



## Managing Agents Policy and Procedure

### 1. Purpose

This document outlines and regulates Edvantage Institute Australia (EIA) processes for appointing, reviewing and managing agents.

This policy complies with the Higher Education Standards Framework (Threshold Standards) HES 2015 in the Tertiary Education Quality and Standards Agency Act 2011, (specifically to Section 7.1.4); and the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Standard 4).

### 2. Responsibility

The Student Recruitment Manager is responsible for implementing the agent selection process, making recommendations for the engagement of a new agent, conducting periodic agent performance review according to the agent review schedule, taking corrective and preventive actions against agents and ensuring that relevant staff are aware of and comply with the requirements under this Policy.

The Compliance Manager is responsible for completing the agent agreement and maintaining the currency, accuracy and consistency of EIA's active agents in PRISMS and that on EIA's website.

### 3. Requirements

3.1 EIA will enter into a formal, written agreement with each education agent it engages to formally represent it. The agreement will specify the responsibilities of the education agent and EIA and the need to comply with the requirements of the National Code of Practice for Providers of Education and Training to Overseas Students 2018. The written agreement will also include:

- the processes for monitoring the activities of the education agent, including where corrective action may be required;
- Specific performance measures such as: enrolment performance, visa refusal rates, monitoring genuine temporary entrant (GTE), confirmation of enrolment (CoE) incompletions and ethical practices
- Circumstances under which EIA will take preventive and corrective actions;
- Termination conditions including a ground for termination (or require the education agent to terminate its relationship with the employee or subcontractor who engaged in those practices) where EIA becomes aware, or has reasons to believe, that the education agent or an employee or subcontractor of the education agent is engaging in false or misleading recruitment practices as per circumstances outline in Standard and 4.5 of the National Code.

3.2 EIA will ensure that its education agents have access to current and accurate marketing information as set out in the *National Code Standards (Marketing information and practices)*. This will be accomplished by requiring agents to use EIA's website to access information provided to prospective students.

3.3 EIA will not accept students from or enter into a written agreement with any education agent if it knows or has reasonable grounds to suspect that the agent:

- Might engage in, or has previously been engaged in, unlawful or dishonest practices, including deliberately recruiting non-genuine students, transferring students before they have completed six months of the principal course of study where exceptions do not apply
- Facilitated the enrolment of students who will breach or have already breached the conditions of their student visa
- Using PRISMS (Provider Registration and International Students Management System) to create CoEs (Confirmations of Enrolment) for non-genuine students
- Providing unauthorised immigration advice where it is forbidden to do so under the Migration Act

3.4 EIA will take immediate corrective and preventative action upon EIA becoming aware of an education agent being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices, including practices that could harm the integrity of Australian education and training.

3.5 EIA must have in place an agent performance monitoring schedule to systematically monitor the performance of its agents.

## **4. Procedure**

### **Agent selection and engagement**

4.1 Prospective agents will be required to complete the agent application via EIA's website. They will be required to provide the following documents as part of the agent application:

- Evidence of business registration
- At least two references from Australian providers that the agent has been recruiting students for.
- Agent Declaration of No Conflict of Interest as an education agent for EIA

The Student Recruitment Manager will check references and make an assessment about the agent application. Based on the application documents, prospective agents who are assessed to operate in an ethical and honest manner will be considered for recommendation to the Compliance Manager.

4.2 Before making a recommendation to the Compliance Manager, the Student Recruitment Manager will conduct a face to face interview and provide training to the shortlisted agent applicants. At minimum, the training will cover the followings:

- EIA's courses, entry requirements, admission processes
- Student Complaints and Appeals Policies and Procedures, and Refund Policies
- Australian International Education and Training Agent Code of Ethics

4.3 The Compliance Manager will only sign the agent agreement when the agent file has been validated as per Clause 4.1 and the prospective agent had attended the interview and training as per Clause 4.2.

4.4 The agreement is valid for a maximum of 24 months and will be subject to regular review.

4.5 The Compliance Manager will update EIA's master agent list and agent list on its website and enter the agent details in PRISMS.

## **Agent monitoring**

- 4.6 EIA's Student Recruitment Manager will undertake the agent review twice a year according to the Agent Performance Review Schedule.
- 4.7 At minimum, the following criteria will be used to monitor agents' performance:
- Enrolment performance
  - Visa refusal rates
  - Monitoring Genuine Temporary Entrance (GTE)
  - CoE incompleteness rate
  - Ethical practices
- 4.8 EIA may use the following methods to review and monitor the agent's performance:
- Analyse agent CoE outcome data from PRISMS
  - Analyse internal admission and enrolment criteria
  - Collect student's feedback about their agent
  - Organise interviews with agents to check their understanding of and compliance with the ESOS Framework and National Code as well as their responsibilities under the agreement
  - Contact each agent regularly to ensure that the agent is using the current version of EIA's marketing materials
  - Visit agents at the place of business (where practicable)
- 4.9 The record of agent performance review form will be stored in the agent's file in EIA's agent management system.
- 4.10 Following the review, EIA will communicate the outcome to its agents. Where EIA identifies a performance issue with an agent, EIA may take corrective and preventative action that is appropriate to the issue.
- 4.11 EIA will notify Commonwealth or state or territory agencies, if it considers the agent may have broken the law.
- 4.12 If at any time EIA finds through student interviews or any other means that an agent is acting in contravention of the Agent's Agreement, or the requirements in the ESOS Framework including legislation & regulations, or the National Code 2018, EIA will take immediate corrective and preventive actions.

## **Corrective and preventive actions**

- 4.13 EIA will take immediate corrective and preventive actions upon becoming aware of an education agent being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices, including practices that could harm the integrity of Australian education system.

Corrective and preventative actions will be appropriate to the breach of requirements by the agent.

- 4.14 Corrective and preventive actions may include the following actions:
- Send a performance warning to the agent;
  - Require the agent to undertake counselling by EIA about the Agent's responsibilities under the Agent Agreement, code of conduct under the Agent Agreement and requirements under the National Code and the ESOS Act;
  - Require the agent to provide students with a full refund of the agent fees in the event that students have been misled by the actions of an agent;
  - rectify incorrect information provided to students;
  - Withhold/deduct agent fees when EIA has to refund students due to agent's breach of the code of conduct;

- Impose market geographic restrictions;
- Let the current agreement lapse and not renew the agreement; or
- Cancel the agent agreement.

Agents who refuse to undertake the required corrective and preventative actions will have their agreement terminated.

### Termination of the agent agreement

4.15 The agent **agreement** may be **terminated anytime, given at least two (2) weeks written notice**. Following the termination of the agreement:

- No further students will be accepted from the agent
- The agent must return all EIA marketing materials and cease any public promotion of EIA

If the Agent or an employee or subcontractor of the Agent is found to, or is reasonable suspected to, have engaged in false or misleading recruitment practices, EIA will:

(1) require the Agent to terminate its relationship with the employee or subcontractor who engaged in those practices; or

(2) take following actions:

- Cancel the agreement immediately with written notice by mail, email or fax.
- Cease to accept new students from the Agent from the date of sending the written notice of cancellation.
- Cease to pay further commissions to the Agent.
- Require the Agent to reimburse commissions paid by EIA to the Agent where students have been misled by the actions of the agent.

**Upon cancellation of the agent agreement, the Student Recruitment Manager will inform the Compliance Manager to remove the agent details from PRISM and EIA website.**

### Renewal of agent agreement

4.16 The renewal of the agent agreement will be subject to the outcome of EIA's agent performance review program.

4.17 The Student Recruitment Manager will inform the Compliance Manager to:

- For agents that EIA will not renew agreement: remove the agent details from PRISMS and EIA website.
- For agents that EIA will renew agent agreement: update the new agreement expiry date in EIA student management system.

### Change of education agent

4.18 Students may request to change to another agent.

4.19 If the student has already paid a deposit and received a confirmation of enrolment for the current course of study, no change of agent may apply for that course of study.

4.20 Notwithstanding the sections above, any new agent must be one of EIA's registered agents and hold a current agent agreement at the time of EIA approving the request to change agent.

4.21 A request to change agent must be in writing and signed by the student.

4.22 The staff member handling the request must advise the existing education agent of the student's request.

4.23 Requests to change agents may be granted if exceptional circumstances are demonstrated. When a decision has been determined, the EIA staff member managing the request must notify

the outcome to the student. Both agents will also be notified of the outcome and the commission amount involved.

- 4.24 In circumstances where the change is not approved students will have the opportunity to elect to be treated as a direct applicant (e.g. no agent representation).

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Version Number	Amendments
1.0 (approved on 29/05/2019)	Original version
1.1 (approved on 17/10/2019)	Procedural amendment: <ul style="list-style-type: none"> <li>• Add change of education agent</li> <li>• Clarify termination of agent agreement</li> </ul> Add the requirement to maintain agent details on PRISMS
2.0 (approved on 19/05/2020)	1. Align the policy requirements with the requirements of the Standard 4 2. Revise the procedure to more logical order from: agent selection, agent monitoring, corrective and preventive action, termination of agent agreement 3. Add the requirement of agent must declare conflict of interest in writing to meet the requirement of standard 4.3.1
2.1	Change company name to Edvantage Institute Australia (EIA); update responsibility.
2.2	1. Revise the procedure to monitor agents include specific measurement indicators 2. Revise responsibility