

The Courtauld

The Courtauld Institute of Art

Policy on Admission of Students under the Age of 18 Years

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1.1 Introduction

The majority of applicants are over 18 years of age but The Courtauld may admit students who are under the age of 18 years and The Courtauld has an enhanced duty of care towards children and the following procedures and guidelines ensure that it fulfils this duty of care towards students under 18. All members of staff who come into contact with children are responsible for ensuring their role in fulfilling The Courtauld's duty of care is fully carried out.

In most cases this will be a very temporary situation, as the student will be approaching their eighteenth birthday. The Courtauld is an adult environment and treats all its students as independent, mature individuals and students who are under the age of 18 years will be treated in the same way.

The Courtauld recognises that the Equality Act 2010 requires it to ensure that it does not unlawfully discriminate against individuals on the basis of age, including individuals who are under 18. However, The Courtauld also acknowledges that anyone under the age of 18 living in England are classified as children under UK law and may therefore have additional needs in relation to their support and welfare and that some legal restrictions apply to this group e.g. prohibition on the consumption of alcohol on licensed premises.

1.2 Scope and Purpose

This policy applies to all prospective students under the age of 18 and all students enrolled on undergraduate, postgraduate taught and postgraduate research programmes of study under the age of 18.

1.3 Duty of Care: General Principles

The traditional view of an education provider's duty of care towards a child was that of the reasonably careful parent. The education provider was considered to be in loco parentis.

This view has been eroded in recent case law such that the professional duty is now to take such 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.¹

The responsibility for safeguarding rests with "all those who come into contact with children and families in their everyday work, including practitioners who do not have a specific role in relation to child protection".²

Safeguarding for registered students of The Courtauld who are under 18 includes:

1. Ensuring that students under the age of 18 have the opportunity to participate in activities in a safe and secure environment.

¹ The Children Act (1989), and Joint Chief Inspectors (2002) Safeguarding Children: A Joint Chief Inspectors' Report on Arrangements to Safeguard Children, London: DH Publications.

² Department of Health (2003) What to do if you're worried a child is being abused, London: DH Publications

2. Enabling the parent/carers of the children to have confidence in The Courtauld's care for under 18-year-olds.
3. Ensuring that any student under the age of 18 suffering from or who has suffered significant harm as a consequence of their interaction with The Courtauld is identified and responded to appropriately and quickly.
4. Ensuring that anyone who is unsuitable to work with under 18-year-olds is identified and prevented from doing so within The Courtauld.

This Policy outlines how The Courtauld will ensure that it meets these legal obligations. Admission of any student under 18 years of age must be carried out in line with the requirements of this policy.

2.1 Admissions

Applications from individuals who will be under 18 at the commencement of the programme that they are applying for will be treated in accordance with The Courtauld's Admissions Policy.³

If The Courtauld decides to make an offer on academic grounds, a letter will be sent to the applicant informing them that, as a result of their age, certain additional formalities will need to be completed before the start of the degree programme.

The letter shall be accompanied by a Declaration (see Appendix 1) to be read and signed by the applicant's legal guardian, and to be returned to the Admissions Office if the applicant decides to accept the offer. This seeks to ensure that the respective responsibilities of the Institute and the legal guardian in relation to the applicant are clear. Receipt of the signed Declaration shall be a condition of the applicant's offer. Following successful enrolment, the Declaration will remain in force until the student is aged 18.

Any special arrangements put in place to support and safeguard the welfare of young students will cease to apply when they reach the age of 18.

2.2 Institute Responsibilities

Academic Registry will:

- (i) Identify a named member of staff who will have responsibility as the personal tutor for each student under 18 using reasonable endeavours to allocate a personal tutor with existing 'enhanced' DBS clearance; if none is available, to apply for DBS clearance for the appointed personal tutor as soon as reasonably possible.
- (ii) Ensure that students under 18 meet with their personal tutor on at least a monthly basis in term time and maintain regular e-mail contact out of term time.
- (iii) At the start of each new academic year remind each such personal tutor of the existence of this Policy as well as the Courtauld's Child Protection Policy.

³ The Institute does not admit students under 16 years old. Under the terms of the Tier 4 (General) licence the College can only sponsor applicants aged 16 years or above.

2.3 Parental Responsibilities

The Courtauld is not able to take on the usual rights, responsibilities and authority that parents have in relation to a child, and it will not act in *loco parentis* in relation to students who are under the age of 18 years. It is a condition of admission to The Courtauld that the parent, guardian or other person with parental responsibility of any student who is under the age of 18 years confirms, prior to their admission, by signing and returning the enclosed Declaration, their acceptance of the arrangements set out in this document.

International students aged 16 or 17 must obtain the written consent of the parent(s) or legal guardian(s) that they can live and travel independently when applying for a UK visa.

The Courtauld will provide an equitable level of safeguarding toward its students who are under 18, regardless of country of origin, and no further special measures are taken in respect of non-UK students who are under 18 years of age.

If the parent(s) of a student aged under 18 is/are not resident in the UK, it will be necessary for them to appoint a guardian normally residing in the UK and to provide details for this person and their informed consent to their acting in this capacity. Being a guardian involves carrying out the tasks and responsibilities of the parent(s) as delegated by the child's parents. It is a private arrangement between the parent(s) and the guardian. The Courtauld is unable to assist parents in finding a suitable guardian, but in the case of difficulty in this regard, a list of accredited agencies may be obtained from the Association of Educational Guardians for International Students (AEGIS), details of whom are available at www.aegisuk.net.

A person of 16 or 17 has the status to enter into necessary contracts for education and accommodation but until their 18th birthday will not be legally competent to enter into all legal contracts. The Courtauld requires a student's parents or other persons with parental responsibility to honour all obligations under any contracts with The Courtauld that the student enters into prior to his or her 18th birthday. By signing the enclosed Declaration, the parent agrees to this.

It is The Courtauld's policy that it deals directly with students and not with parents and this approach will also apply to students who are under the age of 18 years. The Courtauld will therefore correspond directly with students, not parents.

Students under the age of 18 still have the right under the Data Protection Act for information about them not to be disclosed without their consent to other persons, including their parents, without their specific written consent.

2.4 Relationships with Staff

Under the Sexual Offences (Amendment) Act 2000, it is a criminal offence for any person in a position of trust (which may include members of Courtauld staff) to engage in sexual activity with someone who is under the age of 18 years.

2.5 Child Protection

As a matter of law in England, a person under the age of 18 in years is a child. The Courtauld has a responsibility to protect those under the age of 18 years from abuse and will report any suspicions or allegations of abuse of children to Local Authority Social Services in accordance with The Courtauld's Child Protection Policy. Any such suspicions or allegations will be reported to the Academic Registrar or nominee who will contact the appropriate authorities.

2.6 Internet Access

Parents and guardians of students under 18 should note that internet access is unrestricted at The Courtauld. It is not possible for The Courtauld to limit access to any particular sites or categories of information. Students under 18 will be expected to observe the same rules and regulations about the acceptable use of the internet as all other students.

2.7 Field Trips

Programmes may involve compulsory or optional field trips, excursions or other periods of study away from The Courtauld. Unless indicated otherwise, by signing the enclosed Declaration, parents give consent for the student to take part in these activities on that basis.

The Courtauld recognises its duty of care in connection with off campus activities it organises such as field trips. In line with Courtauld policy, Risk Assessments will be carried out for all Courtauld organised or co-ordinated off campus activities, trips or placements. Where any participant is under 18 years of age, the evaluation will include assessment in relation to accommodation, welfare support, staff checks and guidance, health and safety and other relevant issues.

2.8 Alcohol & Tobacco

It is illegal for alcohol or tobacco to be sold to or bought by individuals who are under the age of 18 years. The Courtauld will take reasonable steps to seek to ensure that the law is not broken in relation to licensed premises under The Courtauld's control but cannot undertake to supervise any individual student. The Students' Union is responsible for ensuring that appropriate arrangements are in place for its own events.

2.9 Holding Office

Students who are under 18 years are not allowed to hold office, for example they may not be secretary or treasurer to the Students' Union.

2.10 Student Accommodation

Parents should recognise that residential accommodation offered by The Courtauld is generally intended for the use of adults and that special arrangements cannot be made for students who are under the age of 18 years. Other students who share accommodation with those under 18 are not advised of this and The Courtauld has no right or ability to undertake UK Disclosure and Barring Service (safeguarding) checks on those who live or study with students who are under 18 years of age.

The Warden of residential accommodation offered by The Courtauld will have access to details of students under the age of 18.

2.11 Emergency Contact

The Courtauld has a duty of care towards all its students and staff. In the case of students who are under the age of 18, this duty is enhanced, as such students are considered to be children in terms of UK law. It is important to note that a child from the age of 16 is entitled to consent to medical treatment and that such treatment cannot be overruled by parents. In order to ensure that its duty of care towards such students is properly fulfilled, The Courtauld recognises the importance of collecting and maintaining emergency contact information, and of obtaining authorisation to act in *loco parentis* in some limited circumstances for such students.

The circumstances in which The Courtauld may need to act in *loco parentis* include, for instance, any dealings, which a student may have with the police or in the case of a medical emergency when the student might not be able to make a decision their self. The Courtauld would only take a decision on the student's behalf in these circumstances if it were impossible or impractical to contact the student's nominated emergency contact in the available time.

The persons who would normally act on behalf of The Courtauld in such a matter are:

- (i) The Senior Tutor or their nominee
- (ii) The student's Personal Tutor or Head of Programme
- (iii) The Academic Registrar or their nominee

3.1 Procedure for Applications/Admissions

The Academic Registrar or nominee is responsible for ensuring the appropriate procedure is followed in full, by delegating the tasks specified in the procedure to appropriate staff.

The applicant will apply through normal channels (UCAS for undergraduate degrees and the e:Vision online application system for postgraduate courses). Following normal procedure, the applicant will give their date of birth in their application when prompted.

Where an application from an individual who will be under 18 years of age at the commencement of the programme is accepted or conditionally accepted by the relevant member of staff, it will be referred to the Academic Registrar or nominee, to arrange for a risk assessment to be conducted. This assessment will identify any adjustments that The Courtauld will need to make to ensure that it meets its legal and health and safety obligations to the student and to staff involved with the delivery of the programme.

It is essential that the Admissions Tutor obtains guidance and approval from the Academic Registrar before making an offer to the applicant.

The Academic Registrar is likely to ask the Admissions Tutor to obtain certain additional information about the applicant, for example whether the applicant has previously lived away from home, whether they have family based within convenient reach of The Courtauld, and so on.

The Academic Registrar will consider the individual circumstances of the applicant and will determine, in consultation with other key colleagues, what special arrangements should be set in place to support them and safeguard their welfare while studying at The Courtauld.

Examples of special arrangements may include:

- (i) Meeting face to face or conducting a telephone interview with the applicant and their parent(s)/guardian(s) to discuss relevant issues and ensure they are fully aware of the predominately adult nature of the Institute environment.
- (ii) Supplementary tutorial or pastoral support.
- (iii) Guardianship or chaperoning.
- (iv) Any other such arrangements as deemed reasonable and necessary to safeguard the welfare of the student at The Courtauld.

The Academic Registrar will, if necessary, obtain legal advice to inform the decision regarding the particular safeguarding arrangements proposed in relation to the admission of the applicant and whether in all circumstances it is feasible or reasonable for The Courtauld to make those arrangements.

Where approval to make an offer is confirmed by the Academic Registrar and the relevant department has been notified, Registry Services will contact the applicant to obtain the necessary parental agreement before the formal offer is made.

The Courtauld reserves the right, where the identified adjustments are not “reasonable” adjustments as defined with reference to the Equalities Act, to reject the application, or place further conditions that must be fulfilled before the student can enrol.

Appendix 1

Admission of Students under the Age of 18 - Parental Agreement

Applicant Name: _____

Applicant Date of Birth: _____

Applicant UCAS Number: _____

If the applicant named above takes up a place of study at The Courtauld Institute of Art in October 202X, I, the undersigned parent or legal guardian:

1. Understand and accept the information provided in The Courtauld Policy on Admission of Students under the Age of 18 Years.
2. Understand that The Courtauld shall not have parental responsibility and shall not be liable for any acts or omissions by the student. I agree that I shall remain primarily responsible for the student's personal supervision and welfare. For this purpose, I understand that I must consider whether there is a need to provide any continuing personal supervision.
3. Understand that I shall be responsible for ensuring that the student adheres to The Courtauld's rules and regulations. In particular, I will advise the student that they may not buy alcohol or tobacco or enter licensed premises or hold any positions of responsibility in external organisations or in The Courtauld clubs or associations.
4. Agree to act as guarantor for the tuition and accommodation fees incurred by the student together with any other sums owed to The Courtauld until the student attains 18 years of age. On the student attaining the age of 18, this guarantee shall cease to have effect for any future debts.
5. Consent to the student undertaking the programme of study and participating in such extra-curricular activities as the student shall determine.
6. Agree that, if the student is unable to consent and if it is not possible to contact a parent or legal guardian, The Courtauld may authorise emergency medical treatment acting on medical advice in the best interests of the student.
7. Understand that, in accordance with the Data Protection Act, The Courtauld is not in a position to give any information about students, including those under the age of 18, to any person, including their parent(s) or guardian(s) without the specific written consent of that student.

8. Understand that this Declaration shall remain in force until the student's eighteenth birthday.

Signature of parent or legal guardian _____

Name (please print) _____

Relationship to the applicant _____

Date _____

Please now return the completed Declaration to:

Academic Registrar,
The Courtauld Institute of Art,
Vernon Square,
Penton Rise,
Kings Cross,
London,
WC1X 9EN

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