance to school Principals discharging the care and welfare obligations approved in accordance with the CAAW letters.
- The **Executive Director, IED** is responsible for discharging their duties under the Instrument of Authorisation No. 2019/A01 as the nominated Principal Executive Officer of DET as a CRICOS-registered provider. The **Executive Director, IED** is also responsible for approving this policy. The **Executive Director, IED** is responsible for taking action under the critical incident management procedure, where required, making a decision to suspend or cancel a student’s enrolment and making a decision where DET (IED) no longer approves of the accommodation and/or welfare arrangements in place for student.

Legislation

- *Education Services and Overseas Students Act 2000* (Cth)
- *The National Code of Practice for Providers of Education and Training to Overseas Students 2018* (Cth)
- *Migration Act 1958* (Cth)
- *Education Services for Overseas Students Regulations 2001* (Cth)
- *Education and Training Reform Act 2006* (Vic)
- Victorian Child Safe Standards as per the *Child Wellbeing and Safety Act 2005* (Vic)

- Commissioner for Children and Young People Reportable Conduct Scheme established under the *Child Wellbeing and Safety Act 2005* (Vic)
- *Ministerial Order 819 – Fees for Overseas Students in Government Schools* (Vic)
- *Ministerial Order 870 – Child Safe Standards* (Vic)
- VRQA Guidelines for the Enrolment of Overseas Students Aged Under 18 Years Related

Other Policy Requirements:

Fees and Services

- A weekly fee of \$330 (for 2020, adjusted annually thereafter) will be charged. This covers expenses associated with the provision of the following homestay services:
 - o Single bedroom for the student's exclusive use
 - o Three meals per day, seven days per week (cooked evening meal)
 - o Facilities including a bed, wardrobe, towels and linen
 - o Gas, electricity, heating and water costs
 - o Cleaning services of common living areas
 - o Use of living areas within residence
 - o Study facilities, including a desk, study light and bookcase
 - o Internet usage
- Telephone expenses will be the student's responsibility unless otherwise agreed on the Homestay Responsibility Agreement
- The initial payment will include two weeks' fees in advance plus a bond that is the equivalent of two weeks' fees. This will be held by the school.
- During holidays a holding fee to secure the homestay accommodation fee may be required to cover the student's absence. This is to be negotiated between the homestay, student and school.
- Students and/ or parents are required to reimburse homestay providers for any damage to property caused by student, or costs incurred by student during the time of residence
- Complaints that cannot be resolved by either the homestay provider or the student should be referred in writing to the School.

Homestay Arrangements

- If a homestay provider wishes to terminate the homestay agreement, at least two weeks' notice is given to the student and School. Any advance payments should be refunded to the student.
- Where a student moves out of a homestay at least two weeks' notice must be given to the homestay provider and School. Giving less than this may result in the bond being forfeited.
- Students, homestay providers and the school welfare manager (Principal class officer) will be asked to sign a Homestay Responsibility Agreement on commencement of the student's enrolment. This will outline the house rules and requirements as well as homestay costs and methods of payment.
- Students and homestay providers may not change the homestay arrangements without consultation with the School and through the Homestay Responsibility Agreement.

Over 18 Students

It is a condition of enrolment at Elwood College that all international students must reside in homestay accommodation (including students who are over 18).

Associated documents

- [ISP Accommodation and Welfare Policy](#)
- [ISP Homestay Procedure](#)
- [ISP Admissions and Enrolment Procedure](#)
- [ISP Record Keeping Procedural Guidelines](#)
- [ISP Critical Incident Procedural Guidelines](#)
- [ISP Department Initiated Suspension and Cancellation Policy](#)
- School Incident Management System (SIMS) policy and guidelines
- [Withdrawal Form](#)
- [Application for Change of Accommodation and Welfare Form](#)

Definitions

- **DET (IED)** – Department of Education and Training – International Education Division. IED is the division in the Department of Education and Training that administers the International Student Program in Victorian government schools. IED is not a separate entity to DET. DET is the CRICOS-registered provider.
- **International Student (student)** – a student participating in the ISP who holds a subclass 500 Student – Schools visa and have been issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) Letter.
- **ISP staff** - includes the Executive Officers, managers and employees (full time, part time, ongoing, fixed term, casual and contractor) of DET who work directly or indirectly with the ISP. This excludes staff of ISP-accredited schools.
- **School staff** - employees of schools, for example – International Student Coordinator, Homestay Coordinator, Head of Department, Deputy Principal, and Principal.
- **Homestay** – international student accommodation arranged by schools where DET (IED) is responsible for the welfare of the student at all times, including outside school hours.
- **Homestay provider** – is typically a member of the school community and refers to the provision of homestay services to an international student. Homestay is a term used to describe full board accommodation offered by a family, a couple or a single person for which a fee is charged. Homestay services include the provision of accommodation, meals, facilities and utilities.

Policy contact and maintenance officer

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Authorised

Executive Director, International Education Division

Date of authorisation: 29/11/2019

Review frequency: This policy will be reviewed at minimum every 12 months or when any changes arise impacting its currency, including legislative or regulation change.