

Management of Underage Students Policy

Section 1 - Purpose / Objectives

(1) The University has obligations to take reasonable care in its management of all students. What amounts to reasonable care will change according to specific circumstances, and an additional level of care may be required for students who are underage. This policy clarifies the University's specific obligations to students who are under eighteen years of age.

Section 2 - Scope / Application

(2) This policy applies across all campuses and programs of the University, and to:

- a. All students under eighteen years of age.
- b. All staff who are involved with the management of students or visitors under eighteen years of age participating in Victoria University activities.
- c. Parents and guardians of students under eighteen.

(3) This policy does not apply to the children of staff or students visiting campus: see [Children on Campus policy](#).

Section 3 - Definitions

(4) Underage student: any student under eighteen years of age.

(5) Parent(s): also refers to legal guardian.

Section 4 - Policy Statement

(6) The Victoria University student cohort includes many students who are underage. This occurs particularly in, but is not confined to, programs in the Vocational Education and Further Education programs. The University recognises that students under eighteen years of age, and particularly those under sixteen, may have an additional need for support and the appropriate involvement of their parent, school or employer. In addition, different guidelines may apply in cases of these students signing contracts or permissions to take part in activities.

(7) Students and their parents and employers must recognise that the University is an adult learning environment.

(8) Commonwealth legislation imposes additional specific requirements for international underage students. These requirements are outlined below and described in detail in the International Under 18 Students Support Procedure .

Capacity to enter into contracts

(9) Underage students are able to enter into agreements for the 'necessities', that is the basics for living including

accommodation, food, clothing, medicine and the contractual arrangements for their education including signing the Enrolment Declaration. However, VU departments must seek parental permission for students under 16 years of age to participate in field trips, placements, work experience, sporting activities, or student society camps, while parental consent must be obtained for students under 18 to participate in medical trials.

(10) In addition, underage students obtaining a loan for financial assistance must have a guarantor, as per the [Student Load and Grant Fund](#) policy.

(11) Students aged under 16 years of age need parent or guardian co-signature for all educational/enrolment declarations, especially, but not limited to, any such declaration that involves the commitment to incur, pay or defer fees.

Privacy

(12) The University is required to comply with the Information Privacy Act 2000 (Vic) and the University's [Privacy Policy](#) 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, unless disclosure is lawful under the Information Privacy Act.

Student Safety and Wellbeing

(13) All activities involving students, on and off campus, must be undertaken in accordance with the [Health, Safety and Wellbeing Policy](#) and any of its relevant procedures.

(14) If any staff member is concerned about the wellbeing of an underage student, they should discuss it with their manager or head of department and, if appropriate, refer the student to the relevant University service, such as Counselling or Student Welfare.

(15) In cases where an underage student is engaging in unsafe behaviour of risk to themselves or others, the Trades College Guidelines for Dealing with Unsafe Behaviour provide guidelines for which circumstances require a parent, school or employer to be notified particularly where students are enrolled in an Apprentice, Pre-Apprentice or VET in Schools (VETIS) program.

(16) The consumption of alcohol is prohibited for anyone under eighteen years of age. Event managers, including student organisers, must ensure that underage people will not be served alcohol, in accordance with the Student Alcohol and Other Drugs policy.

Working with Children Checks

(17) A Working with Children Check is required for any staff (other than higher education staff) who come into regular direct contact with underage students, unless they will be exclusively under the direct supervision at all times of a staff member who has a Working With Children Check (in this case, direct supervision means unbroken capacity to visually observe).

(18) A Working with Children Check is mandatory for all Vocational Education and Further Education teachers employed under the Victorian TAFE Teaching Staff Multi-Business Agreement ("MBA") and engaged in teaching students who are under 18 years of age.

(19) The Check is also mandatory for:

- a. staff working in Counselling, Disability or Welfare Services;
- b. school holiday program instructors and teachers;
- c. childcare workers;

- d. swimming instructors;
- e. Fitness instructors leading children's programs.

(20) A Working with Children Check will generally not be required for:

- a. staff who may come into occasional contact with people under eighteen, where such contact is not on a one to one basis, such as staff working in recruitment activities or service centres;
- b. Higher Education teaching staff who may occasionally come into contact with underage students;
- c. Staff with Victorian Institute of Teaching (VIT) registration.

(21) Other positions may require a Working with Children Check, if determined by the University.

(22) For further information about Working with Children Checks, refer to clause (96) (i) of the [Recruitment and Selection Policy](#) and Procedures or contact Legal Services.

Underage Students on International visas

(23) The ESOS Framework, including the Education Services for Overseas Students (ESOS) Act 2000 and Standard 5 of the National Code pertains to the care and welfare arrangements for students under 18 years of age.

(24) Before a student visa can be granted to a student under 18 years of age, the Australian Government must be satisfied that there are appropriate accommodation, support and general welfare arrangements in place for the period that the student will be under 18 while in Australia. The University will fulfil its obligations under Standard 5 using the International Under 18 Students Support Procedure .

Non-enrolled Underage people participating in activities at VU

(25) VU offers a range of opportunities for underage people who are not students of the University to participate in activities including school visits, after-school and school holiday and sporting activities. In some cases these activities are organised and run by the University, while in other cases, a school or other body is the organising entity.

(26) Where a group of underage students is brought to the University as part of a school group, the school must provide adequate teaching or other staff to supervise the group, and remains the responsible organisation (including the obtaining of required parental consents).

(27) Management of these programs, whether University-run or otherwise, must include procedures to ensure that appropriate parental consent is obtained.

(28) All of these activities must be undertaken in accordance with the [Health, Safety and Wellbeing Policy](#), VU [Health and Safety Charter](#) and VU [Risk Management Policy](#). Risk Assessments, if relevant, must build in as a specific consideration that underage participants are involved.

(29) All incidents related to health and safety must be dealt with and reported on according to the relevant VU policies and procedures and also reported to the school (if relevant) and parent or guardian.

Section 5 - Procedures

(30) Nil

Section 6 - Guidelines

(31) Nil

Status and Details

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Responsible Officer	Yvonne Rolley Associate Director, Student Life and Wellbeing
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