



POLICY FOR STUDENTS UNDER 18 YEARS OF AGE

(Revised September 2017)

1. BACKGROUND

Bath Spa University does not ascribe a minimum or maximum age for admission. The University admits students of all ages who can demonstrate that they qualify for entry and are able to benefit from the course they have chosen to study and from the social and learning environment which the University provides.

The purpose of this policy is to explain how the University will treat and regard students who are under 18 years old at the start of their studies at the University until they turn 18. The University is committed to the safety and wellbeing of all its students and recognises the particular needs of those who are under 18 years of age, who are classed as a child or a minor according to the laws of the United Kingdom. The University will provide, as far as is reasonably practicable, an environment that is safe for minors. However, regardless of age, the University expects students to have the necessary skills to study and live independently, and conduct themselves in a responsible manner.

In this policy, references to a 'named individual' means an adult with parental responsibility for the student, or another adult who cares for the student in the capacity of guardian or carer, in all cases with the rights and responsibilities that parents have in law for their child. If a student will be under 18 years of age upon commencement of their course, the University requires consent from the minor's named individual(s) to confirm that they understand and accept the implications of the minor coming to study in an adult Higher Education environment. Named individual(s) will be required complete a Consent for Applicants Under 18 Years of Age form ('the Consent Form') agreeing to the conditions outlined in this policy.

2. RIGHTS AND RESPONSIBILITIES

The University treats all its students as independent, mature individuals, and minors will be treated in the same way. The University is not able to take on the usual rights, responsibilities and authority that named individuals have in relation to a minor, and it will not act in loco parentis to students who are minors.

3. STUDENT SUPPORT, HEALTH AND WELLBEING

Bath Spa is committed to providing a range of services to all students regardless of age. These include: professional information, advice and guidance on disability matters; mental health and wellbeing; Peer Mentor Scheme; money management; access to an on-site medical service; allocation of a personal tutor for academic matters.

4. ACCOMMODATION

Named individuals should recognise that residential accommodation offered by the University is generally intended for the use of adults and we cannot guarantee that special arrangements will be made for minors. The University will, however, endeavour where possible to give consideration to the type of accommodation deemed most appropriate for minors.

The under 18's Accommodation Policy will apply to all minors living in accommodation owned and managed by Bath Spa University. Students living in Bath Spa accommodation are expected to behave like adults and to assume adult levels of responsibility.

Accommodation is offered on the understanding that the minor will be able to adapt to living away from home and to look after themselves in all practical matters. Further details regarding the licence agreement, health and safety, specific regulations for under 18s and other services can be found on the Accommodation Support webpage - <https://www.bathspa.ac.uk/be-bath-spa/accommodation/accommodation-support/>

5. ALCOHOL

It is illegal for minors to purchase or be sold alcohol or tobacco. The University and Students' Union take all reasonable steps to ensure that their legal duties are observed in all licensed and retail premises under their control. The Students' Union has held Best Bar None accreditation for several years, reflecting its commitment to the responsible management and operation of alcohol licensed premises.

The University and Students' Union are unable to supervise minors on an individual basis. Named individuals should therefore be vigilant about their instructions and mindful that any incident involving the illegal purchase of alcohol or tobacco will result in the University taking appropriate action under its disciplinary procedures.

6. HOLDING POSITIONS OF RESPONSIBILITY

Minors are not permitted to hold office. For example, they cannot stand for a sabbatical or officer position, be secretary or treasurer to a club or society or become a charity trustee at the Students' Union. However, they can be ordinary members of a club or society.

7. FIELD TRIPS AND EXTRA-CURRICULAR ACTIVITIES

Courses may involve compulsory or optional field trips, excursions or other periods of study away from the University - including work placements. The University is not able to take any additional responsibility for a minor in relation to such activities. Unless indicated otherwise, by signing the Consent Form, named individuals give consent for the minor to take part in these activities on that basis.

Students on work placements are considered under Health and Safety law as an employee and therefore students on placements must be provided with the same level of protection given to other employees. However, the University must inform the employer if a student is under 18 and confirm that the appropriate insurance and health and safety procedures are in place, including that relevant staff have DBS certificates.

Staff responsible for organising field trips, work placements and extra-curricular activities should carry out risk assessments in accordance with the following University's Health & Safety policies:

- [Code of Practice, Safeguarding Children, Young Person and Vulnerable Adults on Bath Spa University Premises](#)
- [Travel Risk Assessments](#)

8. STAFF-STUDENT RELATIONSHIPS

The University has a policy on Consensual Relationships. The policy is clear to discourage consensual emotional and/or sexual relationships between staff and students. The policy also sets out what safeguarding actions

should take place, if such a relationship develops. The policy can be found here -

<https://thehub.bathspa.ac.uk/services/human-resources/general-info/consensual-relationships>

It should be noted that whilst a young person can consent to a sexual activity once they reach the age of 16, the Sexual Offences (Amendment) Act 2000 makes it a criminal offence for a person to engage in any kind of sexual activity with a person under 18 where the adult is in a position of trust. All staff are in a position of trust, in particular those who teach, support or in any way interact with children and young people.

9. SAFEGUARDING

The University has Safeguarding Policy and Procedures in place that provide guidance on how to deal with matters relating to the safety and welfare of its students, staff and visitors. If concerns are raised relating to the health, safety and wellbeing of a minor, the following policies should be adhered to:

- [Safeguarding Policy and Procedure: Students](#)
- [Safeguarding Policy and Procedure: Staff](#)
- [Code of Practice, Safeguarding Children, Young Person and Vulnerable Adults on Bath Spa University Premises](#)

10. CORRESPONDENCE AND INTERACTION

It is the University's usual policy that it interacts directly with students (with whom it has a contractual relationship) rather than with named individuals. This approach will also apply to minors. The University will therefore correspond with minors, not named individuals, unless the minor has given their specific consent.

11. CONTRACTUAL CAPACITY

Further to the offer and acceptance to study at Bath Spa University, students will be required to sign terms and conditions and an accommodation contract prior to the commencement of study and residing in halls of residence.

A student who is under 18 years of age has the status to enter into education and accommodation contracts, however the University requires a student's named individual(s) to act as guarantor and honour all obligations under any contracts with the University that the minor enters into prior to their 18th birthday. By signing the Consent Form, the named individual agrees to this.

12. DATA PROTECTION

Students who are younger than 18 years old will almost always have the maturity to exercise their own data protection rights. Therefore the University will usually ask for the student's consent before sharing information about them with named individuals. Although this is the general rule, occasionally the University may share information without the minor's consent so long as this does not breach data protection law, for example in certain cases where:

- The minor does not have the capacity to consent;
- The University has a legal or contractual obligation to share information with a named individual; or
- The University has concerns about the minor's welfare.

Unless this would be inappropriate, the University will tell the minor first if it is going to share information with a named individual without the minor's consent. Further information about the University's data protection practices can be found here - <https://www.bathspa.ac.uk/about-us/governance/policies/data-protection-policy/>

13. LIBRARY AND LEARNING RESOURCES

Learning resources provided by the University Library (including electronic resources) are generally intended for use by over 18s, and may include adult-themed text and images. It is the responsibility of minors not to access material which is unsuitable for their age. The University reserves the right to take disciplinary action against minors who access unsuitable material in breach of the Library and Learning Resources regulations.

Named individuals should recognise that whilst the University will take reasonable steps to prevent minors from accessing material of this kind, this cannot be guaranteed.

14. EMERGENCY CONTACT AND MEDICAL TREATMENT

Emergency contact details must be provided by named individuals of the minor prior to arrival at the University, by way of the Consent Form mentioned above.

In rare instances, a medical emergency may arise where it is not possible for the University to contact the named individuals, or where consent for emergency medical treatment is required before named individuals can be contacted. It should be noted that people 16 and over generally have the legal capacity to consent to their medical treatment and make their own decisions.

However, the University requires named individuals to give their consent that, in the case of such an emergency, a senior member of the University has parental permission to act on medical advice in the best interests of the student. This consent is granted by signing the Consent Form mentioned above.

15. OUT OF HOURS – CALL OUT

Should a minor have a maintenance or facilities issue, be suffering from a personal emergency on campus, or if a minor is worried about their own safety or the safety of a fellow student, they should call University Security on 01225 87 5555 available 24 hours a day, 7 days a week.

16. APPOINTMENT OF A LEGAL GUARDIAN FOR INTERNATIONAL STUDENTS

Where the named individuals of a minor are not resident in the UK, the University requires written consent for the minor to live independently in the UK, make their own arrangements for accommodation, and to travel to the UK (if applying from overseas).

As a matter of good practice the University recommends that a either a UK based contact or guardian for the minor is appointed. The University is unable to assist named individuals in finding a suitable guardian for those who do not have friends or relatives in the UK; however a list of accredited agencies can be obtained from:

Association for the Education and Guardianship of International Students
Tel: [+44 \(0\) 1453 821293](tel:+44201453821293) info@aegisuk.net

Where a UK guardian has been appointed, the university requires the contact details for this person, and must have a signed Consent Form from the named individuals that this appointed person is able otherwise to act as the named individual on their behalf.