



Education Agent Policy and Procedure

Purpose

1. The purpose of this Policy is to provide the Australian International Institute of Higher Education ('the Institute') with a framework and guidance for managing education agents involved in the recruitment of international students and to ensure agents act ethically, honestly and in the best interests of international students, as well as uphold the reputation of Australia's international education sector.

Scope

2. This Policy applies to:
 - a) prospective and registered education agents;
 - b) all staff of the Institute whether full-time, part-time, casual or contract;
 - c) members of the Institute's Governing Bodies;
 - d) individuals engaged in providing services to the Institute or receiving services from the Institute or education agents, such as students, contractors or consultants.

Definitions

3. For the purposes of this Policy:
 - a) **Confirmation of Enrolment:** means an electronic document issued by the Institute to a prospective international student applying for a student visa to the Department of Home Affairs (DHA) to confirm the student's eligibility to enrol into a course offered by the Institute.
 - b) **Education agent:** means a business entity who recruits international students and refers them to the Institute. In doing so, the education agent may provide education counselling to overseas students as well as marketing and promotion services to education providers. Education agent does not refer to an education institution with whom an Australian provider has an agreement for the provision of education, e.g. teaching activities.
 - c) **International student:** means any overseas student, including those who have student visas, temporary residency, bridging visas and provisional residency (as falling under the *Education Services for Overseas Students Act 2000*).
 - d) **PRISMS:** means the Provider Registration International Student Management System, a secure database owned and maintained by the Department of Education and Training for the purposes of administering the *Education Services for Overseas Students Act 2000*.
 - e) **Written agreement:** means the Education Agent Agreement outlining the terms and conditions for representing the institute to recruit prospective international students.



Policy

Principles

4. The Institute will proactively manage its relationship with education agents and monitor their performance and compliance with regulatory and contractual requirements to ensure positive outcomes for students receiving services from education agents.
5. In the engagement and management of education agents the Institute will ensure that:
 - a) the agents it chooses to represent act ethically, honestly and in the best interests of international students, and have an appropriate knowledge of the Australian international education industry;
 - b) agents are provided with up-to-date, comprehensive and accurate information about the Institute;
 - c) representation by the education agent of the Institute, its educational offerings and charges is accurate and not misleading;
 - d) current and prospective students have access to mechanisms that are capable of resolving grievances about any aspect of their experience with an education agent registered with the Institute;
 - e) education agents are bound by formal contracts with the Institute, their performance is monitored, and prompt corrective action is taken in the event or likelihood of misrepresentation or unethical conduct.
6. The Institute will not accept students from an education agent if it knows or reasonably suspects the education agent to be in breach of their obligations.

Procedure

Education agent registration

7. The Institute will only engage agents who have completed the Education Agents Training Course (EATC) offered by PIER (Professional International Education Resources) or a recognised equivalent and belong to a professional association representing education agents, where one exists.
8. Education agents may apply to be registered with the Institute by submitting an *Education Agent Application Form*, which is available on the Institute's website or via the Marketing Manager. The application process will take two to four weeks from receipt of the completed form.
9. The Marketing and Recruitment Officer is responsible for liaising with education agents, including assessing applications for registration with the Institute. The Marketing and Recruitment Officer will promptly acknowledge receipt of applications.
10. The Marketing and Recruitment Officer will review the application for completeness in the first instance and, if required, request the applicant to provide additional information. This information must be provided within 60 days or the application will no longer be valid.
11. The Marketing and Recruitment Officer will conduct due diligence checks, including contacting referees, upon reception of the full application and prior to entering into an agreement.
12. The Marketing and Recruitment Officer will confirm that any candidate for registration as an education agent with the Institute has adequate knowledge and understanding of the *Australian International Education and Training Agent Code of Ethics*.



13. The assessment will consider the response from referees, the location that the agent will recruit from, the demonstrated understanding of Australian laws in regard to student recruitment, and agent experience in the recruitment of international students.
14. If satisfied that the prospective agent is suitable the Marketing and Recruitment Officer will make a recommendation to the Chief Executive Officer (CEO) to proceed with the appointment of the agent.
15. The Marketing and Recruitment Officer will create a record of the assessment and outcome of an application to register with the Institute as an education agent and will notify applicants of the outcome of their application.
16. In the event of successful application, the Marketing and Recruitment Officer will provide two copies of the standard education agent agreement for review and signature, in conjunction with a copy of the Australian International Education and Training Agent Code of Ethics and Standard 4 of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the Code)*.
17. Following receipt of the signed agreement, the Marketing and Recruitment Officer will send a certificate to the education agent as evidence of registration with the Institute to be displayed in the education agent's offices to indicate to prospective students that they have a written agreement with the Institute.
18. The Marketing and Recruitment Officer will seek the signature of the CEO on the agreement, return a copy to the education agent and enter the relevant information in the Education Agent Agreements Register.
19. The Marketing and Recruitment Officer will ensure that government authorities are promptly notified via PRISM of the details of the registered education agent. Any changes of details over time or termination of an agreement are also updated on PRISMS.
20. A list of Education Agents with whom the Institute has a written agreement will be included on the Institute's website. As a minimum this information will include the agency name, name of the principal agent, the legal entity and street address.

Education Agent Agreement

21. The Institute has a written agreement with each education agent that formally represents its education services.
22. Each written agreement with the education agent outlines:
 - a) the Institute's responsibilities (including for compliance with international student protection legislation and standards);
 - b) the obligations of the education agent in representing the Institute, including to:
 - i. declare in writing and take reasonable steps to avoid conflicts of interests with its duties as an education agent of the Institute;
 - ii. observe appropriate levels of confidentiality and transparency in their dealings with international students or prospective international students;
 - iii. act honestly and in good faith, and in the best interests of the student;
 - iv. have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics;
 - c) the processes for monitoring the activities of the education agent in representing the



- Institute, and ensuring the education agent is giving students accurate and up-to-date information on the Institute's services;
- d) corrective actions that may be taken by the Institute if the education agent does not comply with its obligations under the written agreement;
 - e) the grounds for termination of the written agreement with the education agent; and
 - f) the circumstances under which information about the education agent may be disclosed by the Institute to Commonwealth, state or territory agencies.
23. Written agreements have an initial maximum duration of one year. Subject to satisfactory performance and compliance by the agent, written agreements may be subsequently renewed for periods not exceeding three years at a time.

Education agent information and training

24. The Marketing and Recruitment Officer will induct the education agent on the Institute's educational offerings and relevant processes and offer additional training upon request. The induction will include:
- a) an overview of the Institute's marketing strategies;
 - b) an overview of the student admission process;
 - c) a full briefing of the requirements of the *Code* and this Policy; and
 - d) performance and written agreement review dates.
25. The Marketing and Recruitment Officer will provide up-to-date, accurate and relevant marketing material to education agents and notify them promptly when Institute materials become obsolete. This will include advice about any website updates.
26. Updates to agents will be provided through:
- a) informal communications regarding specific student issues;
 - b) seminars and marketing events with agents when the Institute representatives are available in the education agent's region; and
 - c) providing links to the Institute's website and social media profiles.
27. The Marketing and Recruitment Officer will confirm with education agents that they are using the latest versions of any marketing material and have removed, taken down or destroyed previous versions.
28. The Marketing and Recruitment Officer will create and maintain records of training and advice provided to education agents.

Education agent monitoring

29. Education agents are required to declare as soon as possible to the Marketing and Recruitment Officer, and take all reasonable steps to avoid, conflicts of interest with their duties as an education agent of the Institute.
30. Every six months, the Marketing and Recruitment Officer will conduct a review of education agents' performance and compliance with the terms of the written agreement. The following monitoring mechanisms will be employed:
- a) documented face-to-face meetings and/or teleconferences with agents;
 - b) analysis of quality and quantity of applications from prospective students;
 - c) analysis of conversion rates from lodging applications to studying at the Institute and



- completion rates of admitted students;
- d) documenting on the education agent's file:
- i. instances where students claim to have been misinformed about their studies at the Institute;
 - ii. instances where the education agent has shown a lack of knowledge of student visa requirements or other matter relating to the student's stay in Australia;
- e) surveying current and prospective students about the information provided to them by the education agent and the level of assistance given to the student to assist them in travelling to Australia.

31. Should the review find that an education agent is not meeting the terms as specified in the written agreement, the Marketing and Recruitment Officer will advise the education agent.

Managing performance or compliance issues

32. Where investigation of performance and compliance issues are required, the Marketing and Recruitment Officer will seek feedback from the education agent on the issue and:

- a) where it is considered that there was no breach of the agreement, write to the education agent confirming this;
- b) where corrective or preventative action is required, inform the agent in writing of the breach, the remedial action required and timelines;
- c) where the breach is considered to be major (see *Major issues* below), inform the education agent of the reasons, terminate the written agreement, report the termination through PRISMS, and remove the education agent from the Register; or
- d) where an agent is required to implement corrective or preventative action, monitor the agent to ensure that actions are implemented according to agreed timelines. If actions are not implemented, the written agreement will be terminated as above.

33. The Institute will not accept students from an education agent if it knows or reasonably suspects the education agent to be:

- a) providing migration advice, unless that education agent is authorised to do so under the *Migration Act*;
- b) engaged in, or to have previously engaged in, dishonest recruitment practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of the Institute for transfers between providers (for more information, refer to the Institute's *Transfer Between Providers Policy and Procedure*);
- c) facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa; or
- d) using PRISMS to create Confirmation of Enrolments for other than bona fide students.

Major issues

34. Where the Institute becomes aware that, or has reason to believe, the education agent or an employee or subcontractor of that education agent:

- a) has not complied with the education agent's responsibilities under the *Code*, the Institute will take immediate corrective action, up to termination of agreement; or
- b) is engaging in false or misleading recruitment practices, the Institute will immediately terminate its relationship with the education agent or require the education agent to



terminate its relationship with the employee or subcontractor who engaged in those practices.

35. The Marketing and Recruitment Officer will create and keep records of all reviews, breaches, decisions and actions taken by the Institute with regard to an education agent's performance and compliance in the Education Agent Agreements Register.
36. Where an agreement with an education agent is terminated, the name of the education agent is immediately removed from the Education Agent Agreements Register, and from the AIIHE website.

Improvements and reporting

37. The Institute uses data collected during agent monitoring to analyse trends in the use of, and issues with, education agents in conjunction with progression and completion data.
38. The Marketing and Recruitment Officer will conduct evidence-based analysis of education agents' performance to identify emerging risks and prevent adverse student outcomes, e.g. identifying groups of underperforming students recruited through a particular education agent.
39. The Executive Management Team receives regular information from the Marketing Manager on education agents' performance and compliance.
40. The Institute will improve its processes for managing education agents based on the collected data.
41. The Institute will benchmark its performance against relevant industry data, including visa refusals and completion rates, and will establish targets as appropriate.
42. The Marketing and Recruitment Officer is responsible for making recommendations for improvement to the CEO as advised by the Executive Management Team. The CEO will seek the Governing Council's approval for implementing the recommendations as required.
43. An annual report on education agents' performance and compliance is provided to the Governing Council by the Marketing and Recruitment Officer after review by the Academic Board for matters relating to student progression and completion.

Student complaints

44. Reports of fraudulent behaviour by an education agent, whether made by a student, a member of the Institute's staff or a member of the public, will be immediately escalated to the CEO for investigation and action.

Responsibilities

45. The Marketing and Recruitment Officer is responsible for:
 - a) all due diligence prior to the appointment of any education agents;
 - b) making recommendations for the appointment of agents;
 - c) ensuring the completion and authorisation of agent agreements;
 - d) maintaining all records in relation to agent appointment and monitoring;
 - e) ensuring that agents are provided with accurate and up-to-date information about the Institute;
 - f) monitoring the performance and compliance of agents and initiating and managing corrective actions, including making recommendations about termination;
 - g) providing annual reports on agent performance.



46. The CEO is responsible for:

- a) approving the appointment of agents and authorising agent agreements;
- b) managing any major issues that are escalated in relation to the performance of agents;
- c) authorising the renewal or termination of any agent agreements.



Associated information

Approving body	Governing Council
Date approved	23 October 2020
Date of effect	Commencement of operation
Next scheduled review	Two years from when policy commence
Policy owner	Chief Executive Officer
Policy contact	Marketing and Recruitment Officer
Related AIIHE Documents	<i>Admission Policy and Procedure</i> <i>Compliance Policy and Procedure</i> <i>Education Agent Agreements Register</i> <i>Education Agent Application Form</i> <i>Education Agent Monitoring Form</i> <i>Student Grievance Policy and Procedure</i> <i>Transfer Between Providers Policy and Procedure</i>
Higher Education Standards Framework (Threshold Standards) 2015 (Cth)	Standard 2.4, ss1 Standard 7.1, ss1 Standard 7.1, ss4
Other related external instruments/documents	Related Legislation <ul style="list-style-type: none">• <i>Tertiary Education Quality and Standards Agency Act 2011 (Cth)</i>• <i>National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth)</i>• <i>Education Services for Overseas Students Act 2000 (Cth)</i>• <i>Migration Act 1958 (Cth)</i>• <i>Competition and Consumer Act 2010 (Cth)</i> Good Practice Documents <ul style="list-style-type: none">• <i>TEQSA Guidance Note: Corporate Governance</i>• <i>National Code Factsheet: Standard 4</i>• <i>Australian International Education and Training Agent Code of Ethics</i>

Document history

Version	Author	Changes	Approval Date
1.0	Not applicable	Original version	23 October 2020

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