



**ISA**

**GUARDIAN & WELFARE SERVICES**

*SENATE SUBMISSION RE INQUIRY INTO THE  
WELFARE OF INTERNATIONAL STUDENTS*

## **Executive Summary:**

This submission specifically relates to the advocacy and support of visiting international students under the age of 18. ISA Guardian & Welfare Service is a national service provider of care and welfare services for visiting international students. ISA Guardian & Welfare Service has 11 years experience in providing support and advocacy services to international students and is the only national provider currently operating in Australia. Through our exposure to the under 18 market over the previous 11 years we have discovered a wide and varied interpretation by education providers of what constitutes appropriate welfare for students under the age of 18. The high school and foundation pathway programs are an important element of the international education sector, hence it is vital that a standardised approach is implemented nationally to ensure providers are vigilant in their compliance obligations for young students.

Organisations or individuals entrusted with providing welfare for students should meet minimum service standards and reporting conditions. These processes should be transparent and fully auditable. Providers of welfare services should be registered businesses with appropriate levels of professional indemnity and public liability insurance. It is our view the carer appointed should be an independent advocate who can represent the student without bias, and in this regard, the carer should not be a home stay host or employed by the education institution. There is a distinct conflict of interest if the carer is a host or employed by the school.

Our recommendations include:

A national service standard outlining the role and responsibilities of an independent advocate (carer).

Minimum service standards and accountabilities for welfare providers (individuals, companies), including after hours assistance, insurance, regular reviews with education providers to ensure service standards are being maintained.

Welfare providers to maintain auditable records. Detailing all contacts with students, including frequency and method of contact.

Welfare providers to ensure agreements are provided to parents clearly outlining services, length of service, cost of service and refund policy.

## **Current Model:**

Current visa processes basically offer three options for students under the age of 18 to be granted a visa to study in Australia:

1. Student will be accompanied by a parent or legal guardian who will remain with the student whilst in Australia (Education provider does not issue a CAAW – “Confirmation of Appropriate Accommodation and Welfare”).
2. Student has a relative as defined by DIAC (Education provider does not issue a CAAW)
3. Student obtains a CAAW issued by the education provider.

This submission focuses on **option 3** above, as the interpretation by education providers on what constitutes appropriate accommodation and in particular welfare is considerably varied. Without specifically mentioning individual providers in both the private and government sectors there is a demonstrated need to review and standardise compliance standards relative to the ongoing support, care and advocacy for students under the age of 18 when they arrive in Australia.

At present, under option 3, there seems to be three distinct models in relation to welfare of students under the age of 18. The models are outlined below identifying the prominent stake holders:

**Model One:**

- **Parents / Student**
- **Education Provider**
- **Independent Advocate (Carer) for student – Not employed by Education Provider or Home stay provider**
- **Home Stay Provider / Accommodation Officer - Host**
- **Education Provider Counsellors – Student Welfare Support Services Staff**

**Model Two:**

- **Parents / Student**
- **Education Provider (Nominates Staff member of school to be the nominated carer)**
- **Home Stay Provider / Accommodation Officer - Host**
- **Education Provider Counsellors – Student Welfare Support Services Staff**

**Model Three:**

- **Parents / Student**
- **Education Provider**
- **Home Stay Provider / Home Stay Host – Also performs the role of carer**

There are arguments for and against each model along with identified strengths and weaknesses. It is my opinion the carer of any student under the age of 18 needs to be independent in order to advocate solely in the best interests of the student. One significant issue which needs to be addressed pertains to Model Three. There is a distinct difference between being a home stay host or accommodation provider and being an independent advocate (Carer) for a student. Firstly if a host or accommodation provider has a financial or pecuniary interest in a student remaining in a home stay, it is reasonable to assume they may have a vested interest in ensuring students remain in their home stays regardless of any complaints. In this model there is a lack of independence and students have no one independent to turn to for assistance with dispute resolution or conflict within the home stay environment. A large percentage of our current work as independent advocates is mediating disputes and representing the student in disputes with hosts or home stay providers in relation to fees. The other major flaw with this

model is if a student changes accommodation more than once, the continuity of care changes with each new host and relationships need to be re established, there is no stability or constant for the student.

Similar problems can be identified in Model Two where school staff is allocated as the carer of the student, quite often it is a person of significant authority, Principal or Vice Principal who is appointed in this role. This again can cause conflicts of interest for school staff, for example, if the student needs to be counselled or warned in relation to a dispute or behavioural issue within the school environment, who will represent the student in this situation? It is difficult for a young student to disagree or dispute any sanction or decision if they do not have an independent advocate. Other scenarios which can cause conflict are when the parents and student are not satisfied with the services of the current education provider and wish to change schools. An independent person is required to ensure all protocols and processes are followed and the student is not disadvantaged, it is imperative the rights of young students are protected.

The question as to what constitutes appropriate welfare in our view needs to be defined and specific compliance measures introduced. Under current processes the terminology appropriate welfare is left open to interpretation and as such the level of care for young students has no national consistency. It is determined by the current management team of the education provider. The following examples are purposely submitted in general terms rather than specifics:

- Some providers are influenced by education agents into issuing a CAAW as a means of expediting a visa application, to ensure enrolment numbers remain consistent.
- Some providers allow education agents to arrange “carer’s” for the students. Quite often this is viewed as an additional income stream for agents and no specific services are provided to the student. Providers do not meet the carer and do not audit frequency of contacts with the student or services provided.
- Students will be given a mobile phone number by the education agent and advised only to ring if they are in trouble.
- We have observed on a number of occasions, admissions staff at various institutions who believe a CAAW is issued as a matter of course for all applicants under the age of 18, rather than by exception.
- Education agents are actively undermining the visa process by utilising the CAAW process to obtain a visa. Once the visa has been issued the agents will contact the education provider and advise them the student has a “relative” who will provide the approved accommodation and welfare for the student, some education providers are allowing this to occur. This practise in our view undermines the integrity of the visa process as DIAC has specifically outlined a process for formally approving visa applications using a relative.
- Some education providers do not have any processes in place to monitor the performance of business’ or individuals who provide care services to students.

**Conclusion:**

The introduction of a uniform National welfare standard in relation to international students under the age of 18 will ensure that young international students are provided with the necessary care, support and supervision which will be highly beneficial to a student's life and improve the quality of their experience in Australia.

With a National welfare standard in place, accountability and service delivery standards will increase significantly for stakeholders involved in the students' lives in Australia. This will in turn necessitate stakeholders to act with the students' best interest as their core focus.

Engagement of professional independent advocates and carers for young students can ensure that this increase in accountability and service delivery standards can be met and students are provided with adequate professional care and support services.

Given the above, it can be seen that the introduction of a uniform National welfare standard, along with the aid of professional independent carers for international student under the age of 18 will enhance Australia's reputation as the desired study destination for young international students.