



## EDUCATION AGENT POLICY

**POLICY NUMBER:** NC23-PP012

**RESPONSIBILITY:** MANAGING DIRECTOR

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#### 1. Policy Purpose

This policy is designed to meet WAIFS' obligations under the ESOS Act and National Code 2018 in relation to Education Agents, most specifically standard 4.

This policy outlines the requirements that Education Agents acting on behalf of WAIFS provide high standards of service and information to overseas students and that the Institute takes all reasonable measures to use education agents that have appropriate knowledge and understanding of the Australian international education industry, and who will act with honesty and integrity.

WAIFS must not accept students from an education agent or enter into an agreement with an education agent if it knows or *reasonably suspects* the education agent to be:

- (i) Engaged in, or to have previously been engaged in, dishonest practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under The



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National Code Standard 7.

- (ii) Facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her student visa
- (iii) Using Provider Registration and International Students Management System (PRISMS) to create Confirmations of Enrolment for other than a bona fide student, or
- (iv) Providing immigration advice where not authorised under the Migration Act 1958 to do so.

'Reasonably suspects' means that there are grounds for believing that the education agent is involved in the activities listed above in (i) to (iv). 'Grounds for believing' could arise as the result of monitoring activities or reports from a number of students and that number is proportionate to the total number of students recruited from an agent. Complaints about an education agent from three students of 100 recruited **may** not create grounds for reasonable suspicion, but complaints from three students of a cohort of ten students recruited by an education agent **may** be grounds for reasonable suspicion.

### 2. Policy scope

This policy applies to the appointment of all education agents by WAIFS both within Australia and overseas. This policy applies to ALL education agents, even if they are only recruiting one Student to study at WAIFS where the agent is formally representing WAIFS.

### 3. Procedure

WAIFS' marketing staff, under the management and direction of the Managing Director, is responsible for the selection, appointment, monitoring and management of the activities of education agents.

### 4. Education Agent Selection

Education agents are an important part of the international education sector in Australia. WAIFS must ensure that their education agents act ethically, honestly and in the best interest of overseas students and uphold the reputation of Australia's education sector.

WAIFS requires all of its education agents to declare conflicts of interest with its duties as an education agent of WAIFS. This is to ensure transparency in the education agent's activities.

Examples of conflict of interest include, but are not limited to:

- (i) When the agent charges service fees to both overseas students and WAIFS for the same service;
- (ii) Where an education agent has a financial interest in WAIFS
- (iii) Where an employee of an education agent has a personal relationship with an employee of WAIFS.

Education agents must also have appropriate knowledge and understanding of the overseas education system in Australia, including the Australian International Education and Training Agent Code of Ethics. (The Australian International Education and Training Agent Code of Ethics is based on the *London Statement*. These requirements ensure education agents adhere to and practice responsible business ethics, and that education agents understand their obligations to provide current, accurate and honest information to overseas students to help them make informed decisions about study in Australia.

Education agents are engaged to represent WAIFS and recruit students for the Institute.

A person or organisation wishing to apply to be an approved education agent of WAIFS will be provided with an agent application form and an agent agreement form. *These forms can be completed contemporaneously by the prospective agent but the agent agreement form will not be completed by WAIFS unless the agent application is approved.*

The applicant's suitability is assessed based on the requirements of the National Code 2018: Standard 4

### 5. Appointment and Written Agreement

It is mandatory for WAIFS to have written agreements with education agents who formally represent the Institute. 'Formally' covers situations where the agent promotes WAIFS courses with the intention of recruiting students for WAIFS. (WAIFS is not required to have a formal agreement with an Education Agent who acts on behalf of an international student or their parent/guardian/representative other than WAIFS.)

When an application is received from a prospective Education Agent, WAIFS are to consider whether the



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application is satisfactory.

For established agents, this assessment should include a review of two (2) references supplied by the Education Agent from other education establishments (preferably in Australia). References can be in written form or verbally. Where references are given verbally, the WAIFS' staff member should write down who was spoken to and on what date and what was said and place this in the file for the education agent. Where feedback received is positive, the WAIFS' staff member (if a member of the marketing department) is authorised to finalise the agent agreement. (*See Note below*).

Alternatively, WAIFS may identify an agent as one of good standing through professional registrations/memberships or holding multiple agency agreements with Higher Education Providers.

For newly-established Education Agents, WAIFS should consider other information supplied e.g. that the newly-established agent has successfully completed a course of training as an Education Agent such as that provided by ISANA.

Where an application is received and Staff are unsure as to whether it meets the requirements of "Satisfactory", the application should be referred to the Managing Director (or CEO in his absence). **Note:** If a member of staff has previously worked with an agent in a previous role, this can be considered in relation to whether an agent is suitable to work with WAIFS. In such circumstances the member of staff must confirm that they have had a record of working with the agent previously and that they have no reason to believe that the agent is not genuine/does not comply with the requirements of the National Code for Education Agents.

If the applicant is assessed as "unsatisfactory", the applicant should be informed in writing, with reasons given. The applicant should be informed that they are/are not precluded from applying again subject to meeting certain additional requirements (if applicable).

When the applicant has been assessed as satisfactory, the WAIFS employee prepares/finalises the Education Agent Agreement.

Both parties sign the Education Agent Agreement. WAIFS will notify ASQA (Australian Skills Quality Authority) within 30 days of entering into the agreement with the Education Agent for the delivery of recruitment services on behalf of WAIFS.

It is the Education Agent's responsibility to provide WAIFS with the following information, including but not limited to:

- ABN (if the Education Agent is registered in Australia)
- ACN (if the Education Agent is registered in Australia)
- Trading Names
- Full Name of the Owner of the Education Agency
- Current Telephone Number

The Agreement specifies the responsibilities of each party and the need to comply with the National Code 2018 and the Standards for RTO's 2015.

*The Agreement also specifies that the Education Agent cannot provide migration advice to any WAIFS applicants unless they are authorised to do so under the Migration Act 1958 and that the Education Agents must cooperate with the VET Regulator:*

- a) *by providing accurate and factual responses to information requests from the VET Regulator relevant to the delivery of services; and*
- b) *in the conduct of audits and the monitoring of its operations.*

A copy of the signed Agreement is retained by WAIFS and a copy is held by the Education Agent.

Initial appointment period is usually for one year (12 months) and may be continued in periods of up to two (2) years with agreement in writing from both parties or by signing a new Education Agent Agreement. The appointed education agent is issued with up-to-date WAIFS marketing materials in accordance with standard 1.



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### 6. Education Agent Change of Details

Marketing staff will update education agents contact details through:

- Receipt of email advice
- Written confirmation on letterhead

### 7. Education Agent Details on ASQANet

Marketing staff will update Education Agent details on ASQANet as Third Party Delivery providers in line with the Education Agents':

- Legal Business Name (and where appropriate, Trading name)
- Approved Contact person
- Services provided
- Commencement and completion of Agency Agreement

A 'How To' guide for recording details in PRISMS is available at

<https://prisms.education.gov.au/Information/ShowContent.ashx?Doc=How to Manage Agent Details.pdf>

### 8. Education Agent training and information

WAIFS ensures that education agents have access to up-to-date and accurate marketing information and materials as set out in National Code Standards 1-4 which cover pre- enrolment and engagement of students.

Information used for marketing and recruitment purposes will be updated as changes occur. This information and materials will be provided to agents directly in hard copy/soft copy as preferred by the agent and WAIFS.

Where the monitoring of education agents indicates a deficiency or noncompliance with legislation or the National Code, training and/or the provision of additional information in relation to the expectations of WAIFS will be provided.

### 9. Monitoring Education Agents

WAIFS will take immediate corrective and preventative action if it becomes 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.

WAIFS will not accept overseas students from education agents that engage in, or have previously engaged in, dishonest recruitment practices. This includes education agents knowingly recruiting an overseas student in conflict with the registered providers' obligations under Standard 7 (Overseas Student Transfers).

WAIFS will not accept overseas students from education agents if they believe the education agent is creating Confirmation of Enrolments (CoEs) in PRISMS for non bona fide overseas students or facilitating the enrolment of overseas students while knowing that the overseas student will not comply with the conditions of their visa.

WAIFS will not engage with an education agent who engages in unethical behaviour. The Agreements with education agents include processes for monitoring the activities of agents and termination conditions.

A number of monitoring actions will allow WAIFS to evaluate the education agent's activities. These may include one or more of the following:

- Visits to education agent's offices and face-to-face meetings where feasible
- Telephone/teleconference meetings
- Documented comments taken when speaking or visiting the agent
- Regular reports from education agents
- Feedback from students recruited by the agent
- Surveys of students and/or parents of students recruited by the agents performance benchmarks against agreement responsibilities
- Observation of education agents (for example, at education fairs/expos)
- Quality of students (completion rates, number of students reported to DoHA)
- Recommendations from within the Industry
- Informal feedback from industry colleagues



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### 10. Student Feedback on Education Agents

At least twice a year, international students will be provided with a feedback form to complete (this can be done anonymously) covering the performance of their education agent. All completed feedback forms are placed in the Agent Monitoring File and filed by name of education agent in date order.

### 11. Ongoing Monitoring of Education Agents

All concerns raised on the feedback form will be collated and given to the Managing Director for his review.

### 12. Termination of Agreement

If, as a result of the review (or at any time during the period of the agreement), it is decided to terminate the education agent agreement, WAIFS will give notice to the education agent in accordance with the terms of the agreement.

WAIFS will terminate the agreement with an education agent if the Institute becomes aware of, or reasonably suspects, the engagement by that education agent (or an employee or sub-contractor of that agent) in unethical conduct as set out in National Code Standard 4.5.

Where an individual employee or sub-contractor of the education agent was responsible for the unethical conduct, and the education agent has terminated the relationship with that individual employee or sub-contractor, termination of the agreement is not required as set out in National Code Standard 4.5.

### 13. Approval and publication

This policy is communicated to Staff whose roles include any element related to the recruitment or ongoing monitoring/ assessment of International Education Agents. All staff are notified of changes to policies through the email system. Policies and Procedures are also made available to all.