

# Policy on students under the age of 18

Policy Ref	VCAG Lead: Director of Academic Services
Approving Body: VCAG	
Date Approved: 24 <sup>th</sup> September 2024	Review Date: 2 years

## Policy Statement

The policy will apply to students studying at the Royal Agricultural University who are under the age of 18 years old on entry to the university. This policy will not apply to students once they reach their 18th birthday.

Our aim is to support, without being disregarded.

## Scope

All University employees, students, and other authorised representatives must be aware of their responsibilities concerning individuals under the age of 18, the legal age of majority. Under 18s are protected as minors under English Law, and this policy applies to all UK-based activities and responsibilities.

This policy does not apply to visitors or young people on non-credit bearing courses, summer schools or other activities, which should be considered and risk assessed under the university's [Safeguarding Policy](#).

All University employees are in a position of trust, in particular those employees who teach, support, and guide or in any way interact with students. It is incumbent on all employees and students to be aware of this and to always act appropriately.

The University has a responsibility for safeguarding and a number of staff have designated Safeguarding responsibilities.

## Relevant legislation / guidance

### Child protection

As a matter of law in England, a person under the age of 18 is a child. Any suspicions or allegations of child abuse will be reported to the University Safeguarding Officer who will act in accordance with the [University's Safeguarding Policy](#).

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 university staff) to engage in sexual activity with someone who is under 18 years.

### Access to age restricted items & content

The [Licensing Act 2003](#) places restrictions on those under the age of 18 buying or attempting to buy alcohol, which means that students are not allowed to buy or consume alcohol on University premises. The University will take all reasonable steps to ensure that any staff that serve or sell alcohol on campus are aware of any individual students under the age of 18 who attempt to buy alcohol at University licensed premises.

The University will not make any special arrangements for restricting access to particular internet sites for students who are under the age of 18, who are expected to comply with the usual rules and regulations for the use of IT as are all other students.

Academic programmes are designed and validated to be delivered to students over the age of 18 years. Therefore, they may contain teaching materials that are 18-rated. If students and their parents/legal guardians are concerned about the content of the programme that they wish to enrol on, they are advised to discuss the content of the programme with the Programme Leader.

### Sexual relationships

It should be noted that whilst a child can consent to sexual activity once they reach the age of 16, under the [Sexual Offences Act 2003](#) it is a criminal offence for a person over 18 (teacher, student, mentor, university employee etc.) to have a sexual relationship with a child under 18 where that person is in a position of trust, even if the relationship is consensual.

## Policy details

Most students will be 18 or over when they commence their studies or will turn 18 soon after they start. The University is an adult environment and treats all its students as independent, mature individuals. Students who are under the age of 18 years will be treated in the same way.

Although the University acknowledges that anyone under the age of 18 is legally a child and may have additional needs for their support and welfare, the University 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.

Offers of admission to students who will be under 18 at registration will only be made where the University is satisfied that the student meets entry requirements and there may still be exceptions where professional body age restrictions apply.

Applicants will be notified of this Policy and the University [Safeguarding Policy](#) and will agree to comply with any arrangements to support and safeguard under-18s.

Where an applicant will be under the age of 18 at the start of their chosen course, the University will require the applicant's parent/legal guardian to sign the University's Consent Form and return it to the University as confirmation that they, the parent/legal guardian, have read and understood the nature of the obligations which the University owes to its students under the age of 18 and the extent of the services and facilities available to them.

No applicant under the age of 18 will be admitted by the University unless and until the Consent Form has been signed and returned to the Admissions Office.

Where the parents/legal guardians of an applicant under the age of 18 are not resident in the UK, the University requires that a UK-based guardian is appointed, and the guardian's details are provided in writing to the University as a condition of admission.

Under the guidance produced by the Home Office, applicants can apply for a UKVI Student Visa to study in the UK if they are 16 years old or older. This would mean that if an international applicant is 15 years or younger when studying, the University would be unable to support their application to study.

The University must comply with regulations set by the UK Visas and Immigration (UKVI). As such, parents/legal guardians must ensure that suitable care arrangements are in place for a child under the age of 18 who will study in the UK and be sponsored by the University under its Student Visa licence.

The Consent Form requires parents/legal guardians to confirm:

- their relationship to the applicant
- that they consent to the application as a UKVI Student Visa student
- that they consent to the applicant's living arrangements in the UK
- that they consent to the applicant's independent travel to the UK
- the arrangements for the applicant's travel, reception to the UK and living arrangements

A student aged 16 or 17 has the legal right to live independently in the UK and may make their own accommodation arrangements. However, when a 16 or 17 year old applies for a visa under the UKVI Student Visa route, they must have their parents' or a legal guardian's permission both to travel to the UK and live independently. They will still need a parent or legal guardian in the UK.

If one parent or legal guardian has legal custody of or sole responsibility for the applicant, this must be confirmed on the Consent Form and the form signed by that parent or legal guardian. If not, then both parents or legal guardians must give their consent and the form must be signed by both of them.

More specifically, if a student is going to be under the age of 18 on the date they make their visa application, they must provide:

- a consent letter from both parents (or legal guardian, or one parent if that parent has sole responsibility for you), giving consent to their visa application, and them living independently in the UK, their reception arrangements in the UK, and to them traveling independently to the UK;
- a birth certificate, certificate of adoption, or court document proving their relationship to their parent or legal guardian.

### **Medical treatment**

Students who are 16 years of age or over, generally have the legal capacity to consent to their medical treatment. Parents and guardians should be aware that in these cases the student is entitled to make their own decisions about giving consent for medical treatment.

However, for all students under 18 years of age, parents will be asked before studies begin, for UK guardian contact details, as detailed above, in the event of a medical emergency. Even with such consent, the child's view must also be considered. If a medical emergency arises and it is not possible to contact the parent / guardian using the contact details supplied, the University will endeavour to support the student in accessing treatment where it is in their best interests.

### **Contractual arrangements**

A person aged 16 or 17 has the status to enter into necessary contracts (for example, for education and accommodation), but until their 18th birthday will not be legally competent to enter into all legal contracts. In circumstances where a person must be aged 18 or over to be legally competent to enter into a contract, the University require a student's parents/legal guardians to honour all obligations (under any contracts with the University) that the student enters into before their 18th birthday.

### **Accommodation**

Students who are under the age of 18 years and will be living in university-managed accommodation will be required to sign a legally binding contract with Accommodation Services, as this would be classified as a 'necessity' for their way of life. Special consideration will be given to the allocation of accommodation to students under the age of 18 on request. Parents/legal guardians are liable for any disciplinary or damage charges imposed on a student aged under 18.

Parents should recognise that residential accommodation offered by the University is generally intended for the use of adults and that, save in exceptional circumstances, special arrangements cannot be made for students who are under the age of 18 years.

## **Holding Office**

Under 18s are eligible to be a member of the Students' Union (SU) and to access its services and activities. However certain restrictions may apply:

- a) Membership of a student activity group may be at the discretion of the Union to ensure that the appropriate safeguarding conditions can be put in place and that the activities are suitable for an under 18.
  
- b) Membership of certain societies may be refused due to age restrictions.

The University will share relevant information with the Students Union, such as date of birth on a case-by-case basis noting that consent to share may be over-ruled by necessity to protect individuals. The SU will conduct its own risk assessments.

## **Non-academic activities**

The student is responsible for informing organisers of non-academic activities in which they wish to participate that they are under the age of 18 years. In such cases the organiser will undertake a risk assessment and discuss with the student any particular concerns that arise, which may result in the student not being permitted to participate, or only with the express consent of the parent/legal guardian. The organiser will make any necessary special arrangements if required and agreed.

## **Responsibilities**

### **Risk Assessment**

The Safeguarding Committee is responsible for developing and reviewing the Risk Assessment template, and for maintaining records of completed assessments.

The Dean and nominated Designated Safeguarding Officer should complete a Risk Assessment for all under 18 students. This risk assessment should identify personnel with whom the student would have one-to-one contact with and determine whether such contact would constitute 'regulated activity'. In such cases, if a [Disclosure and Barring Service](#) (DBS) check has not already been undertaken as a requirement of the role, one will be recommended within the risk assessment.

A master copy of this document will be retained within central Safeguarding case records.

The Dean is responsible for informing the relevant programme staff of the arrival of an under 18 and of any remedial action to be implemented.

### **Safer Recruitment and Selection Procedures**

Many employees across the University will be in regular or significant occasional contact with under 18s in the course of their teaching or other work, or will be in positions of trust

e.g. student support staff; security employees. In cases where employees are identified as undertaking 'regulated activity', it is a requirement that they, and their line managers, should be [DBS checked](#).

In cases where academic teams are informed of the enrolment of a student who is under 18 in their department, it is the responsibility of the Dean to identify any staff who may be undertaking 'regulated activity' with these students on a regular basis, and may require a DBS check.

### **Safeguarding Concerns**

In line with the [Safeguarding Policy](#), employees and students have a responsibility to be alert to the possibility that an individual under 18 may have been abused or be at risk of abuse. Such concerns should never be left unreported and need to be referred to the Director of Academic Services, Head of Student Services or a Designated Safeguarding Officer. For full information consult the [Safeguarding Policy](#).

### **Record Keeping and Confidentiality**

It is the University's usual policy to deal directly with students and not their parents. Minors over 16 years of age have the same rights under the General Data Protection Regulation (GDPR) as those over 18.

However, if the applicant/student fails to pay any sums agreed on contract then it might be necessary to disclose this to any guarantor and possibly to a debt collection agency.

An exception to this is where a student fails to pay any fees owed to the University and it becomes necessary to disclose this to any parent / legal guardian who is acting as guarantor, or where there are serious welfare or safeguarding concerns.

In accordance with statutory requirements, where safeguarding issues are involved, the priority is the safety of the individual who may be at risk. There may be occasions where a safeguarding issue is reported without obtaining prior consent.

### **Work Placements**

Anyone on work experience placements is regarded in health and safety law as an employee. Therefore, students on work experience must be provided with the same level of health, safety and welfare protection given to other employees.

The University will inform the employer/provider that the student is under 18 and ensure that they have in place appropriate insurance and health and safety procedures and that they are aware of the additional responsibilities of employing young people including any DBS requirements.

Work placement will form part of the risk assessment.

As with all students on placements, but of particular importance with under 18's students, there should be suitable arrangements for maintaining contact between the student and their tutors.

## Field Trips

Certain courses may involve field trips, excursions or periods of study away from the University. Any additional responsibilities will be identified in the risk assessment and the student will be notified of these responsibilities before the activity commences.

A separate risk assessment must be carried out before any field trip can take place.

## Equality, Diversity and Inclusion

The University is committed to the fair treatment of our prospective applicants, and existing students and staff of all ages. We encourage age diversity across the institution and this is supported through our [Equality Diversity & Inclusion Policy](#) (EDI).

This policy promotes EDI on campus and across RAU partnerships by safeguarding students under the age of 18. The University treats all its students, regardless of age, as independent, mature individuals.

## Other related policies / procedures

Relationship to other relevant RAU policies, codes of practice etc. are listed below:

- [Safeguarding Policy](#)
- [Data Protection](#)
- [Admissions Policy](#)
- [Equality and Diversity Policy & Procedures](#)

## Consequences

The University acknowledges that anyone under the age of 18 is legally a child and recognises that students under the age of 18 may therefore have different needs in relation to their support and wellbeing.

Admission of such applicants therefore requires additional consideration in order that the University can ensure that it fulfils its obligations in relation to safeguarding these students.

## Review

This policy will be reviewed every two years.

*Last updated September 2024*

**Version control**

Version number	Change	Name and job title	Date
1		Karen Hocking Head of Student Services	September 2024