



EDUCATION AGENT POLICY AND PROCEDURE

POLICY NUMBER: NC24-PP012

RESPONSIBILITY: MANAGING DIRECTOR

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1. Policy Purpose

“Education agents are an important part of the international education sector in Australia.

Registered providers must ensure that their education agents act ethically, honestly and in the best interest of overseas students and uphold the reputation of Australia’s international education sector.”

<https://www.education.gov.au/esos-framework/resources/standard-4-education-agents>

This policy outlines the requirements that:

- Education Agents and Migration Agents (hereinafter referred to as agents/education agents) acting on behalf of West Australian Institute of Further Studies Pty Ltd (WAIFS) provide high standards of service and information to overseas students;
- Education agents acting on behalf of WAIFS must act ethically, honestly and in the best interests of overseas students;



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- Education agents declare and take all reasonable steps to avoid conflicts of interest with its duties as an education agent of WAIFS. This provision is to ensure transparency in the education agent’s activities. Examples of conflicts of interest include, but are not limited to:
 - when the agent charges services fees to both overseas students and registered providers for the same service;
 - where an education agent has a financial interest in a private education provider; or
 - where an employee of an education agent has a personal relationship with an employee of the education provider.

- WAIFS takes all reasonable measures to use education agents that have appropriate knowledge and understanding of the Australian international education industry and act with honesty and integrity.

WAIFS will 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:

- (i) Be/have been acting unethically and/or not in the best interests of a student
- (ii) Be engaged in, or to have previously been engaged in, dishonest and/or false/misleading recruitment practices*, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under The National Code Standard 7: Overseas Student Transfers;
- (iii) Be facilitating the enrolment of a student whom the education agent believes/should reasonably believe will not comply with the conditions of their studentvisa
- (iv) Be using the Provider Registration and International Students Management System (PRISMS) to create Confirmations of Enrolment for other than a bona fide student, or
- (v) Be providing immigration advice where not authorised under the Migration Act 1958 to do so.

** if false or misleading recruitment practices are/were being engaged in by an employee or subcontractor of the education agent, WAIFS will require the education agent to terminate its relationship with that individual.*

‘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.



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4. Education Agent Selection

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 education agent's suitability is assessed on the basis of National Code 2018: Standard 4

In accordance with the National Code 2018 Standard 4.3.4, WAIFS will ensure that education agents have knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics (PDF). 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 required to declare and take all reasonable steps to avoid conflicts of interest with its duties as an education agent of WAIFS. This provision is to ensure transparency in the education agent's activities.

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

- when the agent charges services fees to both overseas students and registered providers for the same service;
- where an education agent has a financial interest in a private education provider; or
- where an employee of an education agent has a personal relationship with an employee of the education provider.

Where a conflict of interest is declared or known or suspected by WAIFS, this will be reported to the Managing Director on md@waifs.wa.edu.au or sean.tuhakaraina@waifs.wa.edu.au. The Managing Director will decide whether any action is required to be taken in relation to this matter.

5. Education Agent - 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.)

The written agreement will contain the following:

- The obligations to be compliant with the ESOS Act and National Code 2018 (both as amended from time to time)
- The education agent's legal requirements under Standard 4 of the National Code 2018
- The process for monitoring the activities of the education agent and ensuring the education agent is giving students accurate information about WAIFS' services
- The actions WAIFS will take if the education agent does not comply with its obligations in the written agreement, which includes providing for corrective action outlined in Standard 4.4
- The grounds for terminating the written agreement with the education agent and the circumstances for termination outlined in Standard 4.5
- The conditions where information about the education agent may be disclosed to Australian, state or territory agencies.
- The requirement for education agents to observe appropriate levels of confidentiality and transparency in dealings with overseas students while acting honestly and in good faith.
- The circumstances under which commission can and cannot be paid by WAIFS to an education agent - including (but not limited to) in relation to student transfers onshore in Australia.
- The amounts payable by WAIFS to an education agent and when this is applicable - including (but not limited to) in relation to student transfers onshore in Australia.

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



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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 (name and position) 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.

When sending the Education Agent Agreement to an agent, WAIFS also emails a copy of the International Education and Training Agent Code of Ethics to the agent. The education agent signs (as part of the education agent agreement) that they have knowledge and understanding of this.

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 ESOS Act, the National Code 2018 and the applicable Standards for RTO's (all as amended from time to time). 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 made available to the Education Agent.

The 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.



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The appointed education agent is issued with up-to-date WAIFS' marketing materials in accordance with the National Code Standard 1.

6. Education Agent - Details Entered into Student Management System

The details of the education agent are entered into PRISMS by the Admissions department/Marketing department. This requires the creation of an agent organisation and staff members representing the education agent. If and when details are changed, the admissions or marketing department update the details in the student management system.

7. Education Agent - Details Entered into PRISMS

The details of the education agent are entered into PRISMS by the Admissions department/marketing department. This requires the creation of an agent organisation and staff members representing the education agent. If and when details are changed, the admissions or marketing department update the details in the student management system.

The appropriate screen in PRISMS to commence this process is as follows:

PRISMS Agents

Use this page to search for agents recorded in the PRISMS database to add to the agent list of West Australian Institute of Further Studies Pty Ltd[03188C]. You can create a new agent record in the database if you can't find one you are after. Agent records created will automatically be added to your provider agent list, and will be visible for other providers to use.

The screenshot shows the 'Agent Search' form in the PRISMS system. The form is titled 'Agent Search' and includes a sub-header 'PRISMS Agents'. Below the title, there is a brief instruction: 'Use this page to search for agents recorded in the PRISMS database to add to the agent list of West Australian Institute of Further Studies Pty Ltd[03188C]. You can create a new agent record in the database if you can't find one you are after. Agent records created will automatically be added to your provider agent list, and will be visible for other providers to use.' The form itself contains several input fields for search criteria, separated by 'OR' conditions. The fields are: 'Email Address', 'Business Name', 'Country' (with a dropdown arrow), 'State', 'MARAs/Overseas Education Agent Id:' (with a '(max 7 digit number)' label), 'Given Name', 'Family Name', and 'Mobile Number'. A 'Search' button is located at the bottom right of the form. There is also a link for 'Agent Search Help' in the top right corner of the form area.



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8. Education Agent - Details Entered into ASQANet

When a new education agent is appointed to WAIFS, the marketing team member will inform the Managing Director of all information required for him to update the Education Agent details on ASQANet as a Third-Party Delivery provider. This is sent by email to md@waifs.wa.edu.au or sean.tuhakaraina@waifs.wa.edu.au

An example of the information required is below:

Add Third Party Service Arrangement Go

Please ensure that you have read and understood the:

- Fact sheet - third-party arrangements
- General Direction - third party arrangements for training and/or assessment of VET courses

Third party provider

Aussee Study Japan Third party provider not listed

Contact

Miss Yuke Saiyo Contact not listed

Service (you will be required to complete a separate Third Party Service arrangement for each service being provided) *

Recruitment of prospective learners Includes services to overseas (CRICOS) students

Start date * End date

Declaration

I certify that:

I understand in all circumstances, the principal RTO is fully accountable for the actions of the third party as they relate to the delivery of relevant services, regardless of any part of a third party agreement that may suggest otherwise. *

If the third party arrangement relates to one or more VET courses of concern with a non-RTO, I have first sought prior approval in writing from ASQA to enter into the arrangement. *

Further information from ASQA is available here: <https://www.asqa.gov.au/guidance-resources/third-party-agreements>

9. Education Agent - Change of Details

When an education agent changes their details:

- (i) WAIFS should request to be informed in writing, generally by email
- (ii) Updated details are entered into:
 - The student management system
 - PRISMS
 - ASQANET
 - WAIFS' website at www.waifs.wa.edu.au

Following the standard procedures contained in this policy and procedure.

10. Education Agent - Auditing of Information

At least annually, the marketing department (with the assistance of the Managing Director for PRISMS records) will undertake an audit of the education agent information which is included in the following areas:

- WAIFS' website at www.waifs.wa.edu.au
- PRISMS
- The Student Management System
- ASQANET

11. 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 2018 and all other relevant legislation and regulations which cover the recruitment and support of students by an education agent on behalf of a registered training provider.

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.



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12. 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 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

13. 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.

14. Ongoing Monitoring of Education Agents

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

15. 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.

16. 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.