



**UK Council  
for International  
Student Affairs**

International students under 18:  
guidance and good practice

**UKCISA**

THE PRIME  
MINISTER'S INITIATIVE  
FOR INTERNATIONAL  
EDUCATION

UKCISA is the UK's national advisory body serving the interests of international students and those who work with them.

It does so through research, print and web-based publications, a national training programme, dedicated advice lines for students and advisors, and liaison and advocacy with institutions, agencies and government.

Its members include all UK universities, those further and higher education colleges which are active internationally, and a range of specialist and representative bodies.

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# International students under 18: guidance and good practice

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# Introduction

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This guide was compiled in response to comments from across the education sector that more guidance was needed on issues relating to international students who were under 18. Changes in legislation, differences between jurisdictions and different obligations on different types of education provider make this an extremely complex issue, not to mention a sensitive one.

This guide is grouped into 3 sections: Section A provides guidance on interpreting the legislation and regulations which have relevance to institutions recruiting and supporting international students under the age of 18. It also provides country and sector-specific guidance where applicable and brings together general points of relevance where sectors can learn from one another. Section B summarises the various regulatory requirements in England and Wales and Section C is a summary of regulatory requirements in Scotland.

**Readers from England and Wales** should therefore read both Section A and Section B for a description of the regulatory regime as it applies to them, including sector-specific guidance where this differs by sector, for higher or further education, language schools or independent schools.

**Readers from Scotland** should read both Section A and Section C. The former covers many issues which apply UK-wide, and includes cross-referenced topics where Scottish law is different, which are set out in full in section C.

We regret that within the timescale of the project it was not possible to identify a contributor able to provide guidance on the regulatory regime in Northern Ireland. Much of Section B will be applicable, but Northern Ireland institutions should check with their legal advisers for reference to any legislation which is different there.

With such a wealth and complexity of information institutions still face a difficult task in deciding how to translate all this into procedures and practices within their own institution, and in many cases will still need to seek legal advice, and ensure they remain up to date with any further legislative changes. Nevertheless, we hope that this guide will prove a useful resource and a stimulus to further development and debate on how best to ensure the well-being of young international students in the UK.

**Disclaimer**

We have attempted to ensure the information in this guide was correct at the time of writing, but many areas in this guide change regularly, and readers should check for subsequent changes or additions to rules, regulations and guidance.

The information contained in this guide is not intended to provide legal advice, and no responsibility can be accepted by UKCISA or the contributors for any person acting, or refraining from acting, as a result of any statement in it. Institutions should take specific advice when dealing with specific situations.

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Blackpool & the Fylde College	St. Edmunds College, Hertfordshire
Boston College	Stevenson College Edinburgh
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British Council	Sussex Downs College
Coleg Menai	Taunton ISC
Coventry University	The Diana Princess of Wales ISC
D'Overbroeks ISC	The Royal School ISC
Discovery Summer	University of Aberdeen
Dudley College	University of Birmingham
Edinburgh School of English	University of Edinburgh
Education ABC, Oxford	University of Exeter
English UK	University of Glamorgan
Glasgow College of Nautical Studies	University of Manchester
Glasgow Metropolitan College	University of Portsmouth
Goldsmiths	University of Sheffield
University of London	University of Strathclyde
Hamilton School of English, Edinburgh	University of Surrey
ISIS Greenwich School of English	University of Wolverhampton.
Kings ISC	
Langside College Glasgow	

# A. Good Practice

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## A.1 Introduction

Many international students, particularly new arrivals, can be considered ‘vulnerable’. This vulnerability can result from:

- entering an unfamiliar culture
- living far from family and friends
- having much greater freedom than at home
- studying in a second language

Younger international students are in need of additional support on two counts – they are children and they are more vulnerable children. The degree of vulnerability may vary with the age of the child. Unless otherwise specified in this guide, we define all under 18s as children, although there will be circumstances where institutions need to adapt their practices and procedures to reflect differences in age, for example between under 16s and 16-17 year olds.

The age of majority is 16 in Scotland rather than 18. However, the Protection of Vulnerable Groups (Scotland) Act 2007, concerning the duty of care for children and vulnerable adults, applies to all under 18s. Scottish institutions should therefore use the age of 18 when considering child protection issues. There are additional notes where there are significant differences for Scotland.

This section of the guide aims to set out good practice for institutions working with international students under the age of 18 and, in the light of legislation and recommendations, to present a guide which will be useful to organisations working with these students. Where there appear to be important sectoral differences between further education, higher education, language schools and independent schools we have endeavoured to highlight these, but in many cases there is not a clear distinction, and institutions should consider from their own point of view, given the nature of their institution and student profile, what parts are most relevant to them.

The guidance in these sections is supplemented by model documents generously supplied by a range of institutions. These can be found in the appendices. In some cases these are geared to a particular sector, but may nonetheless be useful, when suitably adapted, for others.

## A.2 Sector-specific issues

### A.2.1 Higher education institutions

#### A.2.1.1 Policy on age

Although HEIs have traditionally admitted almost exclusively over 18 year olds (or over 17 year olds in Scotland), following the 2006 Equality Age legislation it will no longer be acceptable to refuse admission to students under the age of 18, on the grounds of age alone (see section B.5.2). Language difficulties and cultural differences would not be a justification for refusing 16-17 year old international students as this age group would not be significantly more affected by these issues than 18 year olds (see Martineau Johnson, Breakfast Briefing Quality Update document, 2006 p2). Institutions will therefore need to ensure that they have policies in place relating to care of international students under 18. There are some issues in relation to attending an HE institution while still legally a child that will be additional or more significant for international students and their parents than for UK students eg requiring a guardian, opening a full bank account.

#### A.2.1.2 Writing a policy

HEIs should bring together a group of relevant staff to look at issues that will affect students under 18 including specific issues for young international students, on the university campus. Ideally this would be a cross-institution group including, for example, student services, human resources, schools/faculties, admissions, accommodation, health and safety, students' union representatives and the international student adviser.

*Aim higher ... aim safer* (Burke J & Ingram A M, 2005, section 2.3) gives very useful information on writing safeguarding policy and procedures in the context of Widening Participation. It also states that it is best practice to have a code of conduct, to be signed by everyone involved in working with young people.

#### A.2.1.3 Admissions procedures for international students under 18

HEIs should establish admissions procedures for under 18s, so that when applications arrive they are treated with parity throughout the institution.

It may be considered necessary to establish an interview process for some younger applicants. Although a considerable number of international students applying for higher education will already be studying in the UK, it would be impossible for many international students and their parents to attend an interview, and this should be taken into account when establishing the procedure.



#### **A.2.1.4 Risk assessments of courses for under 18s**

Whether admissions decisions are made centrally or by departments, the same procedures should be followed in risk assessing all applications from younger students. Staff with a good working knowledge of the course programme should risk assess the requirements for the course, for example considering the implications of lab work, compulsory field trips (especially residential ones) or work placements, with regard to suitability for students under the age of 18. Procedures need to be able to deal with students who apply during clearing, eg by doing this in advance, or having suitable staff available for consultation during clearing.

It may also be necessary to conduct an individual risk assessment for each applicant under the age of 18, and to involve international office staff if the application is from an international student. Without stereotyping, some issues may have greater significance for the child, depending on their nationality, religion and sex, eg accommodation, travel. It is useful to ask if the child has been away from home on previous occasions, for example.

#### **A.2.1.5 Age-specific issues**

HEIs might wish to distinguish between candidates who will only just be under 18, and those who are younger, eg expecting students who would be under 17 on admission to visit the institution for an interview with departmental and student support staff prior to acceptance. An on-site interview procedure would disadvantage students who were not able to travel with their parents to the UK, and therefore should not be made mandatory without considering the implications, but might be strongly encouraged at least, to ensure the student and their parents/'guardians' had a realistic understanding of the campus environment, and to enable the institution to assess the risks and additional support requirements.

In the case of students under 16, the HEI's risk assessment might lead it to make additional conditions of admission, eg for the student to be accompanied by a parent or guardian, if the HEI did not feel that it could provide sufficient care and supervision for an unaccompanied student of this age (see *Appendix 1: Summary of Guidelines concerning under 18s*).

### **A.2.2 Further education colleges**

#### **A.2.2.1 Regulation, inspection and training**

In the last 15 years there have been growing numbers of international students in further education (FE) colleges. Section B.8 sets out details of relevant legislation including OFSTED National Minimum Standards for accommodation of students under 18 in FE colleges. In many colleges this group will be almost entirely international students.

The care of international students under the age of 18 requires a whole college response with regard to policies and procedures, including senior management, human resources, student support, welfare, counselling, medical provision, health and safety, accommodation, estates, equality, marketing, data entry, exams.

Where colleges' English Language provision is accredited by the British Council under the Accreditation UK scheme, there is also external inspection of the academic and welfare provision for international students including specific requirements for under 18s.

OFSTED National Minimum Standards give detailed information, and are useful in many respects for older students too. It is excellent practice that some colleges have published their first reports in full on their websites. Parents can read for themselves the strengths of the provision, and where development is considered to be required.

#### **A.2.2.2 Policies on age**

Traditionally colleges have provided education and training for students aged 16+ for standard courses, with younger students attending special provision or taster courses. Some colleges have not provided residential accommodation for students under the age of 18 in their halls of residence with the justification that it has not been possible to meet care standards for that age group. Colleges should have clear policies and sound justification in place on the age range they will accept, as they could be challenged on the grounds of age discrimination legislation (see Section B.5.2).

### **A.2.3 English language schools**

The term 'English language school' can cover a wide range of establishments, large or small, attached to other institutions or completely independent. Some schools cater entirely for children, even accepting infants, while others are primarily adult, or have no upper age limit. Some which take under 18s will also be counted as independent schools (see next section). As a result, there is great diversity of practice across the sector, although the requirements of accreditation schemes have provided some common frameworks.

#### **A.2.3.1 Regulation and inspection**

Language schools have historically been subject to little government regulation although with the introduction of compulsory accreditation under the new Points Based System for immigration from 2009 onwards, there are likely to be moves towards more similarity in requirements for welfare standards.

### **A.2.3.2 Policies on age**

Language schools should have a clear policy on the age range they accept. It is good practice to explain in the publicity material that children are grouped by age to ensure the curriculum, communication, teaching and welfare support will be appropriate to the age of the child.

Age restrictions, such as only taking very young children if there is an adult or older sibling in the school at the same time, may be appropriate in some cases. Schools have sound justification in that this is for the emotional well-being and safety of the child.

### **A.2.4 Independent schools**

There is much good practice in the independent sector and schools are highly regulated by government and social services, and subject to inspection by Ofsted and the Independent Schools Inspectorate. Staff at independent schools are likely to be already familiar with issues relating to under 18s, but may in some cases be less familiar with issues particular to young international students, depending on whether international pupils are present in large numbers or not, and whether they are integrated within mainstream or specialist provision, eg International Study Centres or summer schools.

## **A.3 Pre-arrival**

### **A.3.1 Marketing, recruitment and publicity**

All staff involved in international recruitment, whether marketing or teaching staff, should be made fully aware of the issues and procedures relating to the admission of under 18s, and be able to give useful guidance on these to children and their parents, or to know to whom to refer them.

Institutions should take into account whether the student or parent is making a booking or application direct or through an agent, and the impact this will have on the flow of information, eg whether agents are suitably briefed on the issues.

The majority of international students and their families are not able to visit the institution prior to coming to study. Visits may be more difficult in the case of seasonal programmes such as summer courses, as many operate for limited periods during the year. Parents and agents will therefore be reliant on prospectuses and websites for information. Both print and electronic publications should be logical and easy to use, giving simple, honest information. Translations are always useful, even if these are short sections, a welcome or an introduction to the essential points. There should be plenty of visual information including virtual tours on websites, to help parents

and younger applicants get the feel of the institution and its environment. It should include relevant and comprehensive information not only about the proposed programme of study, but also about accommodation and extra-curricular activities. This could help parents to decide whether they consider the institution suitable for their child.

It is good practice for information for international applicants to include:

- a welcome address in the main languages from which the institution's international students come
- a video link tour of the campus (on websites)
- clearly listed details of support available to students
- a section for parents, which includes the college's Child Protection Policy
- the dates of overseas visits by staff members including hotel and contact details, which welcomes parents, prospective parents and agents to set up meetings or visit staff

Targeted information about provision for under 18s is especially important for institutions where the majority of students are over 18, to ensure that the parents are fully aware of what provision is – and is not – made for under 18s. Such institutions might like to consider making a web page and/or section of the prospectus or handbook for parents of students under the age of 18 covering FAQs, and prompting parents to think about issues specific to under 18s.

Parents should be given clear information that their sons and daughters under the age of 18 (or 16 in Scotland) are legally children in the UK, that there are regulations concerning children, and repercussions if these are not followed.

Sufficient information needs to be provided at the offer stage concerning their child's requested programme, accommodation and leisure activities to ensure parents are sure about the detail of arrangements before signing any contracts. The information may be accessible on the web, in handbooks or in other documents. Separate copies should be provided for the parents and the child, so that the parents have access to copies while the child is away.

It is good practice also to send parents a pre-arrival pack, with further information about the programme and activities available on and off site. Other useful information could include a guide to 'Planning your trip to the UK', covering frequently asked questions on a range of issues from passports and visas to money, insurance and arrival procedures. It covers key pieces of information and gives parents the opportunity to ask more questions if necessary, as well as helping the student themselves to prepare.

Child protection procedures may be very different in other countries and it is good practice to either send a copy of the child protection policy to parents or to make it easily accessible on the website. Again, for parents of international students a simple abbreviated version would be useful.

### **A.3.2 Students with disabilities**

It is essential that any disabilities mentioned on the application form are followed up, to ensure that support can be provided and that it will be in place when the child arrives. The younger the student with a specific disability, the more support might be required. Young international students with disabilities may not have coped without the support of their families before, and careful discussions will be necessary to ensure that all their support needs have been thought about and provided for. Both students and their families may be used to quite different systems of support, as well as different cultural attitudes to disability.

Institutions should state the extent of the support that they can provide, and whether the parents would need to either pay the cost of additional support or provide their own carer. They may also state that where disabilities have not been declared, or have been underestimated, it may be necessary for the student to leave the course earlier than originally anticipated, if it is not possible for suitable support to be put in place and the student is unable to cope without it. Where this is the case it may still be possible to view the experience in a positive light, with the student having completed a period of study and achieved some development during the period.

In higher education, institutions should consider whether non-UK students will be eligible for funding such as Disabled Students Allowance, and in cases where they will not be, ensure parents are aware of additional costs. The institution should ensure that it is aware of areas where it may be required to fund equivalent provision to ensure international students with disabilities do not receive less favourable treatment (see <[www.ukcisa.org.uk/about/disability.php](http://www.ukcisa.org.uk/about/disability.php)>).

### **A.3.3 The contract and managing expectations**

The institution should set out the parent and student contracts and the accompanying letter in a clear and simple way. This information should include the extent of the responsibility the institution has with regards to under 18s (or under 16s), and what supervision they can realistically provide.

Institutions should be clear, and ensure parents and students are clear, about whether their contract is with the student or the parent (see Section B.7.1 for England and Wales and C.5.1 for Scotland on this topic).

Ideally, the basic information in the contract should be translated into the language of the family, but the cost of this could be prohibitive if institutions take students from numerous different countries, speaking a multitude of languages. Parents who use agents will have the essential points translated for them, but not all parents use agents. The likelihood is that unless the contract is kept extremely simple it will not be fully understood by parents and students.

#### **A.3.3.1 Issues for institutions accepting primarily adult students**

Parents of international students may have very little knowledge of the education system in the UK and may not be aware that further and higher education institutions and some language schools are primarily adult environments. They may assume that their child will be in a supervised environment, akin to a boarding school. They should be made aware of the amount of freedom their son or daughter will have, but also be informed about the security measures and support available on site and in accommodation, in order to allow them to make a decision about whether the institution will provide a suitable environment. If this is the case, consider asking parents to sign an agreement noting that their child will be in a primarily adult environment.

#### **A.3.4 Documentation required from parents**

In order to fulfil its duty of care (see Section B.7.2 or C.5.2 for Scotland) and support children, HEIs need documentation from parents including:

- 24-hour emergency contact details for parents/'guardians'. Also the written form of their home address for correspondence
- travel information (see Section A.4 below)
- accommodation information (see Section A.6 below)
- medical details and consents (see section A.8 below)
- consent relating to any off-site or extra-curricular activities

It may be useful to ask prior to arrival (eg on the application form) if the child has been away from home on previous occasions.

See *Appendix 2: Checklist for parental agreement letter* for a fuller list of issues.

#### **A.3.5 Guardianship/care and control of child**

It is generally good practice for institutions to recommend that parents appoint a UK-based guardian for international students under 18, and some might wish to make this a contractual requirement. This may not be necessary for very short courses, eg summer schools, but is particularly important for longer courses, eg if someone needs to take responsibility for the child during vacations.

Institutions should consider what requirements they set for guardianship arrangements, for example requiring 'guardians' to accept responsibility for the student over any holiday period and to make any necessary administration arrangements for the student in routine or emergency situations. The institution should make clear whether it makes subsequent travel or holiday arrangements for students, or only arranges for students to be met when they first arrive in the country, or makes no travel arrangements for students at all.

Parents should be made aware that they are responsible for the welfare of their children when they are staying with the guardian, not the institution.

The guardian should be someone who can be contacted in case of emergency to help resolve problems, for example if the parents do not speak English. Considerations might include ensuring there was someone able to take responsibility for the student in circumstances where the child was suddenly required to leave the institution and/or their accommodation for disciplinary or other reasons.

Institutions might wish to request parental permission to contact the guardian prior to sending an unconditional offer of admission, to check the guardian was available in the event of an emergency, and that a name had not been given simply to comply with the institution's requirement.

Depending on the guardian's role, it may be appropriate to ask parents to give their permission for schools to send copies of information concerning students to their 'guardians' as well as to parents. Institutions should consider what other routine information about the institution will be of help, eg term dates and emergency contact details.

If parents request assistance in finding a guardian the institution can refer them to organisations which inspect guardianship agencies such as AEGIS (see Useful Contacts section at end of guide). They can also give parents advice as to what to expect from a good guardianship agency (see *Appendix 5: Guidance in selecting a guardian*).

Institutions may choose to work with a designated guardianship service, and send their application forms and information direct to parents, but should add a disclaimer on the limits of institutional liability if referrals to guardianship organisations are made (see Section B.1.2.3). They may also choose to vet individual 'guardians' if not already known to the school. Alternatively, they may choose to leave the selection of 'guardians' entirely to the parents.

### A.3.6 Insurance

It is good practice to advise parents on the desirability of taking out insurance, and to make clear, for instance, what medical costs students would be covered for by the NHS, and what costs they should expect to have to pay for. Some institutions may choose to make insurance compulsory, or include it as part of the fee package or as an optional extra. This insurance can include: personal accident or injury, private medical, personal belongings, delayed or lost luggage, money, emergency replacement passport, cancellation, travel delay, missed departure, personal liability.

### A.3.7 Visa and immigration requirements

Information sent to parents should include information on visa requirements, including details of the likely length of time needed to apply and the documentation required (see the UKCISA website for more detail about immigration requirements).

Institutions should be aware that provision of immigration advice (as opposed to information) is regulated by the Office of the Immigration Services Commissioner, and should ensure that any staff giving immigration advice are authorised (and competent) to do so.

UKBA (August 07) have issued the following advice on the documents/information required by unaccompanied minors travelling to the UK:

*“We have to be very careful with minors entering the UK as we need to look after their welfare. To help with this we need to make sure that appropriate arrangements have been made for their reception on arrival. Both Entry Clearance and Immigration Officers therefore record information on who the parents are, who is responsible for the child in the UK and where they will be staying.*”

*As such, we recommend that all students under 18 years of age should have:*

- *a letter from their parents or guardian giving permission to travel*
- *the name of the person with whom they are staying (homestay or residence)*
- *confirmation of enrolment letter from the school*
- *the name of the Principal/Director of the institution*
- *the name of the taxi firm that is collecting them from the airport.”*



In order to comply with this recommendation, institutions should strongly advise parents that their children use a “meet and greet” service provided by the institution or by the guardian. Flights should be booked early to make sure their children arrive within the times required by the institution. Parents should be made aware that institutions cannot be responsible for children travelling independently.

When writing offer letters for students to be used for visa applications, it could be useful to put a website link to the support available at the institution for under 18s.

Institutions should also ensure that unaccompanied minors entering the UK have an emergency contact number to call if they do encounter problems at immigration.

If students are in the UK long enough to need to extend their Leave to Remain, institutions should note that the relevant form – the FLR(S) – says in the declaration section: “You must now read the declaration below and sign it. This must be signed by you (the applicant) and not by a representative or other person acting on your behalf. If you are under 18, your parent or guardian may sign.” It is worth noting that students under 18 can sign their own FLR(S) forms. The legislation states “where the applicant is under the age of 18, the form **may** be signed and dated by the parent or legal guardian of the applicant on behalf of the applicant.” (Regulation 16(1)(a) of The Immigration (Leave to Remain) (Prescribed Forms and Procedures) Regulations 2007 (Statutory Instrument No 882 of 2007.)

Although some institutions which are not independent schools may have accepted students under 16 in the past, there are immigration rules that under 16s can only gain entry as a student if they are studying at an independent school (see Section B.6.1).

### **A.3.8 Pre-arrival tracking form**

A pre-arrival tracking check list can be used to ensure that all necessary information has been sent and received. More information will be required with regard to children, and parents are not always good at returning the correct forms, instructions need to be clear and simple to ensure this happens.

## A.4 Arrival

### A.4.1 Travelling to the UK

Institutions will need to decide if they wish to make any special provision for the arrival of international students under 18. All under 18s travelling without an adult should be met at the airport, whether by an institutional representative or a local guardian. Institutions should ensure parents have details of what meet and greet arrangements the institution can provide, how to book these and any costs involved, as well as emphasising that, if the service is not available at all times, the parents are responsible for making appropriate arrangements outside the set times.

If the institution will be responsible for meeting the child at the UK airport, parents should be required to complete detailed travel information for the arrival of the child by a specific date prior to their arrival, eg not less than five working days before the child departs. The time required will depend on your institution and its working practices, but it must be clear that last-minute arrangements are not acceptable, as messages could go astray and children could arrive without anyone to meet them. The travel information should include the departure airports, flight and times, and any connecting flight details, as well as the arrival data.

Parents can gain information about regulations concerning children flying alone from the airline concerned. In general airlines will supervise children between the ages of five and 12, at additional cost. Some do not allow children under 12 to take connecting flights, most will give some assistance to 12-15 year olds.

The website <[www.direct.gov.uk](http://www.direct.gov.uk)> gives useful advice for parents on children travelling alone, eg that parents should:

- give children the telephone number, address and contact details of the person meeting them and advise them to go with no one else
- ensure younger children have toys and games in their hand luggage
- check that passports are valid for the period, and that visas have been obtained for the countries they are travelling to or through
- make sure children have a photocopy of their passport, kept in a separate place from their actual passport
- give the child a copy of the travel arrangements (including flight return details)
- ensure the parents' contact details are written in the child's passport
- ensure the child has the address of their nearest embassy or consulate in case they need to contact someone urgently
- give the child some money to phone if they need to and make sure they have the full telephone number

#### **A.4.2 Travel and arrival at a UK airport**

Students should be told to carry in their hand luggage any essential medication, and their letter of acceptance and study certificate, and be informed that they could be delayed at four points once they have landed:

- immigration
- a possible medical check
- waiting for luggage
- customs control, checking what passengers are bringing into the country

Where children are not accompanied by an adult, parents should be advised to:

- book flights early to make sure their children arrive in daylight hours, and not in the evening. This should be within the dates and times stated by the institution
- use the airline child supervision service where the child will be supervised by a member of the airline staff until handed over to the institutional representative or guardian in the arrivals lounge. Institution representatives should make sure they have the correct ID
- use the meet and greet service provided by the institution or by the guardian. Institutions providing this service should ensure that staff have experience of meeting arriving students. There are many inherent dangers and pitfalls and new staff should accompany experienced staff to learn what these could be

Parents could be asked to buy an inexpensive mobile for their child before they leave their home country, and give the number to the institution with the travel information. (Some institutions ask children not to bring expensive items, including mobile phones.) They should check that the mobile is suitable for use in the UK, and between the home country and the UK, and enter the 24-hour number (or relevant number) for the school and person meeting them if this is available, and give the child instructions to ring the school, and themselves, in an emergency. They should also check the child can use the mobile before they leave home and tell them to switch on the phone as soon as they land. Children could ring the person meeting them or the school as soon as permission has been given by flight staff to use mobile phones. This is particularly helpful if there is a delay before coming into the arrivals lounge, as it is impossible to check the names of arriving passengers.

Children who travel on their own, but do not use the airline handover service, should be informed of the institution pick-up arrangements, eg that a representative from the school will meet them in the arrivals lounge and will display the child's name (and/or the name of the school) on a board. If for any reason they miss the representative at the arrivals point the child should go to the information desk and phone the school, remain at the information desk until the school representative arrives and not leave the airport building.

Institutions should keep clear comprehensive lists of arriving students, showing the name, sex, age, flight and connection details, airport terminal numbers and mobile numbers. These lists should be given to representatives meeting the children.

Institutions should send sufficient representatives to meet children at different terminals, ensuring children are not left alone, or with the leader of an arriving group. They should not be kept waiting at the airport any longer than necessary, eg one and a half hours maximum, and refreshments and activities should be available. Where flights are delayed there should be sufficient staff for one to remain at the airport to wait for these arrivals, while other staff and students return to the institution. Bearing in mind that students can be delayed more than two hours after touch down staff should only leave when it is clear that the child is not in the airport, and after consulting staff at the institution, who will have been trying to contact family/agents in the home country to determine if plans have changed.

Parents should be made aware that institutions cannot be responsible for children travelling independently.

#### **A.4.3 Taxis to institution or accommodation**

Taxi companies working with children must complete CRB or Disclosure Scotland checks on their taxi drivers. Schools should request taxi companies give written confirmation that this has been done. Taxi companies used should be experienced, professional and friendly. There is a case for recommending that taxi services use chaperones for those under 18 and students travelling alone, as a precaution for students, but also to protect drivers and the institution against false allegations of abuse.

Children should be made aware of the risks in picking up a taxi on the street and should be advised to pre-book taxis, and to travel in groups if possible, rather than alone. They should also be advised about the dangers of hitch-hiking.

#### **A.4.4 Arrival at institution or homestay**

##### **A.4.4.1 Out of hours arrivals**

Those travelling independently or with parents or 'guardians' should have clear information about the institution's opening hours, and when the child should arrive. In case new students arrive at non-residential institutions after teaching or support staff have left in the evening, or at the weekend, it is good practice for security or caretaking staff to be given instructions on how to deal with lone under 18s, to ensure they have somewhere safe to spend the night. If in doubt security staff should phone the 24 hour emergency number.

It is good practice to give some local hotel details in pre-arrival information, and to request that under 18 students make a hotel reservation if they arrive before they can be accommodated by the institution.

#### **A.4.5 Transport to and from the institution – younger students**

It is good practice for institutions to give clear information to all students on travelling between homestays or off-site residences and other parts of the institution.

If younger students (eg under 14s) are staying with parents or family nearby, rather than in institution-organised accommodation, the school may require them to be dropped off and collected by an adult. Alternatively, some may offer a collection service. This requires suitable thought to be given to safety and first aid requirements, arranging pick up and drop off times with parents, and contact numbers for the driver and parents in case of problems. Schools may also require children to be accompanied on the first day at school by a relative, guardian or the homestay.

Where older children are to travel independently it is essential to check with the family what arrangements have been made for the evening, eg whether the child is being collected and shown the route the first evening, or has already been taught the return journey, or arrangements have been made for the child to travel with other students, and whether the child has a travel pass or the correct bus fare. The institution may also wish to check whether the child is confident and happy with the arrangement and knows what to do in the event of becoming lost. Parents, guardians, and homestay hosts should be informed in advance that this information will be required. Staff should make a note of the arrangements before the hosts or 'guardians' leave, and pass the information to the member of staff who will be with the child at the end of the school day.

#### **A.4.6 24-hour emergency number**

It is good practice to provide students under the age of 18, parents/'guardians' and homestay parents with a 24-hour emergency number. The institution could consider at what level this responsibility is picked up by staff, eg by accommodation staff or named child protection officers, and whether additional remuneration is made for this. At some schools senior managers hold the emergency number, at others it will be welfare or accommodation staff. Institutions should give those who provide emergency cover guidance on when to involve senior staff and managers.

Those dealing with emergencies need access to student data including homestay host and guardian information and what parental permission has been given. This can be on a spreadsheet for all under 18s, but there should be a system to update and circulate it to those who need it on a regular basis, eg if a telephone number or a homestay is changed, or when a student has their 18th birthday. Staff dealing with emergencies also need telephone numbers to hand, eg local doctors, hospitals, police stations, the telephone number of child protection officer in school and/or the local child protection contact.

#### **A.4.7 Student communication with family and friends**

Institutions need to have a strategy for new arrivals, as they may want to speak to their parents immediately to let them know they have arrived safely, and may not have a mobile when they arrive – although the institution may recommend that under 18s buy a mobile phone before leaving home. The student could be allowed to call home once for a short time when they arrive, and parents given a convenient time/s when they can phone back. Students could also be asked to buy telephone cards before leaving home, to bring coins for telephones, or to be helped to buy telephone cards. Some students will ask to do this as soon as they arrive at the airport. Students could also be given details of telephone websites which have access to cheaper international telephone calls.

Institutions might like to consider suggesting ways that under 18s can keep contact with their parents and friends after arrival, for example:

- setting up an email account before leaving home and to know the email address of family and friends so they can communicate by email when they arrive. Some institutions will set up email accounts for students before arrival, but these are rarely available immediately
- giving residence/house telephone numbers to parents, with guidance on convenient times to ring house phones, in particular not when residents would be sleeping at night and with a recommendation that parents wait for their son/daughter to phone them
- arrangements for forwarding letters and faxes to students
- who to contact if they are concerned about their child (together with any institutional policies on what the institution can or cannot tell them)
- parents can be reminded that happy positive communication will be helpful, and to avoid introducing the subject of missing home

Institutions have sometimes found the use of telephones in accommodation to be a problem area, and in particular it has always been important to give homestay hosts guidance on how to avoid being left with large bills after the student has gone home. This information can still be given, but it is less of a problem now, as most students have mobile phones.

#### **A.4.8 Student ID cards**

As soon as the under 18s arrive, it is good practice to issue an ID card, which the student should carry at all times. The card should show the 24 hour emergency number and instructions on what to do in the event of an emergency. (See *Appendix 12: Advice and emergency details for students*.) Two passport sized photographs can be requested to be sent in advance for this purpose.

It is important for staff and adult students to be able to identify students who are under 18. Staff should know who is in need of additional support, and also, for instance, in a more adult environment, who is able to drink alcohol during evening entertainments. Where relevant, students under and over 18 could be issued with different coloured ID cards.

#### **A.4.9 Student induction programme**

##### **A.4.9.1 International student orientation/induction**

The induction programme will depend on the length of the course but the essentials must be dealt with on the first day.

Depending on the level of English of arriving students, it may be advisable to translate essential information into the language of the students, where possible. Some schools will translate essential information into the language of all the children.

If the institution holds an orientation programme specifically for new international students, under 18s should be strongly encouraged to attend as they are likely to be unfamiliar with many aspects of their new environment. However, staff will need to consider the suitability of the planned activities for under 18s and whether any specific sessions should be held to allow international and other support staff to get to know the younger students, deal with any problems, and assess what their additional needs may be. Institutions might like to consider giving specific staff responsibility for younger international students if these students are a minority.

Most orientation/induction needed for under 18s will be the same as for other international students, but with particular stress on items such as the safety and welfare of the students. Topics of particular importance for under 18s may include:

- meeting teaching/support staff and other students, including icebreakers
- introduction to the support system, medical system and counsellor
- a tour of the institution and local facilities
- checking personal details including mobile phone
- personal property record
- English language assessment
- curriculum and leisure choices, placement, timetable, homework
- grades – explanation of institution and UK system
- basic rules and regulations for the institution and accommodation, especially curfews and restrictions for younger students
- equality, bullying and harassment policies
- cultural differences, being assertive, saying no
- health and safety, road safety, potential hazards in the locality
- legislation and institution policies on alcohol, cigarettes, drugs, offensive weapons, and driving
- laundry
- food facilities and using self-catering facilities
- opening a bank account
- behaviour with homestays
- discipline and complaint procedures
- health issues, eg GP registration, counselling, diet, exercise
- any problems with rooms/meals/anything
- international visits – forthcoming trips and activities
- student union activities
- information about British culture

For students in some schools and colleges, more detailed issues could be dealt with in tutorial sessions over several weeks. Regular tutorial topics could include:

- additional requirements and procedures
- diet and personal hygiene
- exam preparation
- careers/applications/interview preparation
- any problems with rooms/meals/anything
- next visits; forthcoming trips and activities

Induction quizzes and up-to-date induction videos can be useful tools with young international students.



#### **A.4.9.2 Police Registration**

Institutions might consider whether any special arrangements should be made for under 18 students who are required to register with the police, such as checking they have completed the form correctly and have the documentation with them on the day, and accompanying them to the appropriate police station. Students and parents should be informed of the requirement to have the police registration document information changed if their son/daughter moves to a new address, and that this is crucial for when students apply for a new visa. If parents are responsible for students' accommodation arrangements, it is particularly important for them to be made aware of this requirement.

#### **A.4.10 Money and banks**

Parents and students can be advised pre-arrival how much money they will need for their personal use. Students should be encouraged not to carry large sums of money and to leave valuable possessions at home. They should be given age-appropriate options for keeping money and possessions safe during their stay.

Many schools prefer children to put their flight tickets and passports in the school safe. Money and valuables should be checked in and out of the deposit and records kept of any withdrawals. Most schools will have a pocket money system. Schools should have a disclaimer with regard to the loss of student possessions.

It is invariably more difficult for international students to open bank accounts, even more so for students under the age of 18. The UKCISA website gives general guidance information on international students and basic bank accounts and how staff working with international students can help to improve the banking service for their students, through liaison with their local banks. The British Bankers Association provides information concerning accounts available to international students, in some cases including the minimum age to open an account. Students/parents can also be advised to check with individual bank websites or local branches.

Students/parents should be made aware that it can be difficult to open bank accounts, particularly if debit cards and cheque books are required, in addition to a cash card. Students should be advised of the documents they will need in order to open an account. Advice should be given on appropriate amounts of cash to bring for the beginning of the student's stay, safety issues relating to carrying money, and on ways to transfer money and make payments for fees and accommodation, especially if the parent will be making these on the student's behalf.

#### **A.4.11 Security and personal safety**

Institutions should make clear what personal safety information is given to students, so that where necessary parents or 'guardians' can give additional information.

Children should be given age appropriate information on safety, including:

- behaviour near windows and on stairwells
- not allowing strangers into residences
- always signing in and out, for those allowed out of residences
- making sure accommodation staff with a supervisory role and homestay hosts always know the child's whereabouts
- going out in pairs or groups, never alone
- potential hazards in the locality, eg rivers, beaches, canals, railway lines
- not carrying large sums of money or displaying expensive items
- never speaking to strangers, accepting lifts from them or going anywhere with them

Those in the 16-18 age groups may have more freedom than younger children during their course, but have little experience of travelling, and living away from their families. The British Council guide *Safety first – a personal safety guide for international students* could be useful and this information could be given to students in their pre-arrival information pack. Some local police forces also provide safety information for international students, eg Operation Columbus.

Young people should be given information about how to protect themselves and it is good practice to have sessions on cultural norms and being assertive, eg some will be uncertain how to interpret or respond to unwelcome advances that could occur in many different circumstances. Children are more likely to be unable to assert themselves than adults, and may find this particularly useful. These sessions could be introduced during the induction period but a continuing assertion programme could be written into tutorial sessions or English lessons. Information could also be available on the institution's website.

Students should also be informed of any curfews, and the reasons for these. If children fail to return at the right time, school staff or homestay hosts should attempt to contact or find them, but must inform the police as soon as possible that night if they cannot be located.

## **A.5 Staff – child protection and the duty of care**

### **A.5.1 Checking staff and students from other countries**

Some institutions may wish to appoint older international students to paid or voluntary posts as mentors or wardens where they may have contact with under 18s. It may be difficult to fully check the backgrounds of students (or staff) who have lived or worked for periods in other countries. The CRB website <[www.disclosure.gov.uk](http://www.disclosure.gov.uk)> gives some information about criminal record procedures in certain other countries.

Good practice guidelines for checking international student/staff backgrounds are to:

- make every effort to get a full history, including (as a minimum) the previous five years
- identify gaps and ask for work or educational referees in support of the individual's good character

#### **A.5.1.1 HEIs and Disclosure Scotland checks**

At the time of writing Disclosure Scotland checks are not currently required for HEIs in Scotland (see C.8.1). However, Scottish HEIs might like to consider whether they wish to have Disclosure Scotland checks on staff or volunteers working closely with younger students.

### **A.5.2 Unchecked staff with access to children**

Institutions should risk assess situations where unchecked staff could have access to children. They should inform parents and make recommendations, eg parents to advise their children to leave their rooms in residential halls if unchecked cleaning or maintenance staff are in attendance.

Where under 18s are living in homestay accommodation the training for hosts should include the opportunity to discuss situations when those without checks might be in their home, eg people carrying out repairs in the home, friends or relatives visiting the home, and look at ways to restrict their access to the children.

*Aim higher... aim safer* (Burke J & Ingram A M, 2005 section 2.7) suggests ways to let students know which staff and volunteers are 'safe' eg by displaying posters, photographs, flow charts, ID badges. This type of visual, eye-catching information would be particularly useful for younger international students. Some schools have photographs of the safe staff that are on site on any specific day.

### **A.5.2.1 Issues for seasonal programme providers**

There will be times when staff have not been CRB/Disclosure Scotland checked, or when results have not yet been received (particularly over the busy summer period when seasonal posts are common). Employing staff before checks have come through should be avoided, but where this is not possible unchecked staff should never be left unsupervised with children.

### **A.5.3 Checks for homestays**

It is good practice, where students under the age of 18 are placed with a homestay, for institutions to require CRB/Disclosure Scotland checks on all adult members of the family. In some cases some institutions in Scotland seem to be checking family members over the age of 16.

Homestay hosts must inform college staff of any changes concerning people living in their home, eg a new police conviction, their son or daughter reaching their 18th birthday, an adult lodger starting to live in the home, a new partner staying overnight. The homestay contract should include a statement that the host will agree to give this information. Accommodation staff could also keep a note of the dates of birth of the homestay's children, and request a CRB check when they reach the age of 18.

Some institutions pay for homestay checks and others require the hosts to pay either by invoice or by payment plan over a few months, deducted from accommodation payments to them.

### **A.5.4 Staff induction and training**

Staff who may have contact with international students under 18 should be given information at induction, and ongoing training and updates when required, on their responsibilities, institutional policies, procedures and expectations of professional conduct and ethical behaviour relating to under 18s. This could be a template of general information relevant to all, updated as and when required, with inserts relevant to the specific duties of particular posts and including information on duty of care, child protection, bullying and harassment, safety, discipline, complaints and restraint. This should be updated when policies change. Staff involved in caring for international under 18s should also be aware of what information is sent to parents and children.

***Staff policies on alcohol***

Resident staff such as wardens and residential tutors can be on site for long periods. Some consider that staff should never drink if they are supervising children but others consider it is essential for staff to have a night off from duties, and to be responsible with regard to their ability to fulfil their duties when they return. Many schools have a policy of no alcohol on site for staff and students; in a college or university this might not be appropriate. It should be part of the employment contract that staff are fit for duty, particularly to deal with any emergency that might arise.

Institutions with significant numbers of international students under 18 might wish to involve international student advisers or other specialist staff in briefing colleagues on the particular issues faced by young international students. This might include some basic cultural training for staff with regard to international students, and any issues that may have greater significance for younger international students, eg deference, parental expectations.

***Issues relating to new and seasonal staff***

In dealing with care of under 18s, it is important to ensure new and less experienced staff have sufficient support and mentoring, eg during their first summer school, to ensure that mistakes will not happen through inexperience. For example, one school offers less experienced staff a two thirds contract, and they spend one and a half hours a day with experienced staff.

Staff preparation for inductions at the start of seasonal programmes will be particularly important, as there will invariably be changes to systems from the previous year. Staff arriving late should receive a full induction. It is good practice to emphasise that every member of staff is responsible for the care of children in the school, and to have this in all job descriptions.

At one group of summer schools new staff are given an induction and then monitored. They are responsible for teaching but are never alone with children. Latecomers have an induction; all have detailed job descriptions. Group leaders and staff that supervise in residential halls must have demonstrated their suitability before they are given these additional responsibilities.

These issues should also be covered where relevant with volunteers and homestay hosts too. It may be most practical for the training of homestay families to be disseminated by accommodation or welfare staff who visit the families. (See Sections B.7.3 and C.5.3 about vicarious liability for staff and volunteers.)

Institutions may like to consider adding information about the protection of international students under 18 to other information they send to companies providing services such as cleaning, catering, building, maintenance and placement provision, if the contractor's staff may encounter these students during their work with the institution.

### **A.5.5 Staff-student supervision ratios**

Some institutions will receive guidance from sector bodies (eg accreditation or inspection bodies) on appropriate staff/children ratios. Institutions should additionally consider the age of the students, their needs, the nature of the activity and the locations involved. International students may require more individual attention if they need additional help with language and are less used to the environment in which activities are taking place. Institutions are expected to exceed the recommended ratios if the safety and welfare of the children require it.

The younger the age of the children the higher the ratio of staff should be. Supervision ratios should never be under-estimated, as younger children need more help with basics, eg getting up and getting dressed.

Off-site visits or events will always need at least two staff to ensure that in an emergency situation one staff member can remain with the main group of children.

Provision should always be made for occasions when one supervisor may be exclusively involved with one or two students, eg homesickness, or sorting out a problem between two students. When the supervisor's attention is focused elsewhere is exactly the time that other children may become boisterous, with subsequent problems.

Language schools should have clear expectations for group leaders who accompany groups of students. It is advisable to send guidelines for these staff to the home country organisation, and ask the group leader to sign up to these on arrival. Staff accompanying children should be considered a bonus, but not counted in the school's staff-children ratios.

### **A.5.6 Specialist staff and communication with other staff**

In some cases institutions may wish to employ staff with training or experience of working with the younger age groups, eg a primary or secondary teaching PGCE as well as a TEFL qualification.

Many institutions appoint specific staff such as international student advisers or tutors to work with international students. There must be clear lines of communication established between these staff and others involved in working with under 18s to fulfil protection requirements with regard to the exchange of information about issues or problems, eg if a student has a poor attendance record, their work has deteriorated or is excessively below standard, their appearance has changed and they appear unkempt, or if they seem isolated or unhappy.

Those responsible for international students under 18 could attend departmental meetings where the student's progress is to be discussed, having asked if this can take place at the beginning or end of the meeting. The student's tutor should also be included in any non-confidential memos of concern.

A list of students under the age of 18 and the birth dates of those that become 18 during the academic year could be circulated to all relevant staff. The list would need updating as new students under 18 arrive.

### **A.5.7 Protecting staff and students over the age of 18**

Where students under 18 are on site there is the risk of allegations of abuse against children. Staff and adult students should be informed if children are likely to be on site; they should be able to identify who the children are, and they should be given guidance on how best to avoid allegations of abuse, eg with regards to hugging a child or showing affection, which could be misconstrued. It is good practice to have a 'no touching' policy and for staff to be instructed not to be alone in a room with a child. Homestay families should be alerted to the same information and also to ensure they keep their own personal space private, eg children should not be allowed access to a computer in a homestay parent's bedroom. Information for over 18s could be in the student handbook. A code of conduct could be useful in the training and protection of staff.

### **A.5.8 Risk Assessments**

"My second worst nightmare is a serious student accident. My first worst nightmare is a serious student accident when we should have been doing something to prevent it happening. The care of students is pre-thinking, care is top priority, make sure the kids are safe and that parents know this."

*Owner/manager of a residential language school*

Institutions with under 18s from outside the UK will need to consider what additional issues should be included in routine risk assessments, for example arrivals, transfers, on- and off-campus activities, extra-curricular activities, trips, residential programmes, accommodation in institution-managed properties and in homestays. Staff experienced in working with younger international students and with knowledge of the specific situations and activities should be the risk assessors. When assessing the risks they should take into consideration the students' potentially limited knowledge of English and how cultural differences may impact on the situation, eg younger international students may need safety signs or instructions translated and explained more thoroughly and frequently to ensure they fully understand. Children on a visit who could become lost may not be able to communicate their problem; they need to carry written information and to have received instruction on the safest people to ask for help.

It is good practice to have a small group considering risk assessments, rather than one person. People will have had different experiences, making them aware of different potential dangers.

Risk assessments should be based on the potential hazards in that particular environment and specific to that place, so those undertaking risk assessments should, where possible, visit the location concerned. Risk assessments should be updated regularly to add new or previously unforeseen hazards, as well as new activities or environments. (See *Appendix 3: Risk assessment for activities and/or visits* and *Appendix 10: Risk issues checklist for summer school providers*.)

### **A.5.9 Emergency situations**

Institutions should have crisis and risk management procedures in place. In dealing with international students under 18, it is important to bear in mind that parents will be particularly concerned, and will want to be kept informed of the steps taken to protect students. From a distance some risks may be misunderstood, eg parents hearing reports of terrorism or flooding in one part of the UK may not know how close or distant it is to their child's place of study, and may therefore be over-anxious.

It can be useful to listen to agents' concerns and reassure them that children will not go into any situation that is more dangerous than need be. Parents may not ask the institution staff about risks, but they may ask agents.

See *International students in crisis: a guide for institutions* (Gaskin, 2002) for more on dealing with crises which can affect international students individually or in groups.



## A.6 Accommodation

### A.6.1 Information for students and parents

Institutions should give parents and students clear information about any accommodation choices offered, including any issues of suitability for under 18s such as the level of supervision available and rules and regulations for students in halls and homestays (see *Appendix 4: Rules and regulations for under 18s in residential halls*). Parents should be made aware that homestay hosts can include single people and older couples (one reason why the term “homestay” is preferred to “host family”). Parents should be asked to agree to the type of provision to be allocated to their child.

Application forms should state what is confidential, and what information is essential to forward to others. For example, teaching staff and residential staff should know about medical conditions, with the student’s permission, and homestay hosts should be sent information about the student (and vice versa).

It is good practice to send parents and students information about the accommodation such as its address, a location map and methods of travelling to and from the institution, and phone numbers for contacting the student (if available) and/or on-site staff.

### A.6.2 Institution-arranged accommodation: residential halls

#### A.6.2.1 Supervision levels

Institutions which primarily admit over 18s will need to consider whether to admit under 18s to institution-managed accommodation, and if so how they will meet their obligations under the Safeguarding Vulnerable Groups legislation.

If 24-hour supervision is not provided parents should be informed what is available; eg a resident warden living on the premises, a security officer available at certain times during the evening/night or 24-hour emergency phone numbers for students.

#### A.6.2.2 Safeguarding/child protection issues

Where possible institutions should accommodate under 18s in different units or buildings, or on different floors of a building from adult students. Ideally males and females should also be separated, and it would be good practice to group children by age as far as possible, and to separate younger children from those who will become 18 during the academic year. When this is not possible it is good practice to risk assess any adverse welfare implications and note any appropriate action taken to minimise risks. This could include under 18s being allocated rooms with en-suite facilities.

It is good practice to have security and CCTV cameras outside and inside residential halls, to secure access to buildings by digital key pad, to give students personal safety information with regard to the campus grounds and to check that international students under 18 have fully understood the information. Where possible they should be allocated accommodation close to the institution as they are likely to be less familiar with public transport, being out alone at night and potential dangers.

Where staff will need to enter rooms, eg to check an inventory, undertake cleaning or maintenance etc, students should be informed when this will take place, preferably by letter giving several days' notice. In part this respects the privacy of students but also enables under 18s to vacate their rooms at the time of the check, if those involved, eg maintenance contractors, have not been CRB checked.

Visitors and overnight stays in residential halls should be restricted. Institutions should be aware of the potential problem when parents of students ask to stay in halls to be near their children. Parents (or any other visitor over the age of 18) should not have unsupervised access to other students under the age of 18. This may include agents or staff accompanying groups of students on their journey, etc. It is good practice to explain CRB procedures in the UK to the organisation and to arrange accommodation for the staff with adults in halls, hotels or homestays. Alternatively, organisations can be asked to provide similar home country checks on staff accompanying/visiting their group. Where no acceptable home country checks can be made, organisations should be informed that accompanying staff will be asked to sign a form stating that they are fit and proper persons to be allowed unrestricted access to children. A risk assessment should be made with regard to access to other children at the college. If the accompanying staff refuse to sign, the college would need to make the decision whether to allow the person to stay, and under what circumstances.

Where students under the age of 18 are living in the vicinity of adult halls of residence, staff should be aware that students under the age of 18 could be making unsupervised visits to the hall. Managers should put systems in place to prevent this happening.

It is good practice to have patrols outside and inside residential halls and to secure access to the buildings by digital key pad. The pass numbers could stop operating (except in emergencies) shortly after the time that students should return to halls at night, to reinforce any 'curfew' regulation.

Group leaders who accompany students on summer school programmes could be sharing accommodation with students under the age of 18. Organisations sending groups should be informed of CRB/Disclosure Scotland procedures and requirements in the UK and be asked to provide similar home country checks on staff accompanying their group. Where no acceptable home country checks can be made, organisations should be informed that accompanying staff will be asked to sign a form stating that they are fit and proper persons to be allowed unrestricted access to children. A risk assessment should be made with regard to access to other children at the school. If the group leaders refuse to sign, the school would need to make the decision whether to allow the person to stay, and under what circumstances.

#### **A.6.2.3 Catering facilities**

Younger international students may have little or no experience of self catering, and would have the additional complication of unfamiliar food and ingredients. They should have the option of being in accommodation with easy access to catered meals, at least while they become accustomed to the differences and range of options.

#### **A.6.2.4 Student feedback**

Where regular meetings are held for residents to voice problems and make suggestions, under 18s should be made to feel comfortable and be encouraged to contribute. It is good practice to have a meeting as soon as possible after arrival, so that under 18s have the opportunity to get to know the staff working in the hall and raise any initial queries.

#### **A.6.2.5 Contingency plans**

Contingency plans for residential accommodation eg in the event of an evacuation because of fire or flooding, need to ensure that adequate supervision will be available for students under the age of 18 and that younger international students will need simple clear instructions in an emergency.

Students under the age of 18 should not be put in emergency accommodation, eg with homestays, unless all the necessary checks have been completed.

### **A.6.3 Institution-arranged accommodation: homestays**

#### **A.6.3.1 Recruiting homestays for students under the age of 18**

Institutions should bear in mind that adverts for homestays can result in enquiries from unsuitable applicants. Homestay hosts should have sufficient maturity to take on the responsibility of a visiting child. They should be welcoming, prepared to treat them as part of their family, to sit down to meals, converse, spend time with them and collect them after occasional evening activities. The home should have sufficient space to accommodate the visitor without the homestays' children (if any) moving out of their rooms. If the purpose of the student's stay is to study English (e.g. at an FE college or language school) the language spoken in the house must be English. Hosts may need to be informed of the institution's equality policy with regard to homestay placements.

A homestay handbook/guidelines should be sent to suitable applicants so they have a full understanding of the institution's requirements including additional requirements for providing a home for students under 18 and those under 16, if relevant. This will include knowing the whereabouts of children at all times and informing staff if the child fails to return to the homestay in the evening. The handbook/guidelines pack should be comprehensive and include training information to safeguard the student, and protect the family from false allegations. Hosts should be given support from the institution including a 24-hour emergency telephone number.

It is good practice for application forms to include details of all members of the family, the hours they work out of the home, their interests and hobbies and activities they could offer to do with the children, during some of their leisure time.

Two references should be requested covering each adult member of the family and follow up phone calls made to verify the references.

#### **A.6.3.2 Inspection and risk assessment**

Once an application form has been returned to the institution, members of staff should visit the home in pairs. This is a safety precaution for staff, but also enables a more thorough inspection and risk assessment of the homestay to take place. Staff should inform others in the office where they are going and their expected return time.

During the risk assessment hosts should be asked specific questions in relation to specific issues, eg convictions, drug abuse. In designing a homestay risk assessment, those used for fostering applications can be an excellent guide, and include questions staff may not have considered, eg storage of medication and alcohol, ownership of guns.

The institution must also check that gas and electrical installations and appliances are safe.

Hosts should be informed that they need to check their house and car insurance will be adequate for their homestay role; however, many insurance companies do not like to add this cover to home insurance. If this is a problem institutions can try contacting the Association of British Insurers for advice.

Accommodation staff should discuss whether homestay hosts will allow students to use their home computer and if so whether there will be a cost to the child. It is possible there could be accidental damage to the computer and additional expense for the host, eg if the student attempts to change the settings to enable alternative language scripts, which might require technical expertise to set right. There is also the issue of unsuitable websites and whether computers have blocks to prevent access. This information should be on the risk assessment.

The completed risk assessment form should be signed by the applicant and the member of staff. A copy could be sent to the host indicating where improvements may need to be made, and these should followed up before a student is placed.

*(See Appendix 6: Homestay risk assessment questions.)*

### **A.6.3.3 Appropriate matching of children and homestays**

Accommodation staff need easily accessible records of homestay information, eg those that will accept students under 16, want only females, accept students with special diets, own pets.

It is good practice to place students of a similar age and different nationalities in homestay accommodation, so that communication will be in English. Staff should stress the importance of families conversing with the child and correcting their mistakes without discouraging them.

It is good practice not to place students under 18 in the same homestay with students over the age of 18, who are unchecked adults. Where this is unavoidable staff should risk assess the specific situation and those concerned. This would include where students have their 18th birthday during the course of the academic year.

It is useful to have a small number of homestay families who will be prepared to accept students at short notice, eg if an urgent issue should arise in a homestay and either institution staff, the homestay family or a child request an immediate move.

#### **A.6.3.4 During the child's stay**

If a homestay host arranges a holiday for themselves, any student under 18 living with them must go to stay with another homestay on a temporary basis, rather than being allowed to stay in the house on their own. This is not very popular with students who invariably do not want to move for a short period.

Homestay hosts of under 18s should be given the child's academic and homework timetables (where applicable) so they know when the student should be in school or college, and what homework is set in the evening. They can be asked to question the child about correspondence from the institution. Hosts can also be given the leisure/visits programme, so they can encourage the children to take part.

It is good practice for homestay families to have the opportunity to voice any concerns they may have, or issues they would like to discuss. Regular meetings should be held and homestay representatives, who would be prepared to act as intermediaries, could be elected. Staff should send copies of meeting minutes to all homestay hosts.

Many homestay hosts enjoy attending parties and gatherings held by the institution, eg cheese and wine events for homestays, invitations to student welcome, Christmas, or end of year parties. These are useful informal opportunities to discuss problems or issues.

*(See Appendix 7: Homestays – information given to students and parents on additional requirements for under 18s.)*

### **A.6.4 Private accommodation**

#### **A.6.4.1 Outsourcing provision**

If institutions choose to outsource provision of accommodation to a private agency, it would be advisable to ensure it follows the same principles and applies the same standards as the institution would have to apply if organising the accommodation. There should be a link person at the institution who deals with student admissions and the agency. Institution staff may still wish to have direct contact with homestay hosts, even if privately arranged.

Where accommodation is arranged by the parent or guardian, the parental agreement should state that the institution has no responsibility for the accommodation arranged in this way.

### **A.6.4.2 Private fostering**

Parents should be advised of the legal requirements regarding fostering (see Sections B.8.3, C.5 and C.6.3) and, if fostering is required, to contact a registered guardianship agency to make suitable arrangements. The institution might require parents to state in writing to them that the local authority had been informed of the fostering arrangement if required.

### **A.6.4.3 Parental permission form**

Institutions may wish to require that students under the age of 18 stay in supervised accommodation, by making this a condition of admission. Where students under the age of 18 stay in accommodation considered by institutions unsuitable for children, eg in unsupervised accommodation, parents could be required to give written permission for their children to stay there.

## **A.7 Ongoing support**

### **A.7.1 Integration within the community**

It is good practice to encourage integration with local students and the local community, eg institution-run events for all students, using local sports facilities, joining students' union activities and clubs. Care must be taken to ensure that any placements in the community are officially organised with appropriate staff CRB/ Disclosure Scotland checked and active supervision in place. Parents and students should be made aware if there could be contact with unsupervised adults as part of any such activities.

At one International Student Centre students join main school pupils for breakfast. As part of their community service, boys from the main school come to the centre to help international students with their homework. Other schools integrate some sessions, for example sport with local students.

### **A.7.3 Religious needs**

Information can be given about local faith provision, but schools will differ in how they accommodate this. Any arrangements would have to meet personal safety/safeguarding standards, including parental or guardianship permission.

#### **A.7.4 Bullying, harassment, racism and cultural awareness**

Younger international students are likely to be less familiar with bullying and harassment policies operating in UK institutions, and less confident to report incidents. Prominence should be given to these issues in the induction so that all students know from the start that bullying, harassment and discrimination of any sort are not tolerated. Bullying does take place among children, such as excluding individuals from groups, name calling, and increasingly text messages and other forms of cyber bullying. Students should be given clear information about what to do if they experience bullying or harassment themselves, or if they witness or suspect it is taking place. (See *Appendix 13: A bullying and harassment policy*.)

At one institution the school counsellor delivers the anti-bullying tutorial, which also gives the counsellor the opportunity to meet all of the students. This happens by the end of the third week of the academic year. The school translates the information into the children's own language along with other essential information, eg Health and Safety and Fire Evacuation procedures.

One London-based summer school seeks to minimise cliques from the start. The children are organised in small groups of mixed nationalities of the same age, not the same groups as the class teaching groups. They meet several times a day, to bond with the group leader who is able to get to know each child intimately. The school tries to emphasise the positive in its rules – for example 'respect for others', rather than the negative 'you must not'.

Schools can have children of many different nationalities at any one time. It is good practice to have sessions to heighten cross-cultural awareness, so that when children come across differences, they will be better prepared to accept or challenge them in a constructive way. The staff in most English language schools are likely to have had international experience themselves. They are particularly well placed to provide this training. (See *Appendix 8: Sample induction exercise on cross-cultural awareness*.)

#### **A.7.5 Progress reports**

Parents from outside the UK may be surprised that they do not automatically have access to information about under 18s, and UK data protection legislation and institutional policy should be clearly explained in advance.

It is common practice to send progress reports to the parents of children under 16 as standard, but there is less agreement as to whether permission is required from students who are 16-18. Some institutions make consent to sending reports a condition of the student contract, and thus acceptance at the school.



### **A.7.6 Parental visits**

Institutions will generally want to welcome visits from parents and to ensure that a representative will be available to speak to them. It is helpful to give parents advice on planning visits, eg to mention that if they would like to speak to specific people, they should make an appointment to arrange convenient times, particularly at the beginning of a programme.

Parents should be given the child's timetable so they know the times when it is convenient to visit them. Parents should be informed that for security and safety reasons it is essential that they report to the reception area at the institution or residence, and receive a visitor ID pass before seeing their children. Some institutions will wish parents to advise staff in advance if they plan to visit their children, and to contact homestay hosts in advance to arrange a convenient time if they wish to visit.

In schools and some colleges, parents may be required to give their permission, preferably in writing in advance, if other adults are to visit their child at either the institution or the homestay. Visitors should be 'supervised' if there is the possibility of access to other under age students. Staff should politely question any unaccompanied adults on site who are not wearing a visitor ID badge.

### **A.7.7 Registers**

HEIs will not normally expect to monitor attendance. However, schools and colleges which take attendance registers should use the register system to check that under 18s are present in class. Absences should be reported and followed up. Hosts and 'guardians' should be told about the importance of informing the colleges of absences at the start of the college day, both in relation to safety issues and regarding the Home Office attendance requirements for students on visas.

## **A.8 Welfare and medical treatment**

### **A.8.1 Diet**

International students may find the food in the UK very different from what they are used to; where possible schools should aim to offer choices suitable for the students' backgrounds, eg provision of vegetarian or halal food, or offering rice and bread with all meals instead of just potatoes.

Students should have clear instruction about health and safety measures with regard to the use of kitchen equipment, eg knives, microwave, particularly if away from home for the first time or unfamiliar with equipment they are likely to encounter in the UK (eg kettles).

### **A.8.2 Information on medical history and consent to treatment**

Parents and students should have a clear overall picture of what the institution provides medically and what it does not, for example:

- any on-site facilities such as a GP, health centre, matron or sick bay
- whether the guardian will be responsible for ensuring the child registers with a GP, or whether the school/college or homestay host will do so
- information about what is and is not covered by the NHS and the possible need for health insurance

Where medical insurance is not included, institutions can also advise that students should visit their dentist before leaving, to avoid potentially costly dental visits in the UK. Students who wear contact lenses could be advised to visit their opticians to ask what solutions they will be able to buy in the UK, and what to take with them.

Schools should build into the student agreement that next of kin will be informed in the event of concerns about the health of a student under the age of 18.

Parents/students should be asked to complete a comprehensive medical information form, disclosing the child's medical condition and previous history so that welfare staff have the medical background of each student, highlighting potential problems, eg epilepsy, asthma, eating disorders. It may be prudent for institutions to obtain information in relation to surgical/medical procedures which would not be acceptable in the student's culture or religion. Vaccination information is also useful if there is an outbreak at the institution. See Sections B.11.1 and C.9.1 above on the situations where the under 18 students can give their permission for treatment; the parental agreement form should reflect this. (See *Appendix 14: Sample medical form.*)

UK doctors will want clear information about what medication the student is taking and the reason it is taken. Parents and students should be informed that relevant medical information will be given to appropriate institution staff and residential staff, and to the child's guardian and homestay family, with the parent or child's permission as appropriate. Institutions might like to inform parents that if children take medication they should have a reasonable supply with them and that doctors could be asked to write a letter stating that the medication is for the student, to avoid problems at customs. Parents should also be informed that medical and prescribing practices in the UK may differ from the home country.

Institutions accepting younger students should also have a policy on what medical responsibilities they will accept, eg whether school staff will give medication. If students are responsible for their own medication, institutions may want to know that it is safely stored, especially in respect of access by other students. If parents wish school staff to give medication, the staff must have clear written instructions, preferably from the child's doctor, and signed permission from the parents. It is good practice in a school-type environment for all medication to be handed in, except inhalers. Institutions may also wish to ask what procedure parents would like them to follow if they discover the child has missed his/her medication.

One summer school recommends students to visit their doctor two months before the course to discuss health risks and precautions that can be taken to avoid illness while on the summer programme.

### **A.8.3 Mental health issues**

For many different reasons, even with a comprehensive medical form, some parents and students will fail to register problems, particularly mental health issues. Students can arrive with stress or psychiatric issues, or may develop them in response to the stresses of adapting to a new environment. Some do not want to leave home and study in another country, and can feel unloved and rejected by their parents. It may be some time before symptoms become apparent. Within the bounds of confidentiality appropriate information can be exchanged which will help issues to be identified and the student fully supported, either within the institution or by services in the community. Older students can be given self-help information addresses in their student handbooks, but it is important that students under the age of 18 involve institution support staff before any outside organisation is contacted. Parents should be made aware that students may be asked to leave the institution if relevant medical information was not declared, and the necessary support cannot be provided.

Many welfare staff will have experience of students with eating disorders, eg anorexia and bulimia, and will be aware of how adept students can be at hiding this from other people in their lives. All those involved in caring for the children should be aware of these problems through information and training, including residential and catering staff, and homestays who will be in the forefront of handling issues regarding food. They need to know what signs will indicate a problem, and to inform the school welfare staff of suspicions. Hopefully if students are identified as suffering from an eating disorder they would accept counselling. For students under 18, staff would want to inform the parents and exchange information as to whether this had been a problem in their home country. These are issues that can rarely be solved quickly.

### **A.8.4 Sexual activity**

International students may find themselves in a more relaxed environment with regard to sexual relationships than those they have encountered at home. Staff and homestay parents must be vigilant with regard to sexual relationships between younger students and report any concerns.

International students need to have the same access to information, training and support with regard to sexual relationships as other students, bearing additionally in mind that their previous sex education may have been limited, and that norms around sexual relationships, family planning and sexual health issues may have been very different in their home country. Institutions may wish to consider making parents aware of what this will entail, eg in schools where it may be a routine part of the curriculum. Ideally there would be opportunities for under 18s to discuss – eg in tutorial or welfare sessions – cultural attitudes towards gender, friendships and sexual relationships, and thus create a climate where students will feel safe to voice personal issues, either in group discussions or in private tutorials.

### **A.8.5 Culture shock and homesickness**

International students can become distressed for different reasons, including culture shock, finding it difficult to adapt to the diet, being overwhelmed by differences in their residential setting including the lack of privacy, and not being able to fully communicate their feelings. Young people can react in different ways, eg becoming miserable, introverted or aggressive or having trouble sleeping. This may be their first experience of communal living and being away from home, and they could be upset when parents contact them. It is only rarely that a student is so distressed that arrangements need to be made for them to return home. Residential staff and homestay families should be alerted to pick up the signs, and report them to welfare staff responsible for the child.

Some children, particularly small ones, will become homesick; most will cope with these feelings. Schools may set limits on the time for which they will accept very young children on programmes (eg setting a two-week maximum), although the school may extend this if the child is settled and happy.

Younger international students may be more vulnerable to homesickness and isolation particularly at weekends and during holidays. They should be encouraged and assisted to join clubs or get involved in activities early on during their stay before isolation or loneliness sets in.

There are strategies to overcome problems such as homesickness with children, for example:

- send pre-arrival information so that students will know what to expect
- ask the agent to provide a cultural briefing before the child leaves for the UK
- use an interpreter for the arrival meeting if the child's English level is low
- learn names early and spot possible problems at an early stage
- check whether there are any brothers, sisters or other relatives in the school
- try and 'pair up' the child with another from the same nationality or with a returning student
- move the child to a better bedroom or dormitory if there is a conflict between students or bullying

(A longer version of this list can be found in ARELS Care of Juniors Manual, 1996.)

### **A.8.6 World epidemics**

Staff working with international students should be aware of world health issues such as SARS and Bird Flu, as students may be travelling from affected areas to the institution. The World Health Organisation website <[www.who.int](http://www.who.int)> can be consulted for advice. Health scares can raise potential problems if homestays refuse to have returning under 18 year old students in their homes, and there are no facilities for under 18s in residential accommodation or if the institution decides that students should be in quarantine before joining their groups. These issues should be considered in institutions' contingency plans.

## **A.9 Sporting and leisure activities, trips and residential programmes**

Parents should be given full information about sporting, leisure and extra-curricular activities at the institution, and may need to be asked to sign forms giving permission for activities which are part of the course. Parents must have information about any specific high risk activity, and should be able to opt out if this is not part of the course. Colleges may wish to ask some basic questions related to frequently offered activities, such as whether a child can swim 50m competently, an essential question if swimming is part of the programme or there is a pool on site. In locations where students can hire bikes managers should decide if this is an activity that requires parental permission and the wearing of helmets.

Young people will benefit from taking part in activities which will help them to fit, explore the local and wider environment, and socialise with their peers, including young people from the local population. Activities outside class hours are easier to organise if students live in residential halls, and more difficult when students live in homestay or private accommodation scattered over even a small area. Students can be reluctant to come back into the institution in the evening for differing reasons, eg shyness, anxiety about an unfamiliar situation or travelling home in the dark, pressure to study during their spare time, finance – due either to a real shortage of money or to over-conscientious economy. Difficulties can be overcome, for example if the programme is part of the working day, the costs of the programme are included in course fees, or if transport home after activities is part of the service or available for only a small additional charge.

Ideally under 18s in residential halls should be allocated accommodation close to the main campus and sporting activities and those living in homestay or private accommodation would be encouraged to return in the evenings.

Trips and off-site activities must be organised with great care as students will probably be in unfamiliar surroundings, in a different culture, with varying degrees of confidence in spoken English. Students should carry their ID cards at all times, and have emergency numbers to call. Staff should have the mobile numbers of all students, and any students without mobiles should be paired with students who have them. Staff will want to ensure that all, including the transport driver, agree on meeting places and times, and these should be marked on maps for students and staff alike. Under 18s who have parental permission may be given some free time to spend in groups during the visit. Staff and students will want to stick to a clear agreed procedure in the event of a student becoming lost, eg to wait as long as possible with the transport, one member of staff remaining if the student has not returned before the transport leaves, and the police being informed by managers if the student fails to appear before the member of staff must return to the institution.

The institution should have rules for students who wish to visit friends or relatives during leisure time, eg whether parental permission is needed, and what degree of freedom students will have to travel unsupervised. (See *Appendix 15: Rules and regulations for staff and students on visits.*)

## A.10 Rules, regulations and the student contract

### A.10.1 Information about institutional rules and regulations

Parents and children should be made aware of all relevant rules and regulations before under 18s come to the institution. Some institutions use them as the substance of the student contract which must be signed by the student before arrival. It is good practice to try to make the rules positive rather than negative.

Parents and agents should be informed of any changes to policies and procedures that affect the contract or safety. This will be more likely to affect students on longer programmes, but could occur for shorter programmes if a new problem occurs and a revised procedure is put in place. Updated information could have the changes highlighted, so that it will be quick and easy to understand.

Institutions accepting students with low levels of English should consider whether they will translate their rules into other languages. Visuals may help understanding.

Rules may cover issues such as bad language, chewing gum, drinking, drugs, fighting, sexual activity or smoking. Institutions must make sure students and their parents understand the rules and that students could be sent home for unacceptable behaviour.

Most schools and colleges have strict curfew times for under 18s and this can be a problem where students are friendly with students just one or two years older. Institutions can request that parents sign up to the regulations, including the time students must be in at night.

Parents and students should also be made aware of the regulations concerning the use of computers prior to starting the course, and sign their agreement to it.

Institutions can devise useful quizzes about the rules to reinforce them and make knowing about them more fun. (See *Appendix 16: General rules and regulations included on the application form.*)

### A.10.2 Information about UK law

It is useful for institutions to involve the local police in student induction, as they are usually happy to talk to students about the law. It is also a useful way to let young international students know that a police officer is a safe person to approach if they get into difficulties.

Parents need to be informed that their child will be subject to UK laws regarding age restrictions, which in some cases may permit them greater freedom than at home, and in others may be more restrictive. Useful websites setting out the ages at which young people can do things are given in the Resources section at the end of this guide.

Parents should advise their children that although there are licensed bars and restaurants on campus they will be breaking the law if they buy alcohol while under the age of 18.

Students should be made aware of legislation making it illegal to buy cigarettes and alcohol under the age of 18.

### **A.10.3 Problems with the law**

Occasionally some international students have problems with the law, as victims or perpetrators, eg of shoplifting, theft or attacks. In interviews the police will want to use their own interpreters, but it is good practice for staff to give support by accompanying students to the police station, or to court if situations go that far, and a guardian cannot be located. Institution policy is likely to be very specific about any involvement with the law, and to require staff to report incidents to the member of staff responsible for safeguarding children (even if the student is over 18), or to senior managers if there is no such post, and to make no comments to the press without having first presented the statement to senior managers.

Theft can be a problem in some institutions, but must be handled with sensitivity on a case by case basis.

### **A.10.4 Disciplinary policy and complaints procedures**

Institutions must have a disciplinary policy and complaints procedures, which are easy to follow. It is useful for the complaints procedure to be on display so that students will be reminded what to do, if problems have not been resolved through informal discussion. The procedures should be made available to parents and students either on the web or in the handbook or other pre-arrival information, and as part of the induction procedure. Contact details for regulatory organisations to whom complaints can be made should also be given. Institutions should keep a record of all internal complaints and this should be reviewed by senior managers on a regular basis.

If there are problems all staff must follow the disciplinary code. In any disciplinary meetings, it would be good practice for under 18s to be supported, preferably by their guardian, but if necessary by an impartial member of staff.

Institutions should have a policy with regard to students under the age of 18 who are asked to leave the institution and accommodation and should ensure workable arrangements are in place such as ensuring that there is a UK guardian available to take responsibility for the student in such situations. In the absence of a local guardian, institutions would need to consider what to do if the parents refused to return communication or take responsibility for the student's leaving arrangements. For instance, it might be necessary to involve the relevant embassy.



One guardian agency requires parents to either buy a return travel ticket for their child or alternatively deposit sufficient funds with them to enable the purchase of a single airline ticket, in the event that the student has to return home for whatever reason.

If a student is to return home, once a flight is arranged the institution should escort the student to the airport and see them through into the departure lounge, having gained confirmation that the child will be met on arrival. In these circumstances it would be good practice to remain in the airport until the flight has left.

### **A.10.5 Physical restraint**

Information should be accessible to parents and students on the school website and/or in the handbook/guidance about the school's policy on physical restraint. All those involved in caring for students, including homestay hosts, should be given the policy and any necessary guidance, and this too can be part of a training session.

One school policy states with regard to restraint that staff should never physically touch, administer physical punishment to or humiliate a child.

### **A.10.6 Holidays and exeats**

Where students are on a course longer than a term, institutions should request parents to book flights in good time to ensure that children will not travel at an unacceptable time, eg during obligatory teaching time. Parents or 'guardians' must give holiday information to institutions by a stated time before departure. For return to the child's home country this will include the date and the method of transport and departure point. If this is a flight, all details are required including connecting flights, ie the airports and terminals, the times, flight numbers, departure and arrival times.

If the child is to stay in the UK for a holiday, the institution should have the details of where they will be staying, ie the name of the person, their address and telephone number. It is the parent or 'guardian's responsibility to check this is a safe place for the child to stay. However it is good practice not to sanction children staying anywhere without a responsible adult, including hotels.

Children should not simply be dropped off at an airport. They should be accompanied and either handed over to the airport supervision staff or seen through into the departure lounge. It is good practice to wait until the flight has departed before leaving, to ensure there are no delays and subsequent problems.

Where parents or guardians are making the onward travel arrangements from the institution, staff may require details of the transport arrangements to the accommodation or point of departure, eg the airport. This would include the date, pick up times, method of transport, eg taxi, with the name and land/mobile contact numbers.

Parents/'guardians' should give the return to school details at the same time as those for arrivals (and certainly well before the start of the holiday).

### **A.11 Exit support**

Under 18s at HEIs will normally have reached the age of 18 long before they leave the institution, and it is therefore less likely that any special arrangements will be required. However, schools and colleges may want to consider whether special arrangements are helpful for younger students.

The exit process is on-going and at an early stage of the child's stay can include discussions about the next steps for study or work. As the time to leave draws closer students who have been on longer courses will need support with the anxieties and excitements of moving on to the next stage of their life. This will be a bigger emotional and/or practical step for some than others. Those that have suffered bereavements or painful partings in the past may find it more difficult to leave an established way of life and friendships. Others may be unprepared, for example, for the greater independence of life in higher education, and need practical advice and instruction with regard to practicalities such as basic cookery and money management. Those that return home may need to readjust to a very different way of life. The assumption should be that help will be required and effort and time put into preparing a suitable programme for the specific students leaving the institution and their individual situations.

Students should also be asked to complete an exit review. It is good policy to have focus groups to discuss provision and specific changes to services, and to improve the service for those on the course. Discussion in age groups may give younger students more confidence to contribute to the discussions. It is also useful to ask parents for feedback on their experience of the service, and to invite suggestions from them.

Hopefully students will have had a good experience, and will feel that they will be welcomed if they return for another programme, or just to visit, and they and their parents will feel confident in recommending the institution as an appropriate environment for other young international students in future.

## **B. The regulatory regime for international students under 18**

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### **B.1 Introduction**

International students who are under 18 may be unaware or unfamiliar with many aspects of UK law and culture. Accordingly, educational establishments may adopt or have imposed upon them greater responsibilities towards overseas child students than they would have for home students of the same age.

Sections B and C identify the principal regulatory law that affects an education institution that welcomes children from overseas: ie what institutions *must* do. It also identifies some key areas of law that although not regulatory have the effect of imposing obligations on the institution. Some of the child's rights against the institution are also identified.

Section A of the guide deals with good practice in connection with activities undertaken either by or for under 18s from overseas.

The intention is to state the law as at May 2007.

### **B.2 Safeguarding Vulnerable Groups Act 2006**

*(for Scotland, see C.2 for details of the Protection of Vulnerable Groups (Scotland) Act 2007)*

The law of England and Wales identifies a person under the age of 18 as a child (see C.1 of the supplementary section for Scotland below). It also recognises that the nearer a child gets to 18, the greater the child's ability to take decisions for him or herself becomes. Therefore the law operates a sliding scale of responsibility with those under 16 being seen to be more vulnerable than those aged 16 to 18. Primary responsibility for the welfare of children lies with the parents or those acting in their place. The law also places some obligations on education institutions that teach children.

At the time of writing there is much subordinate legislation in connection with the Safeguarding Vulnerable Groups Act still to be produced. Accordingly, this guide can only be taken as indicative of the likely regulation in this area. Further detail can be obtained from <[www.everychildmatters.gov.uk/independentsafeguardingauthority](http://www.everychildmatters.gov.uk/independentsafeguardingauthority)> or <[www.isa.gov.org](http://www.isa.gov.org)>.

### **B.3 Independent Safeguarding Authority Scheme**

*(See C.2 about the Central Barring Unit which will operate in Scotland)*

When the Safeguarding Vulnerable Groups Act 2006 comes into force all existing staff and volunteers engaged in a “regulated activity” as defined by the Act will be required to join this scheme operated by the Independent Safeguarding Authority (“the ISA Scheme”) and employers will be required to check the status of those whom they wish to engage in regulated activity before employing them.

Frequent or intensive teaching, training, or instruction of under 18s will constitute a “regulated activity” within the meaning of the Act unless it is not incidental to that provided to adults and is also carried out sufficiently frequently or intensively. This means that unless under 18s are taught separately from a largely adult cohort, most adult education teaching staff will not need to be a member of the ISA Scheme in respect of their teaching duties.

Those who act as mentors, those with specific responsibility for the welfare of under 18 year old students and wardens of halls of residence (whether paid or unpaid) will need to be checked under the ISA Scheme if:

- their care or supervision of such students is likely to be carried out frequently or sufficiently intensively, or
- they provide any form of advice or guidance to such students if it relates to their physical, emotional or educational wellbeing

An activity is carried out frequently if carried out on two or more days in a 30-day period and intensively if carried out between 2am and 6am and face to face.

Finally, work in an institution providing education mainly to children will be a “regulated activity” if:

- carried out while engaging in any form of work
- carried out for, or in connection with, the purposes of the institution
- it gives the person the opportunity to have contact with children
- carried out sufficiently frequently or intensively by the same person

Accordingly, cleaners, caretakers and receptionists in schools could be carrying out regulated activities under the Act.

When the ISA Scheme goes live, those staff already subject to enhanced CRB disclosures will be required to redo them in addition to joining the ISA Scheme.

The Act will also place obligations on employers of those engaged (whether for pay or not) in a regulated activity to refer information to the ISA Scheme where they have dismissed individuals (or would have dismissed them had the individual not resigned) because the individual has harmed or may harm a child. Government guidance is to be issued on this referral duty.

All institutions covered by this guide need to monitor the position in relation to the implementation of the Act and the ISA Scheme.

## **B.4 Sector-specific requirements**

### **B.4.1 Higher education institutions**

*(See C.1 for Scotland)*

There is no general statutory duty on a higher education institution ('HEI') to safeguard children. Consequently, the welfare of under 18 year olds in HE is dependent upon:

- the common law duty of care owed by HEIs to their students
- any specific statutory duties imposed by legislation (eg section 2 of the Occupiers' Liability Act 1957)
- the extent to which HEIs are expected to act in the place of the parents in the care of under 18 year old students

### **B.4.2 Further education**

*(See C.1 and C.2 for Scotland)*

Further education ("FE") in this guide refers to institutions:

- conducted by a further education corporation, or
- providing further (and possibly higher) education and designated as an FE college by an Order

These are publicly funded FE institutions. Privately funded colleges – such as language colleges – are considered separately.

Further Education colleges ("FE colleges") are subject to specific statutory duties in relation to the education of children.

In particular FE colleges:

- have a statutory duty to safeguard and promote the welfare of children receiving education and training at the College (s175 Education Act 1997)
- are obliged to have “due regard” to guidance on safeguarding (s175 Education Act 1997) issued by the DfES (now largely replaced for FE by the Department for Innovation Universities and Skills, although the Department for Children, Schools and Families retains some responsibility for some aspects of FE)
- are obliged to report unsuitable staff (s175 Education Act 1997)
- may be subject to the *Accommodation of Students under 18 by Further Education Colleges*: National Minimum Standards Inspection Regulations (“National Minimum Standards for Accommodation of under 18s in FE”) made pursuant to the Care Standards Act 2000

In addition, FE colleges will be subject to:

- the common law duties of care owed to students
- other specific statutory duties imposed by legislation
- the extent to which FE Colleges are expected to act in the place of the parents in the care of under 18 year old students

FE colleges are likely to be experienced in the provision of education to many students aged between 16 and 18, and under 16 year olds form an increasing presence in FE colleges.

#### **B.4.3 Private language schools**

Private language schools and colleges are subject to very little direct regulation. As private businesses they are not subject to direct regulation by government departments responsible for education.

Where a private provider is using a public institution’s facilities, or where the course or programme is validated by an HEI (or FE college), the responsibilities of each institution in respect of under 18 year olds will be affected by the relationship between the institutions. In such circumstances, each institution should seek its own legal advice. References to language schools throughout this guide include private language colleges.

It is recognised that in order successfully and lawfully to recruit students from overseas, a language school will need to appear on the Register of Education and Training Providers. The Home Office will only grant visas to people intending to study at an institution on the Register. Those language schools that have been accredited by the British Council, British Accreditation Council or Association of British Language Schools will automatically be included on the register and do not need to apply to be added. Accreditation schemes include detailed requirements regarding the security, pastoral and accommodation needs of students.

Meeting the requirements of an accreditation scheme is not a legal requirement, but failure to do so could result in the removal of an institution from the Register. The inspection criteria of accreditation schemes are also clearly directed at the needs of students from overseas and also the fact that many of them will be under the age of 16.

Accreditation is not the only route for language providers to be included in the Register – direct application may be made too. As one of the purposes of the Register is to tackle immigration abuse in the education sector rather than quality assurance, the requirements for direct application appear to be less detailed than the inspection criteria of accreditation schemes.

However, from early 2009, these arrangements will change with the introduction of the new Points Based System for immigration. Under this all private education providers wishing to admit international students will need to be accredited by one of a limited number of accreditation bodies approved by Ofsted on behalf of the Home Office; only students of those private education providers included on the Points Based System Sponsor Register will be able to qualify for visas.

Apart from these indirect means of regulation, language schools need to comply with all applicable regulations and laws including those relating to the care of children, immigration requirements, health and safety and the common law duty of care relating to negligence.

#### **B.4.4 Independent schools**

Independent schools cater for the education of children, the vast majority of whom will be under the age of 16. Legislation reflects this by imposing detailed standards which independent schools must meet if they are to maintain their registration on the schools register for England and Wales. These include standards relating to the welfare, health and safety of pupils and the suitability of the proprietor and staff, the premises and accommodation at the school. These are dealt with in detail later in this guide.

In addition, independent schools which provide accommodation will be inspected and assessed against the National Minimum Standards for Boarding Schools in order to ensure that they are meeting their legal obligations to safeguard and promote the welfare of boarding pupils. The Department for Children, Schools and Families will refer where relevant to the National Minimum Standards in any action it may take against a school for failing to comply with the duty to safeguard or promote. For any schools where all boarders are aged 16 or over, the *Accommodation of students under 18 by Further Education Colleges: National Minimum Standards, Inspection Regulations* will be used rather than the Boarding School Standards (see Section B.8 for further details of the National Minimum Standards).

Finally, independent schools will owe a duty of care in negligence to all pupils in their

care. The duty to take care in all the circumstances of the case which include the age of the child. The fact that many pupils in independent schools are under the age of 16 will mean that the standard of care expected of independent schools with regard to their pupils will be higher than that expected of HEIs or FE colleges with regard to their students. However, as a school environment is not the “adult” environment of FE/HE, it is anticipated that schools will often have arrangements in place to discharge this more onerous duty.

## **B.5 Equality and diversity**

### **B.5.1 Equality and diversity legislation**

The UK equality and diversity legislation expressly applies to the relationship between FE colleges and HEIs and their students. However, all types of provider will certainly be covered by the legislation once international students are in the UK and it is arguable that prospective international students are covered even while in their home countries. Detailed consideration of all the discrimination legislation is beyond the scope of this guidance. Reference is made in this guide to the age discrimination and the disability discrimination legislation; regard will also need to be had to the sex, race, religion and belief and sexual orientation legislation.

#### **B.5.1.1 Independent schools: discrimination and National Minimum Standards for Boarding Schools**

Where an independent school is subject to National Minimum Standards for Boarding Schools, Standard 18 sets out detailed requirements for ensuring that students do not experience inappropriate discrimination including that:

- appropriate provision or exemption is made, where feasible and desired, for boarders with special dietary, dress or religious observance requirements or needs because of religious or cultural background
- appropriate support is given to students for whom English is not a first language in the curriculum and as boarders

#### **B.5.2 Age discrimination: further and higher education**

The Employment Equality (Age) Regulations 2006 (“the Age Regulations”) came into force on 1 October 2006 and prohibit direct and indirect discrimination, harassment and victimisation on the grounds of age. Once in the UK, international students at FE colleges and HEIs will be covered by the Age Regulations. It is arguable that prospective students are covered even while in their home countries.

Direct discrimination occurs when an individual or a group is treated less favourably than others because of their age and the treatment is not justified. Indirect



discrimination can occur where an institution applies a criterion, provision or practice which disadvantages people of a particular age.

The Age Regulations cover the whole institution/student relationship, stating that discrimination is unlawful when it occurs:

- (a) in the terms on which the institution offers to admit a person to the institution as a student
- (b) by the institution refusing or deliberately not accepting an application for admission to the institution as a student, or
- (c) where he is a student of the institution:
  - (i) in the way it affords him access to any benefits,
  - (ii) by refusing or deliberately not affording him access to them, or
  - (iii) by excluding him from the establishment or subjecting him to any other detriment

The Age Regulations provide that discrimination on the grounds of age against prospective or current students may be “justified”. An institution will be able to justify different treatment if it can show it is a proportionate means of achieving a legitimate aim, ie it is “objectively justifiable”.

The Age Regulations do not provide a list of legitimate aims which could justify age discrimination. However, ACAS guidance, *Guidance on Age and the workplace: a guide for employers* (2006) suggests that they could include the health, welfare or safety of the individual. Compliance with other law would also be a justification.

“Proportionate” means that the discriminatory effect should be significantly outweighed by the importance and benefit of achieving the legitimate aim.

Objective justification will not be an easy test to satisfy and institutions will have to produce supporting evidence if challenged.

Institutions need to ensure that any special arrangements made for the accommodation of full-time students under the age of 18, or minimum age requirements linked to the offer of such accommodation, comply with age discrimination legislation.

#### **A.5.2.1 Issues for further education colleges**

Raising child protection issues as an objective justification for minimum age requirements is unlikely to be successful in FE given the general statutory duty to safeguard the well-being of children to which FE colleges are subject and the National Minimum Standards with which some FE colleges must comply.

Where an FE college is subject to National Minimum Standards for Accommodation for Under 18s in FE (see section B.8.1.2 below), Standard 17 sets out detailed requirements for ensuring that students do not experience inappropriate discrimination, which includes providing appropriate support to students for whom English is not a first language both in residential provision and learning at the college.

### **B.5.3 Disability discrimination**

The Disability Discrimination Act 1995 (as amended) prohibits discrimination, harassment and victimisation on the grounds of a person's disability. Discrimination in connection with the institution/student relationship is defined not only as treating a person less favourably for a reason relating to his/her disability, but also as failing to make reasonable adjustments to ensure a disabled person is not subject to a substantial disadvantage.

The duty to make reasonable adjustments and the requirements of the Disability Discrimination Act 1995 (as amended) apply as much to under 18 year old students from overseas as it does to adult home students. Therefore an institution will wish to encourage international applicants to disclose a disability, giving reassurance that the disclosure will not adversely affect their application to the institution or offer of accommodation.

## **B.6 Clearance to study in the UK**

### **B.6.1 Immigration requirements**

Students planning to study in the UK need to meet immigration requirements before coming to the UK to study. Different immigration requirements apply to nationals of European Economic Area countries or Switzerland than to nationals of other countries. The UKCISA website gives information about what students need to do about immigration before coming to study in the UK, both for nationals of European Economic Area countries and nationals of other countries.

There are no specific differences based on age in the immigration requirements for those applying to study in the UK, except that Paragraph 57(iii) provides that a person who is under 16 years old cannot come to the UK as a student unless he or she "is enrolled at an independent fee paying school on a full time course of studies which meets the requirements of the Education Act 1944". This means that any students who are under 16, and who want to study elsewhere with student immigration permission, have to make an application outside the rules, which is always more complicated and time-consuming and will require more support than usual from an institution.

Institutions need to make it clear in their prospectus and on their website that responsibility for obtaining entry clearance lies with the students and/or their parents.

### **B.6.2 National identity scheme**

This scheme, which will take several years to become fully operational, is to be implemented as part of the Identity Cards Act 2006. Biometric identification for foreign nationals is being introduced in 2008.

When the scheme is fully operational every foreign national (including EU nationals) over the age of 16 and legally resident in the UK for at least three months will be eligible to have an ID card. Paying for identity cards will be an additional cost for international applicants. Institutions need to be aware of the timetable for the implementation of the scheme. Institutions should also make applicants aware of their obligations under the Act as it comes into force while emphasising that it is the applicant's responsibility to obtain a card.

## **B.7 Basic contract and the duty of care**

### **B.7.1 Contract**

*(See C.5.1 for details of contract law in Scotland)*

The relationship between an education provider and its student is principally a contractual relationship. The general rule is that only those aged 18 or over have capacity to enter into a contract. An exception to this rule relates to a contract for "necessaries" which includes tuition and accommodation. However, as children do not often have assets of their own, institutions will often seek parental guarantees in respect of child students. The younger the child (especially those 16 and under), the more appropriate it is to contract with the parent/guardian rather than the student.

Institutions should be aware that contracts for tuition and accommodation are subject to regulation under legislation dealing with unfair contract terms and that obligations under regulations on distance selling may also apply.

### **B.7.2 The duty of care**

*(See C.5.2 for Scotland)*

An education provider owes its students a duty of care in respect of their safety. Where the student is under 18 and the institution is seen to "take charge of the student", the duty of care is likely to extend to taking the care that a reasonably prudent or careful parent would take of his or her children in the circumstances.

The circumstances can include the fact that the institution has the care of a larger number of children than a parent would normally have in his or her care and also the relative maturity of the “child”. Circumstances can also include the fact that under 18s from overseas may not have the same knowledge or experience of the UK as home students so may be more vulnerable to harm than home students of the same age.

Off-site the same principle applies but there are more issues to take into consideration including the actions of third parties over whom the institution has no control.

#### **B.7.2.1 FE colleges’ obligations on the governing body**

The governing body of an FE college is under an obligation to carry out its functions in a manner that has regard to the need to safeguard and promote the welfare of children who receive education or training at the college. This duty does not enable a student to sue the college, but indicates that child welfare is an issue that must be considered by governors.

#### **B.7.3 Vicarious liability for staff and volunteers**

*(See C.5.3 for Scotland)*

Institutions provide a range of pastoral services to under 18s from overseas. If an employee or volunteer carrying out a pastoral role (for example a warden in a halls of residence) does so in a manner that breaches the trust placed in the institution by the under 18 year old, the institution is likely to be vicariously liable for the acts of the employee/volunteer. The special relationship which exists in pastoral care situations between the employee and the student provides the connection between the institution and the acts committed by its employee.

#### **B.7.4 Contracted out services**

*(See C.5.4 for Scotland)*

While the institution may be liable for the selection of a contractor and for a failure properly to monitor the provision of the service by the contractor, it is not likely that the institution will be liable for the acts of the contractor’s employee.

#### **B.7.5 Managing expectations**

Institutions can reduce the risk of claims by managing parents’ expectations as to the level of care and supervision which the institution will provide for under 18s and, where necessary, emphasising the limited control which it may be able to exercise over students.

Statements included in prospectuses or handbooks should reflect the expectations that the institution has of students and identify the limits of the services that it will provide for under 18s. These services will vary greatly according to the nature of the institution.

### **B.7.5.1 Higher education and younger students**

It may be prudent for HEIs to observe that undergraduate students will be joining a predominantly adult organisation.

HEIs have on occasion accepted students much younger than 16-18. In these more exceptional circumstances the institution may wish to enter into some form of parental agreement rather than relying on statements included in a prospectus or handbook. Consideration should be given to which terms, if any, relating to international students from the prospectus or handbook should be included in such an agreement. It is not uncommon for HEIs to require students under the age of 16 to be chaperoned by a parent or guardian. For details of guardianship arrangements see section B12 below.

## **B.8 Premises**

*(See C.6 for Scotland)*

Institutions owe a duty of care under the Occupiers' Liability Act 1957 to all visitors to take reasonable care in relation to their safety while on their premises. (This is the main legal obligation on HEIs and private language schools towards child students on site, whether from overseas or not.) Under this Act, the occupiers of property have to take reasonable care to protect the safety of visitors to their premises. The Occupiers' Liability Act 1957 states that occupiers must be prepared for children to be "less careful than adults". However, the more mature a young person is and the more able to take care of themselves, the lower the duty of care owed to them by the institution.

### **B.8.1 Accommodation provided by the institution**

*(See C.6.1 and C.6.2 for Scotland)*

While not an obligation relating specifically to children from overseas, institutions must ensure that their student accommodation is in a habitable state and complies with health and safety regulations.

#### **B.8.1.1 Higher education**

There are no National Minimum Standards for the accommodation of under 18s against which HEIs will be inspected. However, HEIs must ensure their student accommodation complies with one of the two approved codes of practice for accommodation managed by HEIs in order to be exempt from the licensing scheme introduced by the Housing Act 2006 for houses in multiple occupation<sup>1</sup>.

### **B.8.1.2 Further education**

FE colleges that provide accommodation for under 18s are subject to the National Minimum Standards for accommodation for under 18s in FE. These standards are produced by the Secretary of State for Health under section 23<sup>1</sup> of the Care Standards Act 2000 Act. Standards 37 to 45 deal with the provision of college student accommodation on site. The standards set out detailed requirements with regard to student residential accommodation but aim to ensure that students are provided with satisfactory and secure residential accommodation which complies with health and safety requirements.

### **B.8.1.3 Private language schools**

Unless a language school which provides residential accommodation falls within the definition of an independent school, there are no national minimum standards for accommodation against which the accommodation it provides must be inspected. However, if the language school is regarded as an independent school then the National Minimum Standards for Boarding Schools will apply (see Section B.8.1.4 below for further details).

### **B.8.1.4 Independent schools**

Standard 5 of the Education (Independent School Standards) (England) Regulations 2003 ('the Standards') deals with the standards which must be satisfied by independent schools in respect of their premises and accommodation.

The Standards focus on health and safety requirements of school premises and ensuring that they are appropriate for the education of children. However, standard 5(u) requires that where the independent school provides accommodation it has regard to standards 40 to 52 of the National Minimum Standards for Boarding Schools or, where applicable, standards 23 to 26 of the National Minimum Standards for Residential Special Schools. Standards 40 to 50 (inclusive) of the National Minimum Standards set out detailed requirements with regard to school accommodation and aim to ensure that boarders are provided with satisfactory and secure accommodation which complies with health and safety requirements.

<sup>1</sup> Current codes of practice are: *The Universities UK Code of Practice for University Managed Student Accommodation* and *The Accreditation Network UK Code of Practice for Student Accommodation Managed by Higher Education Institutions*.

## **B.8.2 Accommodation provided by a third party**

### **B.8.2.1 Higher education**

Liability on the HEI in respect of off-site accommodation will be determined by its common law duty of care towards under 18s (see Section B.7.2 above). If the HEI recommends external accommodation, it is possible that it could be liable for making the recommendation. Therefore making recommendations about accommodation should be approached with considerable caution. Where the parents find or expect to find accommodation for their child themselves, it is unlikely that the HEI will be liable for it.

### **B.8.2.2 Further education**

Even if FE colleges do not provide student accommodation for under 18s themselves, they will be subject to the National Minimum Standards for Accommodation for Under 18s in FE if they arrange (whether directly or via an agent) accommodation for students in private houses.

Standard 46 deals with college arranged lodgings and requires that all such lodgings are checked by the college before use and are monitored by the college during use. Detailed requirements include that:

- a member of staff visits all potential lodgings and interviews the adult responsible for providing accommodation and records a satisfactory assessment before any student is placed there
- there is documentary evidence that at least once a year a member of staff visits college-arranged lodgings and reviews provision with the adult responsible for their provision
- homestays receive satisfactory written guidance as to the college's policy and practice for lodging students

The requirements of the National Minimum Standards for accommodation for under 18s in FE mean that it is very important that where an FE college provides accommodation lists, for example, these are accompanied by a clear statement of whether the college or the parent is responsible for arranging accommodation for the student. If the college is responsible for the accommodation of under 18 year olds pursuing courses at its college, the National Minimum Standards for Accommodation of Under 18s in FE apply; if the parents are responsible they do not.

### **B.8.2.3 Private language schools**

Language schools often arrange accommodation in private homes with varying degrees of contact and responsibility on the part of homestays.

Again, if the language school falls within the definition of an independent school, it will fall within the scope of the National Minimum Standards for Boarding Schools which have specific standards expected of schools with regard to school arranged lodgings (see Section B.8.2.4 below).

In addition, even though language schools may not be subject to direct regulation with regard to off-site accommodation which they arrange, the inspection criteria of the various non-statutory accreditation bodies set out standards which must be satisfied with regard to off-site accommodation if the language school is to remain accredited. These may include specific requirements regarding the inspection of such accommodation and make specific recommendations regarding the type of accommodation suitable for particular age brackets, for example the under 16s.

Finally, if a language school holds itself out as arranging homestay accommodation, it could be failing in its duty of care towards those placed in such accommodation if it did not check that such accommodation was suitable and that it was safe for a young international student to be placed in such surroundings.

### **B.8.2.4 Independent schools – National Minimum Standards for Boarding Schools**

Standard 51 of the National Minimum Standards for Boarding Schools deals with the standards expected of schools with regard to school-arranged lodgings. School-arranged lodgings are those provided or arranged for a pupil under 18 by the school or any member of its staff, as part of their work for the school, or by an agent or organisation acting for the school, rather than the pupil's parent or an organisation other than one acting on the school's behalf. They include term time use of lodgings instead of on-site boarding accommodation, holiday lodgings arranged for pupils by the school, pupils lodging with staff members during holidays and accommodation during either term or holiday time with school-arranged educational guardians.



Standard 51 deals with school-arranged lodgings and requires that all such lodgings are checked by the school before use and are monitored by the school during use. Detailed requirements include that:

- the school visits all potential lodgings, and interviews the adult who will be responsible for the accommodation of the pupils in each lodging, taking up references, and has recorded a satisfactory assessment before any pupil is placed there (Standard 51.7)
- at least once per school term, a member of staff discusses the lodgings separately with each pupil accommodated by it (or on behalf of it) in lodgings, recording the pupil's assessment in writing and taking action on any concerns or complaint (Standard 51.8)
- at least once per school year, a member of staff visits all lodgings in which it accommodates pupils to check the continued suitability of the accommodation and to review provision with the adult responsible for the pupils in each lodging, recording assessments in writing and taking action on any concerns identified (Standard 51.9)
- adults providing lodgings for pupils are clear about their responsibility to safeguard and promote pupils' welfare and on the school's requirements of them, use of any punishments or sanctions, and response to allegations or suspicions of abuse and complaints (Standard 51.10)
- for lodgings provided or arranged by the school, the school can demonstrate that adult members of the homestay are checked through the Criminal Records Bureau with a satisfactory outcome before any pupil is placed (Standard 51.4)
- the school provides satisfactory written guidance to homestays accommodating pupils on behalf of the school, covering the school's policy and practice for lodging pupils (standard 51.6)

Standard 51.2 requires that it is clearly stated to parents whether any lodgings accommodating pupils are arranged by the school or by the parents themselves. This means that where a school provides accommodation lists, for example, these should be accompanied by a clear statement as to who is responsible for arranging the lodgings. If the school is responsible for arranging school lodgings, the National Minimum Standards apply; if the parents are responsible they do not.

### **B.8.3 Private fostering**

*(See C.6.3 for Scotland)*

If a student is under 16 (or under 18 and disabled) and cared for and provided with accommodation for more than 27 days by someone other than a parent or relative, then that person will be a foster parent.

The Children (Private Arrangements for Fostering) Regulations 2005 place an obligation on anyone, other than a parent or other person who has parental responsibility for the child, who is involved (whether or not directly) in arranging for a child to be fostered privately, to notify the appropriate local authority not less than 6 nor more than 13 weeks before the fostering arrangement is to begin. Failure to do so is an offence which on summary conviction is liable to a fine (not more than Standard 5) and/or six months' imprisonment.

It should be noted, however, that guidance accompanying the 2005 Regulations – *Children Act 1989 Guidance on Private Fostering* suggests that the obligation to notify “teachers, health and other professionals” involved in arranging private fostering arrangements arises when such professionals are “not satisfied that the local authority have been or will be notified of the arrangement”. It does not suggest that institutions should as a matter of course be notifying local authorities of proposed private fostering arrangements.

There are obligations on the local authority to satisfy itself as to the welfare of privately fostered children.

Where the student is not disabled and aged 16 or over there are no such statutory obligations.

## B.9 Safeguarding students

### B.9.1 A duty to safeguard?

(See C.7.1 for Scotland)

#### B.9.1.1 Higher education

Unlike schools and further education colleges, HEIs are not identified in legislation as having a specific statutory duty to safeguard and protect children. However, HEIs do have a common law duty of care towards students which is likely to include safeguarding young people (see Section B.7.2).

On 8 September 2006, the Minister for Lifelong Learning, Further and Higher Education wrote to each HEI asking it amongst other things to:

- have a nominated senior officer at the institution with a responsibility for safeguarding children
- have a written policy setting out the steps that it will take
- confirm that it is taking note of the principles set out in guidance to schools and FE colleges and following the same principles except where they are clearly inappropriate

The requirements referred to in the letter are not legal requirements but do strongly indicate the expectations of the Minister. The guidance referred to is *Safeguarding Children and Safer Recruitment in Education* (DfES 2006).

#### B.9.1.2 Further education

##### B.9.1.2.a Statutory duty

FE colleges have a statutory duty to safeguard and protect young people in their care. Section 175 of the Education Act 2002 requires the governing bodies of FE colleges to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children.

FE colleges are required to have regard to guidance issued by the Secretary of State to assist them in meeting their statutory duty under section 175 Education Act 2002. Failure by a further education college to do so or to have arrangements in place as required by section 175 of the Education Act 2002 may be grounds for the Secretary of State to take action.

In addition, the performance of a FE college with regard to its responsibilities to safeguard and promote the welfare of children will be subject to inspection.

### B.9.1.2.b Guidance

The current guidance to which further education colleges are required to have regard is “*Safeguarding Children and Safer Recruitment in Education*” which came into force on 1 January 2007 (DfES 2006). The guidance requires that arrangements about matters covered by it should be evidenced by policies and procedures issued in accordance with guidance to achieve that effect.

The requirements of “*Safeguarding Children and Safer Recruitment in Education*” include that FE colleges:

- have child protection policies in place
- operate safe recruitment procedures and carry out appropriate checks on staff and volunteers
- have procedures dealing with allegations of abuse against staff and volunteers
- designate senior members of staff to take lead responsibility on child protection issues
- ensure that the principal and all staff that work with children receive training in child protection issues and that such training is updated at no less than three-yearly intervals
- carry out annual reviews of their policies and procedures

Appendix A of the guidance provides further guidance on matters ranging from forced marriages to physical contact with students and restraint.

B.9.1.2.c National Minimum Standards for Accommodation of Under 18s in FE  
Where a FE college provides or arranges accommodation for under 18s it will be subject to inspection and need to comply with the “*Accommodation of Students under 18 by Further Education Colleges: National Minimum Standards, Inspection Regulations*” (Department of Health 2002). These National Minimum Standards require that FE colleges have welfare policies and procedures in place including policies dealing with:

- bullying and harassment
- protection of students under 18 from abuse
- student disciplinary policy
- under age alcohol abuse
- health and safety

Standard 31 requires that staff with responsibilities for supervision of residential students or the provision of student welfare services are provided with up-to-date written guidance on the college’s policies and practice for the supervision of residential students and the safeguarding and promotion of their welfare.

Standards 13-28 also deal with the level of welfare support expected of FE colleges providing accommodation.

### **B.9.1.3 Private language schools**

Language schools will be under a duty to take the care that a reasonably prudent parent would take of a child (see Section B.7.2). However, language schools are not subject to a general statutory duty to safeguard and promote the welfare of children within their care. Unless a language school falls within the definition of an independent school there are no standards against which it will be inspected. If a language school is caught by the definition of an independent school it will be inspected against:

- the standards set out in the Education (Independent Schools Standards) (England) Regulations 2003; (see paragraph 6.1 in the Independent Schools section for further details)
- the welfare requirements set out in the National Minimum Standards for Boarding Schools, which include Standard 3 which is specific to child protection and allegations of abuse

An independent school is defined by section 172 of the Education Act 2002. Schools at which full-time education is provided for five or more pupils of compulsory school age and which is neither maintained by a Local Education Authority nor a non-maintained special school fall within the definition of an independent school. It is immaterial if full-time education is also provided at the school for pupils under or over compulsory school age.

Although language schools are not obliged to have regard to it, the Department for Education and Skills guidance *“Safeguarding Children and Safer Recruitment in Education”* (DfES 2006) provides detail on the standards the courts may expect language schools to meet as part of their duty of care to their students.

Finally, language schools which are also residential schools may be subject to the National Minimum Standards for care homes registration and the welfare standards contained therein.

### **B.9.1.4 Independent schools**

Section 157 of the Education Act 2002 empowers the making of regulations prescribing standards about a number of matters relating to independent schools. They are relevant to maintaining the registration of an independent school on the schools register and are applied when an independent school is inspected.

The Education (Independent Schools Standards) (England) Regulations 2003 set out the standards expected of independent schools in England and Wales.

Standard 3 relates to the welfare, health and safety of independent school pupils.

The requirements of standard 3 include that independent schools draw up and implement effectively written policies which:

- prevent bullying, which has regard to guidance “*Bullying: Do not Suffer in Silence*” issued by the Department for Education and Skills (now the Department of Children, Schools and Families)
- safeguard and promote the welfare of children who are pupils at the school, which complies with circular 10/95 “*Protecting Children from Abuse: The Role of the Education Service*” issued by the DfES (now the DCSF)
- safeguard and promote the health and safety of pupils on activities outside the school, which has regard to guidance “*Health and Safety of Pupils on Educational Visits*” issued by the DfES (now the DCSF)
- promote good behaviour amongst pupils and set out the sanctions to be adopted in the event of pupil misbehaviour

In addition standard 3 provides that where a school provides accommodation it shall have regard to the National Minimum Standards for Boarding Schools.

In addition, guidance “*Safeguarding Children and Safer Recruitment in Education*” issued by the DfES (now the DCSF), provides that proprietors of independent schools should ensure that:

- a senior member of the school’s management structure is designated to take lead responsibility for dealing with child protection issues and liaising with other agencies where necessary
- in addition to basic child protection training, the designated person undertakes training in inter-agency work that is provided by or to standards set by the Local Safeguarding Children Board, and refresher training at two-yearly intervals to keep his or her knowledge and skills up to date
- the head teacher and all other staff who work with children undertake training that equips them with the knowledge and skills necessary to carry out the responsibilities for child protection, to be kept up to date by refresher training at three-yearly intervals, and temporary staff and volunteers who work with children are made aware of the school’s arrangements for child protection and their responsibilities
- any deficiencies or weaknesses in regard to child protection arrangements are remedied without delay
- the proprietor undertakes an annual review of the school’s policies and procedures relating to safeguarding, and how the above duties have been discharged

Finally, National Minimum Standards for Boarding Schools set out standards which are intended to safeguard and promote the welfare of children for whom accommodation is provided by boarding schools. Standard 3 is specific to child protection and allegations of abuse and sets out what must be put in place for these standards to be met.

### **B.9.2 Sexual activity**

*(See C.7.2 for Scotland)*

Children under the age of 16 cannot give valid consent for sexual activity. Staff and adult volunteers should be informed of the provisions of the Sexual Offences (Amendment) Act 2000 which makes it a criminal offence for a person aged 18 or over to have sexual intercourse with, or to engage in any other sexual activity “with or directed towards”, someone who is under 18 where they are in a position of trust with the under 18 year old. A “position of trust” arises where the adult regularly cares for, trains, supervises or is in sole charge of under 18 year olds who are receiving full-time education at an educational institution and the under 18 year old in question is receiving full-time education at that institution. Those members of staff that have specific dealings with an under 18 year old, such as personal tutors, halls tutors and wardens are likely to be regarded as being in positions of trust.

## **B.10 Background checks on staff, other workers and students**

### **B.10.1 CRB checks**

*(See C.8 for Scotland)*

Criminal Records Bureau (“CRB”) checks involve asking a person about their criminal convictions. The Rehabilitation of Offenders Act 1974 provides that after certain periods of time, many convictions become “spent”. The effect of a conviction being “spent” is that a person need not refer to it when asked whether he/she has ever been convicted of a criminal offence. There are exceptions to this rule which identify circumstances where a person may be asked about spent convictions.

These are set out in the much amended Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 and include at paragraph 14, Part II, Schedule 1:

“Any work which is:

- (a) in a regulated position, or
- (b) in a further education institution where the normal duties of that work involve regular contact with persons aged under 18”

“Regulated positions” are set out in Part II Criminal Justice and Court Services Act 2000 and include assessing a person’s suitability for work where the normal duties involve:

- work in an institution exclusively or mainly for the education of children
- caring for, training, supervising, or being in sole charge of children, or
- unsupervised contact with children under arrangements made by a “responsible person”

There are two types of disclosure provided by the CRB: standard and enhanced.

Standard disclosure will cover spent and unspent convictions and (where sought) reveal whether an individual is barred from working with children. Enhanced disclosure reveals all spent and unspent convictions and other non-conviction information from local police records which a senior police officer thinks relevant to the reason for the CRB check.

Regulations relating to CRB checks provide that enhanced CRB disclosure is only available for considering an applicant's suitability for a position which "involves *regularly* caring for, training, supervising, or being in sole charge of persons under 18". Volunteers who assist with activities associated with FE colleges or HEIs may require CRB disclosure because of the frequency of their volunteering activity and the contact that they have with the children.

### **B.10.1.1 Checks on staff in higher education**

There is no regulation requiring HEIs to run CRB checks on its staff because of the presence of children.

It is clear that the positions listed as "regulated positions" have not been drafted with HEIs in mind. As the law currently stands, there is no statutory requirement on HEIs to obtain CRB disclosure on staff or volunteers in connection with children. However, an HEI may be entitled to obtain CRB disclosure where the individual is seeking work in a HEI which will involve contact with children. It is arguable that a HEI would be negligent if it failed to obtain CRB disclosure where it was able to do so and a child suffered harm at the hands of that person.

#### *B.10.1.2.a Checks on staff in further education*

The Further Education (Providers of Education) (England) Regulations 2006 which came into force on 1 January 2007 require specific checks on all those providing education in an FE college as well as mandatory enhanced CRB checks on those providing education whose responsibilities include regularly caring for, training, supervising or being in sole charge of under 18 year olds.

The government's view is that the definition of persons "providing education" is likely to include not just teachers and trainers but also teaching assistants, lab technicians, classroom and workshop demonstrators.

In addition, the Regulations provide that if it is considered that, by reason of the person having lived outside the UK, an enhanced criminal record check is not sufficient for the purposes of considering his suitability for a position working with under 18s, further checks as may be considered appropriate must be carried out, having regard to guidance issued by the Secretary of State.



A person is exempt under the Regulations from the requirement to have an enhanced criminal record check and, where applicable, further checks outside the UK, where he has worked with under 18s in a school or FE college in England within the preceding three-month period.

Existing regulations for CRB checks provide that enhanced disclosure will be permitted for the purposes of considering an applicant's suitability for a position which "involves regularly caring for, training, supervising or being in sole charge of persons under 18". The net result of the regulations covering CRB checks is that:

- enhanced CRB checks are required in respect of all teaching and teaching support staff in FE
- non-teaching staff whose work in FE regularly involves being in sole charge of under 18 year olds should have enhanced CRB checks. Welfare officer, student support officers and designated medical support officers are likely to be covered by this requirement
- those whose normal duties include but do not require regular involvement in caring for, training or supervising children should have standard CRB checks. This would include volunteers, which could include other students over the age of 18 involved in occasional activities undertaken with under 18s

*B.10.1.2.b. Specific checks required in respect of teaching staff in further education*

The Further Education (Providers of Education) (England) Regulations 2006 require specific checks on all teaching and support staff in FE aside from the requirement for mandatory enhanced CRB checks when such staff regularly train, supervise, care for or are in sole charge of under 18s.

The checks required relate to the verification of the person's identity, his right to work in the UK, whether he has met the relevant qualification requirements and whether he is subject to a "banning" direction under section 142 of the Education Act 2002.

Where a person is to be appointed by the governing body of the institution, the governing body is required to carry out the checks.

Where a person is supplied by an employment business (including a local authority) to provide education at a FE college, the governing body must not accept that person to work at the college unless written confirmation has been received from the employment business that all the relevant checks have been carried out. Governing bodies must also ensure that their contracts or other arrangements with employment businesses include provisions requiring the employment businesses to carry out the checks.

The governing body of an FE college must also maintain a register of all persons providing education at the institution which must show that all checks listed in the schedule to the regulations have been carried out or the relevant confirmations received in respect of each person providing education as well as the dates that the checks were completed or confirmations received.

FE colleges need to be aware that checks required of those having contact with children in FE will change when the Safeguarding Vulnerable Groups Act 2006 comes fully into effect.

### **B.10.1.3 Checks on staff in private language schools**

There is no regulation requiring a language school to run CRB checks on its staff.

Language schools need to consider whether the normal duties attached to a particular post involve caring for, training, supervising or being in the sole charge of children. So for example, where one or two under 18s are included in a class of adults, it would be difficult to argue that the normal duties of the teacher meant that he was in sole charge of children.

Consideration also needs to be given to the level of individual contact with under 18s which the role requires. Whereas positions which involve a high degree of individual contact such as personal tutors or mentors allocated to under 18s are likely to justify enhanced disclosure, others whose normal duties include some care or supervision of under 18s but whose contact is not regular will only justify standard disclosure.

A language school exclusively or mainly for children will be permitted to carry out standard CRB checks on all staff. However, even a language school for children will only be able to seek enhanced disclosure if the staff member is “regularly” involved in caring for, training or supervising children.

There is no regulation requiring that language schools check whether those teaching staff that they wish to employ are not on list 99. List 99 contains individuals who are barred from working in most educational positions or providing “work of a kind that involves a person regularly coming into contact with children with the consent of a relevant employer (which includes a proprietor of a school)”.

However, it is an offence under section 35(2) Criminal Justice and Court Services Act 2000 for an individual knowingly to offer work in a regulated position to an individual who is disqualified from working with children, or to fail to remove an individual from such work. List 99 can be checked when seeking CRB disclosure when the persons normal duties involve “*regularly* caring for, training, supervising, or being in sole charge of persons under 18”.

*B.10.1.4a Checks on staff in independent schools*

Independent schools have been aware since 2003 of the circumstances when enhanced CRB checks on staff should be carried out if they are to meet the standards required of an independent school to remain on the relevant register. Until recently, however, it has not been clear when enhanced CRB checks on staff must be carried out.

The Education (Independent School Standards) (England) (Amendment) Regulations 2007 (the “2007 Regulations”) came into force on 1 May 2007. The 2007 Regulations require mandatory enhanced CRB checks for all staff (including volunteers) appointed after 1 May 2007 unless the new member of staff has worked in a school or FE college within three months prior to appointment. Separate provision is also made requiring enhanced CRB checks on proprietors and governors and confirmation from agencies that enhanced CRB checks have been carried out on supply staff.

The 2007 Regulations also require that additional checks are carried out on staff from overseas if it is considered that an enhanced criminal record check is not sufficient for the purpose of considering their suitability for a position working in a school.

*B.10.1.4b Other pre-appointment checks in independent schools*

The Education (Independent School Standards) (England) (Amendment) Regulations 2007 introduce a requirement that all members of staff (separate provision is made for proprietors and supply staff) must be subject to checks on:

- any bar on working with children and young persons
- identity
- medical fitness
- right to work in the UK
- previous employment history
- character references and qualifications
- professional references where appropriate

Additional checks are also required by the 2007 Regulations to ensure that:

- where staff will care for, train, supervise or be in charge of children for whom accommodation is provided, standard 38 of the National Minimum Standards for Boarding Schools is complied with
- neither the proprietor nor any member of staff carries out work or intends to carry out work in contravention of a barring direction under section 142(1)

The 2007 Regulations also require that a central record of pre-employment checks is kept. This record must be completed by August 2007 for staff in post at that time who were appointed before 1 May 2007.

Independent schools should have regard to “*Safeguarding Children and Safer Recruitment in Education*” (DfES 2006) in carrying out pre-employment checks.

This states at paragraph 4.15 that List 99 checks must be undertaken on all school staff before they begin work and sets out the procedure for carrying out List 99 checks as part of the CRB enhanced disclosure.

### **B.10.2 Portability**

Portability refers to the reuse of existing CRB checks when an individual moves from a position which required a CRB check to a new position which also requires a CRB check, whether within the same organisation or otherwise.

The Criminal Records Bureau does not support the portability of CRB checks and recommends that if an employer is asked to accept an existing CRB check, employers carry out a full risk assessment before doing so – details of which are available at the portability page of the CRB’s website at <[www.crb.gov.uk/default.aspx?page=1870](http://www.crb.gov.uk/default.aspx?page=1870)>

### **B.10.3 Duty to refer staff and other workers**

*(See C.8.3 for Scotland)*

#### **B.10.3.1 Duty to refer in further education**

The Education (Prohibition from Teaching or Working with Children) Regulations 2003 require that where a FE college:

- (a) has ceased to use a person’s services on a ground:
  - (i) that the person is unsuitable to work with children;
  - (ii) relating to the person’s misconduct; or
  - (iii) relating to the person’s health where a relevant issue is raised, or
- (b) might have ceased to use a person’s services on such a ground had the person not ceased to provide those services, it shall report the facts of the case and provide all the information listed in Part I of Schedule I that is available to the FE college in relation to such a person to the Secretary of State.

#### **B.10.3.2 Duty to refer in independent schools**

Regulation 8(1) of the Education (Provision of Information by Independent Schools) (England) Regulations 2003 require that where a proprietor of an independent school

- (a) has ceased to use a person’s services on a ground:
  - (i) that the person is unsuitable to work with children;
  - (ii) relating to the person’s misconduct; or
  - (iii) relating to the person’s health where a relevant issue is raised, or
- (b) might have ceased to use a person’s services on such a ground had that person not ceased to provide them first, the proprietor shall report the facts of the case and provide all the information listed in Part 5 of the Schedule.

Failure to comply with the requirements of Regulation 8 is an offence which empowers the Secretary of State to remove an independent school from the Schools Register. Regulation 4 of the Education (Prohibition from Teaching or Working with Children) Regulations 2003 imposes a duty to refer on a proprietor of an independent school who has ceased to use a person's services on a "ground" referred to in (i)-(iii) above to the Secretary of State for the purposes of his determining whether a direction may be given under section 142(1) Education Act 2002.

#### **B.10.4 Safeguarding Vulnerable Groups Act 2006**

It is likely that a member of staff at an independent school and possible that a member of staff at an FE college or language school may have to be part of the Scheme operated by the Independent Safeguarding Authority ("the ISA Scheme") and be subject to checking as a result of teaching or other duties. See section B.3 above for details of when a member of staff will be required to be a member of the ISA Scheme as a result of their teaching or pastoral duties.

It is unlikely that interviewing alone, as part of the recruitment process, will be a regulated activity under the Act as it is unlikely to be carried out sufficiently frequently or intensively.

Any activity engaged in frequently or intensively in an FE setting in connection with the purposes of the further education college, which is not a regulated activity and which gives the same person an opportunity to have any form of contact with children will be carrying out a "controlled activity". This could, for example, include cleaners, caretakers or receptionists.

FE colleges must check the status of any applicant, volunteer or employee or who is to carry out a controlled activity within the ISA Scheme. Barred individuals may carry out controlled activities provided the FE college puts sufficient safeguards in place.

#### **B.10.5 Checks on homestays and volunteers**

Where students are placed in accommodation with homestays, CRB checks may be required of the prospective host and any other adults in the home.

Education providers should be aware that volunteers who assist with activities associated with the institution may also justify CRB disclosure because of the frequency of their volunteering activity and the contact that they may have with children.

**B.10.5.1 Volunteers in further education**

Guidance in *Safeguarding Children and Safer Recruitment in Education* states that obtaining CRB checks should be considered “*where the volunteering is regular and involves contact with children. Regular is defined as three or more times in a 30 day period, or overnight.*” The Guidance also outlines additional information that principals will want to take into account to allow them to make a risk assessment and use their professional judgement to decide whether a CRB disclosure is necessary. This suggests that some form of risk assessment in conjunction with the need to obtain CRB disclosures for volunteers is a legal requirement as part of a FE college’s statutory duty to safeguard and promote the well-being of children in its care.

Finally, the Guidance states at paragraph 4.57 that: “*Under no circumstances must a volunteer who has not obtained CRB Disclosure, perhaps because he or she does not require a Disclosure due to infrequent contact with children, be left unsupervised with children.*”

**B.10.6 Background checks to be made on students**

Students applying for full-time and some part-time undergraduate courses are asked on the application form of the Universities and Colleges Admissions Services (UCAS) to disclose any criminal convictions, other than convictions that are spent under the Rehabilitation of Offenders Act 1974 and minor motoring offences. Institutions may choose to ask students applying directly to declare unspent convictions. An institution’s ability to ask a prospective international student about overseas criminal convictions will depend on the local overseas law.

It is a matter for the institution what action it takes as a result of any information on previous convictions that it receives. However, as the information is sensitive personal data it should be treated confidentially. There are no specific provisions of law that make the position of children from overseas different from that of home children. Where (for example) an under 18 year old applicant has been convicted of a violent or sexual offence, the institution is likely to owe a duty of care to other students and staff and should consider what measures could be put in place to reduce the risk of the applicant committing a similar offence against them.

It is only in connection with specific courses that an institution would be able to ask a student about “spent” convictions. Again, the ability to make such enquiries of international students is dependent upon the local law.

## **B.11 Medical treatment and consent**

### **B.11.1 Medical treatment**

*(See C.9.1 for Scotland)*

While in the UK, a child will be subject to UK law which says that a child aged between 16 and 18 (or under 16 and of sufficient maturity to understand the nature and implications of the proposed treatment) can give valid consent to medical treatment. Under the age of 18, a person with parental responsibility can also consent to a child's medical treatment, but cannot countermand consent validly given by a child. The law of the child's home country may differ significantly.

Should a child refuse emergency treatment a parent or someone with parental responsibility can consent to treatment on behalf of the child. Accordingly, there may still be situations where a medical professional may want the consent of someone with parental responsibility for a child. Any local guardians should be empowered by the child's parents to give valid consent for medical treatment. The parents themselves should be capable of being contacted.

However, there could still be an emergency that requires action before any locally appointed guardian or parents can be contacted. It is suggested that institutions inform parents in a manner that seeks their consent, that if such circumstances arise, it will act on medical advice and do what is in the best interests of the child.

In light of the fact that international students have different cultural and religious backgrounds, it may be prudent for educational institutions that receive international students to obtain information from parents and students in relation to surgical /medical procedures which they would not consent to or which may be prohibited by their customs or religion (for example blood transfusions and organ transplantation). This information should be kept on file should the need arise for it to be used.

#### **B.11.1.1 Issues for further education colleges**

Where a FE college is subject to the National Minimum Standards for accommodation of under 18s, Standard 7.3 states that students' records require identification of the persons with parental responsibility for students under 18, contact details for parents and other emergency contact arrangements. In addition, Standard 7.5 states that welfare needs and special provision for individual students should be made available to staff with a need to know that information.

*Safeguarding Children and Safer Recruitment in Education* states that the statutory duty on FE colleges to safeguard children in their care provided by section 175 of the Education Act 2002 can include arrangements for meeting the medical needs of children with medical conditions. Therefore, where an FE college is aware of a pre-existing medical condition it should have arrangements in place to support the child in the event of an

emergency and to be able to support that child's individual medical needs on a day to day basis insofar as it is reasonable to expect a FE college to do so.

### **B.11.2 Consent to extra-curricular or high risk activities**

In the past, a child could not give consent for anything, only the child's parents or guardians could give valid consent. Nowadays a child is capable of giving consent to the extent that the individual child can understand properly the significance of the consent being given. It may be difficult to gauge the extent of a child's maturity and understanding before they commence a course. Accordingly, it is desirable that the institution informs the parents of activities that the child will engage in as part of their course of study and receives parental permission in advance of their child participating in those activities, especially for younger students. Parents should also be informed that either they or locally appointed guardians will need to make decisions about their child taking part in activities not identified at the outset of the course.

#### **B.11.2.1 Issues for language schools**

The standards of the accreditation scheme of at least one of the recognised accreditation bodies for language schools against which they will be inspected include:

- having effective systems in place to ensure the health and safety of students on all off-site activities and ensuring that there are clear rules appropriate to the ages of the students for what they may do outside scheduled activity times
- making any homestays aware of the rules of what students under the age of 16 may do outside scheduled activity time and particularly what time they are expected home at night, and working with homestays to ensure that these rules are adhered to

Language schools will reduce the risk of claims in negligence if they adopt similar standards with regard to the care of under 16 year olds.

#### **B.11.2.2 Issues for independent schools**

Independent schools are required by standard 3(1)(c) of the Independent School Standards Regulations 2003 to have a written policy safeguarding and promoting the health and safety of pupils on activities outside the school, which has regard to DfES guidance *"Health and Safety of Pupils on Educational Visits"*.



Standard 29 of the National Minimum Standards for Boarding Schools deals with boarders' safety and welfare during high risk activities. It includes the requirement that written parental permission is obtained in advance for boarders to participate in identifiable high risk activities run by the school or arranged by the school with other groups or organisations.

### **B.11.3 Placements**

Workplace settings can pose increased risks of harm for under 18s, particularly if they are long-term and involve one to one settings with an adult. Dealing with the additional safeguarding risks posed by placements for under 18s is part of the statutory duty placed on FE colleges under section 175 of the Education Act 2002 (see paragraph B.9.1.2 above). Annex A of *Safeguarding Children and Safer Recruitment in Education*, entitled "Safeguarding Children – Additional Guidance and Advice", requires additional safeguards where one or more of the specified conditions apply.

## **B.12 Guardianship**

*(See C.10 for Scotland)*

### **B.12.1 The basic law**

There is no law requiring the parents of an international under 18 year old student to appoint a local guardian. However, the younger the child and the longer the stay in the UK, the more desirable it is that one is appointed.

Section 2(9) Children Act 1989 provides that a person may not transfer or abdicate parental responsibility for their child but may arrange for some or all of it to be met by one or more persons acting on their behalf. Such a person could be a guardian.

It would be compatible with its duty of care towards a child student and the parents for the institution to make the parents aware that they remain primarily responsible for the welfare of their child unless arrangements are made by them for a responsible adult to accept parental responsibility for the child on their behalf.

It is not a legal requirement that institutions require the appointment of a guardian but schools could be in breach of their duty of care towards a child if they fail to raise the issue of the need to appoint someone locally to take parental responsibility for the child or make adequate alternative arrangements to ensure that the parents are able to exercise their residual parental responsibility promptly when required to do so or have exercised it in advance. Locally appointed guardians are not the only persons able to accept parental responsibility for a child. A member of staff of an institution could do so.

Institutions should in any event as part of their duty of care to under 18s from overseas ensure that they have full contact details of those capable of giving consent for activities or treatment that a student may wish to carry out or need.

#### **B.12.1.1 Higher education**

HEIs may also consider alternative means of meeting their duty of care to under 18s from overseas, other than appointing a guardian. They could, for example, insist that a very young child is chaperoned by their parents, or may consider that in the case of 16-18 year olds their personal maturity along with advance parental permission for medical treatment, course activities and placements and detailed designated support services may be sufficient to discharge their additional responsibilities for them.

#### **B.12.1.2 Further education**

If an FE college provides accommodation to under 18s it is a legal requirement that it is able to identify those with parental responsibility (see standard 7.3 National Minimum Standards for Accommodation for Under 18s in FE).

### **B.12.2 Appropriateness of use of guardians**

The clear advantage to appointing a guardian is that it is the guardian that takes parental responsibility and so takes on risk in key areas. Secondly, a guardian will, in all likelihood take on a greater range of services than the institution would or could take with regard to the student. Finally, it is the parents rather than the institution that will pay for the service.

The arrangements between the parent and the guardian/guardianship agency are private. However, an institution would want to be sure that the guardian was able to take any necessary decisions on behalf of the child's parents and to be aware of the services which the guardian will offer.

### **B.12.3 Guardianship agencies**

Agencies exist to assist with finding guardians. If an institution provides lists of guardians or guardianship agencies it is likely that by doing so it will assume some liability for the actions of the guardian since it will have acted as an introducer. Accordingly, it is important that the institution includes a suitably framed disclaimer making it clear that the institution supplies the list for information purposes only and that its liability is restricted to that purpose. Such a disclaimer should be included in the prospectus, handbook or other similar document which is given to potential applicants.

### **B.12.3.1 Boarding School National Minimum Standards and guardianship**

Standard 22 of the Boarding School National Minimum Standards deals with any appointment of educational guardians made by an independent school. It makes clear that educational guardians appointed by schools do not have parental responsibility and requires that “the school makes it clear in writing to parents whether any guardians used by pupils of the school are arranged by or on behalf of the school, or by parents, clarifying that in the latter case, parents rather than the school are responsible for the welfare of their children while staying with the guardians concerned.”

## **B.13 Discipline and physical restraint**

*(See C.11.1 for Scotland)*

The law concerning discipline and physical restraint may be very different in different countries. While pupils are being educated in the UK, UK law applies. The contract between the student (or the parent) and the institution forms the basis of the institution’s entitlement to engage in a disciplinary process. It is important that the child and parent are given the opportunity to consider the disciplinary policy before the student joins the institution.

Section 550A of the Education Act 1996 issued by the Department for Education and Employment in 1998 (“*Section 550A of the Education Act 1996: The Use of force to Control or Restrain Pupils*”) clarifies the powers of teachers and other staff to use reasonable force to prevent pupils committing a crime, or causing injury, damage or disruption (it is likely that responsibility for updating the guidance has passed to the Department for Children, Schools and Families).

There is no specific guidance to which HEIs or FE colleges are subject with regard to the physical restraint of students or child students although it is expected that they will follow the above guidance. Both “*Safeguarding Children and Safer Recruitment in Education*” and the National Minimum Standards for accommodation for under 18s require FE colleges to produce appropriate student disciplinary policies dealing with unacceptable behaviour and breach of student discipline.

It is unlikely that language schools fall within the scope of section 550A of the Education Act 1996. Nevertheless there is an expectation that they will also follow the guidance.

There is an expectation that independent schools will follow the guidance, and they are also required to meet standard 3(1)(d) of the Education (Independent School Standards) (England) Regulations 2003 which states that schools “shall draw up and implement effectively a written policy to ... promote good behaviour amongst pupils and set out the sanctions to be adopted in the event of bad behaviour”.

## **B.14 Insurance and risk assessments**

*(See C.12 for Scotland)*

### **B.14.1 Types of insurance**

Many of the problems that might arise in respect of admitting under 18 year old students will be insured risks. Accordingly, institutions should contact their insurers to see if there are any measures it would wish them to take.

To ensure that the full risk is notified to insurers and insured against, institutions must inform their brokers of all activities they undertake. If any new activities are commenced during the policy year, the brokers must be informed so that they can ensure that full cover is in place for such activities.

The institution will need to ensure that its material damage policy adequately covers vandalism/malicious or accidental damage which may be caused by children to the institution’s own property.

The institution will need to ensure it has adequate public liability cover for any injuries or damage to property that may be caused by children under their control to third parties or to the children themselves while under the institution’s control.

Institutions will also need to establish the insurance arrangements for students sent out on secondment, work experience or placement. This could mean:

- the institution requiring the placement provider to take out insurance in respect of personal injury and public liability claims, or
- the institution and the placement provider acting as co-insured in respect of personal injury and liability claims, or
- the institution extending its own policies to cover those students working or studying away from the institution’s premises

If the institution is to recommend guardian agencies, the school should inform its insurers of the broad system of appointing guardians.

Institutions should make it clear in prospectuses or handbooks who is responsible for which insurances in respect of the student: personal accident, travel, possessions, medical, public liability.

If staff are likely to transport students in their cars they should be advised to check that their insurance provides cover to do this.

### **B.14.2 National Minimum Standards and risk assessments in FE**

In addition, where a FE college is subject to National Minimum Standards for Accommodation for Under 18s in FE, Standard 21 requires that records of risk assessments are regularly monitored and that reasonable action is taken to reduce risks identified by risk assessments.

## **C. The regulatory regime: Scottish supplement**

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### **C.1 Introduction**

Schools in Scotland are the responsibility of the relevant local authority. This is not the case, however, with further education and higher education institutions, which are largely autonomous in their operations.

One of the key differences between Scottish and English law is that the age of legal capacity is 16 in Scotland, whereas it is 18 in England. However, there are some limited circumstances where a person under the age of 18 is protected by certain legislation. As in England, the responsibility for the welfare of a child lies with the parents or those who have acquired “parental rights and responsibilities” in relation to the child. Local authorities and educational institutions also have a duty to promote the health, welfare and development of children particularly whilst undergoing school based education.

This supplement should be read in conjunction with the main part of the Guide. It will detail instances where there are key differences between the laws of Scotland and England. Unless the contrary is indicated, it can be assumed that the position in Scotland is as identified in the main part of the Guide. Unless otherwise indicated, the Scottish laws and regulations identified in this supplement apply to higher education institutions, further education colleges, language schools and independent schools.

The intention is to state the law as at 30 September 2007.

### **C.2 Protection of Vulnerable Groups (Scotland) Act 2007**

The first provisions of this Scottish Act came into force on 1 September 2007. It is broadly similar to the Safeguarding Vulnerable Groups Act 2006 which applies in the rest of the UK. Full implementation of the Act is expected to take some time but it is anticipated that the key provisions will be implemented during 2008. In general, the Act creates and builds upon the current provisions in relation to the vetting of persons who are employed to work with children, through the creation of a ‘vetting and barring scheme’ which will be implemented through secondary legislation.

The Act is designed to prevent persons who may be a risk to a vulnerable person (child or adult) from working in a capacity which involves contact with a vulnerable person. This includes voluntary work as well as paid employment.

The Act provides a framework for a recording scheme which will identify those who may be unsuitable, or have become unsuitable, to work with certain groups in society. The intention is that the recording scheme will be regularly updated to reflect the current position in respect of individuals who are working with vulnerable groups.

The Act applies to schools and educational institutions as well as other bodies and organisations which involve contact with vulnerable groups. For the purposes of the Act, unlike other areas of Scottish law, a person who is under the age of 18 is defined as being a child.

The Act does not apply to an individual person as an employer, but more to large organisations or bodies. The Act involves redesigning the scheme which is currently used to protect children under The Protection of Children (Scotland) Act 2003 and extending the current record-keeping requirement to include vulnerable adults also. A new Central Barring Unit will work with the Scottish Police Services Authority and will determine whether a person is suitable to work with children or vulnerable adults.

The Act will cover:

a person employed to work in, amongst others, any of the following establishments:

- a school (including independent schools)
  - a further education institution
  - a hostel used mainly by pupils attending a school or institution mentioned above
- and a person who is employed for, amongst others, any of the following purposes:

- caring for children
- teaching, instructing, training or supervising children
- being in sole charge of children
- unsupervised contact with children
- providing advice or guidance to children, and/or
- moderating certain interactive communication services

Persons who have contact with students, for example non-teaching support staff, will also be subject to the vetting and barring scheme.

An educational establishment that has dismissed an individual, or transferred an individual to a position which does not involve 'regulated work', because that individual has harmed a child (or put a child at risk of harm) will be required to notify the Scottish Ministers in a prescribed form. It should be noted that where a person's employment ends before the institution has taken or initiated any intended action, an obligation to inform of that fact still exists. It is stressed that the obligation lies upon the educational institution to inform the Scottish Ministers.

A large proportion of the Act is a framework which will be implemented and refined by Scottish Ministers through subordinate legislation. As these regulations are currently being produced, it is suggested that educational institutions which are responsible for care of children or vulnerable adults pay close attention to any developments in this area. At the time of writing the 2003 Act is still in force; however the 2007 Act, once fully in force, will repeal the 2003 Act.

The Safeguarding Vulnerable Groups Act 2006 establishes a vetting and barring scheme for England, Wales and Northern Ireland which is similar to that created under the Scottish Act. The Scottish Act complements the Safeguarding Vulnerable Groups Act 2006 by ensuring there are appropriate levels of consistency and cross-border information sharing and that loopholes are avoided.

### **C.3 Equality and diversity**

Equal opportunities and diversity is an issue which has not been devolved to the Scottish Parliament. Accordingly, the legal position is the same as English, Welsh and Northern Irish provisions.

### **C.4 Clearance to study in the UK**

Immigration and nationality issues have not been devolved to the Scottish Parliament. Accordingly, the legal position is the same as English, Welsh and Northern Irish provisions.

## **C.5 Basic contract and the duty of care**

### **C.5.1 Contract**

Scotland has its own rules of contract law which are distinct from the rest of the UK. Key relevant differences are detailed below.

The Scottish position on contractual capacity is covered by the Age of Legal Capacity (Scotland) Act 1991 which deals with transactions entered into by persons under the age of 16. The Act provides that a person under the age of 16 has no capacity to enter into a legal transaction unless that transaction is of a kind commonly entered into by persons of his age and circumstances and on terms which are not unreasonable. The test created by the Act is a subjective test and as such it relates to each individual child. The purchase of everyday necessities will normally satisfy the test. However, transactions which are onerous or particularly expensive may be scrutinised more carefully. A contract with a person under 16 for the provision of education or housing should normally be concluded with the parents of that child.



A person aged 16 or over has the capacity to enter into a contract or other transaction. However, where an individual has entered into a transaction while he was over 16 and under 18, an application may be made to the court to have the transaction set aside if it causes the individual “substantial prejudice” and at the time of the application the individual is under the age of 21 years. A transaction causing substantial prejudice is defined as a transaction which (a) an adult exercising prudence would not have entered into in the circumstances of the individual at the time the transaction was entered into, and (b) has caused or is likely to cause the individual substantial prejudice. It is therefore advisable that when a person under 18 is involved in any significant transaction, the transaction is with the parents rather than the child himself.

The legislation dealing with unfair contract terms and the distance selling regulations also apply to Scotland.

### **C.5.2 The duty of care**

Scottish law, like English law, recognises that a duty of care is owed by educational establishments to their students and staff. The extent of that duty of care is influenced more by the age and maturity of the child concerned than the status of the institution, and the younger and more immature a child, the greater the duty of care in relation to that student. International students with different cultural or ethnic backgrounds, and possibly encountering language barriers, will be owed a higher duty of care to safeguard their health, development and welfare than a student from the UK.

### **C.5.3 Vicarious liability for staff and volunteers**

As in England and Wales, where a staff member/volunteer is employed or engaged by an institution, that institution is normally vicariously liable for an act or omission by that staff member/volunteer which occurs during the course of his employment, or is closely attributable or connected to his work. This is the case whether or not the acts or omissions were instructed or approved by the institution. This is of particular relevance to those who have close contact with students outwith normal class hours, whether in a teaching relationship or otherwise (for example, in relation to accommodation and the running of extra-curricular activities).

### **C.5.4 Vicarious liability for contractors**

As in England and Wales, where an educational institution appoints an external contractor, that institution may be held responsible for the selection and appointment of the contractor, but it will not normally be vicariously liable for the staff of the contractor. In most circumstances the contractor would be held liable rather than the institution. There may be exceptions to the normal rule, however, and it would be prudent for institutions to ensure relevant background checks are available in relation to those contractors who may have close proximity to students.

## C.6 Premises

A statute similar to the Occupiers' Liability Act 1957 applies in Scotland, namely the Occupiers' Liability (Scotland) Act 1960. While the Act does not make any reference to greater duty of care being owed by occupiers to younger persons, there is substantial case law which suggests that in determining whether or not the occupier has taken "reasonable care" to protect the safety of visitors, the following factors will be considered:

- the nature of the danger
- the occupier's knowledge of the danger and the extent of the injury
- the probability of the harm arising
- the age and mental capacity of the person injured

Therefore it can be said that, as in England, the more obvious the danger, the less by way of warning is required for the average person, but where the visitor may be a young person, the duty of care is increased.

In addition to the provisions of the Occupiers' Liability (Scotland) Act, there are a number of regulations imposed upon educational establishments and public buildings generally to ensure that the premises are fit for purpose and adequately maintained and ensure a safe working environment.

### C.6.1 FE and HE arranged accommodation and lodgings – National Minimum Standards for accommodation

There are a number of minimum standards that are imposed where accommodation is being provided for the purposes of education. Whilst specific legislation deals with schools (the Regulation of Care (Scotland) Act 2001 (see B.6.2 below), Further Education and Higher Education Institutions are covered by more generic legislation which applies to public buildings and accommodation which is used for student residence.

In particular, Scottish law requires that where more than three people who are unrelated reside in an accommodation this will be considered a "House in Multiple Occupation" (HMO) and will be subject to a licensing regime. The legislation is contained in the Civic Government (Scotland) Act 1982 and the Civic Government (Scotland) Act 1982 Licensing of Houses in Multiple Occupation Order 2000. Licences are issued by the local authority to the proprietor of an HMO after checking that the property meets certain standards and is properly managed.

A House in Multiple Occupancy is one where:

1. at least three people live there; and
2. the people who live there belong to three or more families (if the owner lives there, they and their family are not counted); and
3. they share a kitchen, bathroom or toilet.

The most common types of HMO are private landlord-owned shared flats and houses, but they also include:

- hostels
- student halls of residence
- some types of supported accommodation

### **C.6.2 School-arranged accommodation and lodgings**

The Scottish equivalent version of the English Care Standards Act 2000 is the Regulation of Care (Scotland) Act 2001. This Act establishes the Scottish Commission for the Regulation of Care. The Scottish Ministers are under an obligation to create National Care Standards and the Commission registers and inspects against these.

The various National Care Standards documents are available on the Commission's website ([www.carecommission.com](http://www.carecommission.com)). There are two National Care Standards documents of relevance in relation to schools. These are "*National Care Standards: School Care Accommodation Services*" and "*National Care Standards: Care Homes for People with Learning Disabilities*".

The definition of "school care accommodation" in the 2001 Act includes residential accommodation provided to a school pupil by both a local authority and an independent/grant aided school, but does not extend to further and higher education institutions. The law relating to non-school (ie HE and FE) accommodation is covered in the law relating to Houses in Multiple Occupancy (see B.6.1 above).

Schools in Scotland are subject to regular visits and inspections by Her Majesty's Inspectorate of Education. Boarding facilities are also inspected by the Scottish Commission for the Regulation of Care which has a particular responsibility to ensure that the appropriate arrangements have been made for the care and welfare of residential pupils. Inspection reports are published for each school and can be obtained from the Inspectorate's website at [www.hmie.gov.uk](http://www.hmie.gov.uk).

Section 125A of the Education (Scotland) Act 1980 provides that where, for the purposes of attending a school, a child or young person is provided with residential accommodation in a place in or outwith that school, there is a duty on the education authority, board of management or managers to safeguard and promote the welfare of the child or young person whilst in the accommodation. In addition, the Children

(Scotland) Act 1995 requires proprietors and managers of independent schools to promote and safeguard the welfare of pupils in residential accommodation provided by a school.

### **C.6.3 Private fostering**

In Scotland private fostering is an arrangement between a child's parents and another person who is not a relative of that child, whereby the child is to live with the person on a short- or long-term basis. It applies where the child is under the age of 16 years old and the placement will be longer than 28 days at any one time. It includes all instances of caring even if the arrangement is facilitated by another party. But if the arrangement involves the child being looked after in a school governed by the Education (Scotland) Act 1980 or by relatives or a local authority, or being boarded-out by an educational authority, this is not a private fostering arrangement.

The relevant legislation is the Foster Children (Scotland) Act 1984 and the Foster Children (Private Fostering) (Scotland) Regulations 1985.

Where a child is proposed to be maintained as a foster child under a private fostering arrangement, the law requires that the local authority is informed by both the parent and the foster parent. Notice must be given at least two weeks before the start of the arrangement. Only in an emergency situation may this period be reduced, but the local authority must still be advised within seven days of the child being placed.

While the local authority does not acquire parental rights and responsibilities in relation to the child, it does have a statutory duty to ensure that the private fostering arrangements are satisfactory and appropriate to the needs of the child. In addition, the foster parent, whilst not acquiring parental rights and responsibilities, does acquire a duty to do what is reasonable in all the circumstances to safeguard the child's health, development and welfare.

Once a local authority is aware of a private fostering arrangement, it is required to visit the child within one week of the commencement of the placement. In addition, the authority must conduct visits at intervals of not less than three months where a child has been placed for under a year, and at intervals of not less than six months thereafter. It would be advisable for educational institutions who receive international students to advise parents of these obligations.

There are no specific requirements that a parent and private foster carer make any form of agreement regarding the arrangement. It is irrelevant whether the carer is receiving financial contributions from the parent or not. The private foster carer automatically acquires an overarching duty to safeguard the health, development and welfare of the child concerned and to take all reasonable steps to achieve this aim. Common sense should dictate what information is shared. This said, it would be useful if the parent and private foster carer shared basic information, particularly in relation to any medical conditions of the child and any religious customs. In the absence of knowledge of this information, and where a parent is unobtainable, a decision in an emergency situation will rest with the foster carer. As such it is essential that the foster carer is aware of medical conditions and religious customs in relation to the child to ensure an appropriate standard of care and understanding is achieved.

Failure to adhere to the notification requirements in relation to private fostering arrangements is a criminal offence which can carry a prison sentence of up to six months and a substantial fine. It is highly recommended that educational establishments take an active role from the outset in ensuring that both the parent and the carer are aware of their legal obligations to inform local authorities of private foster arrangements.

## **C.7 Safeguarding students**

### **C.7.1 Statutory duty to safeguard and promote well-being**

#### **C.7.1.1 Further and higher education institutions**

Further and higher education institutions in Scotland do not have a specific statutory duty to promote the welfare of their students. There are, however, a number of statutory requirements which place duties and obligations upon these institutions to maintain safe and secure environments for learning. These statutory duties exist together with the common law duty of care. As most Further Education and Higher Education Institutions only accept students who are older than the school leaving age (currently 16), Scottish law does not impose any specific duties as regards persons over 16, as those are normally regarded, in Scottish law, as adults.

### **C.7.1.2 Independent and language schools**

The position of independent schools is the same as the position in relation to state schools in Scotland and both are governed by the Education (Scotland) Act 1980 (as amended). Each school and local authority has a responsibility and obligation to promote and safeguard the students' welfare. The position in relation to language schools is, however, different. Language schools (unless also independent schools) are not subject to regulatory controls, and as such the common law duty of care will apply together with the various statutes which require a safe and secure working environment.

### **C.7.2 Sexual activity**

Under the Scottish law of sexual offences, the age of consent for both homosexual and heterosexual activity is 16. In addition, the abuse of trust provisions in the Sexual Offences (Amendment) Act 2000, which are referred to above in section B.9.2, apply in Scotland.

## **C.8 Background checks on staff, other workers and students**

For the purposes of the Protection of Vulnerable Groups (Scotland) Act 2007 a person involved in "Regulated Work" with a child will be subject to vetting and clearance.

Regulated work is work which involves:

- teaching, instructing, training or supervising children (except teaching, instructing, or training children which is merely incidental to teaching, instructing, or training individuals who are not children)
- being in sole charge of children, or
- unsupervised contact with children

The Protection of Vulnerable Groups (Scotland) Act 2007 defines an educational institution as a school or further education institution. appropriate vetting of the staff of a school or further education institution will therefore be required.

For the purposes of the Protection of Vulnerable Groups (Scotland) Act 2007, a child is defined as an individual under the age of 18.

Responsibility for obtaining background checks on staff rests with the employer.

### **C.8.1 Disclosure Scotland checks**

The system currently operated for criminal record and police checks is known as Disclosure Scotland. There are currently three types of disclosure checks available for an individual:

- basic – which details only non-‘spent’ convictions
- standard – which details both spent and non-spent convictions
- enhanced – which details both spent and non-spent convictions and may also contain non-conviction information which a Chief Officer or Chief Constable may choose to disclose if they believe it to be relevant to the position in question

Since October 2007 Disclosure Scotland has formed part of a (shadow) Scottish Government agency which will plan, then manage and operate, the new vetting and barring service as provided for in the Protection of Vulnerable Groups (Scotland) Act 2007. The position in Scotland is the same as in England in relation to the Rehabilitation of Offenders Act 1974 which also applies to Scotland. Exceptions to “spent” convictions in Scotland are detailed in the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003 and the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Amendment) (Scotland) Order 2006. These orders cover teachers and other persons who have close proximity to children.

The Protection of Children (Scotland) Act 2003 currently ensures that Scottish Ministers maintain lists detailing persons who are unsuitable to work with children. The 2003 Act also requires employers to refer staff and other workers to the Scottish Ministers where they have (or would have been) dismissed or transferred to work which does not involve contact with children as a result of an act or omission which has, or could have, caused harm to a child.

The 2003 Act will be almost entirely repealed and replaced by the new Protection of Vulnerable Groups (Scotland) Act 2007. This Act makes it an offence for an organisation to employ a person who is disqualified from working with children and vulnerable groups. The timescale involved in implementing the 2007 Act is still uncertain and the 2003 Act remains in force at this time.

### **C.8.2 Portability**

The position is similar in Scotland to that in England and Wales. Disclosure checks do not carry a period of validity; they are only valid at the time of issue and it should be noted that the circumstances or contents may have changed with time. In light of this, it is best practice for a new check to be obtained if an employee moves to a new position even with the same employer. It should also be noted that a new check may be compulsory under the Protection of Vulnerable Groups (Scotland) Act 2007.

### **C.8.3 Duty to refer staff and other workers**

The Protection of Vulnerable Groups (Scotland) Act 2007 requires an educational institution to advise the Scottish Ministers if an individual (including a volunteer) has been (or would have been but for his resignation or termination of a fixed term contract) dismissed or otherwise transferred to a role which does not involve regulated work where the organisation has reason to believe the individual has harmed a child or placed a child at risk of harm.

## **C.9 Medical treatment and consent**

### **C.9.1 Medical treatment**

The Age of Legal Capacity (Scotland) Act 1991 provides that a person under the age of 16 years has legal capacity to consent on his own behalf to any surgical, medical or dental procedure or treatment where, in the opinion of a qualified medical practitioner attending him, he is capable of understanding the nature and possible consequences of the procedure or treatment. The views of the child concerned should be taken into account and there is a presumption that a child who is 12 years old or over is capable of expressing their views and understanding the nature and consequences of treatment.

A person with parental rights and responsibilities for a child can consent to medical treatment on behalf of a child or where the child is not capable of making the decision. Where the views of a child and his parent conflict, there may be need for the involvement of the courts. If a child has been placed in the care of another person who does not have parental rights and responsibilities, that person should ensure that the parents have made the person aware of their child's health status. An appointed foster parent or guardian has the ability to consent to treatment of a child in certain emergency situations.

In light of the fact that international students have different cultural and religious backgrounds, it may be prudent for educational institutions that receive international students to obtain information from parents and students in relation to surgical/ medical procedures which they would not consent to or may be prohibited by their customs or religion (for example, blood transfusions and organ transplantation). This information should be kept on file should the need arise for it to be used.



## **C.10 “Guardianship”: care and control of a child**

The position in relation to responsibilities for a child being assumed by a person acting on behalf of the parents is largely similar in Scotland to that in England and Wales, with some differences in terminology. In particular the term “guardian” is not used in Scottish law for such a person. The relevant Scottish statute is the Children (Scotland) Act 1995 which provides that where a person who does not have parental rights and responsibilities in relation to the child but has “care and control” of the child, that person will have a duty to do what is reasonable in all the circumstances to safeguard the child’s health, development and welfare. While the person does not have the same level of rights and responsibilities as a parent, he does have an overarching duty to look after the child’s well-being in the absence of the child’s parents. This section should be read closely with section C.6.3 on private fostering.

In addition, Scottish law recognises the doctrine of *in loco parentis*, which is the common law requirement imposed on a person who has physical/actual care of the child. This usually arises when a child is at school and would therefore vest in a teacher or other appropriate adult. The doctrine requires the person with care of the child to safeguard the child’s interests. The statutory duty of “care and control” (detailed above) to some extent provides a more enhanced requirement, but the doctrine of *in loco parentis* still forms part of Scottish common law and may be appropriate in limited circumstances.

## **C.11 Discipline**

### **C.11.1 Physical restraint**

Physical restraint of a student should be avoided. Any physical restraint may constitute the offence of assault in Scotland. The Standards in Scotland’s Schools etc Act 2000 provides that physical punishment is never acceptable within an educational environment. Where there is a genuine need to restrain a student for his protection or the protection of others (persons or property), the level of force to be used should be no greater than is necessary in the circumstances and should not be punitive in nature. While the Act does not apply to further or higher education institutions, the common law in relation to assault will apply, and because of this, physical contact should be kept to an absolute minimum and, where required, applied to a reasonable and proportionate standard in order to protect the child/others.

## **C.12 Insurance**

The various types of insurance available in the UK do not differ to any great extent between Scotland and England. However, it must be stressed that advice should be sought from an insurance broker in respect of appropriate cover for each learning establishment. It is a crucial component of all insurance policies that the insured party maintains regular dialogue with the insurance company.

By kind permission of the University of Surrey

### **Purpose**

The University seeks to ensure that its duty of care towards all its staff, students and visitors is fully and effectively discharged, particularly in respect of those regarded in law as more vulnerable. Anyone under 18 years of age is, as a matter of law, defined as a child; and the University recognises it has an enhanced duty towards children. The University has agreed a set of guidelines to work towards ensuring fulfilment of duty of care towards under 18 year olds, which all members of staff who come into contact with children are responsible for complying with.

This document provides a brief summary of the key points within these guidelines. It is not a substitute for reading the full version, which is available at <<http://portal.surrey.ac.uk/scs>>

### Background: legal context and general principles

1. UK Statute Law defines a child as a person under the age of 18 years.
2. The traditional view of duty of care towards children, the *in loco parentis* duty, has been eroded in recent case law. The professional duty is to take steps to “safeguard” children. Safeguarding is defined as meaning that agencies working with children should take all reasonable measures to ensure that risks of harm to children’s welfare are minimised and that, where there are concerns about children’s welfare, all agencies take all appropriate action to address these concerns.
3. The responsibility for safeguarding rests with “all those who come into contact with children and families in their everyday work”.
4. Safeguarding within the University context includes
  - i) ensuring a safe and secure environment
  - ii) enabling parents/carers to have confidence in the institution’s care for under 18 year olds
  - iii) ensuring a quick and appropriate response to any child suffering from or who has suffered from significant harm as a consequence of their interaction with the University
  - iv) preventing anyone who is unsuitable to work with children from doing so, and
  - v) working cooperatively with other agencies that provide services for children
5. It should be noted that whilst HEIs are not included specifically in some elements of the existing legislation, courts may use guidance issued within the secondary and further education sectors as an indication of good practice to assess whether there has been a breach of the duty of care to children by HEIs.

# Appendices

## Appendix 1: Summary of guidelines concerning under 18 year olds

### Summary of safeguarding at the University

#### Policy statement

The University does not accept an in loco parentis responsibility for children.

The University does, however, recognise that it has special duties of care towards children. It is committed to practice that protects children, young people and vulnerable adults from harm and that helps ensure that members of its community who work directly with children or young people are not placed in situations where abuse might be alleged. The University seeks to take every reasonable step to safeguard children by adopting child protection guidelines through a code of behaviour, and following procedures for vetting and training of people who work directly with children and young people.

#### General guidance to staff

- Ensure that any member of staff whose normal duties will include regularly caring for, looking after or supervising a young person under the age of 18 is vetted and subject to Criminal Record Bureau checks.
- Situations where there is only one staff member present with a child should be avoided. On the occasions when a confidential interview or one to one meeting is necessary, these should be conducted in a room where the exit is clearly visible and, where possible, the door to the room is left open.
- Meetings with any student under the age of 18 outside the normal teaching environment/institution should be avoided. Where such meetings cannot be avoided, you should inform another staff member that they are taking place.
- Intimate or sexual relationships between staff and students under the age of 18 are an abuse of trust which may constitute a criminal offence.
- In situations where young students may be providing information of a particularly sensitive nature, for example to staff with pastoral responsibility, staff should be careful not to probe for details which could be construed as unjustified intrusion.
- Unnecessary physical contact with young people/children should be avoided, for example, gestures such as regularly putting a hand on the shoulder or arm. Whilst these gestures may be well intentioned, such acts could be misinterpreted.
- In situations where it is necessary for staff to restrain a young person/child in order to prevent self-injury, injury to others or damage to property, only the minimum force necessary must be used and any action taken must be only to restrain.
- Staff required to administer first aid (normally a trained first aider) should ensure, wherever possible, that another member of staff is present if they are in any doubt as to whether necessary physical contact could be misconstrued.

- Staff should be careful in their use of language/terminology and must not make unnecessary comments which could be interpreted as having a sexual connotation.
- There will be occasions when younger students are placed in settings outside their normal place of study. This may be a professional placement, field trip, summer school, masterclass or taster event. Organisers must therefore ensure that policies and procedures are in place to protect young people/children from harm, focusing greatest protection on settings in which they may be at most risk. A guide and risk assessment pro forma are included in the main document.
- The personal telephone number, personal email or home address of any staff member should not be given to young students.
- In the case of any student making a disclosure or where there is cause for concern, you should explain to the student that this information will have to be referred on and follow the guidance in the following section. Do not attempt to resolve any complaints alone and report all allegations or suspicions of abuse.
- If a member of staff feels that they or other members of the University may be at risk from being the subject of or exposed to unwarranted accusations in connection with younger students, they should alert their Head of School or line manager.

## **Responding to concerns about a child's welfare**

### **Categories of concern about a young person's welfare**

A person may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Some children or young people may be more vulnerable than others, and this can influence how the University will respond to concerns about their welfare. Abuse may be physical, emotional, or sexual. Neglect is also abuse.

## Process for reporting concerns about a child's welfare

Concern may arise because:

- a young person discloses abuse
- a young person abuses another young person
- the behaviour of a member of staff towards a young person causes concern or there is suspicion that a member of staff is harming a child
- there are suspicions or indicators that a young person is being abused. It is important to be aware that indicators of abuse can be very difficult to recognise and the list below is not exhaustive. It is also very important to note that the presence of one or more of the indicators is not proof that abuse is taking or has taken place. It is not an individual staff member's responsibility to decide whether a child has been abused, but only to raise concerns that they may have been. Indicators of abuse may include the following:
  - unexplained or suspicious injuries (such as bruising, fractures, scalds, pinch marks, or bites – particularly if situated on a part of the body not normally prone to such injuries)
  - unexplained behaviour changes (eg becoming withdrawn or aggressive)
  - inappropriate sexual awareness, sexually precocious behaviour or pregnancy
  - distrust of adults, particularly those with whom a close relationship would normally be expected
  - self harm or mutilation or suicide attempts
  - eating problems
  - depression
  - becoming increasingly dirty or unkempt

Staff members should stay calm, listen, be reassuring, record information and seek support.

Any concerns about a child's welfare should be reported to the Designated Child Protection Officer in the University's Human Resources department.

Further information, including detailed arrangements in relation to students/applicants and University visitors who are under 18 years old, may be found in the full version of this document which can be accessed at: <<http://portal.surrey.ac.uk/scs>>

For another example of a university policy on under 18s, see University of Portsmouth's "Policy for the admission and support of students entering the University under the age of 18" at <[www.port.ac.uk/accesstoinformation/policies/academicregistry/admissions/filetodownload,68236,en.pdf](http://www.port.ac.uk/accesstoinformation/policies/academicregistry/admissions/filetodownload,68236,en.pdf)>

## Appendix 2: Checklist for parental agreement letter

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This is a suggested list of issues and items which might be covered in a letter of agreement for parents to sign. Not all items will be appropriate to all sectors or institutions.

1. That a person under the age of 18 is legally a child in the England, Wales (under 16 in Scotland)
2. That the institution is primarily an adult environment and the implications of this (e.g. HEIs)
3. Limits of institutional responsibility stated, eg
  - for HEIs: off-site accommodation and leisure time
  - for schools: holiday periods and exeats
4. A statement about whether the contract is with the student or the parent
5. Inform if the child is able to sign for necessities, eg accommodation and tuition, and if the parent is responsible for payment
6. Whether children must have parental permission to attend the institution
7. Institution's emergency 24 hour contact details
8. Whether parents must give their 24 hour emergency contact details
9. Whether international students under 18 must have a guardian in the country; services provided must be specified, and contact details given
10. Private fostering regulations for under 16s
11. Whether parents or 'guardians' should be contacted in an emergency
12. Guardianship agency information and guidance given and disclaimer added
13. That students/parents are responsible for obtaining and paying for the student's visa
14. Requirements regarding provision of travel details, recommendations concerning arrivals and disclaimer about students travelling independently
15. Information about the student's subsequent travel or holiday arrangements
16. Medical details required and parents/student informed of level of support provided by the institution and disclaimer about support for undisclosed conditions
17. Medical consent requirements stated
18. Accommodation requirements explained and level of supervision in halls and homestay accommodation given
19. Details of specific policies about under 18s, eg en-suite accommodation for under 18s at HEIs

20. Explanation of the institution's CRB checking policy and subsequent recommendations, eg parents advised to recommend child to vacate their room if an unchecked member or staff is present
21. Child's pre-arrival permission requirements about progress reports and on-course health concerns
22. Activities information and consent requirements
23. Internet access – policy and restrictions
24. Institution rules and regulations seen and accepted
25. Insurance recommendations
26. Parents to advise child about British law, including on alcohol, which may be sold on campus
27. Whether under 18s are ineligible for official university or student union positions



## Appendix 3: Risk assessment for activities and/or visits

By kind permission of Dudley College

### Health and safety – specific risk or task assessment

Risk/task assessed: student trips

For completion by tutors, lecturers, instructors, assessors and cross-college personnel.

Identify common hazards associated with \_\_\_\_\_  
highlighting the risks involved and control measures that must be applied.

Date: \_\_\_\_\_ Assessor: \_\_\_\_\_

<b>Hazard</b> (list hazards)	<b>Controls</b> (list controls to reduce the hazard)	<b>Risk levels</b> State: Low, Medium or High Risk
Minibus breakdown	Driver to contact the recovery company, on the telephone number provided in the minibus. While waiting get students out of the minibus and onto the grass verge or a similar safer place.	LOW
Minibus involved in an accident	Ensure trained drivers operate the minibus and that regular breaks are taken. Assess severity, eg vehicle damage, students injured. Call emergency services and also College gatehouse, to inform the Duty Head.	HIGH
Minibus stolen	Staff to contact the police to report the theft and to ask for any urgent assistance required. Then, to contact the line or Duty Manager to report the theft for insurance purposes and to arrange for a replacement vehicle.	LOW
Students mugged, valuables stolen	The leader will provide all students with 'safety for students on visits' information sheet. If a student is involved in an incident, student to call leader on mobile, arrange to meet and report to the police.	LOW

<b>Hazard</b> (list hazards)	<b>Controls</b> (list controls to reduce the hazard)	<b>Risk levels</b> State: Low, Medium or High Risk
Student missing during visit	Students will be organised in groups where there is at least one mobile. Staff will be responsible for checking/counting numbers of students, during the day. Students will have the leader's mobile number to contact if necessary. Students will be given a meeting point to go to in the event of becoming lost. Leaders will use their discretion at what stage to inform the police about a missing student.	MEDIUM
Student fails to arrive for return journey	The leader will provide all students with information about how to get back to [institution] by public transport. Leader will try to contact student on their mobile. A member of staff will remain behind to search for the student and will accompany them home on public transport. If the student is not located the police and the college protection officer will be informed before the member of staff leaves the area and will discuss the appropriate action, including informing parent/guardian	MEDIUM
Staff ill during of visit	Depending on the severity of the illness the member of staff may need to rest while the remaining staff share the organisation of the trip. If severe, staff members to contact college. Possible return home of the ill member of staff with a reserve member of staff to take their place.	LOW
Student ill/ has accident during visit	Ensure First Aider is on the residential and that staff consider the health and safety of the group at all times. Medical help is sought asap if required. Depending on the severity of the illness or accident, the college protection officer will be informed, where possible after consultation with the student. A decision will then be taken about contacting the parents.	LOW
Student or staff fall in a lake/river	Health and safety information must be given to students when they are in the vicinity of the water. Staff must be vigilant that students are following the instructions.	LOW

<b>Hazard</b> (list hazards)	<b>Controls</b> (list controls to reduce the hazard)	<b>Risk levels</b> State: Low, Medium or High Risk
Student stays out late and returns to find the Youth Hostel locked	Students to be instructed to keep the leader's mobile number with them at all times and to phone if necessary. Students under 18 years should be in a group accompanied by a member of staff in the evening.	MEDIUM
Student arrested	Accompany student to the police station, insist on support being made available for him/her. Inform the college protection officer immediately and discuss the course of action.	LOW
Student has no money for food etc	Contingency fund to be held by leader.	LOW

Assessment Notes:

Controls, for any risks rated "high" above:

Review Date: \_\_\_\_\_

## Appendix 4: Rules and regulations for under 18s in residential halls

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### Rules of Residence specific to students under 18 years old

These rules are for your safety, comfort and convenience.

The main rule of residence is ‘consideration for others’.

This means ‘think about what you are doing’ so that others are not disturbed or inconvenienced.

You need to sign this document to say that you have read the rules and therefore we expect you to follow them. We have sent these rules to your agent/parents or legal guardian so that they are aware of the safety and welfare measures we have in place.

If you do not obey these rules, we will tell your parents or legal guardian. If the problem is serious or repeated, we may ask you to leave the residence.

All students under 18 must also follow the “Rules of Residence – All Students”

The Residential Supervisors are [names of supervisors].

.....

These people are in authority over the residences, but particularly during the evenings and nights. You must do what they say.

\_\_\_\_\_ is on duty from 1–21st in A Block for the first 20 nights of each month.  
 \_\_\_\_\_ is on duty from 21–1st in A Block for the last 10/11 nights of each month.  
 \_\_\_\_\_ is on duty from 1–11th in B Block for the first 10 nights of each month  
 \_\_\_\_\_ is on duty from 11–1st in B Block for the last 20/21 nights of each month.

1. You must be in your room by:
  - 21.30 for study /curfew time Sunday – Thursday.
  - 23.00 Friday and Saturday
2. If you want to sleep away from the residences, you can only do this on a Friday or Saturday night and your parents must give their permission in advance. We must have an email or a signed consent form from your parents allowing you do this. We must receive your parents' permission on the Wednesday before you want to stay away from the residence. They should email their letter of permission to [name and email of staff member] and copy in [name and email of staff member] or fax it to either of these staff on [fax number]. They must include the name, address and telephone number of the person/s you can stay with.
  - The parental permission must state: the name and address and phone number of where you will be staying, the date and time you will leave, the date and time you will return (remember: all students must return before 21:00 on Sunday evenings). If you have a mobile, we also need this number.
  - You must call the emergency phone number and ask them to explain to the residential supervisor: who you are, that you have arrived at your destination and when your time with your family or friends has finished you must call the emergency phone to ask the person on duty to tell the supervisor: who you are, and that you are leaving to return back to the residence.
3. Every morning and evening we will check your room to make sure you are in. You must open your door so that the residential supervisor can enter. Furthermore, we will do spot checks regularly.
4. You must keep your room tidy at all times. If the supervisor tells you to tidy your room then it must be tidied.
5. Any time you are not in room or in the school class room, you must sign the 'Signing Out' Book – this book tells us where you are. You may visit friends of the same sex in other blocks but you must state their room number. However, if you are going outside for a cigarette, you do not need to sign the book. This book will be kept at the school reception when the school is open. It must not be removed or abused.
6. You must give your mobile phone number to the school as soon as you can. If you change your telephone number you must inform the school. Whenever you are away from the school or residence you must leave your mobile phone switched on.
7. Curfew/study time is 21.30–23.00 Sunday–Thursday. During this time the residential supervisor will visit your room to see that you are in your room. You cannot have visitors from outside your flat in your room from 21:30.
8. You may only have a maximum of 2 of the same sex students from the school in your room or the common room in your flat. All school guests must leave by 21.30 Sunday to Thursday nights and by 23.00 Friday and Saturday nights. You must sign your school friends in by using the 'guest signing in book' which is on reception in the school.

You cannot have outside friends or family in your room at any time. However, immediate family members (mother/father/brother/sister) may visit you but only after you introduce them to the Residential Supervisor Welfare Officer or Student Services Manager during working hours and sign them in.

9. You must not have overnight visitors.
10. You must carry your ID card on you at all times. When you are asked to produce your ID card, you must show it. You must never give your ID to another person.
11. It is a serious offence to give your key, fob and ID to anyone. It is for your use only.
12. You must not call your friends to ask them to open the front door to the block – everyone has a fob which must be used to gain access to the building. Both you and the person opening the door to let you in will be given warnings if you ignore this rule.
13. Enjoy talking to your friends and playing your music but please have consideration for others by keeping your voice and music level low at all times but particularly after 23.00 when there must be no noise coming from your room. You must stay in your room and either be studying or go to bed. You cannot visit any friends in any of the other rooms in the block. You cannot go outside the block after 23.00 for any reason including smoking, picking up take-away food, getting medicine from a friend or giving medicine to a friend or any other type of reason. If you have an emergency you must speak to the residential supervisor in your block – call the emergency number and the person on duty will contact the supervisor on duty in your block.
14. If you are taking any medication, you must tell the Residential Supervisor about this.
15. It is illegal for under 18s to drink and you must not accept alcohol from anyone. We will remove any bottles of alcohol (empty or full) from your room.
16. You must also obey all rules contained in the “Rules of Residence – All Students”.
17. When you leave the residence to visit family or friends on Friday or Saturday night or you go on holiday, you must tell the Residential Accommodation Officer or the Residential Supervisor the date and time you will leave your room. You must not leave without speaking to them. We must check your room and you must give back your keys.

## Appendix 5: Guidance in selecting a guardian

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Parents will not all want the same service from a guardian, so it is important for parents to decide what they want and to ask the key questions to find out if it is provided. The following is a list of suggested questions.

- Does the service include:
  - transfers and travel
  - holiday accommodation arrangements
  - authorising medical treatment or high risk activities
  - verifying friends' homes if students request to visit
  - visits to the school, attendance at parent meetings, liaising with staff
  - assistance to attend religious meetings
  - cultural activities or visits
  - assistance with visiting the next step school or university
  - allocating pocket money
- Does the guardian report back to the parents at regular periods?
- Who will accommodate the child during holidays and exets – will this be the guardian or will the guardian arrange homestay accommodation? What checks are made on homestays, eg CRB checks, home risk assessment?
- Who will organise transfers – the school or the guardian? If the guardian, will all drivers be CRB checked? What procedures will guardians follow to ensure safety?
- Who is to be contacted in an emergency – the parent or the guardian?
- What training does the guardian have? Do they understand child protection, confidentiality, restraint, equality, bullying and harassment issues, and do they have the skills to sort out problems that arise?
- Does the guardian have insurance? What does it cover, how much is it for, and is this sufficient?
- What arrangements are made if the guardian is on holiday or unavailable?
- What is the cost of the service? How much notice does the guardian require if the parents wish to withdraw from the agreement?

Parents should be recommended to use an agency that is subject to regulation, eg by AEGIS which is a national body which provides accreditation of guardianship organisations.

## Appendix 6: Homestay risk assessment questions

(incorporating Health and Safety Assessment)

By kind permission of Heart of England Guardianship Services

The following are questions you may wish to include on a form to risk assess homestays, allowing where appropriate for a YES/NO checklist, and for more detailed comments:

### General

- Homestay name

---

- Date of assessment

---

- Description of surrounding area

---

- Type of house, style and build

---

### Layout of the house

Floor	Living rooms	Bedrooms	Bathrooms
Basement			
Ground floor			
1st Floor			
2nd Floor			



**General household condition**

- Is the accommodation suitable for the number of young persons living, or proposed to live, in it?  
 \_\_\_\_\_
- Are the facilities suitable for young people with specific disabilities?  
 \_\_\_\_\_
- Is there sufficient space for young persons to pursue their homework, to engage in quiet activities alone?  
 \_\_\_\_\_
- Do rooms have sufficient light to read and work by?  
 \_\_\_\_\_
- Do all rooms have an opening window?  
 \_\_\_\_\_
- Are all rooms maintained at a reasonable temperature?  
 \_\_\_\_\_
- Will the young person have his or her own bedroom? (Two may share in school holidays; however, state and non-boarders need their own room)  
 \_\_\_\_\_
- If sharing by same-sex students, is the bedroom large enough for both students to sleep and study?  
 \_\_\_\_\_
- Can the young person eat in a comfortable and relaxed atmosphere, at a dining table with the family?  
 \_\_\_\_\_
- Is the accommodation clean and free from the odour of pets, smoke, rubbish and other smells?  
 \_\_\_\_\_
- Are there pets in the household? If so, please complete the Pet Owners form.  
 \_\_\_\_\_

**Health & safety issues**

- Are there any obvious hazards? If yes, please specify.  
\_\_\_\_\_
- Have gas-appliances been Corgi tested? Please supply a photocopy.  
\_\_\_\_\_
- Are all heating appliances fixed to wall?  
\_\_\_\_\_
- Are fire guards used where needed?  
\_\_\_\_\_
- Is there an easily accessible fire extinguisher or fire blanket?  
\_\_\_\_\_
- Are smoke detectors fitted and working? (tested regularly?)  
\_\_\_\_\_
- Are carbon monoxide detectors fitted and working?  
\_\_\_\_\_
- Are gas appliances, boilers and water heaters serviced regularly?  
\_\_\_\_\_
- Do electrical sockets appear to be overloaded?  
\_\_\_\_\_
- Are all large areas of glass fitted with safety glass or protective film?  
\_\_\_\_\_
- Is there a thermostat control on hot water and heating system to prevent scalds and burns?  
\_\_\_\_\_
- Does electrical equipment appear in good condition?  
\_\_\_\_\_

- Are there any loose or uneven floor coverings?  
\_\_\_\_\_
- Is the furniture safe and in good condition?  
\_\_\_\_\_
- Do windows have locks or restrictors?  
\_\_\_\_\_
- Are all window and door keys easily accessible in the event of fire?  
\_\_\_\_\_
- Is there adequate natural or artificial light to illuminate any steps or stairs?  
\_\_\_\_\_
- Are medicines accessible to the young person?  
\_\_\_\_\_
- If there is a medicine cabinet, is it kept locked?  
\_\_\_\_\_
- Is there an accessible first aid box which is adequately stocked (including protective gloves)?  
\_\_\_\_\_
- Do any of the family members living in the house smoke? If so, are cigarettes and lighters securely stored?  
\_\_\_\_\_
- If there is alcohol in the house, is it securely stored?  
\_\_\_\_\_
- Are cleaning fluids/hazardous substances securely stored?  
\_\_\_\_\_
- Are lights and electric heaters operated by a pull-switch?  
\_\_\_\_\_
- Are razors stored appropriately?  
\_\_\_\_\_

**Hygiene**

- Do adults understand how infections are transmitted?

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- Are kitchen work surfaces and flooring undamaged and clean?

---

- Is food appropriately stored and the fridge kept at correct temperature?

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- Is the homestay committed to basic food hygiene?

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**Student rooms**

- Is there a lock on the door?

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- Is the room clean?

---

- Is there a bed with duvet and pillow?

---

- Are bed linen and towels provided?

---

- Is there room for study, ie a desk or table and chair with a desk lamp?

---

- Are there bookshelves?

---

- Is there a mirror?  
\_\_\_\_\_
- Is there adequate space for storage of clothing and personal belongings?  
\_\_\_\_\_
- Is the room in good decorative order, with window and floor coverings?  
\_\_\_\_\_
- Is there mobile phone reception in the bedroom?  
\_\_\_\_\_
- Does the room have independent access?  
\_\_\_\_\_

**General safety factors (outdoors)**

- Will the young person use electrical equipment outdoors? If so, has a trip device been fitted in the electrical circuit to prevent fatal shock?  
\_\_\_\_\_
- Are garden chemicals and tools locked away out of sight and reach?  
\_\_\_\_\_
- Are garden fences and gates secure and in good condition?  
\_\_\_\_\_
- Is there a seat and seatbelt/restraint for each person to be carried in the car?  
\_\_\_\_\_
- Is MOT and car insurance up to date?  
\_\_\_\_\_
- Are driving licences clean?  
\_\_\_\_\_

**Communication**

- Is there a personalised answering system on landline phone?

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- Is there a personalised answering system on mobile phone?

---

- Is access to satellite/cable TV pin-number protected?

---

- Are age-restricted videos and computer games securely stored?

---

**Computers (guidance notes if you allow students to use your family computer)**

- Is there an appropriate monitoring of children's access to internet?

---

- Are computerised documents and emails password protected?

---

- Is there a wireless network and is it access restricted?

---

- Are hard copies of confidential information securely stored in lockable file?

---

- Is there an anti-virus program installed and is it timed to scan regularly?

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- Is there a 'pop up' blocker installed?

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**Miscellaneous**

- Have CRB checks been completed for all members of the household over 18?  
\_\_\_\_\_
- If so, how many? (how many checks omn how many people?)  
\_\_\_\_\_
- Have two independent references been supplied to verify suitability of homestay?  
\_\_\_\_\_
- Are the building and household contents insurance up to date, and insurers informed that students board in the home?  
\_\_\_\_\_
- Are any major building alterations planned (eg house extension, kitchen re-fits)?  
\_\_\_\_\_
- Are any guns/firearms owned by the family or stored or kept in the home?  
\_\_\_\_\_

**Family (direct questions to be read out)**

- “Have you, or any of your close relatives who dwell in this house, been involved or prosecuted in the handling or misuse of illegal substances?”  
\_\_\_\_\_
- If yes: “Does that person have access to this property?”  
\_\_\_\_\_
- Under what circumstances?”  
\_\_\_\_\_
- “Have you or any member of your family over the age of 18 changed their name (other than by marriage), had a child removed from his or her care, been banned from working with children or have a conviction against children?”  
\_\_\_\_\_

This form should be completed by the member of staff, who should sign and date it. The homestay provider should also be asked to sign a declaration such as the one below:

I understand that this Risk and Health and Safety Assessment is undertaken to ensure the best possible service, safety and care is achieved for the benefit of international students staying in our home.

I understand that staff are contactable 24 hours, seven days a week, to assist us in delivering the best possible service for their students.

We agree to notify <name of institution> \_\_\_\_\_ staff if any of the above mentioned environmental and personal conditions change.



## Appendix 7: Homestays – information given to students and parents on additional requirements for under 18s

By kind permission of Dudley College

Students are expected to behave in a 'reasonable' way in homestay. The homestay provider will, in turn, act in accordance with the standards of a 'reasonable' parent.

You will be expected to:

- 1) Attend your timetabled classes.
- 2) Give an approximate time you will be home in the evening for your meal, and inform your homestay provider if you will be late.
- 3) Discuss a reasonable time to be home at night-time and inform the homestay provider if you will be late, and for how long. However, you should be allowed to enter and leave the homestay at all reasonable times without being 'locked out' when the staff at the College would expect you to be there.
- 4) If you go out in the evening, weekends or on holidays, inform the homestay provider where you are going, and with whom (including their age). Leave a telephone number or address where you can be contacted at all times.
- 5) Inform your homestay provider of flight departure and arrival times when you return to your home country for holidays.
- 6) Ask the homestay provider or your Pastoral Support Officer in the International Office if you have any queries or concerns about cultural differences in the UK.
- 7) Report any signs of sickness or ill health to your homestay provider, the college Nurse or your Pastoral Support Officer.
- 8) Inform your Pastoral Support Officer immediately if you are concerned about any issue including bullying and harassment, or any issues relating to alcohol or drug abuse.
- 9) Make sure you take some physical exercise, eg there are facilities in the College to play football and table tennis. You can go to one of the leisure centres to swim or join an aerobics class.

Please note you need your own parents' permission:

- 1) To stay out overnight with friends.
- 2) To arrange your own holidays with friends.
- 3) To take part in high risk activities, eg climbing, sailing, skiing.
- 4) To take part in College activities: work experience, field events, educational visits or residentials.
- 5) To move from supervised homestay accommodation to unsupervised self catering accommodation.

## Appendix 8: Sample induction exercise on cross-cultural awareness

by kind permission of Sussex Downs College

### A. Body language

1. Ask students to explain what body language means to each other.
  - a) What is it made of? (Facial expressions, gesture, body posture, tone (??))
  - b) Does it mean the same in each country? Show the death metal gesture (1st finger and pinkie raised) – I often use it to indicate pair work but in Spain it means “cuckold”!!
2. How do they indicate “I”? (Euros tend to put hand on chest (heart), Japanese and Koreans tend to put a finger to the nose (face).
3. Get students into mixed-nationality groups. Can they think of typical body language from their own country? What does it mean to other nationalities?
4. Get each group to demonstrate a piece of body language – the other groups say what they think it indicates.
5. Is body language equally important in all cultures? No, cultures can be placed on a continuum from “low context” to “high context”
  - Low denotes that communication is largely carried out by words (eg Germany)
  - High denotes that other “background” factors are also important, eg body language or context (Japan/China)

**NB** Whilst some intercultural boffins would like us to see these cultural differences as associated with different countries – the differences are often within different social classes/sub-cultures of the main culture.

Ask groups to discuss any situations where they think they may have misunderstood or been misunderstood regarding body language. Can they think of situations in the UK where their own body language has been misinterpreted or where they have not understood others’ body language?

6. Get students to stand up and position themselves for a conversation – ask others to notice the personal space – hopefully the Spanish will show they have smaller body space zones. Hence the image of the teacher retreating backwards down the corridor!

7. Different meanings: mime the following (in true EFL tradition) and elicit possible meanings.
  - a) “Thumbs up” = OK but an insult in Sardinia
  - b) “A-OK” finger and thumb circle = zero, OK, money (Japan), I’ll kill you (Tunisia), an obscenity (Colombia)
  - c) Out thrust palm = stop, calm down, etc but very rude in Greece
  - d) Tapping the side of your head = “stupid!” Or “think about it” or “I’m thinking”
  - e) Two fingers (knuckles out) = rude for us but polite in Greece as the Churchill Victory V is insulting there!
  - f) Using a lot of energetic gesture – normal or abnormal?
8. Describe the following situation:

*An Austrian tourist enters a bank in China to cash a traveller’s cheque. The clerk is unable to cash the cheque for some reason. As the Austrian becomes frustrated he waves his arms around more and raises his voice – in response the Chinese begins to smile – this makes the Austrian more angry and so on.*

What explanations can you think of for this?

(The angry body language has embarrassed the Chinese whose smile does not denote “laughing at” but indicates embarrassment)

## Appendix 9: Sample pre-arrival information on differences in teaching and learning style

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by kind permission of Sussex Downs College

These ideas may help you to enjoy yourself more and get more out of your time with us.

Fluency over accuracy

- 1) Work on improving spoken fluency and do not worry so much about accuracy – this is what will be demanded in the class in the UK
- 2) Do some exercises with your teacher where the aim is communication not accuracy

### Cultural Awareness

- 1) In the UK classroom it is considered rude not to say something when asked a question. “I’m sorry, I do not know” is a polite response. Silence to a question is seen as rude.
- 2) Students from Spain and Italy often interrupt each other and do not leave many gaps between exchanges. This may seem rude to a Japanese person who may prefer to leave a short gap between exchanges.
- 3) English people say “thank you, please, sorry, excuse me” too much! But it will help you if you do the same. Direct requests (“I want a coffee.”) sound rude to English ears – they are expecting “*Can I have a coffee please?*”

### How to extend your answers

In class you will often be asked to say what you feel about something. If you are asked a question in class, try to give more than a one word answer. If your teacher and other students ask you what you think about a topic, they will become frustrated if you can only say “I do not know” or “I have no opinion”.

One technique is to give your answer > then a reason for it > then an example.

**Here is a possible example:**

TEACHER: *What subject do you want to study at university?*

STUDENT A: *I want to study Business ... because I want to work in a multinational company ... for example Sony who produce and sell products all round the world.*

STUDENT B: *Maths*

It is obvious that student A gives a much better example.

If you find it hard to talk about a topic because it is outside your own experience try to imagine how someone else might feel about it for example: *child > teenager > parent > old person*. Or try to think about the topic from different perspectives: *past > present > future, or personal > local > global, or social > political > historical*.

Another way of generating ideas so you have something to say is to put yourself in a situation where the topic/issue would matter to you.

How to speak when you haven't thought about the topic/question before

Here is some useful classroom language to use, when you haven't understood

– remember that silence may seem rude and it's better to say that you do not know.

- "I'm sorry I do not know"
- "I didn't understand, could you explain that again?"
- "Could you repeat that more slowly?"
- "I know what you mean but I do not know how to say it in English."

**Hesitation strategies**

Another cultural difference is that English people are often uncomfortable with silence in conversation – that's one reason why we talk about the weather so much! When you are asked a question try to start communicating immediately by using the following techniques:

- noises to show you are thinking eg "Ummm", "Ahhhh", "Ohhh"
- words to show you are thinking eg "Well...", "Let me think ...", "I suppose ..."
- circumlocution – this means saying what you mean another way. For example, if you couldn't remember the word "pen", you could say, "one of those things you use for writing" – it's often made of plastic and it's small and thin".

### How to generate interest in a wider range of “mature” topics

Many of the students will be older than you so they will probably be interested in different things. It will help if you have an interest in a wide range of topics. Imagine:

- 1) What are you interested in now? What were you interested in five years ago? What do you think you'll be interested in in five years' time?

How can you make it easier to make friends with students older than you?

- 1) Develop an interest in news/current affairs/global topics
- 2) Find out about issues in your home country – politics/environment//social change etc, so you can tell people about life in your country. This would give more content to “get to know” activities when you are often asked to describe your country.

### Topic discussion

Try thinking about some challenging or controversial topics and think about how you feel about them. How would you feel if the issue directly affected you? How would you feel if you had children or were old, etc?

Here are some controversial topics that people often have strong feelings about – what do you feel about them?

- Smoking in public
- Violence in films or TV
- The effect of the internet on children
- The death penalty for some crimes
- Single parent families

### Presentations

Ask your teacher to get the class to do some small presentations to the class to help build your confidence.

We will do everything we can to help your language develop but these ideas will help you to benefit more from your studies abroad. As we say in English – **You can lead a horse to water, but you cannot make it drink.**

## Appendix 10: Risk issues checklist for summer school providers

By kind permission the University of Surrey and Aimhigher SE

Summer school provider:

Name and position of contact:

<b>Action to be taken</b>	<b>Done?</b>
1. I have checked that the venue provider has appropriate insurance cover for the summer school activities.	
2. I have made arrangements for the insurance of those activities not covered by the venue provider's insurance cover. Write NA in the next column if this action point is not applicable.	
3. I have set up a system for storing student data, especially that in <b>Parental Consent Forms</b> , which is safe but accessible to key staff.	
4. I have made arrangements for there to be clear handover points for students arriving at the summer school and on completion of the course. In addition, I have communicated these arrangements in writing to students and parents/carers, or have plans to do so.	
5. I have issued the model <b>Code of Behaviour for Students</b> , or a modified version of it, to students and parents/carers.	
6. I have made arrangements for removing students from the summer school in the event of serious incidents of misbehaviour, including arrangements for staff to escort students home when necessary.	
7. I have made arrangements for separate male and female sleeping and bathroom facilities for students and staff. (Write NA in the next column if the summer school is entirely non-residential.)	
8. I have appointed responsible adults who have received police checks to work as night-time supervisors at residential accommodation sites. (Write NA in the next column if the summer school is entirely non-residential.)	

Action to be taken	Done?
9. I have put in place emergency procedures in the event of a fire or other emergency, and will brief staff and students accordingly.	
10. I have put in place a system for reporting and investigating accidents and 'near misses'.	
11. I have made arrangements regarding first aid so that emergency help will be available at all times while the summer school is running.	
12. I have made arrangements so that any student who requires prescribed medication during the summer school will be able to receive it.	
13. I have put in place procedures to ensure the safety of students' personal possessions and for the security of the venue provider's property.	
14. I have prepared information for students, or have plans to do so, that includes details of the personal support they will receive during the course.	
15. I have made arrangements for staff, including mentors/buddies, and visitors to the summer school to be readily identifiable to students.	
16. I have checked that risk assessments for summer school activities exist and are valid, and conducted further risk assessments where necessary.	
17. I have consulted those organisations hosting off-site visits and checked that they are aware of potential risks and will follow appropriate safety procedures.	
18. I have checked that staff responsible for 'adventurous activities' are suitably qualified, and I am aware of the safety arrangements that will be in operation.	
19. I have developed a <b>Child Protection Policy</b> for the summer school along with a <b>Code of Practice</b> for putting this policy into practice.	



<b>Action to be taken</b>	<b>Done?</b>
20. I have provided training/induction for staff, or have plans to do so, including the specific training/induction of mentors/buddies who will be working closely with students.	
21. I have considered the adult-student ratios to be in operation throughout the summer school course and believe them to be appropriate in ensuring safe supervision.	
22. I have made arrangements for pupils who will be accessing websites and books to be constantly monitored by staff in order to detect the <b>accessing of unsuitable websites or texts</b> . I have checked the venue provider's intranet to ascertain how access to websites is monitored and accessing unsuitable material can be detected.	

## Appendix 11: Accommodation review questionnaire

By kind permission of SKOLA, London

Skola use pictures to illustrate each of the questions to help students with lower levels of English.

### English For Education Student Accommodation Questionnaire

Student's Name: \_\_\_\_\_

Date: \_\_\_\_\_

- |  |        |
|--|--------|
| 1. Do you like your room?                        | YES/NO |
| 2. Do you have                                   |        |
| (1) a comfortable bed?                           | YES/NO |
| (2) a desk or table, chair and reading light?    | YES/NO |
| 3. Is the house warm enough?                     | YES/NO |
| 4. Is the house quiet?                           | YES/NO |
| 5. Can you use the shower/bath everyday?         | YES/NO |
| 6. Is the bathroom clean?                        | YES/NO |
| 7. Is the food good?                             | YES/NO |
| 8. What did you have for breakfast this morning? |        |

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9. Do you get enough to eat? YES/NO
10. Can you watch television when you want to? YES/NO
11. How many students are staying in your house?
12. Do you share a room with another person/student? YES/NO
13. Are your homestay friendly? YES/NO
14. If you come back to the school in the future, would you like to stay with the same homestay? YES/NO
15. Do you have a key for the front door? YES/NO
16. What do you do in the evenings?  
 \_\_\_\_\_  
 \_\_\_\_\_
17. What do you do at weekends?  
 \_\_\_\_\_  
 \_\_\_\_\_
18. Is there something you wanted to do while you were in London but could not do?  
 \_\_\_\_\_  
 \_\_\_\_\_
19. Any other comments  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Signed/ Student \_\_\_\_\_

Signed/ Director of Studies \_\_\_\_\_

Action taken? (Please attach sheet)

## Appendix 12: Advice and emergency details for students

With kind permission of SKOLA, London

### Student cards

You should always carry your student card with you. If you are going to sport or on a trip, you must have your student card.

### Problems

If you have a problem and you do not want to tell anyone you know, you can call Childline on 08001111

If you have a problem with your class, with another student, with your homestay or even your teacher, always talk to somebody.

If you have a problem, either at school or with your accommodation, please tell your teacher or the Director of Studies. You can also ask your family to speak to us.

Remember, if you have a problem big or small, tell someone. You can talk to a teacher, the Director of Studies or someone in Reception.

### Useful telephone numbers

School: \_\_\_\_\_

School Emergency: \_\_\_\_\_

Emergency Doctor: \_\_\_\_\_

Police/Ambulance/Fire: 999

**We hope you enjoy your time here!**

## Appendix 13: A bullying and harassment policy

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by kind permission of Bedford School International Study Centre

### **BSSC and bullying**

At BSSC we believe that everybody is important. We want our Centre to be a safe and friendly place where people can study well. We do not have bullying in BSSC.

What is bullying? It is the use of aggression with the intention of hurting another person. It results in pain and distress to the victim.

It can be:

- physical, eg pushing, kicking, hitting, pinching
- verbal, eg name-calling, saying bad things, using bad words
- emotional, eg excluding, teasing by taking things or hiding things

### **Here are five rules for students in the Study Centre:**

1. We will respect other people, their space and their belongings.
2. We will be kind to others, even if they are not our friends.
3. We will not walk away if we see someone being bullied. We will try to stop it and we will get help. We will tell a member of staff.
4. If we have a problem, there are people that we can turn to for help:
  - our friends
  - a teacher
  - a house parent or house tutor
  - a matron
5. Outside the Study Centre, the Counsellor offers help on an independent and confidential basis.

## Appendix 14: Sample medical form

by kind permission of Bedford School International Study Centre

### Medical questionnaire on entry to the Study Centre

Family Name (capital letters)

First name: \_\_\_\_\_

Informal name: \_\_\_\_\_

Date of birth: \_\_\_\_\_ Nationality: \_\_\_\_\_

### Immunisations: Please include a copy of any immunisation card

	Tick if given	Please give date of last immunisation
Diphtheria		
Tetanus		
Polio		
Measles		
Mumps		
Rubella		
BCG Tuberculosis		
Hepatitis A		
Hepatitis B		
Meningitis C		
Yellow Fever		
Typhoid		
Any Other		

Do you agree to further immunisations on the recommendation of the Hospital or School Doctor? YES/NO

Parent's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**GENERAL HEALTH**

Has he/she required treatment for any of the following conditions?

	YES	NO		YES	NO
Asthma			Heart condition		
Eczema/Skin condition			Psychological problems		
Hay fever			Hepatitis A		
Bone or joint disease			Hepatitis B		
Convulsions/Epilepsy			Endocrine disorder (e.g. Diabetes, Thyroid, etc.)		
Migraine/Headaches			Ear, nose or throat problems		

If YES, please give details

Is he/she still receiving treatment?

YES/NO

If YES, please give details of treatment

---

Please give details of any other illness, operations, recent accidents or hospital investigations and any treatment still required:

**Allergy**

Does your son/daughter have any known allergies?

YES/NO

If YES, please give details including symptoms experienced and treatment required.

---

**Diet**

Does he/she require a special diet for medical or religious reasons?

YES/NO

If YES, please give details of the diet required below.

---

**Hearing**

Does he/she have any problems with hearing?

YES/NO

If YES, please give details:

---

**Vision**

Does he/she wear spectacles or contact lenses? YES/NO  
 When was his/her eyesight last tested?  
 Is he/she colour blind? YES/NO

---

**Development**

Did he/she have any serious difficulty in learning to read or write? YES/NO  
 Are you aware of any problems in infancy, eg feeding difficulties,  
 late walking or talking? YES/NO  
 If YES, please give details:

---

Does he/she sleep-walk, wet the bed or have poor bladder or bowel control? YES/NO  
 If YES, please give details:

---

**Family History**

Is there any history of physical or mental illness in the family  
 which might affect the student's health? YES/NO  
 If YES, please give details:

---

Is there any feature of his/her physical or mental health which you feel  
 the School Doctor should be aware of or which you would like to discuss  
 with the Doctor? YES/NO  
 If YES, please give details:

---

What countries has he/she lived in during his/her life?

---

**Sport and activities**

Is there any reason why he/she should not take part in all the normal  
 school sport and activities? YES/NO  
 If YES, details must be sent to the Study Centre.

---

Your son/daughter should have a full dental check and if possible complete any  
 treatment before entering the Study Centre.



**Menstruation** (complete this section for girls only)

Has your daughter started menstruating?

---

Does she have painful periods or other problems with menstruation?

If YES, please give details:

Does she have any other gynaecological problems?

YES/NO

If YES, please give details:

---

**Medication**

We cannot be responsible for medicines which are not recognised in the UK and which are not clearly labelled in English. Pupils who take prescribed medication should bring a letter from their doctor or the prescriber. This medication and any personal 'over the counter' (OTC) medicines must be given to the Houseparent or Matron. It is not appropriate for your son/daughter to keep OTC medicine for their own use.

**Consent**

I give my permission to the Study Centre and nursing staff to administer first aid and non-prescription medicines on the School's approved list to my son/daughter when necessary. I also agree to the Study Centre Houseparent or Director seeking medical, dental or ophthalmic treatment when required and to them signing consent forms in an emergency.

Parent's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Certain medical conditions may require information to be given to selected members of staff. Please give your consent below:

I consent to essential medical information being given to selected staff.

Parent's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Doctor's Name \_\_\_\_\_

Address \_\_\_\_\_

Postcode \_\_\_\_\_

Telephone number \_\_\_\_\_

All pupils will be registered with the School Doctor.

This document will be kept by the Study Centre Houseparents.

## Appendix 15: Rules and regulations for staff and students on visits

by kind permission of SKOLA, London

### Guidelines for excursions

Please implement the guidelines below at every opportunity in order to establish good practice.

- Plan your trip well in advance; inform school management of any trips as early as possible. Book transport, order cheques etc. at least one week in advance
- One teacher should be assigned as group leader
- Group leader should make a photocopy of the programme for the day
- Programme should be given to all teachers and include:
  - Times, maps and details of meeting points
  - Group leader's mobile number, the number of one of the drivers and the school phone number
- Group leader should have a list of all students at all times
- Other teachers collect group lists from group leader
- Assemble group together in the canteen
- Ensure that all students in your group are carrying the school phone number
- Remind your group of the behaviour that is expected of them (this includes mobile phones, MP3 players, chewing gum, etc)
- Headcount: ask students to be quiet and still whilst you do headcount
- Check that the buses are ready to depart and that all other groups are ready to go
- Take groups one by one to the buses
- On the bus ask students to sit down and fasten seat belts. The bus should not move until this is done. Students must not eat or drink on the bus
- Upon arrival, ensure that you keep your group together – it will be less confusing
- Once a meeting point has been established, inform students of where it is
- Only allow trustworthy students to explore museums, galleries on their own. This is a privilege and should be withdrawn if students misbehave

If you are walking students to another location:

- Put students into pairs, ask them to walk in pairs all the time
- If students do not walk in pairs or do not keep up, stop the group
- If there are two teachers, one should walk at the back and one at the front
- If there are three teachers, one should walk at back one at front, and one in the middle
- **Front teacher:** Do not let anyone pass you, keep your group walking at a good pace
- **Back teacher:** Do not let any student lag behind; keep up the pace

- **At crossings:**
  - Front teacher waits for **all the group** to be ready to cross
  - Front teacher leads group across road.
  - Back teacher moves up the line to make sure the traffic does not move and looks after students across the road.
  - **No student should cross the road on their own – ever!**
  - Group leader should check numbers via a headcount as students walk through the school door

Remember that teachers have the behaviour policy at their disposal if students do not cooperate.

## Appendix 16: General rules and regulations included on the application form

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By kind permission of Discovery Summer

### Rules

These are important rules you must understand before joining our course. They will be explained to you in greater detail by your Course Director and your teachers when you arrive.

### Do

- speak English
- be on time (always)
- be kind and friendly to other students
- join in all the lessons and activities
- look after your belongings and the school
- keep your room tidy
- stay in your bedroom after bedtime and remain quiet
- give all your money to the Course Director/Administrator to look after
- have your Discovery ID card with you at all times

### Don't

- leave the campus unless with staff
- smoke, drink alcohol or take drugs
- chew gum
- bring or buy knives, weapons or toy guns
- swear or fight
- drop litter
- use your mobile phones or MP3 players in lessons, activities or meetings
- damage school property
- steal or shoplift
- swim without a lifeguard being present
- use fire escapes unless for emergency exit
- go into boys' accommodation if you are a girl
- go into girls' accommodation if you are a boy

Please note:

- On arrival you will be asked to hand in your airline ticket, passport and all cash for safekeeping
- Pocket money can be taken out at stated times (usually before excursions)
- On arrival a £30 damage/key deposit will be taken from you. If no damage/loss/nuisance has been caused, this will be refunded on departure
- All valuables must be locked away in your locker or suitcase or handed to the Course Office for safe-keeping. We cannot accept responsibility for items or money not handed in
- Any students breaking British Law, or persisting in serious anti-social behaviour, will be disciplined. In serious cases, students may be sent home early at their own expense, with no refund of fees

## Resources

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[http://www.direct.gov.uk/en/Parents/Yourchildshealthandsafety/Roadandtravelsafety/DG\\_10037078](http://www.direct.gov.uk/en/Parents/Yourchildshealthandsafety/Roadandtravelsafety/DG_10037078) (accessed on 6/3/08)

**Useful contacts and websites**

Association for the Education and Guardianship of International Students

<[www.aegisuk.net](http://www.aegisuk.net)>

Criminal Records Bureau

<[www.crb.gov.uk](http://www.crb.gov.uk)>

Accreditation UK

<[www.britishcouncil.org/accreditation.htm](http://www.britishcouncil.org/accreditation.htm)>

Accreditation Service for International Colleges

<[www.asic.org.uk](http://www.asic.org.uk)>

British Accreditation Council

<[www.the-bac.org](http://www.the-bac.org)>

Disclosure Scotland

<[www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)>

English UK

<[www.englishuk.com](http://www.englishuk.com)>

HM Inspectorate of Education

<[www.hmie.gov.uk](http://www.hmie.gov.uk)>

– publishes school inspection reports, including boarding facilities where offered

Independent Safeguarding Authority

<[www.isa.gov.org](http://www.isa.gov.org)>

OFSTED

<[www.ofsted.gov.uk](http://www.ofsted.gov.uk)>

Scottish Commission for Regulation of Care

<[www.carecommission.com](http://www.carecommission.com)>

What you can do at what age

- In Scotland:  
<[www.youngscot.org/channels/law/?ss=131&s=46&sr=68&ID=429?](http://www.youngscot.org/channels/law/?ss=131&s=46&sr=68&ID=429?)>  
(accessed on 13/3/08)
- In England and Wales: see for example  
<[www.essex.police.uk/offbeat/o\\_wu\\_11.php](http://www.essex.police.uk/offbeat/o_wu_11.php)> or <http://www.met.police.uk/askthemet/456.htm>>  
(accessed on 13/3/08)









