

### **B3. YOUNG OR VULNERABLE APPLICANTS (INCLUDING UNDER 18)**

#### Purpose and scope

- 3.1. This section of the Consolidated Academic Policies and Regulations (CAPR) explains how the College's admissions process will deal with admitting vulnerable students including those who are aged seventeen (17) or younger on the date their programme begins.
- 3.2. These regulations apply to all applicants to the College, and to any registration of a student completed on or after 1 June 2017 regardless of the date of the application giving rise to the registration.

**NOTE: The College has a duty of care to protect people that UK law regards as children. Please read this policy alongside the Safeguarding policy, which describes the College's responsibilities and duties towards students aged seventeen (17).**

#### Definitions

- 3.3. 'Child' means someone under 18 years of age.
- 3.4. 'Young person' means someone who is sixteen (16) or seventeen (17) years of age.
- 3.5. 'Vulnerable adult' means a person aged eighteen (18) or over who is or may be in need of community care services because of mental or other disability, age or illness, and who is or may be unable to take care of or protect themselves against significant harm, abuse or exploitation.

#### Introduction

##### *Overview*

- 3.6. Through its commitment to social justice and inclusion, the College promotes equal opportunity for all its students regardless of difference including age.
- 3.7. However, in England and Wales, anyone younger than eighteen (18) is defined as a child. And while the College will not discriminate on age in its admissions processes, it has additional responsibilities towards applicants who are aged seventeen (17) or younger – or who are adults unable to protect themselves – to ensure their care and safety.

##### *Principles*

- 3.8. The College aims to ensure that students who are aged seventeen (17) or younger or who are adults unable to protect themselves:

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- (a) are fully supported in their personal and academic development in a way that encourages them to develop their full potential;
  - (b) are helped to understand the need to take responsibility for their own learning;
  - (c) have parents or guardians who understand that the College is an adult environment and treats all its students as independent, mature individuals; and
  - (d) are assured that all relevant staff who have frequent contact with these students have enhanced Disclosure and Barring Service (DBS) checks.
- 3.9. People who are aged seventeen (17) or younger are not generally considered legally competent under English law to enter into legal contracts. However, they are able to enter into 'necessary contracts' for such matters as education and accommodation, unless they lack capacity to make decisions for themselves.
- 3.10. Similarly, vulnerable adults are able to enter into contracts unless they lack capacity to make decisions for themselves.

#### Procedures

##### *Stage 1 – Considering applications from young or vulnerable applicants*

- 3.11. Applications from young or vulnerable applicants must be forwarded to admissions tutors in the usual way for an academic decision. Admissions tutors will be reminded not to contact the applicant at this stage and that the age or vulnerability of the applicant must have no bearing on their academic decision.
- 3.12. If an admissions tutor decides to reject an applicant on academic grounds, the College will take no more action and it will process the rejection decision in the usual way.
- 3.13. If an admissions tutor decides the College should make an offer on academic grounds or wishes to interview an applicant as part of the academic decision, the College will take the following steps.

##### *Stage 2 – Issuing an offer pack*

- 3.14. The College will issue an offer pack including offer letter, student contract and any exceptional terms and conditions (such as terms and conditions for accelerated students). The offer pack will be addressed to the student at the address given to the College. All students will be expected to sign their own College registration, and accommodation contract, where appropriate.

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- 3.15. In addition, the College will require the parent or carer with parental responsibility to submit the following documents for applicants aged seventeen (17) or younger:
- (a) Parental Responsibility Agreement.
  - (b) Guarantor Agreement
  - (c) Guardianship letter, where appropriate.
  - (d) 24-hour emergency/next-of-kin/guardian contact details.
  - (e) Accommodation information.
  - (f) Medical/disability support details (if applicable).
  - (g) For non-UK students, travel information about their journey to the UK.
- 3.16. The Parental Responsibility Agreement will state that:
- (a) the College does not accept an 'in loco parentis' responsibility for students aged seventeen (17) – in other words, it does not act as their parent;
  - (b) the parent or carer consents to the student living independently in the United Kingdom (UK);
  - (c) the parent or carer consents to their child's involvement in anything that requires students to be at least eighteen (18) years old, except where consent would result in the child breaking the law; and
  - (d) if a student's parents are not resident in the UK – now or at any point in the future before the prospective student becomes eighteen (18) years old – they must appoint a guardian in the UK to carry out whatever tasks and responsibilities the parent delegates to them. On arrival in the UK, any unaccompanied international students aged seventeen (17) or younger must be met by their authorised guardian. (If necessary, parents can seek a UK-based guardian by checking a list of accredited agencies from the Association for the Education and Guardianship of International Students.)
- 3.17. On certain matters, the law does not regard a student aged seventeen (17) as legally competent to contract with the College. These matters include:
- (a) the full and timely payment of course fees to the College;
  - (b) the fulfilment of the College's terms and conditions regarding payment.
- 3.18. Therefore, College requires students aged seventeen (17) or younger who are involved in such contracts to act through a parent or guarantor. So the College requires the parent or guarantor to guarantee and fulfil these obligations in the contracts.

*Stage 3 – Registration and induction*

- 3.19. Students join the standard induction programme.
- 3.20. A separate meeting at induction is organised for students aged seventeen (17) or younger to inform them about registering with a doctor, opening a bank account, paying council tax etc. and to discuss with them the Conditions of Use of the College's IT Systems and any other relevant policies and regulations.

*Stage 4: Studying at the College*

- 3.21. The College assigns each student a personal tutor who they meet regularly. For students aged seventeen (17) or younger, their tutor will hold a relevant enhanced Disclosure and Barring Service check and will have undertaken specialist training on safeguarding.
- 3.22. It is illegal for alcohol or tobacco to be sold to or bought by anyone aged seventeen (17) or younger. People are subject to random checks of their age when using any licensed premises in the UK including on campus, where relevant. However, the College cannot supervise individual students to ensure they are not breaking the law.
- 3.23. All students aged seventeen (17) or younger will be expected to fully participate in the educational activities of the College. Any exemption from this will be discussed and approved by the relevant academic Head of Department.

Advice

- 3.24. Advice for young or vulnerable applicants and their parents on admission to the College, and the associated lower-level rules, is available from the Admissions Team ([admissions@gsmlondon.ac.uk](mailto:admissions@gsmlondon.ac.uk)). More complex queries may be referred to appropriate individuals.
- 3.25. Advice for staff on working with young or vulnerable applicants and their parents is available from the Wellbeing Team ([wellbeing@gsmlondon.ac.uk](mailto:wellbeing@gsmlondon.ac.uk)), from their nominated Academic Policy Partner or Head of Admissions.
- 3.26. If any staff development needs are identified, they may be discussed with members of the Educational Development Unit.

Fees

- 3.27. No additional fees or charges are associated with these regulations.
- 3.28. The College is not liable for financial or other consequences arising from action under these regulations.

Legal and regulatory context

- 3.29. The College has developed this policy with regard to the principles of safeguarding of children outlined in the *Children Act 2004* and the *Safeguarding and Vulnerable Groups Act 2006*. However, the College is not a named body under these acts and need only have regard to the principles.
- 3.30. Further, the law surrounding 'capacity' in the United Kingdom is complex and the College has regard to the principles of 'necessities' outlined in the case law about contracts.
- 3.31. This policy alone may not provide the procedure to meet all of the principles outlined in the case law, some of which may be met by other College policies and procedures.. It uses the principles as guidance only, to help it deal soundly with these matters.

Enforcement, monitoring and review

- 3.32. If any person or body in the College refuses to comply with a request or decision made to enforce this policy, their refusal must be reported to the Academic Registrar, who will take such action to enforce this policy as they think necessary.
- 3.33. Each year, the College must receive a report that enables it to monitor, identify and act on any shortfalls in how this policy is interpreted and applied.
- 3.34. The annual report must include statistical data on the number of applications under this policy by type (young or vulnerable); the outcomes, Departments and programmes from which they originate; the length of the process; and the equality characteristics (including sex and disability) of those admitted and those refused.
- 3.35. Every two (2) years, the College must review this policy to ensure that:
- (a) it remains up to date and continues to meet the expectations of the UK Quality Code, applicable legislation or guidance;
  - (b) areas of improvement, or any concerns, raised by students, external examiners, or professional bodies have been addressed; and
  - (c) opportunities to reduce unnecessary bureaucracy have been taken.

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**Schedule (not part of the policies or regulations):**

Schedule:

Responsible Officer: Head of Admissions

Approved by: Board of Directors and Academic Board

Version: 2.0

Date: June 2017

Monitoring and Review Body: Academic Board

Effective From: July 2017

Next Scheduled Review: June 2019