



BRADFIELD COLLEGE

Educational Guardian Policy

Last reviewed/revised: November 2019

1. Core Policy

In cases where both parents of a pupil at Bradfield reside outside the United Kingdom, parental responsibility for the upbringing and care of the child, during periods when the pupil is inside the United Kingdom, must be delegated to a suitable UK-based educational guardian.

An educational guardian is not a “legal” guardian. Legal guardians are appointed by the courts: an educational guardian is appointed by parents. At Bradfield educational guardians are appointed *wholly and solely* by parents; the process involves no activity by the College.

A place at Bradfield is offered to a pupil resident outside the United Kingdom on condition that a completed, signed *Guardianship Proforma* is **received by the College** prior to the pupil’s enrolment.

The College does not accept any liability for unsatisfactory performance by an appointed educational guardian. In circumstances where an insufficient discharge of guardianship duties comes to the attention of the College, Bradfield will notify parents so that they can take remedial action; the College will not become involved in any management discussion or dispute with educational guardians, whether relating to the quality of care offered or any other matter. The management of the guardianship arrangements in place for a pupil at the College is wholly and solely the responsibility of the child’s parents.

2. Educational Guardian: Outline Role

An educational guardian is a person appointed to care for a pupil, normally resident abroad, during all periods when the pupil is in the United Kingdom and their parents are overseas. The educational guardian holds *delegated, temporary* parental responsibility for the child.

3. Guardianship Agreement

The educational guardian has no rights or duties in respect of the child that the parents of the child do not deliberately and temporarily delegate by a guardianship agreement. Once established, a guardianship agreement makes the educational guardian responsible for the pupil at *all* times during which the child is in the United Kingdom without his/her parents. This means the educational guardian’s responsibilities are not confined to periods of the Bradfield school term.

Certain parental duties cannot be delegated to an educational guardian. In particular, educational guardians cannot sign a Tier 4 visa application on behalf of a parent.

4. **Educational Guardian: Parental Responsibilities**

The parents' core responsibilities are:

- to appoint an educational guardian;
- to satisfy themselves that the appointed guardian is a fit person to have unsupervised care of their child;
- to satisfy themselves that the appointed person is able to provide suitable accommodation for their child when in the UK, but absent from Bradfield;
- to establish a guardianship agreement which clearly specifies what is expected of the guardian and to satisfy themselves that the appointed guardian will meet these expectations;
- to ensure that the College is provided with accurate contact information for the child's appointed educational guardian and informed in writing of any changes in the guardianship arrangements in place for their child.

5. **Educational Guardians: Delegated Responsibilities**

When entering into an agreement with an educational guardian, parents must be explicit in defining their expectations of the educational guardian.

The educational guardian's specified general responsibilities normally include:

- caring for the child as would a responsible, caring parent;
- maintaining regular contact with the child at a level comparable to that provided by a responsible, caring parent;
- providing advice, support and counsel to the child in a manner comparable to that offered by a responsible, caring parent;
- consenting to emergency dental or medical treatment in place of the parents if one cannot be contacted;
- responding to disciplinary emergencies involving the child.

The educational guardian is expected to be familiar with the College Rules and to support Bradfield's aims and core values in a manner comparable to what is expected of a responsible parent.

6. **Educational Guardians: Bradfield Requirements**

Bradfield College requires that appointed educational guardians of pupils at the College carry out a range of particular duties. These **must** be specified by the parents when they appoint the guardian and lay down their expectations of the role.

The guardianship duties required by the College are these:

- to plan and provide opportunities for the pupil to take weekend leave away from College during term-time and to accommodate and provide activities for the pupil at *exeat* weekends;
- to accommodate and provide appropriate care for the pupil in case of sickness if the pupil cannot reasonably be accommodated in the College's Medical Centre;
- to accommodate and undertake appropriate supervision of the pupil if suspended from the College for disciplinary reasons;
- to accommodate the pupil if required to leave the College at short notice;
- to organise accommodation within the United Kingdom at Long Leave (half-term break) and during other holidays if the pupil is not returning home and to ensure the College is informed of the specific arrangements made;
- to organise accommodation at the beginning of term if the pupil arrives in the United Kingdom before the day on which term begins at Bradfield and, similarly, to organise end of term accommodation if the pupil does not leave the United Kingdom on the day when term ends at Bradfield, and to ensure the College is informed of the specific arrangements made;
- to organise the collection from Bradfield at the end of term of both pupil and his/her luggage and, similarly, to organise their travel to College at the start of each term.

Educational guardians should be English-speaking and able to provide a point of contact for the school at all times. Where a child's parents are not Anglophone, the educational guardian should be able to act as an intermediary between the College and the child's parents when communication is necessary.

7. Educational Guardians: Possible additional duties

Bradfield College requires that parents carry out a range of duties. Some of these may be formally delegated to an educational guardian in a guardianship agreement.

Parental duties which may be undertaken by a guardian *in loco parentis*, when parents are unable to discharge these duties themselves, include:

- being the first point of contact for the College when discussing general, pastoral or academic matters associated with the pupil;
- being the first point of contact for the College in an emergency or a crisis affecting the pupil;
- organising flights and travel home for the pupil, at the end of term, at Long Leave and in the event of an emergency;
- organising visa applications and renewals for the pupil;
- attending Parents' Meetings at Bradfield, where the pupil's progress is discussed;
- authorising weekend leave for the pupil during term-time;
- authorising expenditure involving extra charges to the pupil's account (e.g. school shop purchases, cash advances).

Responsibility for each one of these matters must be agreed between the parents and the appointed guardian in advance of the child beginning as a pupil at Bradfield College. Such specific parental responsibilities which are delegated to the educational guardian must be recorded on the *Guardianship Proforma* provided by the Admissions Office and the *Guardianship Proforma* must be returned to the Admissions Office prior to the beginning of the child's education at the College.

Appointed educational guardians may also be delegated the responsibility to act in place of parents when a parent cannot be contacted on a matter where there is no specified delegated responsibility. Alternatively, parents may choose to delegate to the Housemaster/mistress responsibility to act in such circumstances. The wishes of parents in this respect must be recorded on the *Guardianship Proforma* provided by the Admissions Office and the *Guardianship Proforma* must be returned to the Admissions Office prior to the beginning of the child's education at the College.

Appointed educational guardians may also be given access to a pupil's school reports. The wishes of parents in this respect must be recorded on the *Guardianship Proforma* provided by the Admissions Office and the *Guardianship Proforma* must be returned to the Admissions Office prior to the beginning of the child's education at the College.

8. Professional Educational Guardians

Professional guardianship agencies can be retained by parents to provide the services of an educational guardian for a pupil.

Professional guardianship arrangements must only be arranged with reputable agencies which are members AEGIS (Association for the Education and Guardianship of International Students). The College is not able to recommend specific agencies but can provide parents with contact information for AEGIS.

Guardianship agencies offer a range of services including host families to look after a pupil during *exeat* weekends and/or half-term breaks. These host families may not necessarily be the actual educational guardian of the pupil.

Under English Law, professional educational guardians and host families are involved in "Regulated Activity" (Safeguarding and Vulnerable Groups Act 2006). All adults directly involved in the overnight accommodation of a child must be checked by the Disclosure and Barring Service (DBS) before they can be employed to provide unsupervised care to children in the UK. It is an offence in the UK to employ in "Regulated Activity" someone who is barred from working with children.

The professional guardianship agency is responsible for ensuring all statutory checks on adults directly involved in the care of the child are completed and are current, prior to the pupil taking up his/her place at Bradfield (or beginning his/her first period of accommodation with a host family). Parents should seek explicit confirmation from the agency that what is required has been fully completed.

Parents should also seek confirmation that the accommodation offered to children by host families is of a sufficient standard. There are specific requirements which must be met by professional agencies and parents should seek explicit confirmation that there is full compliance with the published standards.

The College does not accept any liability for any failures of a guardianship agency in the discharge of their duties in relation to a pupil during his/her time at Bradfield.

9. **Non-Professional Educational Guardians**

Parents entering into non-professional guardianship arrangements with friends or family members resident in the UK are earnestly advised to satisfy themselves that the appointed guardian is a fit person to have unsupervised care of children and young people. If the guardian is not a *close* family friend or relative *well-known* to the parents, it is most strongly recommended that parents interview the guardian prior to their appointment and take up references to ensure their good character and competence. The duties of an educational guardian are such that parents should, in particular, consider the maturity and availability of the person to be appointed. This should be commensurate with what would normally be offered by a responsible parent resident in the UK. In the College's view, young adults under the age of 24 do not possess the maturity necessary to undertake guardianship responsibilities.

Parents making independent arrangements should also satisfy themselves that the accommodation provided for their child by the selected guardian is suitable, provides appropriate levels of security and privacy, allows opportunities for comfortable relaxation away from school and the possibility of some academic study. It is strongly recommended that parents visit the accommodation to be used by the pupil before finalising the appointment of non-professional educational guardians. In the College's view, individuals living in lodgings or cramped single room accommodation cannot provide the facilities necessary to discharge the responsibilities of an educational guardian.

Under English Law, anyone accommodating a child under sixteen for more than 28 *consecutive* days becomes *de jure* a private foster parent and subject to local authority scrutiny. It is a criminal offence for anyone accommodating a child in such circumstances to fail to notify their local authority about their activity. It is thus essential that parents making independent arrangements ensure that they do not leave their child in the care of his/her educational guardian for more than four complete weeks at any one time.

The College does not accept any liability for any failures of an appointed educational guardian in the discharge of their duties in relation to a pupil during his/her time at Bradfield or for any failures of the appointed guardian in respect of the Law.

10. **Visiting Bradfield**

Educational guardians are welcome, indeed encouraged, to visit the College to support a pupil in matches, plays, concerts *et al* and to contact the Housemaster/mistress to discuss

the pupil's academic and social progress. The College's *Safeguarding at Bradfield Policy* sets out the conditions on which parents and educational guardians can visit a College boarding house. This material and other key information can be viewed on the College website.