



Pocklington School Foundation Educational Guardianship Policy

Policy Statement

All boarders whose parents are overseas or who cannot guarantee to be available at short notice must have an Educational Guardian, appointed by the parents. Guardians must be available at all times to respond to the needs of both student and school as they arise.

For the purposes of understanding guardianship requirements, boarders' are categorised as follows:

1. **International Boarders**

- All boarders whose parents live overseas **must** have an appointed Guardian.

2. **UK-Resident Boarders**

- All Boarders who live in the UK but who are **not local** (i.e. parents who reside more than one hour's travel from the School) **must** have an appointed Guardian.

3. **Regional Boarders or Occasional Boarders¹ (day pupils staying in the Boarding Houses for short periods)**

- Boarders who have **parents** who live within approximately one hour's travel of the School are referred to as **Regional Boarders**. Regional boarders and **Occasional Boarders** are still required to have an appointed Guardian (usually the emergency contact given on iSAMS), this person being expected to be an alternative family member or other recognised adult to whom the School can refer if parents are unavailable in case of emergencies.

Change of Boarding Category

If a boarding family change their place of residence between International, UK or Regional, then the requirement for a Guardian, as detailed above, alters accordingly. The family must inform the school as soon as they are aware of any changes to their circumstances.

The Purpose of Educational Guardians

Educational Guardians are not legal guardians, and the Children Act 1989 does not permit parents to surrender their parental responsibility to others. What a parent may do is to "arrange for some or all of it to be met by one or more persons acting on his behalf", as when the child is entrusted to a school.

However caring the school, a child needs the continuing care and support of a trusted adult from outside the school, who forms a link with home. The extent of the duties delegated by the parent to the guardian should be agreed between themselves and set down in writing. Duties might typically include providing a "home from home" for any periods when the child is not at school, but cannot travel home (half-terms, exeat weekends or periods of illness or exclusion from school). Additionally, the child's welfare is furthered by having someone to attend Parents' Evenings and other school functions, to provide advice and to offer support in times of trouble. Should the school not be able to support a request for travel arrangements at breaks in term, the Guardian may well be required to take responsibility.

Educational Guardianship arrangements

The School does not itself appoint Guardians for the following reasons:

- **in order to avoid any possible conflict between the interests of the parent, the Guardian and the School.**
- **because the School is not in a position to control arrangements in the Guardian's home as it does in a school boarding house.**

¹ The term 'Occasional Boarder', for the purposes of this policy, includes any student boarding on a 'Flexi' or Ad hoc basis.

It is therefore the parent's responsibility to appoint an Educational Guardian and to carry out any appropriate safeguarding checks on the Guardian, and notify the school over any change of circumstances or contact details.

The ideal situation is one in which parents can appoint a trusted relative or family friend to be the Guardian, but this is not always possible. Parents may therefore need to use a Guardianship agency. In such cases, the School strongly recommends the use of an agency accredited by AEGIS (The Association for the Education and Guardianship of International Students - <http://www.aegisuk.net>) which ensures that Guardians adhere to recommended standards. The School will provide parents of overseas students with contact details for AEGIS at the time of confirming the offer of a place at the School.

Guardianship agreements

It is important that all parties understand clearly what their responsibilities are and that these are agreed in writing. To assist you with this, the school will provide template agreements (see Appendix). If parents wish to create their own Guardianship agreement, they must provide the School with a copy of that agreement, signed by both parent and Guardian. Guardianship agreements should be received by the School at least one week before the child enters the School.

Reviewed September 2011

Reviewed May 2013

Reviewed November 2014

Reviewed August 2015

Reviewed August 2016

Reviewed October 2017

Reviewed and updated October 2018

Reviewed October 2019

Appendix 1

POCKLINGTON SCHOOL EDUCATIONAL GUARDIANSHIP: Terms and Conditions

Following the **Children Act (1989)**, the **Protection of Children Act (1999)** and the **Care Standards Act (2000)**, Pocklington School, in promoting and safeguarding the welfare of every student, requires parents who do not live in the United Kingdom, and those who do not live within the region (see boarders' categories), to appoint a Guardian to act on their behalf. This legislation protects the rights of children and requires the provision of 'proper and appropriate care'.

During term-time the School is legally responsible for each student's welfare, and undertakes delegated parental responsibilities. However, there are times (e.g. exeat weekends, half-term breaks, or when a child is suspended or expelled by the School) when the School must be able to hand over these parental responsibilities to another adult – a properly-appointed Guardian.

A Guardian may be a relative or family friend who is a UK resident (at least over 21 years of age) but ideally 25 years of age or over, and who is not a full-time student. If such a contact in the UK is not available, Guardians can be provided by a reputable Guardian organisation, preferably one accredited by AEGIS, the Association for the Education and Guardianship of International Students) (www.aegisuk.net; tel/fax: +44 (0) 1453 755160) – a national body for monitoring and regulating the welfare of international students. AEGIS provides accreditation of Guardianship organisations in accordance with the requirements of the Government's Commission for Social Care. We refer parents only to guardianship organisations which have been accredited by AEGIS.

An appointed Guardian will:

1. Be a point of contact for parents, student, School (and host family where appropriate).
2. Act with delegated parental authority, making all necessary decisions as appropriate, and in the case of an emergency, of medical illness, make proper arrangements for medical care.
3. Provide pastoral and educational support.
4. Liaise with the School and parents over holiday and exeat arrangements, informing the School in writing of travel and accommodation arrangements prior to a child leaving the School for an exeat weekend or a longer holiday period.

Guardians should also respect the rights, religion and customs of a child, and adhere to what is commonly regarded as best practice in the Guardianship and hosting of international students. This includes having in place a proper agreement with the student's parents as to what the Guardian's responsibilities are.

If a student does not have a Guardian when required to do so by the School, or the appointed Guardian is considered by the School to be unsatisfactory, the School will invite parents to find a new Guardian. Should parents fail to do so, they will be required to use an AEGIS accredited organisation recommended by the school. (In this event all costs will be borne by the parent).

The enclosed forms should be read carefully; the pink form should be signed by one parent and the green form by the Guardian. The forms should then be returned to the school at least one week before the child enters the School (or as soon as possible for students from outside the European Economic Area, to enable the Visa application to proceed).

United Kingdom Visa and Immigration (UKVI) (Tier 4) Implications^{2,3}

There are UKVI considerations when an international pupil is in the UK, or applying to come to the UK, on a Tier 4 student visa (Child or General) and the pupil is under 18 years old.

UKVI compliance regulations specify the need for 'suitable' care arrangements to be in place for all sponsored students under the age of 18. These regulations specifically mention a) travel b) reception when they arrive in the UK

² BSA Boarding Briefing Paper No.3, Educational Guardians. New Version May 2013

³ UKVI – "Tier 4 of the Points Based System: Guidance for Sponsors." Document 2 – "Sponsorship Duties." Sections 3.26 & 3.27 (July 2018)

c) care whilst they are in the UK. We take a broad view of these requirements and insist that 'suitable' guardians are in place before the students' arrival; it is our expectation that these guardians will be called upon to fulfil some or all of these roles.

Full details of the arrangements (accommodation, travel, care and reception in the UK) for holiday periods, breaks and visits will be recorded on file and kept up-to-date. This can be evidenced in the form of a letter from the parents, setting out the contact details, care, accommodation, travel and reception arrangements for the pupil during their time in the UK and confirming that they are suitable. Such a letter can also be included by the pupil in their Tier 4 visa application and be shown at the border.

If the school is ever suspicious of care arrangements for a pupil whom the school has sponsored for Tier 4 purposes, staff will always actively seek to satisfy themselves that care arrangements are suitable by confirming the circumstances with parents, guardians or Guardian Agencies.

Care Arrangements for Children³

Sponsors who recruit a child under the age of 18 must ensure suitable care arrangements are in place for them in the UK. This must include arrangements for their:

- a) travel
- b) reception when they arrive in the UK and
- c) care when they are in the UK.

The maintenance requirements for a student in Tier 4 (Child) depend in part on:

- a) their care arrangements and
- b) the location at the school at which they will study.

All arrangements for a child's care and accommodation in the UK must comply with relevant UK legislation and regulations (eg. the National Minimum Boarding Standards).

*Guardians are covered by standards 14.5 and 14.6 in the April 2015 National Minimum Boarding Standards.