



Policy and Procedures –

International Education Agents

APPROVED

THE INSTITUTE OF INTERNATIONAL STUDIES



1. Purpose

The Institute of International Studies (TIIS) Pty Ltd will enter into a written agreement with each education agent who will recruit students and direct students to TIIS).

TIIS will have a written agreement with each agent (who will act on behalf of students) and list all agents it has agreements with, on its website. Agreements will specify the responsibilities of the education agent and TIIS and the need to comply with the requirements in the National Code 2018.

TIIS will take all reasonable measures to engage agents that have an appropriate knowledge and understanding of the Australian international education industry and will endeavour to not use education agents who are dishonest or lack integrity.

2. Policy

This policy and procedure support the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

TIIS must:

1. have a written agreement with each education agent with which they engage.
2. enter and maintain education agent details in Provider Registration and International Student Management System (PRISMS).
3. ensure education agents have appropriate knowledge and understanding of the Australian International Education and Training Agent Code of Ethics.
4. ensure education agents act honestly and in good faith.
5. take immediate corrective action or terminate a relationship if an agent (or an agent's employee or subcontractor) is not complying with the National Code.
6. and not accept overseas students from an education agent if it knows or suspects that the education agent is engaging in, or has engaged in, unethical recruitment processes.

3. Written agreements

TIIS must have a written agreement with each education agent that formally represents their education services and enter and maintain the education agent's details in PRISMS.

The written agreement must outline:

- TIIS's responsibilities, including for compliance with the Education Services for Overseas Students Act 2000 (ESOS Act) and National Code 2018.
- the requirements of the agent in representing the registered provider.
- TIIS's processes for monitoring the education agent's activities and ensuring the education agent gives overseas students accurate and up to date information.
- the corrective actions that may be taken and the grounds for termination of the written agreement with the education agent; and
- the circumstances which information about the registered provider may be shared by the registered provider and Commonwealth or state and territory agencies.

4. Education agents

TIIS must reasonably ensure the education agents with which they engage, act ethically, honestly, and in the best interest of overseas students. This means that TIIS must ensure its education agents declare and take all reasonable steps to avoid conflicts of interest with their duties as an education agent of the registered provider. This provision is to ensure transparency in the education agent's activities.

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

1. when the agent charges services fees to both overseas students and registered providers for the same service; where an education agent has a financial interest in a private education provider; or
2. where an employee of an education agent has a personal relationship with an employee of the education provider.

TIIS must also ensure education agents observe appropriate levels of confidentiality and transparency in dealings with overseas students while acting honestly and in good faith.

Education agents must also have appropriate knowledge and understanding of the overseas education system in Australia, including the Australian International Education and Training Agent Code of Ethics. These requirements ensure education agents adhere to and practice responsible business ethics, and that education agents understand their obligations to provide current, accurate and honest information to overseas students to help them make informed decisions about study in Australia.

TIIS will ensure that any education agents they engage with (including offshore agents) have up-to-date and accurate marketing information about the courses offered at TIIS.

5. Maintaining details in PRISMS

Registered providers must enter and maintain the details of education agents with whom they have a written agreement in PRISMS.

Education Agents must notify TIIS of change of company details including but not limited to change of company names, business names, registered officer, contact details, change of key staff members etc.

6. Immediate corrective actions

TIIS must take immediate corrective action if they are aware that or believe the education agent or its employee or subcontractor, have not complied with the education agent's responsibilities under Standard 4. Corrective actions may include providing education agents with additional information or targeted training on expectations of the agent.

- If TIIS becomes aware or has reason to believe that an education agent is engaging in false or misleading recruitment practices, they must immediately terminate their relationship with the agent.
- If the false or misleading recruitment practices were engaged in by an employee or subcontractor of the education agent, TIIS must require the education agent to terminate its relationship with those individuals.

- TIIS must not accept students from education agents if they believe the education agent is engaging in unethical recruitment practices. This includes education agents that provide migration advice to overseas students when they are not authorised to do so under the Migration Act 1958.
- TIIS must not accept overseas students from education agents that engage in, or have previously engaged in, dishonest recruitment practices. This includes education agents knowingly recruiting an overseas student in conflict with TIIS's obligations under Standard 7 (Overseas Student Transfers).
- TIIS must not accept overseas students from education agents if they believe the education agent is creating Confirmation of Enrolments (CoEs) in PRISMS for non-bonafide overseas students or facilitating the enrolment of overseas students while knowing that the overseas student will not comply with the conditions of their visa.

7. Agent Recruitment Procedure

Proposed Education/referral agents must complete the Education/Referral Agent Application form. This application will contain two (2) referees from Australian Registered Education Provider(s).

TIIS will then assess the Education/referral agent's Application and credentials and verify integrity of the agent via referee checks and any other checks as they see fit. The Marketing Manager will complete the referee check of this application.

- TIIS, also, *requires all third parties delivering services on its behalf to agree to cooperate with the Regulator by providing accurate and factual responses to information requests from the Regulator relevant to the delivery of services, and in the conduct of audits and the monitoring of its operations.*
- *Failure to comply with the above term of the agreement will result in TIIS terminating this agreement immediately and without further notice to the appointed education/referral agent.*
- Also, the Australian Government Department of Education and Training now plans to make the data on student outcomes associated with international education and/or referral agents available to the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) registered providers, and eventually publicly via the Australian Government Department of Education and Training's Provider Registration and International Student Management System (PRISMS).

Therefore, the Education/referral agent's participation in this program is vital.

8. Agent Application Process

Any person or organization wishing to enter into an agreement to promote TIIS must complete an "Agent Application Form" together with the following documents:

- 1) Agent application form
- 2) Company business registration certificate
- 3) MARA certificate (if applicable)
- 4) PIER / QEAC Certificate

- 5) Company profile
- 6) Referee Details
- 7) Copies of ID of the Principal Agent

The completion of this application form does not provide permission or a guarantee that the education agent is able to act on behalf of TIIS. The application will be reviewed and if successful shall be required to sign an "Education Agent Agreement".

The application form is to be considered by the Marketing Manager in consultation with the Marketing Team, who will check the application details for accuracy, correctness, adequateness and conducts a referral check. During this period, the Marketing Manager and Marketing Team can use various methods e.g., communicating with other providers and students. A referral check is conducted via email or phone with referees.

Where TIIS has decided to enter into an agreement with an applicant, a written agreement will be produced and distributed to the education agent.

The following documents including the ESOS Act 2000, ESOS Regulations and the National Code 2018, Higher Education Standards Framework (Threshold Standards) 2015, Australian International Education and Training – Agent Code of Ethics will be provided to the agents.

1. Attachment A: ESOS Act 2000
2. Attachment B: Education Services for Overseas Students Regulations 2019
3. Attachment C: ESOS National Code 2018 Fact Sheet
4. Attachment D Higher Education Standards Framework (Threshold Standards) 2015
5. Attachment E: Australian International Education and Training – Agent Code of Ethics.

Where TIIS 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 must be stated on the notification.

9. Agent Monitoring Procedure

TIIS has a formal agreement with each education agent it engages to promote its courses with the intention to recruit students on its behalf and to formally present it.

TIIS will continually support and monitor the agent to ensure the agent is meeting the obligations of the written agreement in the following forms periodically.

1. Education Agent Monitoring Form.
2. Education Agent Feedback Form.
3. Education Agent Student Satisfaction Survey

The monitoring will take the form of telephone meetings, Agents Monitoring Surveys, surveys from students recruited by the agent and surveys from agents.

If the agent is not meeting the requirements of this agreement, then a corrective action will be documented with an action timeline. This will be brought to the attention of the agent and have a stipulated timeline for correction.

A continuance of documented monthly meetings will be maintained throughout the agreement period.

A second formal review will be completed prior to the end of 1st year (12 months), or earlier if corrective actions are required.

Where TIIS as an agreement with an education agent and becomes aware or suspects that the education agent is engaged in dishonest activity, TIIS terminates the agreement with the education agent. However, where an individual employee or subcontractor of the education agent was responsible for the conduct and the education agent has terminated that relationship, then TIIS does not have to terminate the agreement with the agent.

TIIS takes preventative action as soon as they become aware that the education agent is being negligent, careless or incompetent or is engaged in false, misleading or unethical advertising and recruitment practices.

10. Change of Agent by Student(s)

Students applying for enrolment at TIIS can request change of agent at any time. However, the following provisions will apply:

1. If the student requests change of agent prior to confirmation of enrolment (that is payment of tuition fee received by TIIS), the commission payment will be split equally between the first and the second agents.
2. If the student requests change of agent post commencement of studies, the new agent is not eligible for commission payment from TIIS unless the former agent has been proven to have breached the terms and conditions of the agency agreement or has breached any laws, standards, or professional code of conduct.
3. Any request for change of agent must be approved by TIIS.

The CEO or his delegate is responsible for implementing this policy and reviewing its effectiveness in compliance with regulatory guidelines.

11. Agent Audit

1. The performance of each agent will be reviewed by TIIS Marketing Team headed by the CEO. Audit dates must be recorded on the *Agent Checklist*.
2. Under the instruction from the CEO, the marketing liaison officer will conduct the performance reviews as part of the Agency Agreement using the following performance indicators:
 - Student surveys on agents.
 - Visits to the Education Agent's offices.
 - Submission of commission invoices in the format as set out in clause of the Agreement.

- Conversion rates (number of applications, offers and commencements);
 - the reasons why applications from potential students did not proceed to student enrolment status.
 - The number of visa applications submitted by the Education Agent that resulted in a student visa being granted or rejected.
 - Confirmation by the Education Agent of receipt of communications sent by TIIS.
 - The academic progress and performance of students recruited by the Education Agent.
 - the agent's compliance with the *Agent Agreement* and any conditions placed on the agent,
 - any feedback or information from third parties regarding the agent; and
 - Any other indicators or measures set by TIIS from time to time.
3. TIIS will consider the performance of the agent to decide whether to:
- Maintain the agent's appointment.
 - Appoint the agent for a further period subject to certain conditions; or
 - Terminate the agent's appointment in accordance with Termination of an Agent within this Procedure.
4. In considering the performance of the agent, TIIS will consider the audit report as indicated in Item 2.

12. Re-appointment of an Agent

1. If, following completion of the final *Agent Audit* of an existing agreement, TIIS is satisfied that the agent has not engaged in unprofessional conduct, a new *Agent Agreement* may be offered to the agent.
2. The new *Agent Agreement* is to be updated.
3. TIIS Marketing Liaison Officer should file the new *Agent Agreement* on the agent's file.

13. Termination of an Agent

1. If TIIS believes or suspects that an agent has engaged in unprofessional conduct, the marketing liaison officer under the instruction from CEO may write to and forward the *Agent Warning Letter* to the agent.
2. The agent must provide a written response within ten business days of the date of the letter as specified above in *Item 1*. An extension of time to provide a response may be provided at the discretion of the CEO.

3. After ten business days from the date of the letter as referred to in *Item 1*, or after the expiration of such further period as may have been granted as stated in *Item 2*, the CEO may consider the agent's performance in light of:
 - the response of the agent to the letter referred to in *Item 1*.
 - whether the agent engaged in unprofessional conduct; and
 - the considerations contained in the *Agent Audit, Items 3*.
4. After considering the agent's conduct and performance, the CEO may:
 - require the agent to undertake further training.
 - maintain the agent's appointment.
 - warn the agent.
 - suspend the agent's appointment.
 - maintain the agent's appointment subject to certain conditions; or
 - terminate the agent's appointment immediately.
5. The CEO must terminate the appointment of an agent if he or she knows or reasonably suspects the agent may have been engaged in unprofessional conduct.
6. Where the CEO has made a decision as stated in *Item 4* above, he or she may disclose that decision and the reasons for it to other people, organizations, bodies or professional associations. Any disclosure must be made in accordance with TIIS Privacy Policy.
7. If the CEO decides to terminate an agent's appointment, the Academic Director, International Education should:
 - write to the agent to advise that his or her appointment has been terminated using the *Agent Termination Letter*.
 - notify Department of Immigration and Border Protection and the Department of Education and Training of the termination and the grounds for the termination; and
 - notify TIIS staff of the termination of the agent and advise staff that no further applications are to be accepted from the agent.

14. Agent Training and Information

TIIS marketing team will maintain regular contact with Education Agents by phone, written communications, newsletters and visits to Agents' offices to provide up-to-date and accurate information on courses and marketing materials to enable them to conduct their business, including advice on:

- Course changes.
- Changes to the legal or regulatory conditions for Australian student visa requirements.
- Application and admission processing requirements.
- Enrolment dates; and
- News, events and other relevant Information about TIIS.

TIIS marketing liaison will provide training to Education Agents during visits to an Agent's office and additional online training via ZOOM as required. Education Agents are encouraged to visit TIIS to undertake training sessions and familiarize themselves with TIIS and its facilities.

15. Agents Associated Forms & Records Management

Title	Location	Responsible Officer	Minimum Retention Period
Agent Checklist	TIIS Agent Management folder	Marketing Liaison Officer/CEO	7 years
Agent Application form	TIIS Agent Management folder	Marketing Liaison Officer/CEO	7 years
Agent Agreement	TIIS Agent Management folder	Marketing Liaison Officer/CEO	7 years
Agent Commission Statement Agreement	TIIS Agent Management folder	Marketing Liaison Officer/CEO	7 years
Agent Audit Schedule	TIIS Agent Management folder	Marketing Liaison Officer/CEO	7 years
Agent Reference Check	TIIS Agent Management folder	Marketing Liaison Officer/CEO	7 years
Agent Audit Form	TIIS Agent Management folder	Marketing Liaison Officer/CEO	7 years
Student Survey on Agent Performance	TIIS Agent Management folder	Marketing Liaison Officer/CEO	7 years
Agent Warning Letter	TIIS Agent Management folder	Marketing Liaison Officer/CEO	7 years
Agent Termination Letter	TIIS Agent Management folder	Marketing Liaison Officer/CEO	7 years
Agent Satisfaction Survey to TIIS	TIIS Agent Management folder	Marketing Liaison Officer/CEO	7 years

16. Related Documents

- TIIS Education Agent Policy and Procedure.
- Education Services for Overseas Students Act 2000.
- ESOS Regulations 2001.
- The ESOS (Registration Charges) Act 1997.

- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018.
- The Migration Act 1958.
- The Migration Regulations 1994.
- Australian International Education and Training – Agent Code of Ethics.

17. Version Control

Version	Approved by	Approval Date	Details
1.0	CEO	05 January 2021	Draft
1.1	CEO	05 March 2021	Final