

Students Under 18 Years of Age and Accommodation: exploring the non-homestay option in two countries

Fallon, Felicity
Foundation Studies Program
Trinity College
Melbourne, Australia
Email: ffallon@trinity.unimelb.edu.au

Hooker, Sylvia
Massey University
Palmerston North, New Zealand
Email: s.d.hooker@massey.ac.nz

Abstract

Both Australia and New Zealand have had regulations relating to the care and accommodation of younger students for several years. This paper compares and contrasts these pieces of legislation and finds that a different emphasis has been placed on accommodation in each of these countries. Finding the best accommodation arrangements for each unde-age student is one of the most complex issues in the care and monitoring of these students. While homestays and boarding houses have filled this role in many situations, there are many occasions where these are not available or are not the best option for a number of reasons. A solution to this situation developed by one Australian education provider is described.

Keywords

Accommodation, international students, students under 18 years of age.

Introduction

In both Australia and New Zealand, a considerable number of international students come to our countries to study in both the higher education sector and in the pre-tertiary education institutions such as schools, English language programs and foundation studies programs. As both countries are English speaking countries and most of the students in both countries are drawn from Asia, there are many issues relating to these students and their welfare and education which are similar. One of these is care and support of students under 18 years of age. The governments of both countries have in recent years enacted legislation relating to this and other issues.

Australian Legislation

In 2002, the Australian government enacted the Education Services for Overseas Students (ESOS) Act which built and expanded upon earlier legislation placing a greater responsibility on education providers to provide adequate support for the international students studying with them at all stages of their educational journey from enrolment to graduation. This act was amended in 2007 to address areas of support and situations that were not addressed in the first version of the act. A National Code of Practice accompanied both versions of the act which interprets to both the government and the education providers their responsibilities under this legislation.

Section D of this Code of Practice is entitled *Standards for Registered Providers* and Standard 5 deals with *Younger Overseas Students*. It states that

Where students under the age of 18 are not being cared for in Australia by a parent or suitable nominated relative, registered providers ensure the arrangements made to protect the personal safety and social well-being of those students are appropriate.

Among other explanatory statements given in association with Standard are two, one which refers to the issuing of a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter prior to the student obtaining a visa and the other which states

Should neither a parent nor a suitable relative be in Australia to directly provide for the welfare of a student, and the education provider accepts the student, the provider must approve suitable accommodation and welfare arrangements.

New Zealand Legislation

In New Zealand, the Ministry of Education developed a revised version of the *Code of Practice for the Pastoral Care of International Students*. This document has a narrower frame of reference than the Australian documents, being specifically 'a framework for education providers for the pastoral care of international students' (page 3). It does not address the obligations of the government and its departments in these matters. It places all the responsibilities firmly with each education provider and does allow for larger groupings such as a government schools in a particular state to take on the responsibility.

It also approaches the provision of accommodation for international students and the care and monitoring of younger students in a different way. There is a large section (4 pages in length) on 'accommodation provisions'. The monitoring and care of younger students is dealt with under the heading of accommodation rather than the other way around. There is a special section for schools enrolling international students in Years 1 to 6 of their school. The five categories of accommodation for students under 18 years of age are homestays, boarding establishments, designated caregivers, temporary accommodation (for students on short courses only) and living with parents. There is a set of regulations for each of these 5 categories of accommodation. For example, Section 18, on homestays is as follows:

18.1 Signatories must have robust procedures for the selection and monitoring of homestay carers and homestay residences which are followed by themselves and any accommodation agent, including, but not limited to:

18.1.1 A determination that the homestay is not a boarding establishment;

18.1.2 An assessment of the homestay carer's suitability;

18.1.3 An on-site assessment of the suitability of the residential facilities; and

18.1.4 An assessment of whether a homestay carer will provide a safe physical and emotional environment.

18.2 Signatories or their accommodation agents must establish a support infrastructure for homestay carers, and provide them with advice and information on best practice, so they can build their capability to provide high quality residential services to international students.

18.3 Signatories must meet with each student who is under the age of 18 at least quarterly to ensure that the homestay accommodation is suitable.

18.4 Signatories or their accommodation agents must visit each homestay with student/s who are under the age of 18 at least twice a year to ensure that the accommodation is suitable. Signatories must conduct follow-up visits if they have reasonable grounds to suspect that the accommodation has become unsuitable.

18.5 Signatories enrolling international students in Years 7 and 8, or aged 11 to 13 in other provider, must observe section 17.7 above.

The term 'caregiver' refers to a relative or close family friend who provides accommodation for a student under the age of 18. The regulations here are as follows:

... the signatory must:

20.1.1 Have an indemnity document signed by the international student's parents (and not an agent) stating that the designated caregiver is a relative or close family friend and that the parents are selecting the accommodation for their child, subject to the signatory approving the accommodation.

20.1.2 On, or if appropriate, before, enrolling the student, visit the home to:

(a) Determine that the living conditions are of an acceptable standard;

(b) Assess whether the designated caregiver will provide a safe physical and emotional environment for the student;

(c) Determine that the accommodation is not a boarding establishment; and

(d) Meet the designated caregiver and establish communication with the caregiver

20.1.3 Meet with each student at least quarterly to ensure that the accommodation is suitable.

20.2 If the accommodation selected by the student's parents is a boarding establishment, the signatory must follow the provisions relating to boarding establishments prescribed in section 19 above.

30.3 Signatories enrolling international students in Years 7 and 8 of a school, or aged 11 to 13 in any other provider, must observe section 17.7 above.

There is also section on 'Police vetting of accommodation for students aged under 18'.

A Comparison of Australian and New Zealand Legislation

The following table compares and contrasts the legislation in Australia and New Zealand relating to students under 18 years of age and to their accommodation arrangements in particular.

Table 1. A comparison of the legislation in Australia and New Zealand relating to the accommodation of students under 18 years of age

Australian legislation	New Zealand legislation
Monitoring and support the primary focus leading to appropriate accommodation arrangements where necessary	Accommodation the primary focus. Caregivers are just one of the five possible categories of accommodation
Where a close relative is approved by DIAC as the basis on which a visa is granted, the education provider has no monitoring role.	Caregivers are approved and monitored by the education provider
The responsibility for approval and monitoring of all accommodation arrangements is spread more widely. The government holds some of this role.	The responsibility for approval and monitoring of all accommodation arrangements lies solely with the education provider.
Regular checking of facilities is not mandated.	Regular checking of the facilities by the education provider is mandated.
Regular consultation with the students about the suitability of the arrangements is not mandated.	Regular consultation with the students by the education provider about the suitability of the arrangements is mandated.
There is no discussion of very young students	There is a section covering very young students

The governments in the two countries have adopted different approaches to addressing the issues relating to the care and monitoring of students under 18 years of age and there are perhaps elements of each approach that could be useful in the other country.

Homestays in Australia

In Australia, homestays where a student lives with an Australian family are used extensively and are often seen as the only or best way of accommodating international students under 18 years of age. In many situations e.g. in a school community in the country or an outer suburb of a large capital city where the education provider has easy and regular contact with the homestay family, these homestays can work very well. In some situations such as where the education provider is situated in the centre of a large capital city, suitable homestays can be very hard to find. The number of international students studying with the education provider and the ratio of these students to the local population can also be a factor in determining whether appropriate homestays can be found for these students. Where the institution is predominantly or solely comprised of international students such as in an English language college or a foundation studies program, it can be impossible to find appropriate homestays for all students under 18 years of age.

Cultural Issues in Homestays

Claudia Doria (2005) in her book of advice for international students before their arrival in Australia devotes a large section in her chapter on accommodation to homestays. She deals with a number of the cultural issues that do exist under the topics, students' expectations, living environment, bathing and bathroom behaviour, getting up and going to bed, meals, clothing and different habits. Claudia and her family are obviously wonderful people and excellent homestay hosts but the picture she paints is rather unrealistic. How many family would be prepared to share fasting with a Muslim student as her family did (page 40)? Should any family be expected to do this?

The Trinity College Foundation Studies Program has very few students in homestay placements because of its location on the edge of the Melbourne Central Business District and the large number of students under 18 years of age studying in the program each year (approximately 500). However, more and more difficult problems arise with our students in homestay placements than with those in the other sorts of accommodation arrangements described later. Although some of the problems relate to the distances which students in homestays are travelling to attend classes, most of the problems relate to underlying cultural differences. Students enjoying an "Australian experience" by living in a homestay cannot be expected to lay aside all the cultural learning that has taken place in the 16 or 17 years before they came to Australia and the Australian families cannot be expected to have their lives completely dislocated to cater to the needs and expectations of an international students. Arrangements that are novel and fine in the short term can become upsetting and

disruptive to the student's studies in the longer term. Some of issues can seem simple and almost trivial but can develop into situations that are very distressing for all concerned. Some examples of such issues are

- Most Asian families do not go to bed until about midnight while most Australian families have an earlier bed time. This can lead to the very upsetting situation for all where the student's preparations for bed, including visits to the bathroom, can disturb the sleep of members in the Australian family.
- Most Asian students come from families that have a maid. When an Australian family expects them to share the chores around the house as is done by all members of their family, the student finds this insulting and demeaning.
- Family pets and issues of perceived cleanliness can create problems.
- Communication can be an issue. Does "you can use anything you find in the kitchen" cover taking out the best cutlery on a picnic?
- Not all Australian families have an Anglo-Celtic heritage. When students are placed with a family whose ancestors originated from an Asian country different from that of the student, cultural prejudices can arise.

Non-homestay accommodation in Australia: Meeting the Requirements of Standard 5 without using Homestays

Trinity College Foundation Studies Program needed to find a way of being able to issue CAAWs (Confirmations of Appropriate Accommodation and Welfare letters) for our large number of students who were under 18 years of age and wanting to study in our program. We had in place a very strong program from monitoring and support of all our students through the Student Welfare Office, the Counsellor and the Chaplain, and a mentoring program where each academic staff member was allocated a number of students whom they taught for whom they had special pastoral responsibilities. This did not, however, meet the "appropriate accommodation" section of the CAAW. There were already in existence in the area close the college a considerable number of accommodation providers whose rooms and apartments were designed specifically for students, and international students in particular. Many of students in the program already chose to reside in these hostels and apartment blocks. Some already provided excellent care for the students, providing them with an evening meal and getting to know them well. Others, particularly some of the larger accommodation providers, provide a service that was fine for older students but did not meet the needs of students under 18 years of age as we perceived it as being defined under in the National Code.

Trinity College therefore developed a program to encourage a number of these accommodation providers to increase the level of monitoring and support provided in their buildings to allow us to accredit them to house our students who were under 18 years of age. Two sets of standards were developed – a set of standards for all the accommodation providers that were listed on our website and for whom our accommodation officer would cooperate with agents and the students parents to arrange bookings whether they were just accommodating students who were 18 and over or whether they were also caring for students under 18 and a second set for accommodation providers who wished to monitor and support our students under 18 years of age. The two sets of conditions are given below.

Standards for All Accommodation Providers

The Accommodation Provider must:-

1. comply with the Residential Tenancies Act 1997 (Vic.);
2. provide cleaning of common areas as appropriate;
3. have adequate provision for students' physical security in their accommodation, such as lockable security doors;
4. have at least one (1) after hours emergency contact;

5. have appropriate Health and Safety Certificates from relevant council;
6. have documented and appropriate grievance procedures for all students;
7. undertake to notify Trinity of any relevant changes in the accommodation, such as key staff or facilities;
8. agree to stand by the representation they make about their accommodation services;
9. have First Aid facilities on site;
10. provide the resident student at least two (2) meals per day and/or provide cooking facilities with cooking facilities space;
11. have at least one (1) communal area for students' recreation purposes; and
12. provide adequate heating in, at least, the common areas.

Standards for Accommodation Providers accommodating students under 18 years of age.

The Accommodation Provider must:-

1. identify key supervisory staff;
2. ensure that all staff who have direct contact with residents under the age of 18 years must have a National Police Background Check or Working With Children Check;
3. ensure that where there are under 18 students in residence, there be at least one (1) member of supervisory staff residing in the building;
4. ensure that where there are more than twenty (20) under 18 students residing in the building, sufficient supervisory staff must reside in the building at the ratio of one (1) supervisor per twenty (20) under 18 students.
Note: Only one (1) supervisory staff member would need to be on duty each night;
5. have documented procedures for monitoring overnight arrangements for students under the age of 18 years;
6. provide an orientation session for 'new' residents who are under the age of 18 years, in regards to informing them of the building procedures, to include information on; laundry use, changing of light bulbs, reporting or requesting maintenance items. To also include clarifying procedures to the under 18 students in regards to grievance and under 18 issues.

Informing and Accrediting the Accommodation Providers

The Trinity College Foundation Studies Program has always had a good working relationship with all its accommodation providers and in the past we had held 'accommodation network' meetings where we invited these providers to a morning or afternoon tea where they could get to know each other and our relevant staff and we could all discuss any issues or concerns that any of us might have. We called another one of these meetings and presented the standards listed above to them and pointed out to them that they had a business decision to make. If they wanted to keep renting to our students who were under 18 years of age they would need to find a way of meeting these standards.

We did not prescribe to them exactly how they should meet these standards. Some of the larger establishments already had 'floor senior' or 'lead tenants' in place. Other decided to employ them. Any person who undertakes such a role at one of the providers that Trinity College Foundation Studies has accredited must attend a meeting with the Director of Student Welfare for this program to discuss the expectations of the college in relation to their monitoring and support of our students who are under 18 years of age. Other providers have employed staff in slightly different roles as is appropriate to the manner in which their management functions.

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An 'Application and Information Form' (Appendix 1) and a 'Declaration Form' (Appendix 2) were provided to all providers who might wish to apply for accreditation with the college in this way. When the college received these forms, the provider was visited by both the Accommodation Officer who inspected the facilities and the Director of Student Welfare who discussed the college's expectations for the monitoring and support of students under 18 years of age.

Some of the providers chose not to aim to be accredited for students under 18 years of age. Some of the other providers were able to meet all our criteria with the staff and procedures that they had in place. For the rest of the accommodation providers discussion were undertaken to explore ways of meeting these requirements. In all cases an agreement was reached in the end. Trinity College now has 27 buildings approved to accommodate students under 18 years of age.

A positive side-effect

A positive side-effect that has occurred as result of this accrediting procedure is that now we have a close relationship with all our accommodation providers and there is someone in each one whom we can contact who knows the students even if they are not under 18 years of age. This worked very positively recently when one of slightly older students who was fairly recently arrived in Australia had to have emergency surgery and we were able to organise appropriate support for her on her release from hospital very easily.

Conclusion

The legislation in Australia and New Zealand relating to the care and accommodation of students under 18 years of age have different emphases and there are things to be learned from both emphases. The procedures undertaken by the Trinity College Foundation Studies Program to procure and accredit appropriate accommodation arrangements for their students under 18 years of age may be more in the spirit of the new Zealand legislation but certainly meets the requirements of the Australian legislation. It shows that where homestays are not available or appropriate, other suitable arrangements can be made that do not involve the student's immediate relatives.

References

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Department of Education, Science & Training, 2000, *Education Services for Overseas Students (ESOS) Act*, AGPS, Canberra, Australia.

Doria, C 2005, *The truth about being an international student*, Globally United, South Melbourne, Australia.

International Policy and Development Unit, Ministry of Education, 2003, *Code of Practice for the Pastoral Care of International Students*, New Zealand.

Appendix 1

(Trinity College Name and Logo)

ACCOMMODATION PROVIDER APPLICATION & INFORMATION FORM

Trading Name Of Accommodation:	
Name of Accommodation Provider (if different from above):	
Name & Title of Authorised Person:	

Type Of Facility:	Hostel/Rooming House: <input type="checkbox"/> Student Apartment: <input type="checkbox"/> Other: <input type="checkbox"/>
Address Of Accommodation Facility:	
Telephone No. at Accommodation:	
Web Address:	
Are you intending to accommodate Trinity College Under 18 Students?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>

MANAGEMENT/SUPERVISORY DETAILS

(please list from most senior position)

Name:	Position Held:
Email Address:	Phone (Bus.):
Phone (mobile):	Phone (A/H):
Name:	Position Held:
Email Address:	Phone (Bus.):
Phone (mobile):	Phone (A/H):
Name:	Position Held:
Email Address:	Phone (Bus.):
Phone (mobile):	Phone (A/H):
Name:	Position Held:
Email Address:	Phone (Bus.):
Phone (mobile):	Phone (A/H):

STUDENT RESIDENT/S AND/OR ON-SITE OVERNIGHT MANAGER/S DETAILS

(please complete if you are intending to provide accommodation to Trinity College Under 18 Students)

Name:	Position Held:
Email Address:	Phone (Bus.):
Phone (mobile):	Phone (A/H):
Name:	Position Held:
Email Address:	Phone (Bus.):
Phone (mobile):	Phone (A/H):
Name:	Position Held:
Email Address:	Phone (Bus.):
Phone (mobile):	Phone (A/H):
Name:	Position Held:
Email Address:	Phone (Bus.):

Phone (mobile):	Phone (A/H):
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Appendix 2

(Trinity College Name and logo)

Accommodation Provider Declaration

Name of Accommodation Provider	
ABN (if application)	
Trading Name of Accommodation <i>If different from above</i>	
Street Address of Accommodation	
Telephone Number of Accommodation	
Name and Title of Authorised Person	
Does the above named Accommodation wish to provide accommodation to students under the age of 18 years?	Please tick Yes <input type="checkbox"/> or No <input type="checkbox"/>

The Accommodation Provider:-

1. wishes to be approved by Trinity College (**Trinity**) as a provider of suitable accommodation for overseas students of Trinity (**Accommodation Services**) at (###insert name and address of accommodation);
2. acknowledges that the Accommodation Services are regulated by, amongst other things, the Education Services for Overseas Students Act 2000 (Cth) and the related National Code (Relevant Legislation);
3. has received and read Trinity's Accommodation Services Standards, a current copy of which is annexed to this document;
4. currently provides and will continue to provide for 12 months from the date of this document, Accommodation Services that meet Trinity's Accommodation Services Standards;
5. acknowledges that Trinity may alter the Accommodation Services Standards from time to time as it sees fit, if required by law or to comply with changes to professional standards and guidelines;
6. will promptly notify Trinity if the Accommodation Provider fails to meet Trinity's Accommodation Services Standards;
7. acknowledges that Trinity has reporting obligations under the Relevant Legislation, including with respect to the ongoing suitability of the Accommodation Services for overseas students of Trinity;

8. on receiving reasonable notice, will provide Trinity staff with reasonable access to the Accommodation Services premises and so that Trinity may assess the ongoing suitability of the Accommodation Services;
9. acknowledges that Trinity makes no representations about the suitability of any Trinity overseas students as tenants or the number, if any, of Trinity overseas students who may use the Accommodation Services; and
10. has indicated that they wish to provide accommodation to students under 18 by ticking the 'yes' box above, therefore will agree to adhere to the standards relevant to the Under 18 Provisions in the Accommodation Services Standards.

DATED:

Signed for and on behalf of the Accommodation Provider its authorised person in the presence of:)))
		Signature
	
		Name and Title
.....		
Witness Signature		
.....		
.....		
Name & Address of Witness		

GENERAL ACCOMMODATION INFORMATION

1. Total Number of Rooms/Apartments:	Single Rooms:
	Twin Rooms:
	One Room Apartments:
	Two Room Apartments:
	Other: Please Specify:
2. Number of Bathrooms (hostels):	Female Only: <input type="checkbox"/> Number:
	Male Only: <input type="checkbox"/> Number:
	Unisex: <input type="checkbox"/> Number:
3. Are Meals Provided?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
4. If 'Yes', please indicate:	Breakfast: <input type="checkbox"/> Lunch: <input type="checkbox"/> Dinner: <input type="checkbox"/>
5. How many days of the week are meals provided?	Mon: <input type="checkbox"/> Tues: <input type="checkbox"/> Weds: <input type="checkbox"/> Thurs: <input type="checkbox"/> Friday: <input type="checkbox"/> Sat: <input type="checkbox"/> Sun: <input type="checkbox"/>
6. Other Facilities:-	Fixed phone line: Yes: <input type="checkbox"/> No: <input type="checkbox"/>
	Phone line connection: Yes: <input type="checkbox"/> No: <input type="checkbox"/>
	Internet connection: Yes: <input type="checkbox"/> No: <input type="checkbox"/>

<ul style="list-style-type: none">• TV point:• Laundry facilities:	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
7. Weekly Rates from:	

ATTACHMENTS

PLEASE INCLUDE WITH THIS FORM:-

- Marketing Brochure/s: Yes: No:
- Other: _____ Yes: No:

DECLARATION

I declare that the information contained in this document is true and will provide certified documentary evidence in support of this information when requested. I authorise Trinity College to communicate with relevant individuals, public or non-public agencies in relation to information contained in this form or to this approval process generally.

PRIVACY

Trinity College (ABN 39485211746) is collecting your personal information to use in the evaluation of your suitability as an accommodation provider for overseas students.

Disclosure of your personal information to third parties (including but not limited to the University of Melbourne, DIMIA, and other public agencies) may be essential to fulfil the above purposes. Without you providing the personal information requested we may not be able to satisfactorily process your application and to fulfil our obligations under the *Migration Act* 1958 and other laws.

If you provide us with sensitive information (for example, information relating to your racial or ethnic origin, political or religious persuasion) then you consent to our collection and use of that sensitive information in accordance with our Privacy Statement (including disclosure of that information to third parties, including but not limited to University of Melbourne, DIMIA, and other public agencies).

For further information on:

- how to access your personal information
- our information handling processes
- obtaining a copy of our Privacy Statement

please contact our Privacy Officer at

Privacy Officer, Trinity College
Royal Parade, Parkville VIC 3052
Telephone: 03-9348 7100 - Facsimile: 03-9348 7610
Email: privacy@trinity.unimelb.edu.au

Dated:

Signed for and on behalf of the)
Accommodation Provider its authorised)
Person)

.....
Signature

.....
Name & Title