

Management of Underage Students

Policy

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1. PURPOSE

The Management of Underage Students Policy outlines JMC Academy's specific obligations to domestic students who are under 18 years of age.

2. SCOPE

This Management of Underage Students Policy applies across all JMC Academy's courses, and to:

- All domestic students under 18 years of age,
- All staff and students who are involved in the management of domestic students or visitors under 18 years of age at JMC Academy,
- Parents and guardians of domestic students who are under 18 years of age.

The Management of Underage Students Policy does not apply to the children of staff or students nor anyone not participating in JMC Academy's activities.

For the purpose of this policy and procedure, all members of JMC Academy workforce are referred to as 'staff'.

3. DEFINITIONS

All definitions are located in the *JMC Academy Glossary*.

4. POLICY

4.1. Statement

- 4.1.1. JMC Academy has an obligation to take reasonable care in the management of all its students. What amounts to reasonable care will change according to specific circumstances, and an additional level of care may be required for students who are underage.
- 4.1.2. The JMC Academy student cohort may include students who are underage. JMC Academy recognises that students under 18 years of age, may need additional support, duty of care and an appropriate involvement of their parent, guardian, and/or school.
- 4.1.3. Additional guidelines may also apply in instances such as signing permissions to take part in activities such as field trips, placements, work experience and any other activities associated with their studies.
- 4.1.4. Students and their parents or guardians must recognise that JMC Academy is an adult learning environment.

4.2. Privacy

- 4.2.1. JMC Academy is required to comply with all relevant State and Commonwealth Privacy legislation as well as the JMC Academy's *Personal Information and Privacy Policy* in relation to all students' personal information regardless of their age. An underage student's consent is required if JMC Academy wishes to use or disclose the student's personal information for a purpose other than that for which it was collected unless disclosure is lawful under the Information Privacy Act.

4.3. Student Safety and Wellbeing

- 4.3.1. If any staff member is concerned about the wellbeing of an underage student, they should discuss it with the Campus Director or Head of Department and, if appropriate, refer the student to the relevant campus service, such as Counselling or Student Support.
- 4.3.2. In cases where an underage student is continuing to engage in behaviour of risk to themselves or others, a parent or guardian must be notified immediately.
- 4.3.3. The consumption of alcohol is prohibited for anyone under 18 years of age. Event managers, including student organisers, must ensure that underage people will not be served alcohol, in accordance with the JMC Academy's *Student Code of Conduct*.

4.4. Working with Children Checks

- 4.4.1. A Working with Children Check or equivalent (Blue Card) is required for staff member who come into regular direct contact with underage students, unless they will be exclusively under the direct supervision at all times of a staff member who has a Working with Children Check or equivalent (in this case, direct supervision means unbroken capacity to visually observe).
- 4.4.2. A Working with Children Check or equivalent is also mandatory for staff working in Counselling or Welfare Services.
- 4.4.3. A Working with Children Check or equivalent will generally not be required for:
 - 4.4.3.1. Staff who may come into occasional contact with people under eighteen, where such contact is not on a one-to-one basis, such as staff working in student admission activities,
 - 4.4.3.2. Higher Education academic staff who may occasionally come into contact with underage students,
 - 4.4.3.3. JMC Academy students engaged in the Peer Mentoring program that involves underage students,
- 4.4.4. Other positions may require a Working with Children Check or equivalent, if determined by JMC Academy.

4.5. Non-Enrolled Underage People Participating in Activities at JMC Academy

- 4.5.1. JMC Academy offers a range of opportunities for people under 18 years of age who are not students of JMC Academy to participate in activities including school visits, after-school and school holiday workshops. In the majority of instances these activities are organised and run by JMC Academy, while in other cases, another body is the organising entity.
- 4.5.2. Where a group of underage people is brought to JMC Academy as part of a visiting school group, the visiting school must provide adequate teaching or other staff to supervise the group and remains the responsible organisation (including obtaining the required parental consents).
- 4.5.3. Management of these programs, whether JMC Academy run or otherwise, must include procedures to ensure that appropriate parental consent is obtained.
- 4.5.4. All of these activities must be undertaken in accordance with the relevant JMC Academy Policy, and if relevant, must build in a specific consideration that underage participants are involved.
- 4.5.5. All incidents related to health and safety must be dealt with and reported on according to the relevant JMC Academy policies and procedures including reporting to the visiting school (if relevant) and parent or guardian.

5. RELATED DOCUMENTS

- 5.1. JMC Academy Glossary
- 5.2. Personal Information and Privacy Policy
- 5.3. Health, Safety and Wellbeing Policy
- 5.4. Student Code of Conduct

6. RELEVANT LEGISLATION

- 6.1. Higher Education Support Act 2003 (Cth)
- 6.2. Higher Education Standards Framework (Threshold Standards) 2021
- 6.3. Privacy Act 1988 (Cth)
- 6.4. Information Privacy Act 2009
- 6.5. Child Protection (Working with Children) Act 2012 (NSW)
- 6.6. Child Protection (Working with Children) Regulation 2013 (NSW)
- 6.7. Working with Children Act 2005 (VIC)
- 6.8. Working with Children (Risk Management and Screening) Act 2000 (QLD)
- 6.9. Working with Children (Risk Management and Screening) Regulation 2011 (QLD)

7. POSITIONS RESPONSIBLE

- 7.1. Chief Executive Officer
- 7.2. Director of Finance and Operations
- 7.3. Dean, Quality
- 7.4. Campus Director
- 7.5. Heads of Department
- 7.6. Student Admissions
- 7.7. All Staff and Students

8. APPROVAL INFORMATION

Approval Authority	Governing Council
Health Check approval authority	JMC Academy CEO
Review date	31/08/2024

Version	Approved by	Approval date	Effective date	Modifications	Status
1.0			09/04/2012		Superseded
2.0	Director of Education	05/12/2017	05/12/2017	Updated to new format	Superseded
2.1	Director of Education	20/10/2018	20/10/2018	Reformatted, added related documents and related legislation sections,	Superseded
2.2	JMC Academy CEO	02/02/2019	02/02/2019	Amended requirement for Parent/Guardian signature for underage student	Superseded
2.3	JMC Academy CEO	09/07/2019	09/07/2019	Scope now includes JMC students who might be involved in the management of underage students as a part of Peer Monitoring program	Superseded
3.0	JMC Academy CEO	04/08/2021	15/08/2021	Amendments as per external reviewer's recommendations.	Current