

Policy and Procedures on Education Agent' s Engaging Plan

Education Agent Policy

Where Education Agents are engaged to market and recruit overseas students on behalf of Australian National Education College they will be bound by this policy and will be expected to comply with the requirements of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018 (the National Code)* and the [Agent Code of Ethics \(ACE\)](#) in relation to marketing, recruitment and student information.

In order to take all reasonable measures to use education agents that have an appropriate knowledge and understanding of the Australian international education industry, and not use education agents who are dishonest or lack integrity, Australian National Education College has in place an Education Agent Management Process which formalizes the engagement, monitoring, marketing, and process for misconduct, of any Education Agent it engages to represent the Institute.

- Australian National Education College will formally appoint an Education Agent via a written agreement with each education agent
- Australian National Education College will retain evidence that they have undertaken monitoring activities of its education agents.
- Australian National Education College will retain copies of agreements that have been terminated, where applicable.
- Australian National Education College will adhere to the processes for updating promotional material used by agents and for informing agents of any changes.
- Australian National Education College will retain evidence of immediate corrective and preventative action through the "Error! Reference source not found." policy and procedure on page Error! Bookmark not defined. (for example, record of telephone conversation, email) taken when the registered provider becomes aware that the education agent has become negligent, careless or incompetent or has engaged in false, misleading or unethical advertising and recruitment practices.

If Australian National Education College becomes aware of any unethical behaviour or breach of agreed terms and conditions from any of the educational agents that it has appointed to represent it, either before or after formal review, formal agreements will be terminated and Australian National Education College will not accept any further student enrolments from this agent.

Education Agent's appointed by Australian National Education College are required to have a good understanding of the following legislation and the Agent Code of Ethics:

- [Education Service for Overseas Student Act 2000](#)
- [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) (National Code 2018)
- [Migration Agents Regulations 1998](#)
- [Agent Code of Ethics \(ACE\)](#)

Education Agent Procedure

The Principal Executive Officer will review the *Education Agent - Application* form and check references. The Principal Executive Officer will also conduct an interview (this may be via telephone or face-to-face) and complete an Education Agent Referee Report. An Education Agent Agreement will be offered to Education Agents who comply with the requirements set out in this Policy and Procedure and the Education Agent Agreement.

When the applicant has been assessed as satisfactory, the Principal Executive Officer prepares the Education Agent Agreement and forwards two copies to the Education Agent. Once returned, one original signed Education Agent Agreement shall be kept in the Agents file and the agent shall also receive a copy.

All successful Education Agents are listed on the Institute's website as a registered provider for Australian National Education College.

The Education Agent Agreement will include information about processes for monitoring agents. Monitoring processes, may include one or more of the following:

- Regular face-to-face meetings with agents onshore or offshore; via Skype or through telephone/email communication
- Telephone/teleconference meetings.
- Regular reports from agents.
- Surveys of students recruited by agents.
- Surveys of parents of students recruited by agents.
- Performance benchmarks included in the agreements.
- Spot checks by providers, for example, to observe agents at work at education fairs; or surveys of students to provide feedback on Agents.

Education Agents must participate in monitoring activities to maintain compliance with the Agency Agreement.

Education Agents are required to submit a report of their activities every six months. The report must outline the promotional activities that have been undertaken on behalf of the provider and include any students that have been contacted or recruited to enroll with the provider. The Principal Executive Officer will review the reports submitted by Education Agents and evaluate the activities of the agent. The Principal Executive Officer will also consider survey data at this time.

The same monitoring activities will also take place at 12 monthly intervals thereafter until the Agency Agreement expires.

All Education Agents will be required to conduct a meeting with the Principal Executive Officer at least once per year. The following will be discussed:

- Current practices
- Ensure current marketing materials are being used
- Any issues or concerns

Minutes of these meetings will be taken and kept on the Education Agents file.

The Education Agent Agreement includes the conditions of termination. If at any time the provider becomes aware of an education agent being negligent, careless, incompetent or being engaged in false, misleading or unethical advertising and recruitment practices, including practices that could harm the integrity of Australian National Education College, it will take immediate corrective and preventative action (as per the **Error! Reference source not found.** policy and procedure on page **Error! Bookmark not defined.**) upon the Education Agent.

- *Preventative* action could include training sessions for Education Agents and ensuring they have all the material they need to represent the provider accurately and professionally.
- *Corrective action* may include providing additional information/material or targeted training, for example, the expectations of the provider. Corrective action may also include termination of the agreement with the Education Agent.

Australian National Education College will retain evidence of immediate corrective and preventative action on the Education Agent file, for example, record of telephone conversation, email etc.

If an opportunity for improvement is identified through the Education Agent monitoring process, an Opportunity for Improvement Form should be completed, as per the process outlined in the policy **Error! Reference source not found.** on page **Error! Bookmark not defined.**

Implementation of improvements identified through the data collected will be monitored through the Monthly Quality & Compliance Meetings held by Australian National Education College.

If at any time, it is found through student surveys, interviews, or any other means, that an agent is acting in contravention of the Education Agent Agreement, the requirements of the ESOS legislation & regulations, or the National Code or Agent Code of Ethics, the Education Agency Agreement will be terminated immediately.

Further, the provider will not accept a student from an Education Agent if it is known or suspected at any time that the agent:

- Engages in or has previously engaged in dishonest practices

- Deliberately attempts to recruit a student within the first six months of that student's study in their principal course with another provider.
- Facilitates the enrolment of a student he/she believes will not comply with visa conditions, or is not a bona fide student, or provides immigration advice where he/she is not authorized to do so under the Migration Act 1958

Australian International Education and Training – Agent Code of Ethics (ACE)

The Agent Code of Ethics was released by the Department of Education and Training to strengthen the fundamentals and ensure that we maintain a quality system and establish more support in relation to how international agents work. For more information see [Australian International Education and Training Agent Code of Ethics \(ACE\)](#)

Australia is committed to ensuring the highest standard of service and care is delivered across its international education and training sector and has a comprehensive international education and training quality framework to support this aim. The *Agent Code of Ethics (ACE)* is a critical component of this framework and provides a guide to the expected professional behavior of individual agents and agencies working with Australian international students, parents, providers and fellow agents across the sector. The ACE builds on the London Statement's ethical framework and provides a set of Australian specific 'Standards' for Australia's education agents. The ACE also aims to support Australia's education and training providers to meet their obligations under the National Code.

The Agent Code of Ethics aims to:

- Outline the principles and expectations of fair and ethical conduct of Australian National Education College's offshore and onshore education agents
- Foster best practice among education agents to assist them to provide quality services to potential and existing international students and partner providers
- Provide assurances on the quality and standard of services provided by education agents recruiting into Australia
- Build on Australia's globally recognised international education

Australia's Education Agent Code of Ethics is based on three core elements of:

- The London Statement's Ethical Framework
- The London Statement's Principles
- Australia's Education Agent Standards Framework

The Australian education and training sector expect education agents to adhere to seven ethical principles, as outlined in the London Statement, that are supported by an underlying ethical framework of:

- **Integrity** – being straightforward and honest in all professional and business dealings.
- **Objectivity** – not allowing professional judgment to be compromised by bias or conflict of interest.
- **Professional competence and due care** – maintaining professional knowledge and professional service, and acting diligently.
- **Transparency** – declaring conflicts of interest to all clients, especially when service fees are charged to both the education provider and the prospective student.
- **Confidentiality** – respecting and preserving the confidentiality of personal information acquired and not releasing such information to third parties without proper authority.
- **Professional behavior** – acting in accordance with relevant laws and regulations and dealing with clients competently, diligently, and fairly; and
- **Professionalism and purpose** – acting in a manner that will serve the interests of clients and the wider society even at the expense of self-interest; recognizing that dedication to these principles is the means by which the profession can earn the trust and confidence of stakeholder groups (individual clients, the public, business and government).

The London Statement Principles promote best practice among education agents and consultant professions that support international students. The Statement of Principles is a unifying set of understandings for the recruitment of students in international education that serves to promote best practice among education agents and consultants. The seven principles are:

Principle 1: Agents and consultants practice responsible business ethics

- Avoiding conflicts of interest
- Observing appropriate levels of confidentiality and transparency
- Acting professionally, honestly, and responsibly
- Refraining from being party to any attempt by students or others to engage in fraudulent visa applications
- Acting in the best interests of the student at all times
- Declaring conflicts of interest
- Being transparent in fees to be paid by students and commissions paid by providers
- Providing clear avenues for handling complaints and resolving disputes
- Complying with relevant laws and regulations.

Principle 2: Agents and consultants provide current, accurate and honest information in an ethical manner

- Providing realistic and appropriate information that is tailored to the individual student's circumstances, particularly in relation to language skills, capacity to pay and level of study
- Specifying the rights and responsibilities of the student in the country of destination
- Refraining from claiming a direct government endorsement or privileged relationship with a public official or member of the government where one does not exist; including for example the misuse of national brand logos
- Providing a registration number or other identifier on advertising material
- Using institutions' officially approved material in promoting providers with whom agents have an agreement.

Principle 3: Agents and consultants develop transparent business relationships with students and providers through the use of written agreements

- Signed by the student and the agent
- Signed by the provider and the agent
- Include information on the arrangements put in place by agents and consultants on behalf of the student, such as itemized payment schedules of fees and services, and refund and transfer policies
- Provide details on information provided under Principles 1 and 2, as a means of guiding agents and consultants to give appropriate information to students so that both students and agents understand what has been agreed to maintain student confidentiality
- Are archived in an appropriate manner so that the agreements can be made available to the student or an appropriate authority within a reasonable timeframe.

Principle 4: Agents and consultants protect the interests of minors

- Ensuring that the prospective student has adequate representation and support from a guardian and/or legal counsel during meetings with the agent or consultant and that this is recorded as informed consent before any money changes hands
- Ensuring that the client has the legal capacity to enter into any commitment
- Acting not only in accordance with relevant laws and regulations, but competently, diligently and fairly as befits dealings with minors.

Principle 5: Agents and consultants provide current and up-to-date information that enables international students to make informed choices when selecting which agent or consultant to employ

- Providing information to students about the accreditations the agents have met, the training they have undertaken, the memberships they hold to professional associations or processes undertaken to become registered and accredited education agents and consultants
- Providing information about themselves that support comparison of qualifications and experience.

Principle 6: Agents and consultants act professionally

- Participating in training courses and professional development wherever possible
- Becoming members of professional associations and networks that promote and support best practice in the recruitment of international students.

Principle 7: Agents and consultants work with destination countries and providers to raise ethical standards and best practice

- Sharing information on best practice in the recruitment of international students by education agents and consultants.

To ensure alignment and equity, Australia’s Standards for international education agents mirror the requirements for education and training providers as outlined in the ESOS Act and National Code. The ACE provides a guide to the expected professional behavior of individual agents and agencies working with Australian international students, parents, providers and fellow agents across the sector. These Standards will be reviewed and updated to ensure continued relevance to the sector. The standards are:

Standard	Element
Organisational Effectiveness	<ul style="list-style-type: none"> ▪ Demonstrates effective organisational governance and appropriate ownership including a well-articulated strategic plan, policies, and procedures. ▪ Evidence of relevant and up-to date business licensing and or registration. ▪ Discloses all relevant partnerships, affiliations and agreements are disclosed, including disclosure of sub agent representation agreements and a clearly articulated approach to managing these relationships is in place to ensure compliance with the ACE. ▪ Offers assurance of the organisation’s financial integrity and financial systems. ▪ Provides clear and transparent disclosure of recruitment practices and activities including countries serviced
Business Ethics	<ul style="list-style-type: none"> ▪ Demonstrates agency and individual agent adherence to the ethical standards and principles of the ACE. ▪ Discloses any past, pending, threatened or potential litigation, arbitration or administrative actions or other disputes against the agency, CEO or other relevant business associate. ▪ Provides current, accurate and appropriate information to students and offers a commitment to not knowingly providing false or misleading information. ▪ Demonstrates openness and disclosure of any incentives to any party that may influence the student’s decisions.
Staff Capability	<ul style="list-style-type: none"> ▪ Demonstrates effective human resource management practices are in place to ensure all employees and representatives are trained, informed and act in the best interests of clients at all times. ▪ Demonstrates a strong working understanding the Australian education and training system, including all relevant legislation, regulations and information.

Agency Recruitment Practices and Standards

- Completion of an Agent Training program and or other relevant education and training qualifications or programs.
- Implements considered and targeted marketing practices and ensures honest and accurate communication resources are in place.
- Provides appropriate, fair and considered counselling of students including assessing the student's willingness and ability to complete the courses, their understanding of course and provider requirements and awareness of realistic employment and pathway outcomes.
- Demonstrates and articulates a clear and fair complaints and appeals process.
- Offers transparent and clearly articulated fees and charges including a documented refund policy.
- Ensures strict confidentiality of personal information and ensures this information is not shared with a third party unless consent is given.

Education Agent Requirements

Education Agents will be engaged to formally represent the provider under the following conditions:

- The Education Agent agrees to comply with the requirements of:
 - National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)
 - Education Service for Overseas Student Act 2000
 - Migration Agents Regulations 1998
 - The Education Agent agrees to comply with the Agent Code of Ethics (ACE)
 - The Education Agent signs and abides by the conditions of the provider written Agent Agreement
 - The Education Agent responds appropriately to the provider's monitoring activities and corrective and preventative action, and understands the grounds for termination of agreement as outlined in Standard 4.4 of the National Code
 - The education agent accurately promotes the services and facilities provided by Australian National Education College and use up to date marketing materials as supplied by Australian National Education College
 - As a third party delivering services on behalf of Australian National Education College, the Agent is required under this written agreement to 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.

Prospective agents will be required to:

- Complete an Education Agent - Application Form
- Provide evidence of business registration
- Provide at least two educational Institute references, with one referee from educational Institute in Australia required

- Provide evidence of successful completion of the Education Agent Training Course and/or Registration with Migration Agents Registration Authority

Monitoring Activities of Education Agents

A list of education agents with whom our organisation has an Education Agent Agreement with will be kept on an Education Agent Register. The list of education agents will also be listed on the website www.ane.edu.au and is readily available to students and regulators. Information provided about education agents includes at a minimum:

- Agency name
- Name of Principal Agent
- Legal entity of Agency
- Street address or addresses of the Agency
- Contact details

The Principal Executive Officer will ensure that Education Agents are provided with up to date marketing materials.

Documents utilised by Australian National Education College to collect evidence related to National Code 2018 Standard 4, includes the following:

- EA – Application to EA Letter – Letter to the Agent inviting them to become an Agent and advising them of the process
- EA – Agent Application Form – Collecting information about the Education Agent, including a minimum of three (3) referees
- EA - Agent Agreement – Signed by the Institute and the Education Agent, agreeing to the terms and conditions of the Agreement
- EA – Recruitment and Monitoring - This form is to be completed by the Institute and filed onto the Agent’s file, it includes the Recruitment Process, Education Business Referee Report, Process Checklist and Agent Register
- EA – Performance Review Report – Utilised by the Institute to conduct an annual performance review of the Agent
- EA - Agent Feedback Survey – Collecting feedback from students regarding the agent
- EA – Certificate of Appointment – Provided to the agent confirming that they are an Agent representing Australian National Education College
- EA – Acceptance Letter- Letter stating that the agent’s application has been accepted
- EA – Rejection Letter – Letter stating that the agent’s application has been rejected and on the grounds that it was rejected
- EA – Renewal Letter – Letter inviting the agent to renew their contract
- EA – Intent to Terminate Agreement – Letter to the Agent informing them that the Institute intends to terminate their contract due to the agent not complying with the terms and conditions within the Agreement

Australian National Education College practices due diligence in responding to agent enquiries by requesting comprehensive information about the agency and references from reputable sources.

Prospective agents are requested to provide as much of the following information possible:

Company profile

- Details of principal’s background and qualifications
- Details of key staff members and/or consultants
- Number of years in existence
- Services provided by the company
- Location and details of offshore offices
- Location and details of any offshore partners

Company registration details

Details of past and present experience recruiting students

- For Australian
- Number of students

Familiarity with Australian education industry

- Knowledge of ESOS Act
- Knowledge of National Code

Experience in

- Education industry in general
- Any other major business areas

Details of markets from which recruit

- Geographical area
- Characteristics of potential market

Names of any professional organisations of which the agent is a member

Outline of services to be provided

Agent activities are monitored/tracked regularly by the following:

- Number of enquiries overall
- Ways enquiries are followed up
- Reasons applications were not lodged following an enquiry
- Number of applications lodged overall
- Number of applications accepted
- Reasons applications were rejected
- Application forms
- Referee Reports
- Agent Student feedback
- Agent Performance Review
 - Timelines for:
- Date of enquiry
- Lodgment of application
- Application decision
- Receipt of commission invoice
- Payment of commission
- Complaints Process

Reports on Agent Performance will be used to monitor Agent Performance, reports are accessible from PRISMS and include the following:

- Institute Reliance by Agency
- Agent Performance by Institute summary
- Agency Performance by CoE completion rate
- Agency Performance by Institute Detail
 - See PRISMS Provider User Guide on how to produce the above reports from PRISMS Diligence - Agents

CRITERIA	EVIDENCE
'Strategic fit'	Fit with market priorities/strategy
Legal status of the company, is it registered with any accrediting bodies and licensed to act as an agent?	Evidence from the agent as required, on site visit.

Check the owner of the company and financial backers	
Current contracted partners Follow up – reference requests	Usually, 2 references required
Track record of the company – how many students, visa success rate	Provided in the agent questionnaire
Branch offices – territories and locations	Status of branch offices, franchise, or sub agents?
Visit to their premises	Discussion with the owner/manager



Education Agent – Recruitment and Monitoring Process

A copy of the *Education Agent – Recruitment and Monitoring Process* is utilized by ANE College to process applications for Education Agent’s with the Institution. A copy of the document is kept on an Education Agent File as evidence of recruiting and monitoring Agents.

Recruitment Process

Stage	Process	Templates and Forms
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1. Identify suitable Agent			
	2. Appoint Agents	<ul style="list-style-type: none"> • Agent completes Application Form 	<ul style="list-style-type: none"> • EA-Application Form • EA-Application for EA Letter
	<ul style="list-style-type: none"> • Undertake Background Check of Agent 	<ul style="list-style-type: none"> • EA-Recruitment and Monitoring -Business Referee Report 	
	<ul style="list-style-type: none"> • Assess the Application to determine suitability 	<ul style="list-style-type: none"> • EA-Recruitment and Monitoring -Process Checklist 	
	<ul style="list-style-type: none"> • Notify the Agent of outcome of application 	<ul style="list-style-type: none"> • EA-Rejection Letter • EA-Acceptance Letter • EA-Education Agent Agreement • EA-Certificate of Appointment • Request for Marketing Materials 	
3. Ongoing Agent Management	<ul style="list-style-type: none"> • Record Agent Agreement and file onto Server or in Database • Add Agent to PRISMS 	<ul style="list-style-type: none"> • Database • Hard File • Register listing Education Agents 	
4. Marketing	<ul style="list-style-type: none"> • Agent is added to Australian National Education College Website under Education Agent Providers who represent Australian National Education College • Agent is informed on marketing requirements including how to comply with the National Code and Australian National Education College's Policies and Procedures with regards to marketing the Institute's Programs 	<ul style="list-style-type: none"> • Australian National Education College's Website www.ane.edu.au 	

5. Monitoring and Review

- Australian National Education College will conduct an annual Performance Review of the Education Agent on or near the anniversary of the Agreement coming into effect
- The Agent will be given fourteen (14) calendar days' notice of the Performance Review
- The Annual Review will include:
 - conducting an Agent Feedback Survey, being sent to students who had engaged the Agent within that 12-month period
 - interviewing students who are currently enrolled with the Institute
 - reviewing the Agents Agreement, documentation and website to ensure compliance with the National Code, the Agent Code of Ethics and this Agreement
- Where corrective action is identified, the Institute will contact the Education Agent to discuss how their performance can be improved. Corrective Action will be reported on the Institutes "Opportunity for Improvement Form" and
 - EA-Recruitment and Monitoring
 - EA-Agent Feedback Survey
 - Minutes of meeting with Agent
 - EA-Renewal Letter
 - EA-Rejection Letter

6. Exit	minuted at the monthly Quality & Compliance Meeting <ul style="list-style-type: none"> • Complete a Performance Review Report, which includes a review of the following: <ul style="list-style-type: none"> ○ Performance Criteria (KPI's) ○ Compliance with the National Code 2018, ESOS Act, Department of Home Affairs, Agent Code of Ethics ○ Customer Service ○ Marketing and Promotion ○ Incentives • Training and Qualifications 	
	<ul style="list-style-type: none"> • The Institute terminate services due to Agent not complying with terms and conditions within the Agreement • Update PRISMS with termination details • Agent terminates contract • Contract ended and neither party wishes to renew 	<ul style="list-style-type: none"> • EA-Intent to Terminate Agreement • PRISMS

Grounds for Termination of Agreement

In the event that the Institute becomes aware of, or reasonably suspects that the engagement by an Education Agent, or an employee or sub-contractor of that agent, of misconduct that is does not comply with the National Code, the Institute will terminate the agreement with the education agent. Misconduct includes:

- a) engaging 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).
- b) facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her student visa

- c) using Provider Registration and International Students Management System (PRISMS) to create Confirmations of Enrolment for other than bona fide a student, or
- d) providing immigration advice where not authorized under the Migration Act 1958 to do so. nges to Marketing Materials (EA)

ANE College is responsible for the marketing of its education and training services ensuring it is undertaken in a professional manner and maintains the integrity and reputation of the industry and registered providers must:

- clearly identify the registered provider's name and CRICOS number in written marketing and other material for students, including electronic form, and
- not give false or misleading information or advice in relation to:
 - claims of association between providers
 - the employment outcomes associated with a course
 - automatic acceptance into another course
 - possible migration outcomes, or
 - any other claims relating to the registered provider, its course or outcomes associated with the course.

ANE College will ensure any changes made to marketing materials will be quickly and efficiently forwarded to International Agents, it has formal agreements with, to ensure the integrity of both parties.

Document approval

- **Endorsed by:** CEO/PEO
- **Date endorsed:** 01/10/2022
- **Effective date:** 01/10/2022
- **Version number:** 1.0
- **Review due date:** 1 January 2027
- **Related documents:** Agency Agreements
- **Responsibilities:** CEO/PEO (Marketing/Compliance Manager).

ANE College – CEO/PEO

Name: Shane Lee

Date: 01/10/2022