



## **Guardianship Policy (Notes for the guidance of Parents living overseas)**

### **Introduction**

It is the policy of Glenalmond College that all pupils regardless of age (i.e. even if the pupil is over 18) whose parents are resident outside the United Kingdom should have a guardian in Scotland.

Glenalmond College defines a guardian as a person to whom the parents of a boarding pupil have delegated certain responsibilities, principally to act on behalf of the parents as the need arises. Such boarding guardians deputise for parents but do not take over from them, and the definition of boarding guardian should not be confused with the definition of 'legal guardian' [Children (Scotland) Act 1995] which refers to the person(s) who will care for a child in the case of parental death.

The requirement for boarding guardians also arises from the need to provide an additional line of support for pupils when parents are living overseas. Furthermore it is both our legal duty<sup>1</sup> and moral responsibility to ensure that the welfare of all pupils is properly safeguarded and promoted. In addition, part of our record keeping obligations required by the UKBA regulations is to ensure that we know the whereabouts of all our boarding pupils at all times.

### **The School's Responsibilities**

Glenalmond College sees that it has a responsibility to:

- Promote and protect the welfare of all pupils.
- To ensure that every pupil whose parents live outside the United Kingdom has a guardian.
- In accepting pupils whose parents live overseas the school accepts extra responsibility for these individuals, particularly where the pupil's first language is not English.
- Inform parents about the purpose of guardianship and the requirement to have guardians appointed.
- Ensure a guardian is duly appointed by the parent and that details are notified to Glenalmond.
- Ensure that parents authorise, by written delegation, that their responsibilities can be exercised and decisions made on their behalf by the guardian(s) at any time when the parents are unavailable.
- To explain to parents that in an emergency every effort will be made to contact them so that they can be consulted, but failing this that the guardian will be consulted about any essential decision.

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<sup>1</sup> Children (Scotland) Act 1995 section 35.

- To be ready to help, in emergency, if problems regarding the guardianship arrangements arise – and to advise, where possible about ‘emergency’ guardians who could step in for short time and at short notice.
- Assist parents in organising travel arrangements, and in particular arranging for transfers between airports (Glasgow and Edinburgh<sup>2</sup>).

### **Emergency situations:**

In an emergency, Glenalmond will always make every effort to contact parents in the first instance. The guardian will also be contacted, but would only be asked to decide on a course of action if parents are completely out of contact. The guardian’s main role in such circumstances is to support the pupil.

### **The Parents’ Responsibilities**

Contained in the Standard Terms and Conditions for entry to Glenalmond College is the requirement that parents who reside outside the United Kingdom delegate parental responsibility to a suitable adult, by naming a “guardian” for their son or daughter.

**Parents should note however that Glenalmond College does NOT undertake to appoint boarding guardians, or guardianship agencies, although details of guardianship agencies that we have worked with in the past can be provided by contacting the Warden’s Secretary. Glenalmond College staff members or residents may not act as Guardians to pupils, other than for close family members.**

The guardian’s role is to support the pupil and to deputise for parents when they are unavailable or when it is impractical for the pupil to return home (e.g. at Leave Out weekends) and to be someone who can, if necessary, come to the College at short notice.

#### **It is the responsibility of parents to:**

- **Ideally appoint either a close family member/friend as Guardian. If this is not possible, parents should appoint a reputable guardianship agency such as those accredited by AEGIS (the Association of Educational Guardians for International Students). Note: Due to UKBA requirements, Parents whose children require a Tier 4 visa must appoint an AEGIS accredited guardianship agency.**
- **Verify that the Guardian is registered as a Childminder or that they fall into one of the exemption categories (see below).**
- **Complete and return to the College the Guardian Details Form which will authorise guardians to make decisions on their behalf.**
- **Ensure that the Guardian Acceptance Form is completed by the Guardian and that this is returned to the College.**
- **Inform the College and the guardian well in advance about any arrangements that need to be made about travel, Leave Out weekend accommodation arrangements etc.**

Under the Regulation of Care (Scotland) Act 2001, guardians are required to be registered with the Care Inspectorate as Childminders. Alternatively, arrangements that fall into one of the following categories are exempt from regulation and are therefore not required to be registered:

- The guardian is a close relative of the boarder
- The arrangement is not for reward (only reimbursement of expenses is allowed)

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<sup>2</sup> Edinburgh airport is approximately one hour drive from Glenalmond and is recommended over Glasgow

- The boarder is over school leaving age (i.e. over 16 years).
- Private fostering arrangements apply (where a child is staying with a family for 28 days consecutively) – in this case different legislation<sup>3</sup> applies and the guardian would need to notify the local authority.

These are all points which should be considered for the safety and welfare of pupils. We want pupils to feel safe and happy while here and to have somebody outside the school, but not too far away, on whom they can rely and to whom the school can turn in the event of parents being unavailable.

### **Advice to parents on selecting a guardian**

Many parents will be able to nominate relatives or known and trusted close friends, others will use a guardianship agency, but whoever is chosen parents should bear in mind that

- We recommend a minimum age of 25 for guardians.
- Full guardianship can be a time-consuming, costly responsibility and a balance will have to be found in terms of a person who has the time to help but who may be elderly, and someone who is more able to cope with the responsibility but who has many other commitments.
- Guardians themselves are likely to have substantial un-supervised access to the child and this carries with it significant trust and responsibility.
- It is important that the pupil and guardian should be able to like and respect each other and it is therefore important that in choosing a guardian, the pupil's views are taken into consideration.
- Good communication is vital for the well being of the pupil and any language difficulties should be taken into account.
- There can be unforeseen expenses and parents would be expected to settle these directly with the pupil's guardian.

In choosing a guardian, parents should also think about the duties that may have to be performed:

- Provide hospitality at Leave Out weekends and Half Terms where necessary
- Be available for consultation and provide support/consent in emergencies
- Have the pupil to stay if illness or disciplinary action requires it
- Maintain contact with both the pupil and Housemaster or Housemistress

### **The Guardian's Responsibilities**

Guardians do not replace parents but they can play an important and valuable role in promoting and safeguarding a pupil's welfare and perhaps more importantly just becoming a friend and confidant to whom the child can turn.

The role of the guardian varies and will depend on the circumstances of each child and the arrangements parents choose to make. This may vary from a role as 'host family' to the rather more involved and active role of a 'full guardian'. Nevertheless in general terms all guardians should be prepared to:

- Keep in regular contact with the pupil.
- Assist, support and advise during the induction/settling in phase
- Provide a place to stay for Leave Out weekends and, if necessary, at Half Terms.
- Be a source of security, advice and support.
- Support the College disciplinary policy and *in extremis* accommodate a suspended pupil.

- Be available for consultation over medical or other emergencies and to make decisions if parents are not able to.
- Contact the parents and/or the College if there is a matter of concern.
- Be aware of the routines and basic rules of the College (which can be found on the school website).
- Be aware of the need to respect confidentiality in their dealings with the College, and to understand that there cannot be an absolute guarantee of confidentiality if information passed to them by the child relates to harm, or potential harm to the child or others.
- Be aware of the regulation requirements relating to individuals nominated as guardians as detailed by the Care Inspectorate. Refer to Section 3 of the [Care Inspectorate guidance](#) for more information.

Depending on arrangements made by parents some guardians will also:

- Take an active part in representing parents at College functions and in assisting parents monitor pupil progress (e.g. by attending parent / staff meetings).
- Visit the child if he/she is unwell and if necessary and appropriate take the child 'home' during the period of illness.

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