Engaging, Managing and Monitoring the Performance of Education Agents Procedure

Approving authority	Executive Management Team
Purpose	This procedure sets out the basis for the engaging, managing, monitoring and evaluation of education agents to ensure regulatory compliance.
Responsible Officer	Vice President
Next scheduled review	June 2021
Document Location	http://www.ozford.edu.au/higher-education/policies-and-procedures/
Associated Documents	Engaging, Managing and Monitoring the Performance of Education Agents Policy Marketing and Advertising Materials Policy and Procedure Transfer between Registered Providers Policy and Procedure Student Feedback Policy and Procedure

1. PRINCIPLES

The Education Services for Overseas Students legislation (ESOS) sets out the legal framework governing the delivery of education to overseas students studying in Australia on a student visa. The Australian Government administers the ESOS legislation that governs the registration process and obligations of registered providers. The National Code of Practice (2018) is a set of nationally consistent standards that governs the protection of overseas students and delivery of courses to those students by providers registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). Standard 4 of the code clarifies the requirements as they apply to education agents.

The Ozford Institute of Higher Education (herein after referred to as 'the Institute') will take all reasonable measures to use education agents that have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics and does not use education agents who are dishonest or lack integrity.

2. SCOPE

This procedure applies to all international and local student operations of the Institute.

2.1 General

The Institute has formulated this procedure on Engaging, Managing and Monitoring the Performance of Education Agents in accordance with the National Code 2018, Standard 4 requirements and Higher Education Standards Framework (Threshold Standards) 2015 (HES Framework). These provisions strengthen the ability of the Institute to regulate the activities of the education agents and also ensure that the Institute uses ethical education agents. This procedure is to be read in conjunction with the ESOS Act 2000 and the National Code 2018 and its Explanatory Guide, Higher Education Standards Framework (Threshold Standards) 2015 (HES Framework)

3. DEFINITIONS

In this procedure:

- 'Marks' means logos, trademarks, designs, and crests that belong to or carry the name of the Institute;
- 'PRISMS' means the Provider Registration and International Students Management System (the electronic system that holds CRICOS and the electronic confirmation of enrolment);
- 'Course Fee' means the tuition and other fees set by the Institute for the Courses;
- 'Courses' means the full time registered courses offered by the Institute and registered on CRICOS;
- 'Prospective student' means a person (whether within or outside Australia) who intends to become, or who has taken any kind of steps towards becoming a Student at the Institute;
- 'Services' means the services described under the agent agreement;
- 'Student' means an 'overseas student' as defined in the ESOS Act;

- 'Term' means the period set out in the agent agreement;
- 'Territory' means the countries or regions set out in the agent agreement.

4. PROCEDURE

4.1 Selecting and Engaging Agents

Interested individuals/organisations may be invited by the Institute or may submit an application form for becoming education agents for the Institute.

The Institute engages agents after thorough investigation and completion of a referee check.
An agent's suitability for engagement primarily determined by

- business registration – an Australian Registered Business or (other Business with demonstrated experience in) complying with relevant laws and regulations of Australia;
- business services – demonstrated capacity to deliver counselling and support services to clients;
- market knowledge and capacity – demonstrated previous experience in recruiting international students;
- appropriately trained and qualified staff – education agent staff demonstrate the capacity to provide high quality services and information to prospective international students.

The Marketing office acknowledges the application and checks the application details for accuracy, correctness and adequateness and investigates the veracity of the information by contacting the agents referees and by other methods that could include conducting checks on the agent's performance and reputation, for example with other education providers, known students of the agent, the relevant Australian Embassy or Australian Education International (AEI) and various websites.

An application can only be accepted by the Marketing Director of the Institute if there is written recommendation from the marketing office where the recommendation includes evidence of contact referees and a completed suitability checklist.

The Marketing Director will determine whether or not the Institute enters into an agreement with each applicant.

Where investigation of the application shows that the potential Agent has:

- been engaged in, dishonest practices; this includes behaviour which relates to Standard 7 - Transfer between registered providers;
- facilitated the enrolment of a student who the education agent believes will not comply with the conditions of his or her student visa;
- used PRISMS to create a CoE for other than a bona fide student;
- provided immigration advice where not authorised under the Migration Act 1958 to do so (i.e. not a registered migration agent).

The Marketing Director will automatically refuse the application.

Where the Institute chooses to not enter into an agreement with an applicant, that applicant will be notified as such in writing within 14 days of receipt of the application. A reason for the decision will be stated on the notification.

All Agent applications and supporting evidence are to be kept on file by the Marketing office.

If the Marketing Director is satisfied with the application, the Institute enters into a written agreement with the agent. The written agreement contains the information to comply with the Institute's regulatory requirements.

4.2 Agency Agreements

Written agreements with Education Agents:

- specify the responsibilities of the education agent and the Institute and the need to comply with the requirements in the National Code 2018, the ESOS Act and Higher Education Standards Framework (Threshold Standards) 2015 (HES Framework);
- include processes for monitoring the activities of the education agents;
- detail means of dealing with agents suspected of being negligent, careless or incompetent or engaged in false, misleading or unethical advertising and recruitment practices;
- specify termination conditions;
- the jurisdiction of the agreement.

Duration of Agreement

The term of the written agreement is one year for an initial agreement and up to three years for subsequent agreements or as agreed subject to annual review.

4.3 Monitoring Performance

The Institute monitors the performance of its approved agents in an ongoing way by number of methods:

- student feedback;
- in-house analysis of agent performance;
- in house analysis of student performance;

Such monitoring can include some or all of the following means:

- analysis of Education Agent Feedback Form;
- ongoing and consistent contact with agents via telephone and email;
- regular training of agency staff of regulatory requirements including ESOS and National Code requirements, and product knowledge updates;
- regular scrutiny of agent websites for accuracy and currency of information relating to the Institute;
- regular provision and re-stocking of the Institute's promotional material;
- conducting checks on the agent's performance and reputation, for example with other education providers, the agent's referees, the relevant Australian Embassy or Australian Education International (AEI);
- student study outcomes (e.g. course completion rates, visa compliance);
- Department of Home Affairs data, in relation to visa grant / refusal rates.

The monitoring procedure is designed to ensure that the Institute is using reputable agents. The outcome of any monitoring will form part of the input to the annual review meeting.

All information related to monitoring agents will be recorded on the Institute's data management system.

4.4 Register of Agents and Annual Review of Agency Agreements

The Institute will maintain a register of its appointed agents and will also publish an up to date list of agents on PRISMS and on the Institute's website.

All agency agreements will be subject to an annual review.

The Marketing Director will develop an annual schedule for the review of agency agreements.

- for all agreements due to renew, the review decision will be based on the annual review outcome/results
- for ongoing agreements the date of review will generally coincide with the anniversary date.

For the purposes of the review Agents will be divided into 2 groups:

1.) those agents who have recruited NO students during the year and consequently have No Registrations; and

2.) those agents who have recruited students during the year and consequently have Registrations.

Agents with no registrations
Agents with ***no registrations*** with the Institute will automatically become inactive on management system and if the agreement is due to expire will not be renewed. If the agreement is ongoing with a future expiry date the agent will be contacted and a decision made by the Marketing Director as to future action.

The agents that are not renewed will be removed from PRISMs and the Institute's website.

Agents *with registrations*
Agents ***with registrations*** will be reviewed based on:

- monitoring evidence gathered throughout the year;
- number of student enquiries received from the specific agent;
- number of students enrolling from the specific agent;
- number of students dissatisfied with the specific agents services; and
- student study outcomes (e.g. course completion rates, visa compliance);
- Department of Home Affairs data, in relation to visa grant / refusal rates;
- student feedback
    - Within two weeks of commencement of course at the Institute, new students who have come through the Institute approved agent are asked to complete the Education Agent Feedback Form, included in student orientation packs. This form provides direct feedback concerning students' opinions and experiences with their agents.
    - From this feedback, the Institute is able to collate and analyse areas where agents could improve and also provides an assessment of their services and performance on a routine basis.

The Marketing Director considering the review evidence has a number of options

- For agreements due to expire :
    - Renew or decide not to renew the agreement
- For agreements that are ongoing :
    - Notify the agents of satisfactory performance
    - Implement some corrective or preventive actions
    - Terminate the agreement

The agents that are not renewed will be removed from PRISMs and the Institute's website.

4.5 Renewal of Agreement
Agents who satisfy the Institute's requirements will be issued a new agent agreement for a period of up to three years.

4.6 Corrective and Preventative Actions
If as a result of ongoing monitoring or as the result of an annual review the Marketing office has concerns about the performance of an education agent the Marketing Director may authorise some form of corrective or preventative action.
The Institute will take immediate corrective and preventative action upon becoming 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.

- Corrective action may include :
    - providing additional information/material; or
    - targeted training in, for example, the expectations of the provider;
    - requiring the Agent to undertake counselling by the Institute about the Agent's responsibilities code of conduct under the agreement and requirements under the National Code;
    - a warning letter.

- Corrective action may also include termination of the agreement with the education agent.
- Preventative action could include training sessions for agents and ensuring they have all the material they need to represent the provider accurately and professionally.

Corrective and preventative actions will be appropriate to the breach of requirements by **the Agent.**

Agents refusing to undertake the required corrective and preventative action will have their agreement cancelled.

The Marketing Director provides quarterly reports to the Executive Management Team on the recruitment of students through the network of OIHE agents including any issues that have arisen.
The Marketing Directors report will include but not be limited to

- number of student enquiries received through agents;
- number of students enrolling through agents, by course and by country of origin, onshore/offshore;
- number of students expressing dissatisfaction with agent services; and
- number of visa grant / refusal rates of students offered places.

4.7 Terminating the Agreement
Under this procedure

- Either the Institute or the education agent may terminate an agency agreement at any time by giving the other party 30 days prior written notice;
- If the Agent breaches any provision of the Agreement, the Institute may terminate the Agreement at any time and with immediate effect by giving written notice to the Agent;
- On termination of the agreement, the agent must: submit all applications and fees from prospective students received up to the termination date; and immediately cease using any advertising, promotional or other material supplied by the Institute and return all material to the Institute by registered mail or a reputable international courier; and
- The termination of the Agreement by either party will not affect any accrued rights or remedies of either party.

The agents that are not terminated will be removed from PRISMs and the Institute's website.

4.7.1 Conduct of Agent's Employee
Under this procedure an agency agreement must specify that an agent must terminate any agreement with an employee if the agent becomes aware of, or reasonably suspect, dishonest practices, including the deliberate attempt to recruit a student where this clearly conflicts with the Institute's regulatory requirements including the obligations under National Code Standard 7 Transfer between registered providers, whereby the Institute must not knowingly enrol the student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study or any of the other dishonest practices outlined above.

4.7.2 Right to Appeal
The Institute supports an agent's right to appeal for non-renewal of agent agreements. Agents must address their appeal in writing with any supporting documentation.

The Vice President of the Institute will review the appeal and conclude if the agent is eligible for probationary extension of agency agreement valid for 3 to 6 months.

4.8 Cost of Advertisement and Promotional Activities
The agent has the responsibility of bearing all the costs of advertisement and promotional activities in their approved territory.

4.9 Assignment and Subcontracting to Third Parties
In entering agreements with education agents, the Institute specifies that the agent must:

- not assign the agreement or any right to a third party under the agreement without the prior written consent of the Institute;
- not subcontract to any third party the performance of any of its obligations under the agreement without the prior written consent of the Institute;
- despite any subcontract, the agent remains solely liable for performing its obligations under the agreement;
- terminate any agreement with a sub-contractor if they become aware of, or reasonably suspect, dishonest practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of National Code Standard 7 Transfer between registered providers, whereby the Institute must not knowingly enrol the student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study or any of the other dishonest practices outlined above.

4.10 Data Storage

For the efficient implementation of this procedure, the Institute operates with an Institute wide data management system used by all the Institute staff, particularly marketing staff.

This approach ensures that there is only one database of agents which can be read/used by all, but is written/updated only by the Marketing Director.

This data management system enables or facilitates access to or provision of the following general or specific agent related information

- list of the Institute's agents;
- list of current students with identified agent;
- for each identified agent the names of those students ;
  - who have been requested to attend a meeting about course progress, and
  - who have had letters sent notifying them of the Institute's intention to report; and
  - who have been reported to Department of Home Affairs by the Institute for breach of visa conditions.
- agent agreements;
- policy and procedure for engaging, managing and monitoring the performance of agents;
- criteria on which the Institute bases their selection of agents;
- agent application form or agent declaration;
- survey given to students that asks questions about their satisfaction with their agents;
- analysis of any survey results;
- reports from the marketing manager about interactions with agents;
- list of agents that have been terminated or have had any form of corrective action taken by the Institute;
- material provided to agents explaining the role expected by the Institute;
- list of training programs provided by the Institute to agents or names of training programs that the Institute expects agents to have undertaken;
- list of agents that have participated in training programs;
- marketing material kits provided to agents or made accessible to agents;
- The Institute staff responsible for management of agents.

4.11 Notices

For any agreement established under this procedure will include the following clause relating to issuing of notices:

- A notice under the agreement must be in writing and sent by prepaid airmail, facsimile, or electronic mail to the party at the address given in the agreement.
- A party changing its address, facsimile number or electronic mail address must give notice of that change to the other party.

4.12 Governing Law

Any agreements with education agents will:

- Be governed by and construed in accordance with the law in force in the state of Victoria, Australia.

5. QUALITY ASSURANCE

To ensure that this procedure is fit for purpose and meet the requirements of the HES Threshold Standards the procedure will be:

5.1 internally approved by the Executive Management Team on development or review

5.2 externally reviewed as part of any independent review of the HES Threshold Standards approved by the Governing Board;

5.3 internally reviewed by the Responsible Officer every three years from the date of approval (if not earlier).

5.4 referenced to the applicable HES threshold Standard and/or other legislation/regulation.

6. FEEDBACK

Feedback or comments on this procedure is welcomed by Executive Management Team of the Institute or other delegated authority.

7. VERSION CONTROL

Version	Date approved	Description	Approved by
2.0	June 2018	Initial issue	Executive Management Team
Related legislation/ regulation/standard	HES Threshold Standards 2015, Domain 7 ESOS Act 2000, National Code 2018, Standard 4		