

# Support for Students Aged Under 18: Code of Practice

Updated August 2020, (references to Student Futures amended to Student Services September 2021)

From time to time the University of Chester enrolls students before they reach their eighteenth birthday. Since the majority of these will remain underage for a short time only, the Policy of the University of Chester is to treat them no differently from any other students, from the outset as far as practicable. This said, until they reach the age of 18, they are legally 'minors' and the University must formally recognise their existence and take appropriate responsibility regarding their welfare.

The main points that we need to be aware of are the following:

## Contractual Capacity

A University is deemed in law to have a contractual relationship with its students and there is no difficulty in including students under 18 within this concept. Contracts with persons under 18 are enforceable if they relate to 'necessaries' (which include education and accommodation), and the only problem that arises is with contracts falling outside the definition (an example of which is agreements relating to student loans). To ensure that all contracts are enforceable it is suggested that the University of Chester should obtain a signature from the parent or guardian on any contractual documentation. The current practice with loans is to ask students to confirm the agreement when they reach the age of 18 and it is recommended that this practice be followed in any similar situation.

## Safeguarding

The University of Chester, in common with all educational establishments, has statutory obligations in this area, and we have to assume that students under 18 come under the category of 'child' for this purpose. Child protection awareness involves responding to concerns raised by or about students aged under 18 whilst at the University. Any suspicions or allegations relating to the abuse of such students should be brought to the attention of the Director of Student Futures, who is required to liaise on the matter with the appropriate authorities.

## Staff-Student Relationships

Under the provisions of the Sexual Offences (Amendment) Act (2003), a member of the University of Chester staff who is in a position of trust in

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relation to a student under 18 and who engages in sexual activity with or directed towards such a student may in doing so be committing a criminal offence.

## Alcohol and tobacco products

It is an offence for a person under 18 to purchase alcohol or tobacco products (and, conversely, to sell alcohol or tobacco products to such a person). It is also an offence for any person to purchase alcohol or tobacco products on behalf of someone under 18, whether it is for consumption on licensed premises or publicly elsewhere (e.g. on the street). The University of Chester will make every effort to ensure that the law is not broken in respect to its licensed premises. The Student Union is responsible for its own licensed premises.

The University of Chester undertakes to advise the Student Union of students who are under 18.

## Parental Involvement

The University of Chester's policy is to correspond with students (with whom it has a contractual relationship) and not with their parents and this applies equally to students under 18. However, the University should routinely inform parents of this (and of its general position regarding students under 18) before enrolment (see Appendix 1).

Irrespective of an individual student's age, correspondence regarding an individual student may only be entered into with parents in specific and limited circumstances e.g. that contact is necessary to protect the vital interests of an individual student. Staff are reminded that they should not discuss with other persons (including parents) an individual student's attainment, attendance, behaviour or any other related matters. Further advice may be obtained from the Data Protection Officer and/or Director of Student Services.

## Awareness within the University

Registry undertakes to inform Student Services by 1 September, or as soon as possible thereafter, of any students who will be under the age of 18 at enrolment. Nursing and Midwifery admissions also undertake to inform Student Services of any students who will be under the age of 18 when enrolling for the March cohort of diploma courses. Student Services will send

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a letter to the Dean of the relevant Faculty and Head of Department whose undergraduate entry is expected to include a student(s) aged under 18. The Dean of the relevant Faculty and Head of Department will also receive a copy of the letter sent to the student and their parents (see Appendix 1) together with this Code of Practice.

## Appendix 1 – Under 18s Proforma Letter

Pro-forma letter to be sent to students (before their arrival) aged under 18 who have been offered a place at the University of Chester. The 'Support for students aged under 18: Code of Practice' will also be sent. (Two copies of each to be sent, one to be passed on to parent or guardian).

Dear 'Student aged under 18'

You should, by now, have received a letter confirming your place at the University of Chester.

My purpose for writing to you is to clarify the University of Chester's position regarding students who, like yourself, will begin their studies before reaching their 18th birthday and who will therefore, in legal terms, be 'minors'.

This is, of course, a transitory situation. In practice, it may not make a great deal of difference and should certainly not limit your enjoyment of student life to any significant extent. Like all students, you will be treated as a mature person; you will be subject to the normal rules and regulations, but equally you will be given the freedom, outside your studies, to spend your time and organise your activities as you choose. Similarly, you will be expected to keep abreast of the University's announcements about the covid-19 situation and behave in accordance with them. Your privacy will be respected and you will not be singled out for special treatment or supervision, subject to any legal restrictions. A small number of people (Dean of Faculty, Head of Department, Personal Academic Tutor, staff in Student Services) will know your age and will want to assure themselves that you are safe and well, but they will not intrude.

As indicated above, you will also be subject to some legal restrictions. The purchase of alcohol and tobacco products is an obvious example and we are strict about this. The University of Chester is also required by law to offer you special protection against sexual harassment and this again is something that we take very seriously. Our task is to ensure that we fulfil our legal obligations

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to you, while at the same time ensuring that your experience of student life is as full and rich as possible.

Because the University of Chester's contractual relationship is with individual students (irrespective of their age) and because students over the age of 13 are entitled to the benefits of the Data Protection Act 2018 as individuals in the same way as those over 18, it is our policy, normally, to correspond with the students themselves rather than with their parents or guardians. I am, however, enclosing a second copy of this letter together with two copies of our paper 'Support for Students aged under 18: Code of Practice', and would be grateful if you would pass a copy of each to your own parent or guardian, for information. If they have any questions or concerns that they would like to raise, I shall be very pleased to hear from them.

Yours sincerely

Dr Delyth Hughes

Director of Student Services

Enc. 2 copies of Support for Students Aged Under 18: Code of Practice

Copy of this letter