

## Policy on admission of students under the age of 18 years

### Introduction

1. Occasionally the College admits students who are under the age of 18 years. In most cases this will be a very temporary situation, as the student will be approaching their eighteenth birthday. The College 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.
2. The College 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 College also acknowledges that anyone under the age of 18 living in England is legally a child and may therefore have additional needs in relation to their support and welfare.
3. This Policy outlines how the College 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.

### Admissions

4. Applications from individuals who will be under 18<sup>1</sup> at the commencement of the programme that they are applying for will be treated in accordance with the College Admissions Policy.
5. 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. The College considers students aged between 17 years 3 months and 18 years of age to be 'nearly 18', as they will become 18 within their first year of study. Students in this age category will be subject to fewer safeguarding arrangements or restrictions than those who will be aged less than 17 years and 3 months on entry.

### School and departmental responsibilities

6. Academic departments admitting students under the age of eighteen are required to:-
  - (i) identify a named member of staff in the Department who will have responsibility as the personal tutor for each student under 18 in the Department
  - (ii) remind all staff of the offence of abuse of position of trust under the Sexual Offences (Amendment) Act 2000
  - (iii) ensure that students under 18 meet with their personal tutor on at least a monthly basis in term time and maintains regular e-mail contact out of term time (this establishes 'substantial contact' over and above the contact such a student has with other members of staff in the School).
  - (iv) ensure that the personal tutor for such students has undergone and passed Disclosure Barring Service (DBS) checks at 'enhanced' level (this may be arranged through the Human Resources Department).

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<sup>1</sup> The College 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.

- (v) Ensure that the personal tutor has undertaken basic NSPCC child protection awareness training
- 7. Any other persons expected to have substantial contact with such students should also obtain DBS clearance at 'enhanced' level.
- 8. At the start of each new academic year the School must confirm to Registry Services the contact details for the personal tutor(s) in their School allocated to students under 18 years of age and will remind each such personal tutor of the existence of this policy.

### **Parental responsibilities**

- 9. The College 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 College 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 proforma, their acceptance of the arrangements set out in this document.
- 10. If the parent(s) of a student aged under eighteen 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 University 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](http://www.aegisuk.net).
- 11. As a student who is under the age of 18 years may not be able to enter into legal contracts, the College requires a student's parents or other persons with parental responsibility to honour all obligations under any contracts with the College that the student enters into prior to his or her 18<sup>th</sup> birthday. By signing the enclosed proforma, the parent agrees to this.
- 12. It is the College's usual policy that it deals with students and not with parents and this approach will also apply to students who are under the age of 18 years. The College will therefore correspond with students, not parents.
- 13. 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.

### **Relationships with staff**

- 14. 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 College staff) to engage in sexual activity with someone who is under 18 years.

### **Student services**

- 15. The College provides an extensive range of services to its students regardless of age, including: Academic Skills, Careers Service, Wellbeing Services (Disability and

Dyslexia Service, Counselling and Mental Health Services), Funding Advice Service, Nursery and Student Centre. The College does not normally provide any specific support services or facilities for students under the age of 18. Where one-to-one meetings are held with individual students in the context of student services and support, at least one named member of staff in each service area will have undergone and passed DBS checks at 'enhanced' level.

### **Child protection**

16. As a matter of law in England, a person under the age of 18 in years is a child. The College 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 the appropriate Social Services officer. Any such suspicions or allegations will be reported to the Academic Registrar or nominee who will contact the appropriate authorities.

### **Field trips**

17. Programmes may involve compulsory or optional field trips, excursions or other periods of study away from the College. The College is not able to take any additional responsibility for a student who is under the age of 18 years in relation to such activities. Unless indicated otherwise, by signing the enclosed proforma, parents give consent for the student to take part in these activities on that basis.

### **Study materials**

18. Programmes may require students to view films or videos as part of their studies. Where a student under the age of 18 is to be shown a film with a BBFC classification of 18, acceptance of an offer of a place at the College will be deemed to constitute consent to this. The College will not sell/supply videos with a BBFC classification of 18 to students under the age of 18 years in relation to their studies. The College will take reasonable steps to ensure that such students do not access internet sites inappropriate to students under the age of 18 years but will also advise students concerned that it is also their responsibility not to attempt to do so.

### **Alcohol**

19. It is illegal for alcohol to be sold to or bought by students who are under the age of 18 years. The College will take reasonable steps to seek to ensure that the law is not broken in relation to licensed premises under the College's control but cannot undertake to supervise any individual student.

### **Emergency contact**

20. The College has a duty of care towards all its students and staff. In the case of students who are under the age of 18 years, this duty is enhanced, as such students are considered to be children in terms of UK law. In order to ensure that its duty of care towards such students is properly fulfilled, the university 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.
21. The circumstances in which the College 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

him/herself. The University 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.

22. The persons who would normally act on behalf of the College in such a matter are:-
- (i) The College Secretary or his/her nominee
  - (ii) The student's Personal Tutor or Head of School/Department
  - (iii) The Academic Registrar or his/her nominee

### **Procedures**

23. The Executive Dean or nominee is responsible for ensuring the appropriate procedure is followed in full, by delegating the tasks specified in the procedures to appropriate staff within their department.
- (i) Procedure (A) should be used for applicants who will be aged between 17 years 3 months and 18 years on entry.
  - (ii) Procedure (B) should be used for applicants who will be aged under 17 years 3 months on entry.
24. **(A) Admission of students aged between 17 years 3 months and 18 years**  
This procedure should be applied before an offer is made.
25. Where an offer of admission to the College is to be made to any applicant who will be under the age of 18 years at the point of admission Registry Services will send a letter to the student enclosing a form of consent for the signature of the parent or guardian of the applicant, together with a copy of this document. The letter containing the offer of admission will make it clear that any such offer is conditional upon the form of consent being signed and returned to the Admissions Office. Registry Services will monitor such forms and will only confirm the offer of admission once it has been signed and returned.
26. On receipt of the completed form, Student Administration will lodge the original copy in the student's file in Registry Services, send a copy to the Director of Operations for the relevant School and upload a scanned electronic copy to the student's SITS record
27. The applicant must be allocated a Personal Tutor who is qualified to work with students aged under 18 as per point 6 above.
28. **(B) Admission of students aged under 17 years 3 months**  
This procedure should be applied before an offer is made.
29. Where an application from an individual who will be under 17 years 3 months at the commencement of the programme is accepted or conditionally accepted by the relevant sub-board of examiners, 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 College 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, including any DBS checks required by law.
30. It is essential that the Admissions Tutor obtains guidance and approval from the Academic Registrar before making an offer to the applicant.

31. 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 Birkbeck, and so on.
32. 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 College, in addition to or instead of those outlined above for students aged over 17 years 3 months, and will consider whether it is feasible and reasonable for the College to make those arrangements. Examples of special arrangements may include:
  - (i) Meeting face to face or conducting 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 College environment
  - (ii) Risk assessments
  - (iii) Supplementary tutorial or pastoral support
  - (iv) Guardianship or chaperoning
  - (v) Any other such arrangements as deemed reasonable and necessary to safeguard the welfare of the young student at Birkbeck
33. 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 College to make those arrangements.
34. The Academic Registrar will notify the relevant sub-board of examiners, or delegated officer, of the decision made regarding approval of the offer and the particular safeguarding arrangements to be set in place in relation to the applicant.
35. 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, following Procedure (A), to obtain the necessary parental agreement before the formal offer is made.
36. The College 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.

**Admission of Students Under the Age of 18  
Parental Agreement**

Applicant Name: \_\_\_\_\_

Applicant Date of Birth: \_\_\_\_\_

Applicant Reference Number: \_\_\_\_\_

This form is to be completed by the parent or legal guardian of [Name of applicant]

**Please complete all sections of this form**

If the applicant named above takes up a place of study at Birkbeck, University of London in October 20XX, I, the undersigned parent or legal guardian:

1. Understand and accept the information provided in the Birkbeck Policy on Admission of Students Under the Age of 18 Years
2. Understand that I shall be responsible for ensuring that Birkbeck's rules and regulations are adhered to by the student
3. Consent to the student undertaking the programme of study and participating in such extracurricular activities as the student shall determine
4. Understand that, in accordance with the Data Protection Act, the University is not in a position to give any information about students, including those under the age of eighteen, to any person, including their parent(s) or guardian without the specific written consent of that student.
5. Accept liability for any debts incurred by the above-named to the University.
6. Authorise the authorised representatives of the College to act *in loco parentis* in the circumstances described therein until s/he reaches the age of eighteen years.
7. Understand that this agreement shall remain in force until the eighteenth birthday of the student
8. Confirm that the person named below may be contacted in an emergency using the contact details below. Where possible, the contact should be in the UK.

**Emergency Contact Details**

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

**Contact telephone numbers**

(daytime): \_\_\_\_\_

(evening): \_\_\_\_\_

(mobile): \_\_\_\_\_

Email: \_\_\_\_\_

2022/23



Relationship to applicant: \_\_\_\_\_

**Signature of parent or legal guardian**

Signature: \_\_\_\_\_

Full Name (please print): \_\_\_\_\_

Relationship to Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

**Please return this form to:**

Student Administration, Registry Services, Malet Street, London WC1E 7HX