

## AGENT MANAGEMENT POLICY AND PROCEDURE

<b>Policy Code</b>	OPS01
<b>Policy Lead</b>	Chief Executive Officer / Principal
<b>Approving Authority</b>	Board Of Directors
<b>Approval date</b>	28 June 2024
<b>Commencement date</b>	01 July 2024
<b>Next Review Date</b>	January 2027
<b>Version</b>	2024.2
<b>Relevant legislation or external requirements</b>	<p>National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code) (C: 1.1, 4, 7.1, 7.2) Higher Education Standards Framework (Threshold Standards) 2021 (HESFs: 2.4.1, 7.1)</p> <p>Competition and Consumer Act (2010) Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act) Education Services for Overseas Students Act 2000 (ESOS Act) Australian International Education and Training Agent Code of Ethics (ACE)</p>
<b>Related ASA Documents</b>	<p>Education Agent Application Form Education Agent Agreement Certificate of Appointment Quality Assurance Framework Marketing Policy Articulation Pathways Policy Records and Information Management Policy and Procedure Student Fees, Charges, and Refund Policy Deferral, Suspension and Cancellation Policy and Procedure Awards and Prizes Policy and Procedure</p>

### 1. Purpose

This Policy and Procedure provides a framework for the appointment, management, monitoring, and termination of education agents at ASA Institute of Higher Education's (ASA's) to ensure they are engaged and managed appropriately and professionally.

### 2. Scope

This document applies to all staff, directors, officers, external appointees on any ASA board or committee, volunteers, and contractors.

### 3. Principles

- ASA will only engage education agents who act in the best interests of the student at all times, and who have an appropriate level of knowledge and understanding of the Australian International Education and Training Agent Code of Ethics (ACE).
- ASA will only engage education agents who act honestly and in good faith.
- ASA will not knowingly accept overseas students from an education agent if that education agent is engaging in unethical recruitment practices.
- ASA will comply with the principles and requirements of the National Code, Standard 4 and will take immediate corrective action, or terminate a relationship, if an agent is not complying with the National Code.

## 4. Definitions

Term	Definition
Australian International Education and Training Agent Code of Ethics (ACE)	The Agent Code of Ethics (ACE) provides a guide to the expected professional behaviour of individual agents working with Australian international students.
Chief Executive Officer (CEO) / Principal	The Chief Executive Officer is the highest organisational role for ASA and performs the role of Principal as well as their other duties.
Education Agent Agreement (Agreement)	A written agreement between an education agent and ASA.
engaged education agent	An individual or organisation, with a written agreement to act on behalf of ASA to recruit international students.
National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code)	The National Code is a legislative instrument made under the Education Services for Overseas Students Act 2000 (ESOS Act) and sets nationally consistent standards to support providers to deliver quality education and training to overseas (international) students.
Provider Registration and International Student Management System (PRSIMS)	Provider Registration and International Student Management System (PRISMS) which is the record system required to comply with the National Code. The system is maintained by the Department of Home Affairs, a branch of the Australian Federal Government.
quality assurance	The maintenance of a desired level of quality in a service or product. OR The statement asserting that quality has been checked and found to be maintained.
regulatory compliance requirement	A requirement that is mandatory for a company, and may result in a fine or penalty, including loss of registration or license if breached.
study period	A study period is a defined period of time in which teaching is delivered. This includes teaching and assessment activities.

## 5. Process for Agent Engagement

### 5.1 Application of Education Agents

ASA seeks to engage reputable, high-quality agents and seeks evidence of this within applications. To apply to be an approved education agent for ASA, a business or person is required to complete and submit:

- an *Education Agent Application Form*
- a company profile
- business registration certificates
- Qualified Education Agent Counsellors (QEAC) certificate
- Migration Agent Registration Authority (MARA) license
- a minimum of 2 referees.

## 5.2 Appointment

Suitability of applicants will be made on the basis of the National Code 2018, Standard 4, business and market needs, and any other standards and policies developed by ASA from time to time.

The process for appointing education agents is:

1. Successful applicants will receive an *Education Agent Agreement* (Agreement) which specifies the responsibilities of each party and emphasises the obligation to comply with the legislation.
2. Both parties sign the Agreement.
3. A copy of the signed Agreement is retained by ASA and a copy given to the education agent.
4. The Agreement commences upon the date specified.
5. Agreements remain in effect until either the termination date of the Agreement, or until either party terminates it, whichever is sooner.
6. The agent is issued with a *Certificate of Appointment* and provided with ASA's marketing materials.
7. The Admissions Manager, or their delegate, enters the Agent's details in PRISMS.

## 6. Education Agent Agreements

ASA will comply with, and ensure contracted agents comply with, the *Education Services for Overseas Students Act 2000* (ESOS Act) and National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code) at all times and ensure that any lapses in compliance are correctly promptly.

Under the National Code, it is mandatory for ASA to have a written agreement with each education agent who will formally represent ASA. Therefore, ASA will enter into an Education Agent Agreement (Agreement) with any education agent it wishes to engage. This Agreement will outline:

- the requirements of the agent in representing ASA.
- ASA's processes for monitoring the education agent's activities and ensuring the education agent provides overseas students with accurate and up-to date information.
- the corrective actions that may be taken and the grounds for termination of the Written Agreement; and
- the circumstances in which information about the agent may be shared by ASA with Commonwealth or state and territory agencies.

### 6.1 Training and Information

ASA will ensure that the engaged education agents have up-to-date and accurate understanding of legislative and regulatory requirements, as well as ASA's priorities and marketing information. Information used for marketing and recruitment purposes will be updated as changes occur and will be provided to the agent. Changes in sector context or regulatory requirements will be clearly communicated to agents in writing and by additional means.

Education agents must have appropriate knowledge and understanding of the overseas education system in Australia, including the Australian International Education and Training

Agent Code of Ethics (ACE). If ASA finds this is lacking, the agent will be required to undertake further training provided by ASA.

## 6.2 Conflicts of Interests

ASA will monitor and ensure that the engaged education agents act ethically, honestly, and in the best interests of overseas students. This means that ASA will verify that its education agents take all reasonable steps to avoid conflicts of interest with their duties as an education agent and declare any conflicts that may exist, appear to exist, or arise. This will enable ASA to establish transparency in the education agents' activities.

Examples of conflicts of interest include, but are not limited to:

- when the agent charges service fees to both overseas students and ASA for the same service; or
- where an employee of an education agent has a personal relationship with an employee of the education provider.

## 6.3 Monitoring and Performance

ASA will monitor education agents to ensure that they are behaving ethically, in accordance with the National Code 2018. This enables quality assurance of agent outcomes. Monitoring activities may include:

- regular face-to-face meetings;
- telephone/teleconference meetings;
- requiring regular reports from agents;
- surveys of students recruited by particular agents;
- agent performance reviews against performance benchmarks;
- evaluating the quality of students, including completion and attrition rates;
- evaluation of conversion rates from Letter of Offer to successful enrolments; and
- spot checks, for example, to observe agents at work at education fairs;

All newly appointed agents will be given a cap of new student numbers that they can recruit for the first six (6) months. This cap will be determined by the Director International Recruitment and reflect relative risk and sector contexts.

Meetings to review education agent performance will be conducted on an annual basis, or as required. Agreements are reviewed annually or more frequently, if circumstances require.

ASA will not accept students from an education agent if it knows or reasonably suspects the education agent to be:

- providing migration advice, unless that education agent is authorised to do so under the Migration Act;
- engaged in, or to have previously engaged in, dishonest recruitment practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under Standard 7 (Overseas student transfers);
- facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa; or
- using PRISMS to create CoEs for other than bona fide students.

## 6.4 Immediate Corrective Actions

ASA will take immediate corrective action if it becomes aware, or believes, that the education agent or its employee or subcontractor has not complied with the education agent's responsibilities as outlined in the agency agreement and Standard 4 of the National Code 2018.

Corrective actions may include one or more of the following:

- providing education agents with additional information;
- targeted training for the agent on required expectations;
- issuance of a written warning;
- capping the number of students the agent will be submit for particular intakes; or
- termination of agreements.

## 7. Termination of Agreement

Under the National Code 2018, Standard 4, ASA will immediately terminate a contract with an education agent if it becomes aware of, or reasonably suspects, that an education agent is engaging in false or misleading recruitment practices.

If the false or misleading recruitment practices were engaged in by an employee or subcontractor of the education agent, ASA will require the education agent to terminate its relationship with those individuals.

If a decision is taken to terminate the agreement with the education agent, ASA will give notice to the education agent in writing, in accordance with the terms of the agreement.

It is the responsibility of the Admissions Manager, or their delegate, to ensure that any relevant changes to the relationship with an agent, including the termination of their contract, are maintained in PRISMS.

## 8. Roles and Responsibilities

### 8.1 Admissions Manager

The Admissions Manager is responsible for:

- a. reporting incidents of non-compliances with the agent agreement, National Code 2018 or ESOS Act to the CEO; and
- b. ensuring agent data is accurately entered into and maintained in PRISMS.

### 8.2 Director of International Recruitment

The Director of International Recruitment is responsible for:

- a. reporting incidents of non-compliances with the agent agreement, National Code 2018 or ESOS Act to the CEO;
- b. reporting incidents of non-compliances with the ASA's policy, procedures, or terms and conditions to the CEO;
- c. reporting on agent performance for a Study Period and on an annual basis to the CEO;
- d. making recommendations to the CEO in relation to the engagement and management of ASA's Agents; and
- e. ensuring that the agent agreement is compliant with standard 4 of the National Code 2018.

### 8.3 Chief Executive Officer (CEO)

The CEO is responsible for:

- a. ensuring ASA implements the procedures in Section 7 to maintain compliance with the Education Agent Agreement, the National Code 2018, and the ESOS Act, including the entry and maintenance of accurate agent data in PRISMS and the student management system; and
- b. reporting on agent performance, including incidents of non-compliance with Education Agent Agreement, National Code 2018, or ESOS Act, to the Board of Directors.

### 8.4 Education Agents

Approved Agents must:

- a. act in full accordance with the legislative requirements of Education Services for Overseas Students (ESOS) ACT (2000) and the National Code of Practice for Providers of Education and Training to Overseas Students 2018;
- b. act at all times in a manner consistent with the Australian International Education and Training Agent Code of Ethics (namely:
  - practice responsible business ethics;
  - provide current, accurate and honest information ethically;
  - develop transparent business relationships with students and providers;
  - provide current and up-to-date information that enables international students to make informed choices; and
  - act honestly and professionally in the best interests of international students, with objectivity, transparency, confidentiality, and integrity
- c. uphold the high reputation of ASA and of the Australian international education sector;
- d. act in accordance with the policies and procedures of ASA, and directions given by ASA;
- e. obtain ASA's prior written approval for all advertising and promotional materials for ASA;
- f. accurately inform prospective students about, and the requirements of, the education programs run by ASA, using only material provided by and/or approved by ASA;
- g. take reasonable steps to avoid and to declare in writing any Conflicts of Interest with its duties as ASA's education agent, where such conflicts of interest exist when:
  - an agent charges services fees to both overseas students and registered providers for the same service;
  - an agent has a financial interest in a private education provider; or
  - an employee of an education agent has a personal relationship with an employee of the education provider.
- h. assist prospective students in completing education program applications, taking all reasonable steps to confirm the accuracy of the information provided by prospective students in those applications;
- i. ensure that only completed, signed applications with all required supporting documentation (originals sighted, verified, and stamped) are submitted to ASA; and

- j. provide any Letter of Offer and other documents received on behalf of a prospective or existing student from ASA to the student within three (3) working days of receiving those documents.

## 9. Relevant HESFs

This Policy and the associated Procedure comply with the Higher Education Standards Framework (Threshold Standards) 2021. The following are relevant excerpts and specify that:

### Standard 2.4 Student Grievances and Complaints

1. Current and prospective students have access to mechanisms that are capable of resolving grievances about any aspect of their experience with the higher education provider, its agents or related parties. [...]

### Standard 7.1 Representation

1. Representation of the higher education provider, its educational offerings and charges, whether directly or through agents or other parties, is accurate and not misleading.
2. Courses or units of study that are offered or intended to be offered are not described as accredited, whether by TEQSA or by a professional accreditation body for the purposes of registration to practise, until such accreditation has been obtained.
3. Where units of study are offered separately from a course of study and are represented as eligible for gaining credit towards a course of study or a qualification:
  - a. the course(s) of study and qualification(s) for which credit may be gained are specified, and
  - b. the terms on which credit may be granted are defined.
4. Agents and other parties that are involved in representing the higher education provider are bound by formal contracts with the provider, their performance is monitored and prompt corrective action is taken in the event or likelihood of misrepresentation or unethical conduct.
5. Representations, whether expressed or implied, about the outcomes associated with undertaking a course of study, eligibility for acceptance into another course of study, employment outcomes or possible migration outcomes are not false or misleading.

## 10. Version Control

This Policy and Procedure has been reviewed and approved by the ASA Board of Directors as at January 2024 and is reviewed every three years.

This Policy and Procedure is published and available on the ASA website

<https://www.asahe.edu.au/policies-and-forms/>.

Change and Version Control				
Version	Authored by	Brief Description of the changes	Date Approved:	Effective Date:
2024.2	Policy and Quality Officer	Document formatting updated to reflect change of Trading Name to ASA Institute of Higher Education.	28/06/2024 by CEO	01/07/2024
2024.1	Director International Recruitment	Updated policy, benchmarked, and changed name from Agent Engagement and Monitoring policy to Agent Management Policy and Procedure	29/01/2024	29/01/2025
Previous version archived. Name changed and new Policy code and numbering system implemented.				
3.0		Review – BoD approval	04/11/2020	04/11/2020
2.0		Council approval	22/06/2020	22/06/2020
1.0		Initial approval	26/07/2018	26/07/2018