

ESTATES AND FACILITIES

ACCOMMODATION SERVICES

Policy on accommodating students under the age of 18

Scope of the policy

This policy applies to all students accommodated by Birmingham City University (BCU) who are under the age of 18, the persons with parental responsibility for them, Accommodation staff, nominations partners and contractors who come into contact with under-18s.

An explanation of what “parental responsibility” means is given at the end of this policy. In this policy, the “responsible adult” is the person with parental responsibility for the student.

Objective of the policy

The policy aims to set out what young occupiers and their parents or guardians can expect from BCU and what BCU expects in return. The objective is to help students make an informed decision about whether BCU accommodation is the right choice for them.

It sets out BCU's approach to allocations, welfare, financial management and a number of other important matters.

Responsibility for this policy

The person with overall responsibility for this policy is the Assistant Director. All members of Accommodation Services staff are responsible for complying with this policy and will be given training about it.

Applications for accommodation

BCU does not accept applications from people who will be under the age of 16 at the start of their chosen letting period.

Applications from people who will be over the age of 16 but under the age of 18 at the start of their chosen period will be considered.

Applications of residence should be made direct to BCU Accommodation Services.

Applicants aged under 18 will need to provide a guarantor. This is an adult who is prepared to pay for the accommodation, and any damage or cleaning charges, if the student does not pay them. Applicants will need to nominate a responsible adult. This may be the same person as the guarantor but it does not have to be.

Upon receipt of the application contact will be made by the Operations Manager for Accommodation Services.

Allocation of accommodation

Part of the experience of studying away from home is living independently alongside people from a wide variety of backgrounds. Students are expected to have the necessary level of maturity, skill and responsibility to be able to adapt to living away from home. They must be able to look after themselves in all practical matters.

BCU accommodation is an adult environment, and all students, irrespective of age, are expected to behave like responsible adults. BCU does not accept parental responsibility for occupiers under the age of 18.

Students sharing a flat with a person under the age of 18 are not subjected to Disclosure and Barring Scheme (DBS) checks or any other kind of vetting.

Students under the age of 18 will not share their sleeping accommodation with another person. They will share living accommodation and kitchens with other students. Some types of accommodation have en-suite bathrooms solely for the student's use. Other types have shared bathrooms. These may be used by residents of either sex, but they have lockable doors and are for use by one person at a time.

All accommodation is self-catering.

We do not automatically allocate students under the age of 18 to rooms on the upper floors of a building.

Contracts for accommodation

Under English law, a person under the age of 18 is unable to be a tenant. BCU will therefore not offer accommodation to a person under the age of 18 if they are unable to provide a guarantor.

If BCU offers accommodation to a young student, BCU will ask the student to enter into an agreement called a "licence agreement". This agreement will operate as a licence for the student to occupy their room until their 18th birthday, and it will enable the student to continue in occupation as a tenant from and including their 18th birthday.

BCU will ask the guarantor to enter into a separate agreement – appendix 1. This agreement will commit the guarantor to paying for losses arising as a result of any breach of the student's obligations in the licence agreement, whether they occur before or after the student's 18th birthday.

The licence agreement will have contractual force, and be legally binding, from the time when it comes into effect until its expiry. Before their 18th birthday, the student can terminate the licence agreement if it contains any terms that are against that student's interests. After their 18th birthday, the student cannot terminate the contract unless it is in breach of a fundamental obligation in the contract. If a student terminates the agreement before their 18th birthday, BCU will require the student to move out of their room (using due legal process, if necessary) and the guarantor will be liable to BCU for the proper and reasonable financial losses which BCU incurs as a result. These could include BCU net loss of income.

It is in the guarantor's own interests to make sure that they and the student understands the terms of the agreement and that the student is willing to comply. The guarantor must

satisfy themselves that they are willing to undertake all the student's financial responsibility in the agreement.

BCU will provide the student and the responsible adult with details of how to complete all formal documentation. It is the responsible adult's responsibility to ensure that the student complies with all applicable deadlines for returning documentation and making payment.

Welfare and support

At BCU, students under the age of 18 are allocated to an Accommodation Manager. The Accommodation Manager will be the contact person for students under the age of 18, their guarantor, and (if different) the person with parental responsibility. BCU will inform the student and their responsible adult of the name of the Accommodation Manager and provide their contact details. BCU will make a note on its accommodation database to highlight to other staff that the student has been assigned an Accommodation Manager. BCU accommodation staff are instructed not to give their home address, telephone number or other personal details to students under the age of 18.

The Accommodation Manager will arrange to meet the student within one week of arrival and monthly thereafter if requested.

Students should not hesitate to contact the Accommodation Manager if they have any concerns or personal problems. The Accommodation Manager may not be able to provide an immediate solution, but they can help to put matters in perspective, give practical guidance, and tell students about specialist services that they might need.

The Accommodation Managers and all BCU Accommodation staff in buildings housing under-18s will have been subject to an advanced DBS check.

The Accommodation Manager reports to the Operations Manager.

The person with parental responsibility and (if a separate person) the guarantor must provide BCU with their contact details, including as a minimum their address and telephone number. The responsible adult will be the first point of contact in an emergency, and BCU must therefore be notified promptly if these details change. BCU will not accept liability for any problem which arises because the guarantor or person with parental responsibility has failed to provide up-to-date contact information.

BCU does not accept parental responsibility for students. We encourage students under the age of 18 to remain in contact with the person who has parental responsibility for them, but we cannot force them to do so if this is not what they wish. BCU respects students' wishes for privacy. This may sometimes mean that we do not contact the person with parental responsibility when they might expect. There is more information about BCU's approach to this difficult issue in the section of this policy headed "Confidentiality and Data Protection".

BCU will promptly inform the guarantor if we become aware that the student:

- has missed paying one instalment of residences fees
- is in serious or persistent breach of their agreement

The student has no discretion in these matters because they personally affect the guarantor, who has agreed to take financial responsibility for the student's obligations to BCU.

Students and parents should make enquiries about when additional welfare and support may be available from BCU.

Because BCU is an adult environment, we will not monitor how the student spends their leisure time or manages their finances. We will not check whether a student is attending their lectures or coping with their course. We will not report routinely to the person with parental responsibility if there are no areas of concern.

BCU will check on the student from time to time to make sure they are washing their bed linen, have food in their cupboards and generally appear to be taking care of themselves. If this is not the case, we will give appropriate guidance and report our concerns to the person with parental responsibility.

BCU will provide students with a welcome pack on their arrival which will provide information on what to do in an emergency and contact details. BCU gives students publications on alcohol and other substance abuse, personal safety and how to cope if a student falls out with someone else in their flat. We make sure the students are aware of Student Services and where to get medical help or counselling.

Where a student has a disability and requires reasonable adjustments, BCU contacts the student in good time before they arrive to discuss and agree their needs.

As BCU does not take parental responsibility for people aged 16-18, it cannot consent to medical treatment on a student's behalf. Consent will have to be given by the student themselves, or a person with parental responsibility.

All BCU accommodation has internet access. BCU does not regulate or monitor computer use and accepts no responsibility for students viewing inappropriate material.

Members of staff who become concerned that a student is forming an inappropriate attachment to them are instructed to refer their concerns to their line manager.

It is important for families of young students to recognise that abuse or neglect can be difficult to detect. BCU staff are not trained in the detection of abuse or neglect. However, they are trained in procedures for reporting concerns they may have about a child's welfare. Allegations of abuse should be referred to the Accommodation Manager who take up the matter with a senior member of staff. BCU may contact the duty social worker if appropriate.

BCU accepts no liability for any aspect of a student's welfare which BCU, as the student's landlord, did not actually know about. Where BCU is aware of issues affecting the student's welfare, BCU's role is (at its reasonable discretion and as appropriate to the circumstances) to notify appropriate agencies such as medical and social services; to notify the responsible adult; to provide relevant information for the student; and/or to encourage the student to seek help from an appropriate source. No further liability on BCU's part is accepted. The primary responsibility for the student's welfare rests with that student and their responsible adult.

Medication and first aid

Students and (where applicable) their responsible adults are responsible for managing the student's medication and health. BCU will not administer medication or supervise the taking of medication.

BCU does not provide medical support or nursing care to students who are unwell. If BCU becomes aware that a student is unwell in a way that may need treatment, BCU will provide the student (on request) with details of where to obtain treatment or advice.

If a student is unable to take care of themselves BCU is likely to contact the responsible adult, but will try and take the student's wishes into account where practicable. It will be for the responsible adult and the student to decide whether the student should live elsewhere until they are better. If the student remains in their accommodation whilst they are unable to take care of themselves, BCU will not accept responsibility for the student's care.

If a student is seriously ill and is admitted to hospital the hospital will normally contact the next of kin. BCU will normally contact the responsible adult in these cases, but is not under an obligation to do so.

If BCU has to invoke its communicable diseases procedure in a property where a student under the age of 18 is living, BCU will contact the responsible adult.

Some BCU staff are trained in emergency first aid procedures. They will contact the ambulance service if further assistance is required.

Safety and security

BCU carries out advanced DBS checks on Accommodation Managers and Accommodation staff in BCU buildings which house students under the age of 18. BCU does not carry out DBS checks, or provide training on under-18s, for its other staff, other students, contractors or owners of properties which are managed but not owned by BCU.

All contractors (e.g. attending to carry out repairs) and BCU staff (e.g. attending to carry out inspections) will carry personal identification and will present it on request. They will only visit during normal working hours, except in an emergency situation. If a student is unsure about whether to allow someone to have access to their room or flat, they should ring BCU Accommodation office before allowing access.

Access to buildings and rooms is by a key or fob system.

Students under the age of 18 may be allocated a ground-floor room.

Intimate relations between BCU staff and students under the age of 18 are strictly prohibited. Staff found to be guilty of such conduct are likely to be dismissed. If the member of staff holds a position of trust, the matter is likely to be reported to the police.

Information on BCU's security services can be viewed at
<https://icity.bcu.ac.uk/Campus-Management-and-Services/Security-Services>

Time spent away from BCU's accommodation

Students are free to come and go without needing to sign in or sign out of their accommodation. BCU will not check up on a student to make sure they return to their accommodation every evening. The student does not need to ask BCU's permission if they wish to go away for a few days. If a student notifies BCU that they are going home for the weekend, for example, BCU would not check with the family to ensure that was where the student was actually going to be.

If a student wishes to take part in a field trip or any social activities, it will be the responsibility of the person or organisation arranging that activity to seek any parental consents that may be required. BCU does not carry out a risk assessment of an activity that has not been organised by BCU.

Confidentiality and data protection

Once children reach the age of 16, they are presumed in law to be “competent” and capable of making some important decisions about themselves. For example, they can give consent for their own surgical and medical treatment.

BCU encourages students between the ages of 16 and 18 to involve their families in important decisions about themselves, unless it would not be in their interests to do so. It is important to realise that, as an accommodation provider, BCU may often not become aware of many of these issues. If a student under the age of 18 appears to a member of BCU Accommodation staff to be competent to make informed choices about the problems they face, and the student is insistent that their family should not be involved, the student’s right to confidentiality will be respected, unless such an approach would put them or someone else at serious risk of harm. BCU will assess the risk of harm objectively, and the views of our staff may be different from the views of the student’s family (which will often be formed with the benefit of hindsight).

If a student requests to speak to a member of BCU staff in confidence, the member of staff will explain to the student that the student’s confidentiality will be maintained unless they consider that failing to disclose information would result in significant harm to the student or to another person. The student can then make an informed choice about whether to continue the conversation.

People under the age of 18 are entitled to protection of their personal data. BCU will treat the student’s, the guarantor’s and the responsible adult’s personal data in accordance with the Data Protection Act 1998. Each of those individuals has a statutory right to see the information which BCU holds about that individual, but not information about other people.

Students under the age of 18 will be asked to sign a consent form confirming that they agree to BCU sharing information about them with their guarantor (and the adult who is responsible for them, if that is a different person) – appendix 2. The consent will enable BCU to disclose information about the student and their contract to the responsible adult, but without imposing any obligation on BCU to do so. Provided the student has signed the data-sharing consent form, BCU will notify the responsible adult if BCU becomes aware that the student:

- is ill and unable to look after themselves
- appears not to be coping with independent living
- is in serious or persistent breach of the terms of the licence
- is reported missing
- has been arrested
- is in rent arrears

If the student is admitted to hospital or arrested, BCU would expect that the hospital or the police would contact the student’s next of kin. However, BCU is likely to contact the responsible adult if BCU becomes aware that the student is in hospital or in custody.

Responsible adults should be aware that BCU does not check up on students on a daily basis and may not necessarily become aware of any of a significant event until sometime after it happens. BCU encourages families to stay in contact with their student on a regular basis, whilst the student adjusts to independent living.

Whether or not the student has signed a data consent form, BCU will promptly inform the guarantor if we become aware that the student:

- has missed paying on instalment of residence fees
- is in serious or persistent breach of their licence

The student's consent is not required for disclosure of this information, because it directly affects the guarantor.

What BCU expects of students

Students aged under 18 will be expected to comply with the terms of the licence agreement, just as BCU expects older students to comply. The standard licence terms can be viewed at www.bcu.ac.uk/accommodation. BCU will send the licence agreement to the student and encourages responsible adults to read the agreement and give guidance to their student.

Students are expected to pay for the use of their room, and for any damage they cause. They are liable to pay for cleaning the room, if cleaning is necessary. The guarantor will be liable for residence fees and all other charges due under the licence agreement if the student does not pay them. This may include a collective charge if damage is caused to shared parts of the flat or building.

Students are expected to behave with consideration for others. If students cause a nuisance or disruption, take things from shared kitchens that do not belong to them, smoke in non-smoking areas or breach the terms of their licence agreement in any serious or persistent way, BCU may ask the student to leave their accommodation. If the student will not agree to leave, BCU may apply to the court for an order authorising the student's eviction. BCU would notify the guarantor before things got to that stage.

International students

Students and their families should make sure that the student has the English language skills they will need to live independently, or that they have a contact in the UK who can help them out if required. This may be someone at their place of study.

If the responsible adult is not in the UK the student and the responsible adult will need to agree a plan with BCU as to who will take responsibility for the student in the event of a serious incident.

BCU does not have facilities for accommodating a student's household staff.

Visitors

BCU does not check who visits the student. If the student receives visitors who are not welcome, the student should contact their Accommodation Manager for advice.

Visitors bringing children with them to BCU buildings remain primarily responsible for those children whilst they are on BCU's property. BCU accepts no liability for injury, loss or damage unless it is due to BCU's negligence or where, by law, the liability cannot be excluded.

Employment

Students under the age of 18 will not normally be offered employment by BCU.

Parental responsibility

When a student under the age of 18 applies for BCU accommodation, they will be asked to provide the name and contact details of a responsible adult.

The responsible adult could be the student's parent, guardian or some other responsible person over the age of 18 who will have "parental responsibility" for the student aged under 18. BCU does not accept parental responsibility or act *in loco parentis*. The Children Act 1989 outlines who has parental responsibility, as follows:

- (a) A mother always has parental responsibility for her child.
- (b) A father only has parental responsibility if he is married to the mother when the child is born or has acquired legal responsibility for his child by:
 - (i) Jointly registering the birth of the child with the mother
 - (ii) A parental responsibility agreement with the mother
 - (iii) A parental responsibility order, made by a court
- (c) The child's legally appointed guardian who has been appointed either by a court or by a parent with parental responsibility in the event of their own death. (This is different from a professional guardian, who does not automatically have parental responsibility, but has the responsibilities set out in the guardianship contract).
- (d) A person in whose favour a court has made a residence order concerning the child.
- (e) A local authority designated in a care order in respect of the child (but not where the child is being looked after under section 20 of the Children Act, also known as being 'accommodated' or in 'voluntary care').
- (f) A local authority or other authorised person who holds an emergency protection order in respect of the child.

Foster parent and grandparents do not automatically have parental responsibility.

Children who are wards of court will need to have their 'important steps' approved by the court. This may include independent living in an adult environment before they reach the age of 18.

All parents (including adoptive parents) have a legal duty to financially support their child whether they have parental responsibility or not. The guarantor will have a contractual duty to BCU to meet the student's financial obligations under the licence agreement that arise before the student reaches the age of 18. The guarantor does not have to be someone with parental responsibility.