

## ENGAGING, MANAGING AND MONITORING THE PERFORMANCE OF EDUCATION AGENTS PROCEDURE

<b>Approving authority</b>	Executive Management Team
<b>Purpose</b>	This procedure sets out the basis for the engaging, managing, monitoring and evaluation of education agents to ensure regulatory compliance.
<b>Responsible Officer</b>	President and CEO and the Head of Marketing (currently the Director of Marketing & Student Recruitment)
<b>Next scheduled review</b>	February 2030
<b>Document Location</b>	<a href="http://www.ozford.edu.au/higher-education/policies-and-procedures/">http://www.ozford.edu.au/higher-education/policies-and-procedures/</a>
<b>Associated Documents</b>	Engaging, Managing and Monitoring the Performance of Education Agents Policy Academic Course Progress Policy and Procedure Admissions Policy and Procedure Credit Transfer and Articulation Policy and Procedure Marketing and Advertising Materials Policy and Procedure Student Feedback Policy and Procedure Transfer between Registered Providers Policy and Procedure

### 1. PRINCIPLES

This Ozford Institute of Higher Education (herein after referred to as ‘the Institute’) policy sets out how the Institute complies with its obligations under the *Education Services for Overseas Students Act 2000* (ESOS Act) and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code).

The ESOS Act sets out the legal framework governing the Institute’s delivery of education to overseas students studying in Australia on a student visa. It is supported by the National Code that provides nationally consistent standards that governs the protection of overseas students and delivery of courses registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). The ESOS Act Section 21A and National Code Standard 4 sets out the requirements that apply to education agents.

The Institute recognises that these legal obligations ensure that education agents deliver quality services to students. The Institute takes 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:

- international education agents appointed by the Institute.
- all staff involved in the recruitment, management and review of education agents.

## 3. DEFINITIONS

### ***Confirmation of Enrolment (CoE)***

The Confirmation of Enrolment (also called a CoE) is an official statement from the Institute via PRISMS that lists the student's details, course and the start and end dates of the course.

The Confirmation of Enrolment (COE) is an official document issued to international students by universities and other education providers in Australia. It confirms that the student has accepted a place in a course and has paid required tuition fees and Overseas Student Health Cover (OSHC). The COE is required by the Department of Home Affairs for the purpose of issuing a student visa.

### ***Courses'***

Means the full time registered courses offered by the Institute and registered on CRICOS;

### ***Education Agent:***

A person or organisation who engages in any of the following activities in relation to a provider:

- the recruitment of overseas students, or intending overseas students;
- providing information, advice or assistance to overseas students, or intending overseas students, in relation to enrolment;
- otherwise dealing with overseas students, or intending overseas students;

Casual employees or contractors are included in the definition of education agent if they undertake any of these activities. It is not the intent for short term hires to be classified as an education agent where they are temporarily filling the role of a permanent employee.

The Education Agent may provide education counselling to overseas students as well as marketing and promotion services. Education Agents may be operating in Australia or overseas.

### ***Genuine Temporary Entrants***

Means a prospective student who satisfies the genuine temporary entrant criterion for Student visa or Student Guardian visa applications, ie. a genuine temporary entrant and intend to return home after studying in Australia.

Ministerial Direction 69 states an applicant who is a genuine temporary entrant will have circumstances that support a genuine intention to temporarily enter and remain in Australia, notwithstanding the potential for this intention to change over time to an intention to utilise lawful means to remain in Australia for an extended period of time or permanently. (<https://immi.homeaffairs.gov.au/Visa-subsite/files/direction-no-69.pdf>)

### ***Genuine Students***

Means a prospective student who have a genuine intention to study in Australia, engage with learning and ability to meet the requirements of their visa.

To establish this, the genuine student test includes questions about the applicant's purpose of study, English language proficiency, academic background, links to Australia and financial capacity to support themselves during their studies.

### ***Provider Registration and International Student Management System (PRISMS)***

Means the Provider Registration and International Students Management System (the electronic system that holds CRICOS and the electronic confirmation of enrolment);

### ***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;

### ***Territory***

Means the countries or regions set out in the agent agreement.

## **4. PROCEDURE**

### **Staff training**

4.1 All Institute staff involved in managing relationships with education agents are made aware of the responsibilities and obligations of the Institute under the Higher Education Standards Framework and National Code, as well as institutional policies and procedures through induction and staff development.

### **Selecting and Engaging Agents**

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

4.3 The Institute engages agents after thorough investigation including completion of a referee check.

4.4 An agent's suitability for engagement is primarily determined by

- business registration – an Australian Registered Business (or a Business registered in another country) 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, reliability 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.
- market alignment – the market objectives and needs that the Education Agent service.

- 4.5 The Marketing Team acknowledges the application and checks the application details for accuracy, correctness and adequateness and investigates the veracity of the information by contacting the applicant's referees and by other methods that could include conducting checks on the applicant's performance and reputation, for example with other education providers, known clients of the applicant, the relevant Australian Embassy or Australian Education International (AEI) and various websites.
- 4.6 The Head of Marketing (currently the Director of Marketing & Student Recruitment) will determine whether or not the Institute enters into an agreement with each applicant. The application can only be accepted if there is a written recommendation from the marketing team with supporting evidence.
- 4.7 The application will automatically be declined, where investigation of the application shows that the potential education 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).
- 4.8 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.
- 4.9 All education agent applications and supporting evidence are to be kept on file by the Marketing Team.
- 4.10 If the Head of Marketing 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.

## Agency Agreements

- 4.11 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 the Threshold Standards;
  - 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;
  - state the jurisdiction of the agreement.
- 4.12 The term of the Agreement is not specified. All Agreements are subject to an annual review. The Agreement automatically becomes inactive after 12 months if the education agent has not had one active enrolment.

4.13 Agreements 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 or electronic mail address must give notice of that change to the other party.

4.14 Any Agreements with education agents will be governed by and construed in accordance with the law in force in the state of Victoria, Australia.

4.15 The Institute's Marketing Team will maintain a current register of the appointed agents and publish an up-to-date list of agents on PRISMS and on the Institute's website.

### **Education Agent Training**

4.16 As set out in the Agreement, education agents must ensure that their staff and contractors have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics.

4.17 The Marketing team will provide education agents with training that includes the Institute's products, the Institute's marketing and admissions policies and procedures and relevant aspects of the National Code 2018, the ESOS Act and the Threshold Standards. This may take the form of:

- in-country training sessions
- agreed site visits
- regular communication
- familiarisation visits to the Institute
- online training sessions
- the communication and distribution of training and information materials.

### **Monitoring Performance**

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

- student feedback as set out in the *Student Feedback Policy and Procedure*;
- analysis of agent performance by the Marketing team;
- cohort analysis of student performance by the Academic team;

4.19 The Institute's monitoring activities will include a range of the following:

- ongoing and consistent contact with agents via telephone and email;
- participation in training of the agency staff of regulatory requirements including ESOS and National Code requirements, and Institute product knowledge updates;
- scrutiny of agent websites for accuracy and currency of information relating to the Institute;

- use of the Institute’s promotional material;
- checks on the agent’s performance and reputation, for example, discussions and networking with other education providers, the agent’s referees, the relevant Australian Embassy or Australian Education International (AEI);
- student study outcomes (e.g. student engagement, course completion rates, visa compliance);
- Department of Home Affairs data, in relation to visa grant / refusal rates.
- TEQSA Concern notifications

4.20 The outcome of monitoring activities will form part of the input to the annual review and any meetings with agents.

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

## Annual Review of Agency Agreements

4.22 All Agency Agreements will be subject to an annual review.

4.23 The Head of Marketing 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.

4.24 For the purposes of the review education agents will be divided into 2 groups:

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

## Education Agents with no registrations

4.25 Education agents with *no student enrolments (registrations)* with the Institute automatically become inactive and.

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

## Education Agents with registrations

4.27 Education agents *with registrations* will be reviewed based on:

- monitoring evidence gathered throughout the year;
- number of student enquiries received from the specific education agent;
- number of students enrolling from the specific education agent;
- number of students dissatisfied with the specific education agents services; and

- student study outcomes (e.g. engagement, course completion rates, visa compliance );
- Department of Home Affairs data, in relation to visa grant / refusal rates;
- TEQSA Concerns or feedback;
- student feedback
  - New students who have come through the Institute approved agent are asked to complete a Feedback Form at the time that they complete their profile form. The form is in the student's orientation pack. This form provides direct feedback concerning students' opinions and experiences with their agents.
  - From this feedback, the Marketing Team collate and analyse areas where agents could improve and also provides an assessment of their services and performance on a routine basis.

4.28 The Head of Marketing 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 unsatisfactory performance.
  - Implement some corrective or preventive actions.
  - Terminate the Agreement

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

## Renewal of Agreement

4.30 Education agents who satisfy the Institute's requirements will be issued a new Agency Agreement for a period of up to three years.

## Student Complaints

4.31 Student complaints are taken seriously by the Institute and responded to in a timely and appropriate manner as per the ***Student Grievances and Appeals Policy and Procedure***.

4.32 Education agents should notify the Marketing Team about any student complaints about the Institute, and/or any Student complaints about the services of the education agent. Complaints will be investigated, and appropriate action is taken depending on the nature of the complaint. Complaints that are frivolous, vexatious or lacking in substance will not be investigated further.

4.33 All substantiated Student complaints against an education agent or a third party in delivering recruitment services will be addressed as set out in the Corrective and Preventative Actions section of this procedure.

## Corrective and Preventative Actions

- 4.34 If as a result of ongoing monitoring or as the result of an annual review the Marketing Team has concerns about the performance of an education agent, the Head of Marketing may authorise some form of corrective or preventative action.
- 4.35 The Marketing Team 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 and preventative action may include:
    - requiring the Agent to undertake training or counselling by the Institute about the Agent's responsibilities code of conduct under the agreement and requirements under the National Code;
    - a warning letter.
    - suspension of the Agreement in one or all territories
  - Corrective action may also include termination of the Agreement with 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.
- 4.36 Corrective and preventative actions will be appropriate to the breach of requirements by the education agent.
- 4.37 Education agents refusing to undertake the required corrective and preventative action will have their agreement cancelled.

## Conduct of Agent's Employee

- 4.38 Under this procedure an Agency Agreement must specify that an education agent must terminate any agreement with an employee if the education 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.
- 4.39 If the Institute becomes aware of dishonest practices by an education agent's employee or subcontractor, the Marketing Team will contact the education agent and ask for immediate action to be taken as set out in the Agreement.
- 4.40 Education agents refusing to undertake the required action will have their Agreement cancelled.

## Terminating the Agreement

- 4.41 The Head of Marketing or the education agent may write to the other party to terminate the agency agreement at any time by giving the other party 30 days prior written notice.

- 4.42 If the education agent breaches any provision of the Agreement, the Head of Marketing may terminate the Agreement at any time and with immediate effect by providing written notice to the education agent.
- 4.43 On termination of the agreement, the education 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.
- 4.44 The education agents that are terminated will be removed from PRISMs and the Institute’s website.

## Right to Appeal

- 4.45 The education agent has the right to appeal for non-renewal of an Agency Agreement on the grounds that the review process has not been fair or that the education agent has implemented a solution to any grounds leading to the termination.
- 4.46 Education agents must address their appeal in writing with any supporting documentation.
- 4.47 The President and CEO of the Institute will review the appeal including the education agent’s submission and the Institute’s actions within a reasonable timeframe, usually within four weeks of the appeal.
- 4.48 The President and CEO may conclude that:
- the agent’s appeal is supported, the education agent will be eligible for probationary extension of the agency agreement for 3 to 6 months.
  - the education agent’s appeal is not supported, the non-renewal will be notified in writing.

## Records Management

- 4.49 The Institute’s education agents are recorded in an Institute data management system used by the Marketing Team. This approach ensures that there is only one database of education agents.
- 4.50 This data management system enables or facilitates access to or provision of the following general or specific education agent related information
- list of the Institute’s education agents;
  - list of current students with identified education agent;
  - for each identified education 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.
  - Agency Agreements;

- criteria on which the Institute bases their selection of education agents;
- education agent application form or agent declaration;
- survey given to students that asks questions about their satisfaction with their agents and analysis of any survey results;
- reports from the Marketing Team about interactions with education agents;
- list of education agents that have been terminated or have had any form of corrective action taken by the Institute;
- material provided to education agents explaining the role expected by the Institute;
- list of training provided by the Institute and list of education agents that have participated in training programs; and
- marketing material kits provided to education agents or made accessible to agents.

4.51 Education agent records will be maintained as set out in the ***Records Management Policy and Procedure***.

### **Reporting and Monitoring**

4.52 The Head of Marketing provides reports to the Executive Management Team on the recruitment of students through the network of Institute education agents, including any issues that have arisen. The report will include but not be limited to

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

4.53 The Executive Management Team reports to the Academic Board and the Governing Board on the annual review of education agents which sets out information about the monitoring and review process and any issues that have arisen.

### **Giving Information on Education Agent Commissions**

4.54 Under the ESOS Act, the Commonwealth Department of Education (or its successor) Secretary can request information about education agent commissions. The request will be in writing, specifying:

- the reporting period
- the date by which the information is to be provided to the Secretary.
- the manner or form in which the information is to be given, including whether the information is to be entered in a computer system, such as PRISMS
- the documents (if any) that must accompany the information.

Information about education agent commissions requested by the Secretary may relate to one or more of the following:

- the total amount in dollars given to each education agent
- the value and description of non-monetary benefits given to each education agent
- the number of accepted students recruited by each education agent.

4.55 Where the Secretary of the Department of Education requests this information, the Institute will be given further guidance to ensure clear and consistent reporting, such as the kinds of commissions and agents for which information is requested and the required timeframe for responding.

4.56 The Institute will review the request, compile the required information and supply it to the Department of Education within the required timeframe.

## 5. QUALITY ASSURANCE

To ensure that this procedure is fit for purpose and meets the requirements of the TEQSA Compliance Frameworks 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 TEQSA Compliance Frameworks approved by the Governing Board;
- 5.3 internally reviewed by the Responsible Officer every five years from the date of approval (if not earlier).
- 5.4 referenced to the applicable TEQSA Compliance Frameworks requirement(s) and/or other legislation/regulation.

## 6. FEEDBACK

Feedback or comments on this procedure is welcomed by the listed Responsible officer of the Institute.

## 7. ACKNOWLEDGEMENT

This procedure has been developed with reference to the following:

- Ozford Education Group, Engaging, managing and monitoring the performance of agent policy, 2014
- Australian National University, Procedure: International student education agent management, 2021 ([https://policies.anu.edu.au/ppl/document/ANUP\\_014208](https://policies.anu.edu.au/ppl/document/ANUP_014208))
- Charles Darwin University, International Students - Appointment and Monitoring of Education Agents Procedure, 2022 ([International Students - Appointment and Monitoring of Education Agents Procedure / Governance Document Library \(cdu.edu.au\)](#))
- Charles Sturt University, International Education Agent Policy, 2022 ([International Education Agent Policy / Document / CSU Policy Library](#))

- LaTrobe University, Education Agent Management Policy, 2018 ([Education Agent Management Policy / Document / La Trobe Policy Library](#))
- University of Adelaide, Education Agent Engagement Policy, 2023 ([adelaide.edu.au/policies/4983/?dsn=policy.document;field=data;id=9505;m=view](#))
- TEQSA, Provider responsibilities when using education agents, 2022 ([Provider responsibilities when using education agents | Tertiary Education Quality and Standards Agency \(teqsa.gov.au\)](#)) and Sector alert: Provider responsibilities when using education agents ([Sector alert: Provider responsibilities when using education agents | Tertiary Education Quality and Standards Agency \(teqsa.gov.au\)](#))
- Australian Government Department of Education, Standard 4: Education agents, Fact Sheet ([E Standard 4.pdf](#))

## 8. VERSION CONTROL

Version	Date approved	Description	Approved by
2.0	June 2018	Initial issue	EMT
3.0	May 2019	Add appendix A & B	EMT
3.1	July 2022	Internal review – minor amendments	EMT
4.0	August 2023	Internal review and remove Appendix A and B	EMT
4.1	August 2025	Internal Review – Organisational changes and minor edits	EMT
5.0	February 2025	Internal Review - Organisational changes and addressing new regulations	EMT
Related legislation/ regulation/standard	Tertiary Education Quality and Standards Act 2011 (Cth) Higher Education Standards Framework (Threshold Standards) 2021 (Cth) Education Services for Overseas Students Act (ESOS) 2000 (Cth) Education Services for Overseas Students Regulations 2019 (Cth) The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth)		

Note:

EMT = Executive Management Team