

## **Policy on the admission of undergraduates aged under eighteen at Matriculation**

### **Legal Context**

Any student admitted aged under 18 is legally regarded as a child (or minor) until they reach their 18<sup>th</sup> birthday. Students aged 16 and over can be admitted to study in the College without the co-residence of parents/guardians. In consequence, treating applicants in the 16-18 age range differently to candidates who will be 18+ on admission may form an example of age discrimination if the primary selection criteria consist of academic achievement and potential. It is permissible, however, to take into account a young person's ability and maturity to study in a predominantly adult environment when reaching selection decisions. In the case of under-16s, admission is complicated by the requirement that a parent or guardian accompanies the child (since the College would not agree to *act in loco parentis*). If provision cannot reasonably be made, the College would be justified in not making an offer to a candidate aged under-16 or to delay admission until after the applicant attains their 16<sup>th</sup> birthday by making a deferred offer of a place.

Brasenose College is not an institution 'exclusively or mainly for the provision of full-time education for children'. Consequently, it does not have to comply with provisions of the Safeguarding Vulnerable Groups Act of 2006. Nor is the College obliged to act *in loco parentis* (loose interpretation: 'as a reasonably careful parent') towards under-18s. While the College has a duty of care towards all students, in the case of minors it has an enhanced duty in certain areas. This is best thought of as a duty to 'safeguard' the young person. Safeguarding is not only a responsibility of the College as a corporate body; it is also the responsibility of individuals (Tutors and other College staff) coming into contact with the young person in the course everyday life as a student.

### **Admissions policy**

To preserve the character and status of the College as an adult institution, there should be a presumption against admitting applicants under-16 unless the parents or guardians of the student concerned can provide private accommodation within Oxford and accept full parental responsibility until the individual attains the age of 16. Proposals to admit such students require the approval of Governing Body (this authority may be delegated to the Principal). Applicants aged between 16 and 18 at the date of Matriculation may be admitted provided that academic selectors are able to satisfy the Senior Tutor that a candidate's ability and maturity to study in an adult environment has been taken into account.

Applicants for the undergraduate Medicine course (A100) must be at least 18 years old by 1<sup>st</sup> November in the year they start the course. Clinical contact begins in the first term of the course and students under 18 would not be permitted to take part in compulsory elements. Candidates for Medicine under 18 on this date will not be shortlisted by the Medical Science Division, as explained on the course website: <https://www.medsci.ox.ac.uk/study/medicine/pre-clinical/fags/can-i-start-the-course-before-my-18th-birthday>.

## **Interviewing Under-16s**

It should be College policy to require all under-16s called for interview to be accompanied by a parent or guardian should interviews be arranged in person. It should be the responsibility of a parent/guardian to arrange accommodation and to supervise their child. No parent/guardian shall be permitted to attend the interview itself. A minimum of two interviewers should be present for the duration of an interview.

## **Designated safeguarding lead for minors**

The College shall appoint a designated safeguarding lead for students under-18 who shall be one of the following welfare officers: Dean, Senior Tutor, Domestic Bursar, or Chaplain. The designated safeguarding lead for minors will oversee wellbeing and all queries from parents/guardians will be referred to the lead for response.

The lead will meet with the student on arrival and thereafter at least once per Term until the age of 18 is attained. Any enquiries from parents or guardians should be routed to the safeguarding lead for response.

## **Obligation to Parents/Guardians**

The College should write to the student's parents/guardians setting out the following.

1. Informing them that the College is not acting *in loco parentis* (an important disclaimer).
2. Informing them that emergency contact details will be kept on record that include the details of the parent/guardian.
3. Requiring them to consent to the provision of emergency medical care.
4. Informing parents that the same principle of consent applies to an under-18-year-old as to a student 18+ in terms of data protection. Specifically, the College will not share any academic progress information with a parent or guardian without the explicit consent of the student. The only exception to this concerns child protection issues where disclosure is mandatory and the normal rule of confidentiality is not applicable. The contact details of the safeguarding lead should, however, be provided whom parents or guardians may approach with any concerns.
5. Requiring parents to guarantee any contract entered into by the student.
6. Requiring parents/guardians to sign a declaration that they have read and understood the above as a condition of admission.
7. Requiring the parents/guardians of overseas students to nominate a person in the UK willing to act as a guardian.

8. Requiring the parents/guardians of overseas students to provide details of suitable care arrangements in place for the student's travel and arrival at the UK, as required by UK immigration as a visa condition.

### **Obligations of Under 18s**

The College should write to the student setting out the following.

1. Requiring underage students to observe age-related legislation, particularly the prohibition on entering premises licensed to sell alcohol to persons aged 18+. Legally, such persons cannot purchase alcohol or request that others purchase alcohol on their behalf.
2. Notifying the student that the same regulations and expectations of good conduct apply to under-18-year-olds as to other students.
3. Requiring the student to maintain regular contact with their parents/guardians so as to alleviate any reasonable concerns a parent or guardian may have about their health and wellbeing.
4. Requiring underage students to sign a declaration that they have read and understood the above as a condition of admission.

### **The College's Obligation to Under-18s**

Brasenose is legally obliged to take reasonable steps to ensure that minors are protected from harm and that such individuals are not placed in situations where abuse may take place or be alleged. Such safeguarding includes the following:

- Ensuring individuals likely to come into everyday contact with under-18s are suitably responsible persons. Disclosure and Barring Service checks are not required, however, provided that the primary duty of person(s) in contact with the young person is not a duty exercised 'exclusively or mainly' towards children. Senior College Members and employees, therefore, do not require DBS checks since their involvement with minors is 'merely incidental.'
- Accommodation provided should be safe and secure at a level appropriate for the age of the student. Unless the age of the student admitted falls far below 18, however, all of the current undergraduate accommodation is likely to be appropriate since shared rooms are not in use.
- Organisers of fieldtrips and sports or social trips fall into the same category as tutors and providers of welfare services. DBS checks are not, therefore, necessary. Appropriate account need only be taken of the age of minors when risk-assessing trips (a student whose age falls well below 18 might require a higher level of

supervision but otherwise the individual is likely covered by the usual duty of care).

- Care must be taken to ensure that under-18s do not breach age-related legislation, particularly in the area of alcohol consumption or purchase. Bar staff need to be notified that alcohol cannot be served to named students who are minors (this is a condition of the College license). Alcohol up to a certain proof standard (beer, wine, or cider) may be consumed by 16 to 18-year-olds in the context of a meal and it would be legal to serve such students alcohol at Freshers' Dinner (or similar events) at the discretion of the Domestic Bursar. In addition, underage students should not be permitted to occupy College offices (including JCR posts) where to do so would require them to carry out activities that it is unlawful for a minor to perform. Reasonable adjustments, however, should be made to such offices if these are possible.
- Although a minor aged 16+ can consent to sexual activity, the Sexual Offences Act 2003 may (in some circumstances) render it a criminal offence for a person over 18 *in a position of trust* to have a sexual relationship with a child under 18 even if the relationship is consensual. The College's Staff Student Relationship Policy strongly discourages even consensual relationships with students (<https://www.bnc.ox.ac.uk/about-brasenose/official-information>).
- Welfare provision should include procedures whereby concerns or complaints about harm to minors are reported and responded to by appropriate persons and the designated safeguarding lead for students under 18 playing the lead role.
- Freshers under-18 are subject to the same arrival regulations as other new undergraduates and require permission to come into residence earlier than the first day of Week 0. The Dean and Senior Tutor should be approached prior to permission being granted. Should an under-18 be permitted to arrive early, the following individuals must be informed:

Principal  
Bursar  
Chaplain  
Dean  
Sub-Dean  
Domestic Bursar  
Safety and Security Manager  
Senior Tutor  
Subject Tutor(s)

## **Maintenance and Updating of the Policy**

It is the responsibility of the Senior Tutor to maintain and update this policy to ensure that it remains relevant.

SDS 21/09/2011, revised 08.09.2015, revised 23.08.2016, revised 10.11.2022, SDS/HJ revised 16.08.2023, revised 11.05.2026.