

## ISP Homestay Policy

### Purpose

This policy outlines the obligations of the Department of Education (DE or the department) International Education Division (IED) and school staff to any student where DE (IED) has taken responsibility, under the *Migration Regulations 1994*, made under the *Migration Act 1958* (Cth) and *the National Code of Practice for Providers of Education and Training to Overseas Students 2018* (Cth) (National Code) for approving the accommodation, support and general welfare arrangements for a student.

For the purpose of this policy, international students (students) are defined as students participating in the International Student Program (ISP) who hold a subclass 500 Student Schools visa and have been issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter or have turned 18 years old and previously held a CAAW.

### Scope

This policy applies to all students who have been issued a CAAW letter by DE (IED) through the Provider Registration and International Student Management System (PRISMS). For more information on non-CAAW students, please refer to the [ISP Accommodation and Welfare Policy](#).

### Policy

#### National Code obligations

Under Standard 5 of the National Code, DE (IED) has the following obligations to all CAAW students:

- nominate the dates for which it accepts responsibility for the student's accommodation, support and general welfare arrangements, and advise the Department of Home Affairs (DHA) through PRISMS
- ensure any adults involved in providing accommodation and welfare to the student all have valid Working with Children Checks (WWCC)
- devise and implement processes for verifying the student's accommodation is suitable in terms of the student's age and needs:
  - prior to the accommodation being approved
  - at least every six months thereafter
- formulate processes for managing emergency situations and where a student's welfare arrangements are disrupted
- maintain up-to-date records of the student's contact details, including the contact details of the student's parent(s)/legal guardian(s), or any other adult responsible for the student's welfare
- advise DHA:
  - as soon as practicable if a student will be cared for by a parent/legal guardian
  - within 24 hours if DE (IED) is no longer able to approve the student's welfare arrangements
- if DE (IED) is no longer able to approve the student's welfare arrangements, all reasonable efforts must be made to immediately notify the student's parent(s)/legal guardian(s)
- where DE (IED) suspends or cancels the enrolment of a student, DE (IED) must continue to approve the welfare arrangements for the student until any of the following applies:
  - the student has alternative welfare arrangements approved by another provider
  - care of the student by a parent/legal guardian is approved by DHA
  - the student leaves Australia
  - DE (IED) has notified DHA that it can no longer approve the student's welfare arrangements and has taken all the required actions after not being able to contact the student
- when DE (IED) is enrolling a student who has welfare arrangements approved by another provider, DE (IED) must:
  - negotiate the transfer date for welfare arrangements with the releasing provider to ensure there is no gap in welfare arrangements
  - inform the student of their visa obligation to maintain their current welfare arrangements until the transfer date, or have alternate welfare arrangements approved, or return to their home country until the new approved welfare arrangements take effect.

DE (IED) discharges these obligations as outlined below:

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## CAAW responsibility

The CAAW responsibility that has been undertaken by DE (IED) cannot be delegated to any other party, such as a homestay service. DE (IED) retains the ultimate responsibility for approving and assuring welfare arrangements until the student:

- leaves Australia, or
- turns 18 years old, or
- transfers to another provider's CAAW, or
- enters the care of a parent/legal guardian or DHA-approved relative.

## Welfare and accommodation

DE (IED) must:

- ensure that documentary evidence is sighted to confirm that the international student is at least 13 years of age at the time of commencing homestay accommodation
- nominate the dates for which the DE (IED) accepts responsibility for approving the student's accommodation, support and general welfare arrangements using the DHA pro-forma available through PRISMS
- advise DHA in writing of the approval using the DHA pro-forma available through PRISMS
- provide clear advice, support and training to ensure that the school has documented and implemented procedures for the Child Safe screening and monitoring of the suitability of the student's accommodation, support and general welfare arrangements as set out in the [ISP School Toolkit](#)
- formally notify DHA through PRISMS, as soon as practicable, when a student under the age of 18 has changed their welfare or accommodation arrangements
- formally notify DHA through PRISMS, within 24 hours, if DE (IED) determines it can no longer approve the arrangements for the student.

Schools must:

- provide written confirmation to DE (IED) formally accepting the welfare and accommodation request, as per the [ISP Admissions and Enrolment Procedure](#), and undertake the necessary steps for the provision of this request
- ensure that the homestay provider is aged 21 years or over
- discharge their duty of care obligations under the [Reporting and Managing School Incidents \(including emergencies\) Policy](#), [Emergency and Critical Incident Management Planning Policy](#) and [Child Safe Standards Policy](#)
- formally facilitate any change in welfare arrangements
- notify DE (IED) if there are any changes or concerns regarding the student's welfare arrangements
- maintain up-to-date records of the student's contact details as outlined in the [ISP Record Keeping Procedural Guidelines](#).

## Selecting and screening a homestay provider

*Please note that these requirements are applicable to all homestay providers, including temporary and emergency homestays.*

Schools must:

- verify the suitability of homestay accommodation by conducting a homestay site visit check prior to the student's homestay commencement of the site visit check must be completed using the online VISIT checklist (unless the particular homestay has been verified through an on-site visit for a previous student in the preceding three months). Schools must undertake this check within six months prior to the homestay placement. While not required, schools are strongly advised to undertake this check at least six weeks prior to commencement of the homestay placement to allow additional time to remediate any issues identified
- ensure school staff are not approved as homestay providers. The only exception to this is in an emergency, whereby school staff who are not directly involved in the ISP, and who are not VIT registered, may provide emergency homestay accommodation as required
- The homestay site visit check using the online VISIT checklist requires that schools:
  - ensure that all homestay providers and those frequently residing at the homestay who are aged 18 years and over have a valid and current Working with Children Check (WWCC), or Victorian Institute of Teaching (VIT) registration (noting that teachers can be homestay hosts for students at another school but cannot be a homestay host for international students at their own school)
  - complete a referee check for the homestay provider to confirm their suitability to undertake child-related work
  - complete an identification check for all homestay residents aged 18 years and over
  - after completing the above, make a recommendation to the school principal to electronically approve (or not approve) the homestay provider in VISIT – please refer to the [ISP Homestay Procedure](#)
  - ensure that all homestay providers sign an [ISP Homestay Responsibility Agreement](#).

## Enrolment

DE (IED) must:

- obtain confirmation that the host school has the appropriate provision for the accommodation and welfare (CAAW) option requested by the student
- issue a CAAW letter formally confirming the accommodation and welfare where the responsibility is assumed by the department.

Schools must:

- ensure that they have documented and implemented procedures to complete the Child Safe screening and assessment of suitability of the student's accommodation, support and general welfare arrangements, as set out in the [ISP School Toolkit](#)
- verify and approve the student's accommodation prior to placing the student in the homestay and review living arrangements at least every six months thereafter. This includes checks for students who are aged 18 and over and living in option 4 accommodation. Checks for Option 3 homestays are no longer required after the student turns 18 years old unless the student raises concerns, or the school has concerns pertaining to the student's wellbeing or living arrangements
- ensure that the student's accommodation is suitable in terms of the student's age and needs, taking into consideration additional factors prior to assigning a student to a homestay provider, including gender and cultural background
- ensure that the homestay information is uploaded into VISIT within 5 working days of school principal approval.

### **School holiday and student travel register**

DE (IED) must:

- have processes and supports in place to assist schools in the oversight of a student's location at all times during their enrolment.

Schools must:

- maintain up-to-date school holiday and student travel location information in VISIT
- ensure any travel aligns with DE (IED)'s ISP Student Travel Policy.

### **Monitoring homestay providers**

*Please note that these requirements are applicable to all homestay providers, including emergency homestays.*

#### **Homestay site visits**

DE (IED) must:

- conduct regular monitoring of school homestay information on VISIT to ensure that:
  - homestay checks are being conducted prior to the student's placement, and at least every six months thereafter
  - ensure all homestay information is complete.
- proactively and regularly seek feedback via an online survey to be completed by international students regarding their experience in homestay arrangements and develop action plans to address feedback as required.

Schools must:

- conduct a homestay site visit check at least every six months after the initial on-site visit (or more frequently if required, for example, following a critical incident). This includes checks for students who are aged 18 and over and living in Option 4 accommodation. Checks for Option 3 homestays are no longer required after the student turns 18 years old, unless the student raises concerns, or the school has concerns pertaining to the student's wellbeing or living arrangements
- as part of the six-monthly check of homestay providers, seek feedback from international students regarding their experience in the homestay
- maintain up-to-date homestay provider information in real time on VISIT, including any site visit checks undertaken.

#### **Working With Children Checks (WWCCs)**

- All persons aged 18 years and over residing, or frequently residing, in a homestay must hold a valid WWCC
- No student should be placed under accommodation and welfare arrangements where an adult does not hold a WWCC
- Where a homestay is hosting an international student aged 18 and over and an international student who is under 18 years of age, the international student aged 18 and over must also hold a valid WWCC
- International students aged 18 years and over who reside with siblings in the same homestay are not required to obtain a WWCC.

DE (IED) must:

- conduct regular monitoring of school homestay information on VISIT to assess the validity of all WWCCs
- notify the school as soon as it becomes aware of any homestay provider that does not hold a valid WWCC.

Schools must:

- move the student into emergency homestay as soon as they are notified, or become aware, of any homestay provider or of any persons aged 18 and over living in, or regularly visiting, the homestay that do not hold a valid WWCC, until the WWCC is obtained. Where there are compassionate and compelling circumstances, the school may request that DE (IED) assess the circumstances and determine whether or not the student should be moved. This may require evidence that the required WWCC has been applied for and the school has appropriate risk mitigation strategies in place
- maintain up-to-date WWCC information on VISIT for all homestay providers and all persons aged 18 years and over living, or frequently residing, in the homestay
- confirm the validity of WWCCs using the Department of Justice [WWCC Status Checker](#) at least once per term.

## Disruption to homestay arrangements

DE (IED) must:

- maintain and implement processes for managing emergency situations which may disrupt a student's homestay arrangements.

Schools must:

- maintain complete and up-to-date homestay information on VISIT
- ensure that they are activating a critical incident response to any situation that results in the disruption of a student's homestay arrangements.

## Exiting the homestay program

### Transfer to another CRICOS-registered provider

DE (IED) must:

- ensure that the receiving provider is CRICOS-registered in the [CRICOS register](#)
- communicate with the receiving provider to ensure that there are no gaps in welfare arrangements
- sight evidence of the new welfare arrangements, or evidence of the student's return to their home country, prior to cancelling the CAAW.

Schools must:

- formally facilitate the student's transfer to another CRICOS-registered provider
- inform the student to remain in their DE-approved accommodation until confirmation is received from DE (IED) that the transfer has been approved.

### CAAW to non-CAAW (under 18 years)

DE (IED) must:

- advise DHA, via PRISMS, as soon as practicable, if a student will be cared for by a parent/legal guardian or DHA-approved relative and a CAAW is no longer required
- sight a completed [Application for Change of Accommodation and Welfare Provision Form](#) and relevant evidence prior to approving any welfare changes.

Schools must:

- formally facilitate the change in welfare arrangements
- ensure the student remains in their DE-approved accommodation until confirmation is received from DE (IED) that the new welfare arrangements have been approved.

### CAAW ceases (over 18 years) – Independent Living

DE (IED) must:

- Provide schools with resources to facilitate an application for independent living for students who turn 18 years old and choose to live independently
- consider and endorse written requests from schools for students to live independently.

Schools must:

- counsel students and parents on the DE (IED) recommendation that they remain in homestay accommodation until they complete their studies
- follow the procedural advice outlined in the ISP Homestay Procedure
- Seek feedback from the student on the independent living arrangement at least once per Term to ensure that the accommodation remains suitable.

Principals must:

- sign the completed independent living assessment checklist if an independent living assessment has been completed.

### Cancellation or suspension of student enrolment on a CAAW

DE (IED) must:

- continue to check the suitability of care arrangements for any student where their enrolment is suspended or cancelled by DE (refer to the [ISP Department Initiated Suspension and Cancellation Policy](#)), until:
  - the student has alternative welfare arrangements approved by another CRICOS-registered provider, or
  - the student has a nominated guardian approved by DHA, or
  - the student leaves Australia, or
  - DE (IED) has notified DHA through PRISMS that it is no longer able to approve the student's welfare arrangements, or

- DE (IED) has taken the required action under Standard 5.5 of the National Code after not being able to contact the student (as outlined in the ISP Critical Incident Procedural Guidelines), or
- the student turns 18 years old
- if none of the above-mentioned alternative welfare arrangements are made within 7 days, DE (IED) will cancel the CAAW and report to DHA, through PRISMS, that it can no longer approve the student's welfare arrangements. DE (IED) must make all reasonable efforts to ensure that the student's parent(s)/legal guardian(s) are notified immediately.

Schools must:

- maintain their welfare and accommodation responsibilities and related provisions for any student where their enrolment is suspended or cancelled by the department, until advised otherwise by DE (IED).

### Course completion

The student's CAAW arrangement will cease 7 days after the last day of the student's course.

### Student turns 18 years old

The student's CAAW arrangements will cease once the student turns 18 years old.

### Reporting

DE (IED) must:

- work cooperatively with other government agencies, including DHA and other relevant divisions within the department, on issues related to student welfare and satisfy all reporting obligations.

Schools must:

- immediately raise any issues related to student welfare and visa conditions with DE (IED).

### Support and training for schools

DE (IED) must:

- provide schools with the resources to support the delivery of accommodation and welfare services that they provide in accordance with the *Education Services for Overseas Students Act 2000* (Cth) (ESOS Act), Victorian Child Safe Standards, the Commissioner for Children and Young People Reportable Conduct Scheme and the VRQA Guidelines for Enrolment of Overseas Students Aged Under 18 Years
- provide school staff (at Principal Class Officer and International Student Coordinator level) with training to support the delivery of accommodation and welfare services in compliance with the following requirements:
  - policies and procedures for verifying that the student's accommodation is suited to the student's age and needs
  - The department's policies and procedures for managing emergencies and critical incidents
  - Victorian Government Child Safe Standards, and
  - ESOS Act, National Code, and VRQA Guidelines for Enrolment of Overseas Students Aged Under 18 Years regulations.

Schools must:

- provide homestay providers with information and annual training on Child Safe Standards
- provide homestay providers with information and annual training on critical incident management.

### Roles and responsibilities

- The **Secretary of the department** has the authority to make decisions regarding the accommodation and welfare of students. Under clause 37 of the Ministerial Order the **Secretary** has authorised the **Executive Director, IED** to undertake the following under the Instrument of Authorisation No. 2019/A01:
  - issue Confirmation of Appropriate Accommodation and Welfare (CAAW) letters, in accordance with the *Migration Regulations 1994* (Cth)
  - undertake responsibility, by issuing CAAW letters for approving the accommodation, support and general welfare arrangements for students who are under the age of 18 (and who will not be residing with a parent or DHA-approved relative in Australia), as required by the VRQA Guidelines for the Enrolment of Overseas Students Aged Under 18 Years, made under the *Education and Training Reform Act 2006*
  - approve the provider's Accommodation and Welfare policy, as revised from time to time
- The **Executive Director, IED** is responsible for discharging their duties under the Instrument of Authorisation No. 2019/A01 as the nominated Principal Executive Officer of the department as a CRICOS-registered provider. The **Executive Director, IED** is also responsible for approving this policy. The **Executive Director, IED** is responsible for taking action under the critical incident management procedure, and where required, making a decision to suspend or cancel a student's enrolment and making a decision where DE (IED) no longer approves of the accommodation and/or welfare arrangements in place for student.

## School termination rights

Schools may terminate a homestay agreement in the event that the homestay provider is found to be unsuitable. Should a school make this determination they should advise the homestay provider in writing. See [ISP Homestay Responsibility Agreement](#) and [ISP Homestay Procedure](#) for more information.

## Legislation

- *Education Services and Overseas Students Act 2000* (Cth)
- *The National Code of Practice for Providers of Education and Training to Overseas Students 2018* (Cth)
- *Migration Act 1958* (Cth)
- *Education Services for Overseas Students Regulations 2001* (Cth)
- *Education and Training Reform Act 2006* (Vic)
- Victorian Child Safe Standards as per the *Child Wellbeing and Safety Act 2005* (Vic)
- Commissioner for Children and Young People Reportable Conduct Scheme established under the *Child Wellbeing and Safety Act 2005* (Vic)
- *Ministerial Order 819 – Fees for Overseas Students in Government Schools* (Vic)
- *Ministerial Order 1359 – Child Safe Standards* (Vic)
- VRQA Guidelines for the Enrolment of Overseas Students Aged Under 18 Years

## Associated documents

- [ISP Accommodation and Welfare Policy](#)
- [ISP Homestay Procedure](#)
- [ISP Homestay Responsibility Agreement](#)
- [ISP Admissions and Enrolment Procedure](#)
- [ISP Record Keeping Procedural Guidelines](#)
- [ISP Department Initiated Suspension and Cancellation Policy](#)
- [Withdrawal Form](#)
- [Application for Change of Accommodation and Welfare Form](#)
- [PAL - Reporting and Managing School Incidents \(including emergencies\) Policy](#)
- [PAL - Emergency and Critical Incident Management Planning Policy](#)
- [PAL - Child Safe Standards Policy](#)
- [ISP Independent Living Assessment Checklist](#)

## Definitions

- **DE (IED)** – Department of Education– International Education Division. IED is the division in the Department of Education that administers the International Student Program (ISP) in Victorian government schools. IED is not a separate entity to the department, which is the CRICOS-registered provider.
- **International student (student)** – a student participating in the ISP who holds a subclass 500 Student – Schools visa who has been issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) Letter.
- **ISP staff** – includes the Executive Officers, managers and employees (full time, part time, ongoing, fixed term, casual and contractor) of the department who work directly or indirectly within the ISP. This excludes staff of ISP-accredited schools.
- **School staff** - employees of schools, for example – International Student Coordinator, Homestay Coordinator, Head of Department, deputy principal, and principal.
- **Homestay** – international student accommodation arranged by schools where DE (IED) is responsible for the welfare of the student at all times, including outside school hours.
- **Homestay provider** – typically a member of the school community and refers to the provision of homestay services to an international student. Homestay is a term used to describe full board accommodation offered by a family, a couple, or a single person for which a fee is charged. Homestay services include the provision of accommodation, meals, facilities and utilities.

## Policy contact and maintenance officer

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## Authorised

Executive Director, International Education Division

**Date of authorisation:** 26/04/2023

**Date last reviewed:** 26/04/2023

**Review frequency:** This policy will be reviewed at minimum every 24 months or when any changes arise impacting its currency, including legislative or regulation change.