



EMPIRE
INSTITUTE OF EDUCATION

National Code 2007

Standard 4

Policy & Procedure





Education Agents

Purpose

This policy and procedure supports Standard 4 – Agents of the National Code of Practice for Registration Authorities & Providers of Education & Training to Overseas Students 2007, which states:

Registered providers take all reasonable measures to use education agents that have appropriate knowledge and understanding of the Australian International Education Industry, and do not use education agents who are dishonest or lack integrity.

Agents are often the first point of contact between prospective students and the Australian International Education Industry. Their activities and ethics are important to Australia’s reputation as a desirable destination for students. Empire is committed to ensuring its agents act ethically and appropriately.

To achieve this, Empire Institute requires that its agents have appropriate knowledge and understanding of the Australian International Education Industry, and act honestly and with integrity.

This policy aims to ensure that the actions of its appointed agents are ethical and comply with Institute obligations, under the ESOS Act 2000, including:

- ESOS Regulations
- National Code
- Migration Act
- Migration Regulation

Empire Institute of Education (EIE) has established practices in place to monitor and if necessary terminate education agents domestically and internationally to ensure honest and professional representation of the Institute with the highest integrity.

Scope

- Education Agents of Empire Institute
- Staff of Empire Institute involved in the recruitment and monitoring of agents for the Institute.

Definitions:

| | |
|------------------------------|---|
| CRICOS: | Commonwealth Register of Institutions and Courses for Overseas Students |
| ESOS Act: | Education Services for Overseas Students Act 2000 of the Commonwealth of Australia |
| ESOS Regulations: | Education Services for Overseas Students Act 2000 of the Commonwealth of Australia |
| National Code: | National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students |
| Prospective Student: | A person who intends to become, or who has taken any steps towards becoming, a Student, ‘an overseas Student’ or ‘intending overseas Student’ as defined by the ESOS Act. |
| Relevant Legislation: | ESOS Act 2000 ESOS Regulations 2001 Migration Act 1958 Migration Regulations 1994 |



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|--------------------------|---|
| | National Code Any other legislation or regulations relevant to governing the provision of education to overseas Students in Australia |
| Agent: | An accredited person or organisation with the authority to promote Empire Institute courses and services to students or intending students in nominated regions |
| Agents Agreement: | The agreement between the Empire Institute and the Agent including the Schedules |
| Student: | A person (whether within or outside Australia) who holds a Student Visa and is an 'Overseas Student' as defined by the ESOS Act |

Policy

EIE will only appoint Education Agents whose company is registered in the relevant country, state or province and, if relevant, in Australia. All appointed Education Agents must have completed the Education Agent Agreement form to become an Official Education Agent for Empire Institute of Education.

All applications must be lodged and applicant must nominate referees who can vouch for Agent’s honesty and integrity. It is preferred that the nominated referees are employees of educational providers in Australia and have responsibility for recruitment and management of international students.

EIE will monitor the performance and activities of its Education Agents, using a variety of methods that include:

- Informal and formal feedback
- Agent visits and meetings
- Reports from Education Agents and other external stakeholders
- Performance review annually

Empire Institute retains the right to veto any Agent activity that in the Institute’s opinion is not compliant with:

- Agent Agreement
- Relevant Legislation
- Any information provided to the Agent by Empire Institute

Note: If EIE becomes aware, or reasonably suspects that the Education Agent, or an employee or sub-contractor of the Education Agent, has acted in breach of the conduct set out in Education Agent Agreement and Standard 4.3 of the National Code, Empire Institute of Education will terminate the agreement immediately.



Policy Base

- Education Services for Overseas Students Act 2000
- ESOS Regulations 2001
- ESOS (Registration Charges) Act 1997
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (The National Code)
- Migration Act 1958
- Migration Regulations 1994

The following procedure will ensure that Empire Institute is able to manage the activities of its Education Agents and ensuring only reputable education agents are used.

Procedure

- All applications must be lodged using EIE forms,
- All applicants must nominate referees,
- Approved applicants will become an agent after signing an Agent Agreement,
- Applicants who are not approved will be notified in writing,
- Approved Education Agents will be sent an Agent Certificate that can be displayed in their office to show that they have contact with EIE to provide information to prospective students about EIE,
- Approved agents will be added to the list of EIE Education Agents, on the EIE website,
- EIE will monitor the performance and activities of the agent throughout the contact period, using:
 - Analysis of quality assurance and quantity of application on behalf of prospective students,
 - Analysis of the visa conditions of students,
 - Analysis of conversion rates from lodging applications to actually studying at EIE
 - Logging instances where students claim to have been misinformed about their study at EIE,
 - Logging instances where the agent has shown a lack of knowledge of Student Visa requirements or other matters relating to Standard 4.3 and the student's stay in Australia,
 - Feedback collected from students and prospective students,
 - Annual Performance review.

EIE will monitor Education Agent practice and generate a PRISMS report that indicates the situation of ethical practice of EIE agent.

Note: EIE will report back to Education Agents during the contract period to provide feedback on the agent's performance to-date. This will include situations where it might be necessary to provide an early warning that there is a possibility that the contract may be cancelled or not renewed. As a general rule, this will happen around the middle of the contract period, however, on occasions where the possibility of non-renewal is apparent, EIE will contact the education agent earlier.



Actions

Agent Appointment Process

| | STEPS | RESPONSIBILITY | COMMENTS |
|-----|---|---------------------------------|---|
| 1. | Agent Application Form and Agent Information documents sent to prospective Agent | Marketing manager | |
| 2. | Completed forms with required documentation attached and returned to Empire Institute | Prospective Agent | |
| 3. | If determined to be suitable to appoint, contact referees for completion of Agent Reference Check | Marketing manager | In cases where referees refuse to complete the Agent Reference Check in writing, there are two options: <ul style="list-style-type: none">Marketing manager to telephone the referee and complete the form on their behalf with verification signature from the campus officer and compliance manager.Provide supporting statement documenting reasons why the agent was appointed (i.e. office visit or recommendation from someone). |
| 4. | Once Agent Reference Check has been completed, reassess to determine if suitable to appoint | Marketing director | |
| 5. | Complete Agent Agreement | Marketing manager | Ensure correct details are inserted, including: title of Agent, company registration number (if any), country of representation, address is listed in agreement. |
| 6. | Agent agreement approved | Marketing director | |
| 7. | Two copies of Agent Agreement sent by courier to Head Office of Agent | Marketing director/ RTO manager | |
| 8. | Agent returns two signed original copies of Agreement | Agent | |
| 9. | Two original copies to be signed by marketing director | Marketing director | |
| 10. | a) Retain one countersigned copy in marketing director's office in Agent file | Marketing director | |



| | STEPS | RESPONSIBILITY | COMMENTS |
|-----|--|----------------|----------|
| | b) Return via courier one countersigned copy to the Agent together with Agency Certificate of Representation | | |
| 11. | Details of Agent updated in Institute database | RTO manager | |

Agent Agreements

- Any person who is formally engaged by Empire Institute to promote its courses with the intention of recruiting students for the Institute shall be required to be approved by the marketing director who shall initiate an Agents Agreement.
- All persons approved as an Agent shall be required to sign an Agents Agreement, prior to undertaking any promoting activities on behalf of Empire Institute.
- Empire Institute will not enter into an agreement with any education agent or potential education agent, if it knows or reasonably suspects the education agent to be:
 - 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 Standard 7 (Transfer between registered providers), *OR*
 - Facilitating the enrolment of a student whom the education agent believes will not comply with the conditions of his/her student visa, *OR*
 - Using PRISMS to create Confirmations of Enrolment for other than bona fide students, *OR*
 - Providing immigration advice where not authorised under the Migration Act 1958 to do so.
- All agents who are approved by Empire Institute and have a signed agreement, as an agent, shall be paid an agents fee as outlined in their specific agreement.
- The agreement, conditions, and authorisation to promote Empire Institute relates to the ‘agent’ named in the agreement, and any sub-contractors or employees of the agent must be authorised by Empire Institute.
- The original signed Agent Agreement shall be kept in the Agent file and the agent shall also receive a copy.



Monitoring Agent Activities

To ensure that Empire Institute is using reputable agents, the Institute will initiate a monitoring procedure with all active agents. This is the monitoring process:

- **Agent Student Appraisals:** On the day of orientation, the marketing team will interview all new students and an Agent Student Appraisals form is completed to ensure that the student's decision to study with the Institute was an informed decision that was based on accurate information.
- **Annual Agents Performance Appraisals:** All education agents will be required to conduct a face-to-face meeting or discussion over the phone with Empire Institute at least once each year. This meeting or the telephone conversation will cover:
 - Current practices
 - Ensure current marketing materials are being used
 - Discuss any issues or concerns
 - Minutes of these meetings and an annual Agents Performance Appraisals form will be completed and kept on the Agents file.
- Where any practices of the education agent are identified as negligent, careless, 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, the Institute will take immediate action.
- Where the above practice(s) by an agent is identified, the marketing director is responsible for ensuring there is a change of the practices causing concern, through counselling the agent or terminating the agreement. Any counselling or termination of agreements shall be documented within the Agent file.
- The agent files shall be reviewed through the internal continuous improvement policy.

Continuous Improvement

Representatives of both Empire Institute of Education and the agent will meet (i.e. via teleconference, Video or Skype) at least once every semester to review the level and nature of services provided by the agent and overall operational arrangements of the partnership to ensure a highest quality of recruitment and student satisfaction and a high degree of compliance with the requirements of the NVR and ESOS Act.

These matters will be discussed at these meetings:

1. Results, progress and attendance of all students
2. Feedback from student surveys
3. Communication strategies
4. All aspects of the quality assurance process
5. Administrative issues
6. Marketing materials
7. Any other issues as identified

Where agreed by partners in this partnership arrangement, modifications/improvements will be made to the working arrangements and the Agreement, in accordance with the findings of the evaluation.



Corrective Action

Empire Institute of Education will take corrective action if the Agent fails to act in accordance with this agreement. In particular, corrective action will be taken if the education agent is negligent, careless or incompetent or has engaged in false, misleading or unethical advertising or practices that could harm the integrity of Australian education and training.

Depending on the circumstances, corrective action could include:

- Verbal counselling
- Written warning
- Provision of new and updated material
- Termination of agreement (*refer Education Agent Agreement Clause*)

Termination of Agreement

Either party may terminate EIE Education Agent Agreement, by giving one month's notice in writing.

Empire Institute of Education will terminate the agent agreement if it is shown, or the Empire Institute of Education reasonably suspects, that the Agent is:

- Engaged in dishonest practices, including suggesting to overseas students that they come to Australia on a Student Visa with a primary purpose other than full-time study
- Facilitating the enrolment of overseas students who do not comply with the conditions of the Student Visa
- Engaging in false or misleading advertising and recruitment practices
- Providing migration advice when not authorised to do so

Updating Information

- Empire Institute will ensure that the agent is provided with current information regarding the provider and the courses offered.
- New course documents and detailed information will be provided to agents, whenever such documents are amended.
- Agents are required to notify Empire Institute of Education, if any details related to the agent or its operations are altered.

Implementation

This Procedure will be implemented using these strategies:

- All marketing staff are informed and given complete information of the above, during their Induction,
- This policy and procedure is always maintained, on the Institute intranet,
- Documentation distribution (e.g. posters, brochures, ESOS Policy and Procedure folder),
- Ensure Agents are informed of updates.



Quality Assurance and Communciation

EIE RTO manager ensures Education Agents are quality agents and are committed to abide by the standards outlined in the ESOS Acts and National Code Standard 4. Reviews and reporting will monitor Education Agents performance and activities. RTO manager ensures that a regular report will be generated on Student Visa status. Student service manager ensures that EIE will not recruit any student who enrolls with EIE and applies for Visa Extension. RTO manager must give their assurance in an internal audit report that EIE has no student and agent who is not bona fide.

Clear communication will help EIE to achieve the set targets. Marketing director ensures timely and relevant communication to current Education Agents. This includes communication on any updates, recruiting bona fide students, and complies with standard 4.

Forms/Record Keeping

| Title | Location | Responsibility | Minimum Retention Period |
|---|-----------------------------|--------------------|------------------------------------|
| Agent Form | Marketing Director's office | Marketing Director | 7 years after contract has expired |
| Agent Reference Check Form | | RTO Manager | |
| Agent Agreement | | Marketing Director | |
| Agency Certificate | | Marketing Director | |
| Agent Student Appraisals Form | | RTO Manager | |
| Annual Agents Performance Appraisals Form | | Marketing Director | |
| Agent Warning Letter | | Marketing Director | |
| Agent Termination Letter | | Marketing Director | |



Document Control

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| Policy ID: | 4 |
| Responsible Officer: | RTO Manager |
| Contact Officer: | RTO Manager |
| Policy Owner: | Marketing Director |
| Endorsed By: | Chief Executive Officer |
| Person Responsible for Implementation: | Marketing Director |
| Endorsement Date: | May 2017 |
| Policy Circulation Date: | May 2017 |
| Implementation Date: | May 2017 |
| Next Review Date: | May 2018 |
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| For Staff Access Policy and Procedure Location: | Empire Google Drive: National Code Policy and Procedure/Standard 4/Education Agents |