

Guardianship Policy Guidelines for Schools/Colleges

AEGIS strongly advises that a school/college has a clear guardianship policy in place to ensure clarity regarding the expectations of an educational guardian. It is recommended that the educational guardian and parent both sign an agreement with the school/college showing that they have understood the school/college's requirements and their responsibilities in relation to guardianship. This document serves as guidance for a school/college guardianship policy.

It is important to ensure that the relevant school staff are familiar with your guardianship policy, and that there should be sound reasoning behind each requirement. For example, if you require guardians to live within a reasonable distance of school (see 'Educational Guardianship Requirements' below), have you identified what that maximum reasonable distance might be, given the location and nature of your particular setting, and the emergency response that might be needed?

1. Introduction

- Include a brief introduction explaining why international students are valued by your school/college and the benefits they bring to the school/college community. It could also include a brief description of an education guardian, as in the example below:

International students bring diversity and enrichment to UK schools/colleges. School/college pastoral staff provide vital support to international students, aiding integration and helping students get the most out of their time in the UK.

Educational guardians provide extra support to students, ensuring their welfare in and out of school/college grounds. An educational guardian acts as the overseas parents' representative in the UK and is independent of the school/college. The types of services they offer include; arranging homestay accommodation and airport transfers, attending parents' evenings and generally supporting the student during their stay in the UK.

2. Aims of the Guardianship Policy

- To explain to parents and educational guardians the school/college's expectations regarding educational guardianship, including the responsibilities expected of an educational guardian.
- To explain to parents, as per the National Minimum Standards for Boarding Schools 2022, Standard 22¹, that the boarding school must be satisfied that the guardianship

¹ National Minimum Standards for Boarding Schools (see Standard 22)

arrangement promotes the welfare, physical and emotional wellbeing of the boarder.

- Parents should be made aware that concerns about an educational guardianship arrangement will be acted upon immediately and referred to relevant agencies, as per NMS Standard 22.
- To ensure that parents understand that the school/college has the right to reject the arrangements planned for a child beyond the school/college's jurisdiction if deemed unacceptable or inappropriate by the school/college. The parents would then be expected to seek alternative arrangements deemed acceptable by the school/college and the school would be under no obligation to provide a place or continued place at the school/college if no arrangements deemed acceptable by the school/college can be put in place.
- To ensure parents and educational guardians understand the level and type of communication expected by the school/college.
- To provide the basis of a guardianship agreement for the educational guardian and one or both parents to sign (subject to custody arrangements).

3. Educational Guardian Requirements

- It is the overseas parents' responsibility to appoint an educational guardian for their child. It is important that the parents choose a responsible adult and one they feel confident will support their child in day-to-day circumstances, as well as in emergencies. If the child requires a visa under the Student Visa Route the intended carer in the UK must also meet the requirements set by the Home Office. It is advisable that a contract is in place between the parent and guardian. The parents should also consider the support the guardian will provide to the child in the absence of the parents such as emotional, academic and, if applicable, religious guidance.
- Parents may appoint a close friend or family member subject to any due diligence procedures the school considers necessary, as per NMS 22.3 (and see below note on UK residency), or alternatively an AEGIS accredited guardian, www.aegisuk.net.
- An educational guardian must be independent of the school/college, as per NMS 22.5.
- The guardianship arrangement must promote the welfare, and physical and emotional wellbeing of the child, as per NMS 22.3.
- The educational guardian should be of a minimum age. A number of schools/colleges will have a stated minimum age of at least 25 within their existing policies and regardless of age, the guardian should not be a university student themselves. The schools/colleges need to consider the minimum age threshold of the guardian carefully and should note discussions in relation to any minimum age they decide upon. The setting of a minimum age is important in relation to ensuring the child is in a safe environment; however, there is a potential indirect age discrimination liability by setting any minimum age. In order to justify any age limit there should be clear notes as to the reason why an age limit is required e.g. to provide a safe environment and the reason why a certain age is an appropriate limit e.g. emotional maturity.

<https://www.gov.uk/government/publications/boarding-schools-national-minimum-standards>

Similar thought should be given in relation to a maximum age limit of any guardians. If schools/colleges are worried about this, the policy can remain silent in relation to the age limit, and they can apply an unwritten age limit, although this can cause difficulties if a guardian is deemed inappropriate as often they will want an explanation as to why they are not acceptable.

- The educational guardian should have UK residency and ideally live within a reasonable travel distance from the school/college (by car or public transport).
- The educational guardian should be English speaking (it is not necessary for English to be a first language, but a minimum level of fluency can be required). Again, to avoid any potential discrimination issues, a note should be made as to why this is appropriate.
- The educational guardian must provide their full contact details to the school/college and agree to keep the school/college informed of any changes immediately. In the event that the guardian is out of the country, or unavailable for any period of time, an alternative UK contact must be arranged and details communicated to the school/college.
- The educational guardian must be available 24 hours a day in case of emergency.
- Excellent communication is required of the educational guardian, keeping the school/college informed of all travel and accommodation arrangements, in writing, with at least one week's notice (email is preferred). The school/college can require a meeting or regular contact with the guardian e.g. email or telephone updates once a week.
- Any homestay accommodation arranged by the educational guardian must be safe, appropriately supervised, and of a good standard. Unsupervised hotel, B & B, hostel or rental accommodation may not be considered acceptable by some schools/colleges. Parental approval must be sought by the educational guardian for such an arrangement and the school/college must be in agreement. The school/college needs to be aware of arrangements in order to ensure that they comply with requirements under the Student Sponsor Route.
- An educational guardian is expected to attend parents' evenings and is welcome to visit the school/college by appointment in order to stay in contact with their student.
- An educational guardian is expected to uphold the ethos and values of the school/college at all times.
- An educational guardian is expected to respect and support the rights, religion and customs of the international student.
- An educational guardian must be prepared to support the renewal and validity of all legal documents (e.g. passport, visa) so that they are valid.
- In the event that there is a change in educational guardian and an alternative appointed, the school/college must be informed in writing immediately.
- The school/college can also consider whether or not they require the guardian to undertake any form of safeguarding training, at their own cost or at the guardian's cost to ensure that they are aware of potential safeguarding risks.
- The school/college will need to be satisfied about the care arrangements prior to issuing a certificate of sponsorship (CAS). Evidence will need to be submitted with the visa application. The school/college will need to be notified of any changes whilst the

4. Private Foster Care Arrangements

Private foster care is an arrangement where someone, other than a close relative, provides care and accommodation for a child under the age of 16 years for 28 consecutive days or more. The local authority should be told about a private fostering arrangement at least six weeks before the start of an arrangement or in an emergency, within 48 hours. Failure to notify the local authority of a private fostering arrangement is an offence, and could risk a fine.

Where the school/college is sponsoring the child under Student Route, the local authority will need to be informed of the name of the foster carer and the address where the foster carer and the student will live as soon as they become aware that the child has arrived in the UK or as soon as they become aware of the change if the child is already in the UK. In some cases, this may require the school/college submitting further evidence for the new care arrangement on behalf of the child to the Home Office.

The school/college should be aware that failing to notify the local authority could also lead to revocation of the Student Sponsor licence. The school/college will therefore ask the educational guardian to provide evidence of approvals from the local authority for any student in a private foster care arrangement and should retain these confirmations on the students' files. www.privatefostering.org.uk.

5. Visa Requirements

As a Student Route sponsor, the school/college has certain responsibilities it has to meet. Appointing a reliable educational guardian is one way of ensuring that suitable care arrangements are in place. It would be worth including in the policy that the required CAS (Confirmation of Acceptance to Study) will not be issued until the school/college is satisfied with the guardianship arrangements and that confirmation has been obtained that the educational guardian meets the Home Office requirements. It would be advisable to direct parents/agents to the AEGIS website for further details and the list of AEGIS accredited guardians for peace of mind. www.aegisuk.net

As outlined above, the school/college has to also adhere to record keeping and reporting obligations under the licence, whether to the local authority or to the Home Office. Failure to comply could lead to the loss of the licence, so it is important that policies, processes and systems are in place to make sure the relevant information is captured, reported as necessary (including any changes in the arrangements, whilst the student is in the UK and relevant records are retained to demonstrate compliance.

6. Information Sharing between School and Guardians

UK Government guidance emphasises that information sharing is essential for the effective safeguarding of students, and that ‘the GDPR and Data Protection Act 2018 do not prevent, or limit, the sharing of information for the purposes of keeping children and young people safe’ (Information Sharing, Advice for practitioners providing safeguarding services to children, young people, parents or carers, July 2018). The school may share personal or sensitive information about a student with the nominated guardian, where this is deemed to be vital for the health, welfare and/or safeguarding of the child in question. Keeping the guardian updated about any changes to a student’s circumstances helps to ensure appropriate arrangements are made.