



## **POLICY IN RELATION TO THE ADMISSION AND SUPPORT FOR STUDENTS ENTERING THE SCHOOL UNDER THE AGE OF 18**

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Approved by:	Operations Board
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## 1. Background

The School's current position on the age of students at the point of admission is set out in the School's *Academic regulatory framework*, Section 2 regulation 2, namely in order to be admitted to the Guildhall School of Music & Drama a student "must have demonstrated to the School's satisfaction, taking into account individual circumstances, the intellectual maturity necessary to gain full advantage from the education experience offered by the programme of study" and "have satisfied the School about any arrangements which are considered necessary if the student is under 18 years of age."

As the School has an enhanced duty of care to students under 18, and must put in place special measures to ensure that it discharges properly this enhanced duty, the School considers that the existing basis of admission for students under 18 is a proportionate means of meeting this enhanced duty and protecting the welfare of such students in a higher education environment, particularly where under 18 students will be accommodated in halls of residence or other student accommodation. If visa restrictions for a student under 16 years of age prevent an overseas student from taking up their place then the offer of a place will be deferred to the next academic year.

## 2. Policy Statement

The School has a duty of care towards all its students and staff. In the case of students joining the School before their 18th birthday, this duty is enhanced as such students are regarded as minors under English law. The consequences, both legal and practical, of this are as follows:

- a) The School will have special duties of care towards a child and cannot assume that a student under the age of 18 can be treated as an adult or make their own decisions.
- b) A person under the age of 18 does not have full legal capacity to enter into contracts, to give valid consent or to hold office in student clubs or societies.
- c) Before the student engages in certain activities consent of the responsible person should be sought. This should be the parents or legal guardians of the student.
- d) Special measures may need to be taken in respect of certain artistic, cultural or social activities.
- e) Access to library facilities may be restricted to ensure film ratings are adhered to.
- f) The student may not purchase alcohol or drink alcohol on School premises.
- g) Staff in a position of responsibility for, or a relationship of trust with the student, will need to be made aware of relevant legal issues and be DBS (formerly CRB) checked.
- h) Appropriate residential arrangements will have to be made.
- i) Where a student under 16 is offered a place at the School, the parent/guardian will additionally be invited to a meeting with the Head of Programme and Assistant Registrar (Admissions & Enrolment) to discuss the arrangements. An

individual risk assessment will be undertaken by the Head of Programme to identify whether additional requirements are necessary.

### **3. Pre Admission Arrangements**

All those to whom the School makes an offer and who will be under 18 at the time of their enrolment with the School will be sent information explaining the special measures that will be taken by the School in order to carry out its duty of care. Parents (The term “parent/s” in this document refers to the person who has legal responsibility for the student.) will be informed that the School will not act in *loco parentis* in respect of the student and will be sent guidance notes and a form seeking their consent, among other things, for the student to participate in student activities, and to be given emergency medical treatment. Parents or guardians will be asked to accept liability for the student's debts to the School and may be asked to give a formal guarantee. It will be a condition of accepting overseas students who are under 18 that they have a guardian in the UK who has authority to take decisions and give consent on the student's behalf.

### **4. Parental Consent**

Parental consent will be sought to a number of matters (refer Appendix A), including that: they acknowledge and agree that the School will not act in *loco parentis*, they accept liability for the student's debts, and consent for emergency medical treatment. Where appropriate, and if reasonably practicable, the School will seek consent for the student to participate in certain activities or to go on artistic activities in external locations. It is the responsibility of the student and the parents to keep the School informed of up-to-date contact details.

### **5. Student Responsibility**

Whilst the School recognises its special duty of care to students who are under 18, it will expect such students to act responsibly and appropriately. For example, it is not legal for a person under 18 to buy or be sold alcohol. The School expects the students to abide by the law in this respect.

### **6. Offering a place to a candidate under the age of 18 on admission**

Departments wishing to offer a place to a candidate who will be under 18 at the time of admission will make a conditional offer only, and ensure that the relevant Programme Director and the Assistant Registrar (Admissions & Enrolment) is advised of this promptly. The ‘Guidance for students and the parents of students under 18 on entry’ and the ‘parental consent form’ will be sent with the conditional offer of a place and the consent form should be returned prior to enrolment. If a parent does not wish the student to participate in activities that any student is normally expected to undertake, they must inform the School before the student accepts the offer of a place. If this decision would, in the School's reasonable opinion, have a significant detrimental effect on the student's experience of School

life, the School may decide to amend the offer so that a place is offered for deferred entry.

The Assistant Registrar (Admissions & Enrolment) will inform Academic Departments, Accommodation Services, Student Affairs and the Students' Union of the identity of new students who are under 18.

## **7. Responsibilities of Academic Departments**

Departments that enrol students who are under the age of 18 must put special measures in place, prior to enrolment. These include the following:

- a) One member of academic staff should be put forward to act as Personal Tutor for students who are under 18 and this information provided to the Head of Student Affairs on the relevant form. That person must undertake an enhanced DBS check with a barred list check (child workforce) and have been given clearance prior to enrolment. The cost of the DBS check will be borne by the department
- b) In the case of the Music Department, the Principal Study Teacher must be allocated two months before the start of term and undertake an enhanced DBS check with a barred list check (child workforce) and have been given clearance prior to enrolment. The cost of the DBS check will be borne by the department
- c) These people should be reminded of the special duty of care owed to underage students and in particular of the offence of abuse of trust under the Sexual Offences Act 2003.
- d) The Department must ensure that the nominated Personal Tutor is encouraged and given sufficient time away from other duties to be able to meet with their tutees on a regular basis. An early initial meeting should be followed up by regular individual meetings at least every month in order to establish substantial contact over and above the contact such a student might have with other members of staff in the department.
- e) The Head of Programme should ensure s/he is available to discuss any problems or issues the Personal Tutors and Principal Study teachers may wish to raise in respect of under age students.
- f) The Head of Programme will support Personal Tutors by providing information, advice, and training for this aspect of their work.

## **8. Accommodation**

The School may accept students who are under 18 in Sundial Court. All Facilities Managers, the

Student Life Officer and the person(s) responsible for day to day maintenance of the hall will have enhanced DBS checks (regulated activities) and will be advised of any under 18 year old students in their care. Maintenance staff accessing student's rooms will be accompanied by a DBS checked member of staff. The Head of Estate & Facilities Management will support these facilities staff and the Head of Student Affairs will support the Student Life Officer by providing information, advice and training for this aspect of their work.

## **9. Artistic and other activities in locations external to the School**

Artistic activities are organized by the academic departments. Social and other non-academic activities are organized and supervised by the Students' Union and non-academic departments. In all cases it is the responsibility of the Director (academic departments) and the officers (non-academic departments) to ensure that relevant individuals are aware of any activities which involve underage students. Non-academic departments should take all reasonable steps to identify their higher duty of care and ensure the safety of students under 18 year old students through agreed procedures and good practice. For trips off campus which involve an overnight stay, the activity provider must ensure that group leaders and /or trip organizers are aware of the attendance of under 18 year old students and take appropriate child protection measures. For social activities, the provider should take reasonable steps to ensure compliance with the law. Risk assessments will be carried out as appropriate.

## **10. Appendices**

Appendix A1:	Guidance for students and the parents of students under 18 on entry
Appendix A2:	Parental Consent Form.
Appendix A3:	Form to Appoint a UK Guardian for a non-UK Student under 18 On Entry
Appendix B1:	Personal Tutor Form
Appendix B2:	Principal Study Tutor Form
Appendix C:	Sexual Offences Act 2003

## **Appendix A1: GUIDANCE FOR STUDENTS AND THE PARENTS OF STUDENTS AGED UNDER 18 ON ENTRY**

The School is committed to the safety and well-being of all its students but has particular responsibilities in relation to those who are under 18 on entry. Such students are regarded as children under UK law. We therefore ask that you consider the following points before deciding whether to accept our offer of a place:

1. The School cannot assume parental responsibility for a student under the age of 18. Students and their families should bear in mind that the Guildhall School of Music & Drama is an adult environment. Students are expected to behave like adults and to assume adult levels of responsibility. Universities in the UK do not provide the same supervision as universities in many other countries. Students are expected to have the necessary skills to study and live independently alongside people from a wide variety of backgrounds. Places are offered at Guildhall School on the understanding that the student will be able to adapt to living away from home and to looking after themselves in all practical matters. The School does not take responsibility for looking after the student during leisure time. The School will allocate a Personal Tutor who has special responsibility for younger students but will otherwise expect those under 18 to behave in the same way as adult students. Staff in regular one-to-one contact with under 18s will be DBS checked. On reaching the age of 18 these arrangements will cease and the student will be expected to relate to the School as an adult.
2. Where the under 18 is taught separately from the otherwise adult cohort, the teaching staff (e.g. Principal Study teacher) will be DBS checked.
3. Where a non-UK under 18 student is travelling independently, the School does not take responsibility for this, however advice and guidance about travelling in the UK is available from the Student Affairs Department.
4. In rare instances, consent for emergency medical treatment may be required before parents or guardians can be contacted. The School therefore requires parents to give their consent that, in the case of such an emergency, the School has parental permission to act on medical advice and do what is in the best interests of the child.
5. Parents are responsible for ensuring that the School has been informed of any special needs or requirements.
6. As a general rule, those under the age of 18 are unable to enter into contracts (however the student will be asked to provide personal data and sign documents; in particular at enrolment). Where these are required, for tuition fees or accommodation for example, the School requires parents to act as guarantors. This means that parents must pay any sums agreed under a contract if the student fails to do so. Failure to pay debts due to the School could result in the student's enrolment at the School being suspended.

7. Although those under 18 are regarded as children under law, they still have the right under the Data Protection Act for information about them not to be disclosed without their consent. This means that the School is not able to give information to parents regarding the student's progress, results or any other personal circumstance unless the student has given their specific consent.
8. Students under the age of 18 will not be able to purchase alcohol and may not drink alcohol on School premises. All students are subject to random checks in relation to their age when using licensed School facilities and under 18 student photos will be supplied to Sundial Court bar staff to facilitate this.
9. Students under the age of 18 will not be able to hold office in the Students' Union clubs and societies and their participation in certain activities may be limited. If parents are unwilling for their child to participate in activities such as overnight trips, they must contact the School to discuss this before any offer is accepted. If this would, in the School's reasonable opinion, have a significant detrimental effect on the student's experience of School life, the School reserves the right to amend an offer so as to admit the student only once he or she reaches 18.
10. Where parents are not resident in the UK, it will be necessary to appoint a guardian for a student under 18 on entry. The School needs the contact details for this person and must be sure that they have agreed to act in this capacity. Being a guardian involves carrying out the tasks and responsibilities of the parent as delegated by the child's parents. As such it is a private arrangement between the parent and the guardian. The School is not able to assist parents in finding a suitable guardian but for those families who do not have friends or relatives in the UK, a list of accredited agencies can be obtained from: The Association of Educational Guardians for International Students (AEGIS) The Wheelhouse, Bond's Mill Estate, Bristol Road, Stonehouse, Gloucestershire, GL10 3RF

Tel/Fax: +44 (0)1453 821392

Email: [info@aegisuk.net](mailto:info@aegisuk.net)

The list is also available at their [website](#).

Any parent wishing to discuss these matters further should contact the Assistant Registrar (Admissions & Enrolment) on 020 7382 7183.

If you are happy with, and consent to, these terms and conditions of offer and you and your parents decide to accept the offer from Guildhall School, sign and return the consent forms attached which will be held on the student file.

## Appendix A2: PARENTAL CONSENT FORM FOR A STUDENT UNDER 18 ON ENTRY

- I understand and accept that the Guildhall School of Music & Drama does not accept full parental responsibility for my child i.e. the School will not act in *loco parentis*.
- I understand and accept that the Guildhall School of Music & Drama is an adult environment and that my child will generally be treated as an adult.
- I consent to the activities that my child will be undertaking as a necessary part of his or her studies.
- I consent to the Guildhall School of Music & Drama acting on medical advice in the best interests of my child to authorise emergency medical treatment if it is not possible to contact a parent or an appointed guardian.
- I understand and accept that the Guildhall School of Music & Drama's internet and e-mail services are provided on the principle of unrestricted access.
- I agree to accept liability for my child's debts to the Guildhall School of Music & Drama, and I will enter into a legally binding guarantee if requested by the School.
- I understand that my child will be asked to provide personal data and sign documents (in particular at enrolment).
- I understand and accept that while studying at the Guildhall School of Music & Drama my child will be subject to UK law and the rules of the School.
- I understand and accept that the Guildhall School of Music & Drama cannot release information relating to my child, either academic or personal, without my child giving the School express consent for this.

**Name of Student:** \_\_\_\_\_

**Name of Parent:** \_\_\_\_\_

**I declare that I have read and accept the above terms and conditions of offer:**

**Signature of Parent:** \_\_\_\_\_

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

Return to: The Assistant Registrar (Admissions & Enrolment), Registry (5<sup>th</sup> Floor Milton Court), Guildhall School of Music & Drama, Silk Street, Barbican, London, EC2Y 8DT



# Appendix A3: FORM TO APPOINT A UK GUARDIAN FOR A STUDENT UNDER 18 ON ENTRY

(for students under 18 from outside the UK only)

Name of Student: \_\_\_\_\_

Name of Parent/s: \_\_\_\_\_

I/We authorise the person named below to act as guardian for my child whilst in the UK and until he or she is 18. This person will act on my/our behalf and assume those of our tasks and responsibilities which I/we have delegated to them under separate, private agreement.

Name of Guardian: \_\_\_\_\_

UK Address of Guardian: \_\_\_\_\_

\_\_\_\_\_

Telephone of Guardian: \_\_\_\_\_

Fax of Guardian: \_\_\_\_\_

Email of Guardian: \_\_\_\_\_

Signature of Parent: \_\_\_\_\_

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

I hereby acknowledge that I have agreed to act as the UK Guardian for the Student and to carry out those tasks and responsibilities delegated to me by the Student's parent/s.

Signature of UK Guardian: \_\_\_\_\_

Date of Signature: \_\_\_\_\_

Return to: The Assistant Registrar (Admissions & Enrolment), Registry (5<sup>th</sup> Floor Milton Court), Guildhall School of Music & Drama, Silk Street, Barbican, London, EC2Y 9BH

# Appendix B1: PERSONAL TUTOR FOR STUDENTS UNDER 18

“The Department”: \_\_\_\_\_

“Personal tutor”: I (print full name) \_\_\_\_\_: -

- accept the position of Personal Tutor for students under the age of 18 in the Department;
- confirm that I understand that by accepting a position of Personal Tutor I will have an enhanced responsibility towards my tutees who are under the age of 18,
- confirm that I have completed and returned the DBS Disclosure Application Form to the Human Resources Department,
- confirm and agree that I will meet with my tutees who are under the age of 18 at least once a month during term time,
- confirm that I have read and understood the advice provided about the offence of abuse of position of trust under Section 3 of the Sexual Offences (Amendment) Act 2000.

Signed (Personal Tutor) \_\_\_\_\_

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

Head of Department: I (print full name) \_\_\_\_\_

confirm that the Personal Tutor has been provided with all relevant information to enable the Personal Tutor to understand their enhanced responsibilities towards students who are under the age of 18 as set out above.

Signed (Head of Department) \_\_\_\_\_

Date \_\_\_\_\_

DBS Enhanced Check with a barred list check (child workforce)

Date of issue: \_\_\_\_\_

Number: \_\_\_\_\_

Return to: The Assistant Registrar (Admissions & Enrolment), Registry (5<sup>th</sup> Floor Milton Court), Guildhall School of Music & Drama, Silk Street, Barbican, London, EC2Y 9BH

## Appendix B2: PRINCIPAL STUDY TUTOR FOR STUDENTS UNDER 18

“The Department”: \_\_\_\_\_

“The Student”: \_\_\_\_\_

“Principal Study tutor”: I (print full name) \_\_\_\_\_

- accept the position of Principal Study Tutor for the above student under the age of 18 in the Department;
- confirm that I understand that by accepting a position of Principal Study tutor I will have an enhanced responsibility towards my tutees who are under the age of 18,
- confirm that I have completed and returned the DBS check Application Form to the Human Resources Department,
- confirm that I have read and understood the advice provided about the offence of abuse of position of trust under Section 3 of the Sexual Offences (Amendment) Act 2000.

Signed (Principal Study Tutor) \_\_\_\_\_

Date \_\_\_\_\_

Head of Department: I (print full name) \_\_\_\_\_

confirm that the Principal Study Tutor has been provided with all relevant information to enable the Principal Study Tutor to understand their enhanced responsibilities towards students who are under the age of 18 as set out above.

Signed (Head of Department) - \_\_\_\_\_

Date \_\_\_\_\_

DBS Enhanced Check with a barred list check (child workforce)

Date of issue: \_\_\_\_\_

Number: \_\_\_\_\_

Return to: The Assistant Registrar (Admissions & Enrolment), Registry (5<sup>th</sup> Floor Milton Court), Guildhall School of Music & Drama, Silk Street, Barbican, London, EC2Y 9BH

## **Appendix C: SEXUAL OFFENCES ACT 2003 (“the 2003 Act”)**

### **Abuse of Position of Trust**

The 2003 Act re-enacts and extends the abuse of position of trust offences set out in the Sexual Offences (Amendment) Act 2000. The 2003 Act provides that it is an offence for a person in a “position of trust” to:

- a. intentionally touch a person they should reasonably know is aged under 18 in a sexual way (Refer section 16 of the 2003 Act.) or
- b. cause or incite such a person to engage in sexual activity (Refer section 17 of the 2003 Act.) or
- c. engage in any sexual activity for the purposes of sexual gratification in the presence of such a person (Refer section 18 of the 2003 Act.) or
- d. engage in any sexual activity for the purposes of sexual gratification which requires such a person to watch a person or image (Refer section 19 of the 2003 Act) where they have a relationship of trust with that person (or should reasonably be aware of that relationship), irrespective of the age of consent (The legal age of sexual consent is 16 years of age.), even if the basis for their relationship is consensual. The younger party is not liable for the offence.

Conduct will be “sexual” if a reasonable person would, from looking at the nature of the activity, or would from the nature of the activity and the surrounding circumstances and/or purposes of the person in carrying out the activity, regard the activity as sexual (Refer section 78 of the 2003 Act). Thus, behaviour which no reasonable person would consider to be sexual by nature, for example a sports trainer tackling a pupil on a rugby pitch, would not fall within this definition (Refer paragraph 342 of the Home Office Circular 021/2004 – Guidance on Part 1 of the Sexual Offences Act 2003 (issue date: 29/03/04; implementation date: 01/05/04) (“the Home Office Guidance”); and R v Court [1989] AC 28).

The new offence applies to those who themselves are not receiving education at an educational institution but who are in a position which involve “looking after” (i.e. those persons regularly involved in training, supervising, caring for or being in sole charge of) persons under 18 receiving education at that educational institution (Refer sections 21(5), 22(1) and 22(2) of the 2003 Act. Refer also the Home Office Guidance at paragraph 104.). A person receives “education at an educational institution” if he is registered or enrolled there as a pupil or student or is educated there by arrangement with the educational establishment at which he is registered or enrolled (Refer sections 22(4) of the 2003 Act. The only requirement is that the minor is receiving full time education in an establishment in which the offender regularly “looks after” minors. It is not). It is not an offence for person in a position of trust to engage in sexual activity with someone over 16 years of age if, at the time the sexual activity took place, the parties were lawfully married or civil partners of each other (Refer section 23 of the 2003 Act).

## **Penalty**

The maximum penalty on summary conviction to the offences referred to above will be six months imprisonment and/or the statutory maximum fine (currently £5,000). On conviction in the Crown Court the maximum penalty is five years imprisonment, an unlimited fine, or both.

## **Registration as a Sexual Offender**

Where a person is convicted of an offence relating to an abuse of trust and the offender is sentenced to a term of imprisonment or given a community sentence of at least 12 months (Refer section 80 of the 2003 Act and paragraph 25 of Schedule 3 of that Act.), they will be subject to the notification requirements under the Act.