

National Code Standard 4

Education Agents Policy

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Overview

1. The College is responsible for ensuring that all marketing and recruitment of students is carried out in an ethical, responsible and professional manner. This policy statement is intended to ensure that our education agents abide by this goal and that both the College and its agents adhere with the Standards for Registered Training Organisations 2015 and National Code requirements.
2. The College accepts enrolments of overseas students either directly by the students themselves or indirectly by referral of an education agent.

Written Agreements

3. The College enters into written agreements ('Agency Agreement') with all agents who actively encourage students to study with the provider and refer students for enrolment to the College or who wish to market and promote the College's training and other services to actual or prospective overseas students. The College does not have (nor is it required to have) a written agreement with agents who approach the College of their own volition whilst acting on behalf of parents or students.
4. An individual or business wishing to act as an education agent for the College submits a written request to the College in this regard. Once the form has been received, an interview is arranged with the applicant.
5. All prospective education agents are interviewed by a member of the College's management team. The aim of the interview is to ensure that agents are informed of the College's commitment to providing quality education and promoting its services in an ethical manner and to ensure that the College and the prospective agent will work together in this mission.
6. If the College believes, as a result of the interview and any other enquiries made by the College which it deems relevant (e.g. checking references, company check, ABN check), that the education agent will be suitably able to represent the College in an ethical and professional manner, then an Agency Agreement is entered into with the applicant.
7. By signing the Agency Agreement, the Agent accepts that it will represent the College on the specified terms and conditions. As a minimum, the Agency Agreement includes the following:
 - 7.1. undertaking by the Agent that it, and its employees or staff, will comply with Standards for Registered Training Organisations 2015, ESOS Act and National Code requirements;
 - 7.2. responsibilities of the Agent;
 - 7.3. responsibilities of the College;
 - 7.4. process for systematic monitoring the activities of the Agent (including where any corrective action may be required); and
 - 7.5. termination conditions (at a minimum, these cover the circumstances outlined in National Code Standard 4.4).
8. The Agency Agreement is entered into for a specified term and is renewable subject to the Agent's performance and adherence to the College's requirements and compliance with the conditions set out in the Agency Agreement.
9. The College issues a Certificate of Authorisation to Educational Agents with whom it has entered into an Agency Agreement for the recruitment of students. The Certificate is renewed every two years.
10. The College will notify ASQA in accordance with the requirements of the Standards for Registered Training Organisations 2015:
 - a) of any written agreement entered into with educational and/or migration agents for the delivery of services on its behalf within 30 calendar days of that agreement being entered into or prior to the obligations under the agreement taking effect, whichever occurs first; and
 - b) within 30 calendar days of the agreement coming to an end.

Monitoring Agents Activities

11. The Agency Agreements entered into will provide the College with the right to systematically monitor agents activities. At various times, representatives of the College (such as the Marketing Coordinator) will monitor agents who have entered into Agency Agreements in any one or more of the following ways:
 - 11.1. Face to face meetings;
 - 11.2. Telephone discussions;
 - 11.3. Personal visits (with or without prior notice);
 - 11.4. Surveys and interviews of students (or parents of students) recruited by the agents;
 - 11.5. Reports from agents.
12. The monitoring visits are recorded on the IADM2 Agent Monitoring Form which must be submitted to the Business Development Manager. The Business Development Manager is responsible for reviewing the forms and submitting them to the Quality Group monthly meeting for discussion and review by all members of the Quality Group. In addition, student surveys about education agents must be compiled by the Business Development Manager and submitted for the next monthly quality group meeting. The Quality Group will determine what actions must be taken if any adverse comments have been made about the agents in either the surveys or the monitoring forms. This ensures that the Quality Group can initiate any corrective or preventative action in respect of the agent.

Marketing Information

13. All Education Agents are briefed on the requirement to ensure that they advise overseas students of accurate course requirements and that prospective students are aware, as a minimum, that they:
 - 13.1. must possess certified evidence of current English-language proficiency so that they can meet the government's requirements in this regard;
 - 13.2. must be bona fide students on a current visa with condition to study (if international students) who intend to complete their course;
 - 13.3. must meet specified attendance requirements (as notified by the College from time to time in accordance with College policy and government requirements, such as 75% attendance);
 - 13.4. will be assessed on course progress and that, if necessary, intervention strategies may be implemented;
 - 13.5. are not given any indication that they do not have to study or that they do not have to attend classes;
 - 13.6. are not given any guarantees that the course will result in specific employment outcomes;
 - 13.7. will be notified to DIBP or its successors, if they breach any of the Government's regulations or, where applicable, College policies;
 - 13.8. cannot change provider within six month of course commencement without a letter of release which will be granted on application provided that the reasons for the request satisfy the College's policy on student transfers (refer Policy on National Code Standard 7).
14. Agents will be required to advise prospective students of additional information as notified by the College from time to time.
15. All agents are actively encouraged to attend AEI seminars to learn at first hand the requirements of the Australian government in relation to the issue of student visas and Australian Educational requirements.
16. All agents are actively encouraged to undertake the PIER education agents' course and ISANA on-line tutorials.
17. The College maintains regular contact with authorised agents to ensure that they are kept abreast of the latest information about the marketing of the College's courses and services. Such contact and marketing updates are made in various forms including personal meetings, telephone discussions, email alerts, correspondence and facsimile notices. Records are kept of when such updates are made in the form of diary notes and copies are kept of correspondence.
18. A listing of all current agents will be published on the College's website.
19. Any agency terminations will also be published on the College's website and/or on College noticeboards.

Agent Misconduct

20. Agency Agreements will be terminated by the College in the following cases of poor conduct (defined for the purposes of this policy as 'Misconduct'):

- 20.1. **Dishonesty:** Agents engaged or previously engaged in dishonest practices (such as the deliberate attempt to recruit students where this conflicts with the obligations of the College under National Code Standard 7 and the College's policy on this standard);
 - 20.2. **Visa conditions:** Agents facilitating the enrolment of a student who the agent believes will not comply with the conditions of the student's visa. For example this could include the agent suggesting to overseas students that they come to Australia on a student visa with a primary purpose other than full time study;
 - 20.3. **False CoE's:** Agents using PRISMS to create CoE's for other than bona fide students;
 - 20.4. **Unauthorised immigration advice:** Agents providing immigration advice where not authorised to do so under the *Migration Act 1968*.
21. The College will not accept students referred from an education agent or enter into an agreement with an education agent if it knows or reasonably suspects the education agent to be engaging in Misconduct.

Actions Taken if Agent Engages in Misconduct

22. If the College enters into an Agency Agreement with an agent who the College subsequently becomes aware, or reasonably suspects, is engaging in Misconduct, the College will terminate the Agency Agreement with that agent.
23. The College may become aware of alleged instances of Misconduct by a variety of means, including as a result of its own monitoring activities or reports by students. Where such suspicions are raised, the College will initiate an investigation and if the suspicion is proved or the College reasonably suspects the Misconduct to be occurring, the College may terminate the Agency Agreement and take corrective and preventative action as appropriate.
24. An Agency Agreement will also be terminated where the Misconduct is carried out by an individual employee or sub-contractor of the Agent. The exception to this is where the education agent has terminated the relationship with the relevant employee or sub-contractor.
25. In addition to terminating the Agency Agreement in the event of agent Misconduct, the College will also take immediate corrective and preventative action if the College becomes aware of the following:
 - 25.1. An education agent being negligent, careless or incompetent (with each of these acts being judged according to the reasonable person test);
 - 25.2. An education agent engaging in false, misleading or unethical advertising and recruitment purposes.
26. **Corrective action:** The following is a non-exhaustive list of corrective action which may be taken by the College in such circumstances:
 - 26.1. Contacting current students referred to the College by the relevant Agent and making enquiries about whether they have been affected by the poor conduct set out above and taking actions to remedy these affects;
 - 26.2. Publishing retractions of any false advertisements in the relevant media publications;
 - 26.3. Termination of an Agency Agreement;
27. **Preventative action:** The following is a non-exhaustive list of preventative action which may be taken by the College in such circumstances:
 - 27.1. Conducting training sessions for agents;
 - 27.2. Reviewing marketing information provided to agents to ensure that all information provided is up to date;
 - 27.3. Establishing a committee consisting of suitably qualified College personnel (such as the head of marketing, compliance officer etc) to review the circumstances of the particular case and determine what systems or checks could be introduced to avoid the situation reoccurring.
28. The particular corrective and preventative action taken by the College in a particular instance will be determined by the CEO acting on advice of the Compliance Officer and any legal advice, if necessary.