



# Education Agent Policy & Procedure

## Purpose & Scope

Institute of Intellect Blending (IIB) is committed to ensuring all Education Agents act ethically and appropriately when representing IIB, and life and study in Australia. All IIB Agents are usually the first point of contact for prospective students intending to undertake study in Australia and the activities and ethics of all Education Agents is important to Australia's reputation as a desirable destination for students.

IIB will take all reasonable measures to use education agents that have an appropriate knowledge and understanding of the Australian international education industry and do not use education agents who are dishonest or lack integrity. IIB has a process for monitoring the activities of the education agent allowing for the termination of contracts where necessary. IIB will ensure that agents at all times have access to up-to-date accurate marketing information.

This policy aims to ensure that the actions of IIB appointed Education Agents are ethical and comply with IIB's obligations under the ESOS ACT, ESOS Regulations and The National Code. This policy satisfies the requirements of Standard 4 of the National Code 2018.

## Policy

### Education Agent Appointment

IIB will only appoint Education Agents whose company is registered in the relevant country, state or province and if relevant in Australia. All appointed Education Agents must have completed the *Education Agent Application form* (provided with business certificate) to become an official Education Agent for IIB and had a referee check completed by the International Marketing Manager or a nominee.

In accordance with Standard 4 of the National Code IIB will:

- enter into a written agreement with each education agent it formally engages to promote IIB;
- ensure the written agreement complies with the requirements in the ESOS Act and the National Code 2018;
- ensure the written agreement contains clearly communicated information on the expectations, requirements and rights of each party, how IIB will monitor this, the corrective and preventative action that may be taken and termination conditions;



- enter and maintain education agents' details in PRISMS;
- ensure education agents have appropriate knowledge and understanding of the Australian International Education and Training Agent Code of Ethics;
- ensure education agents act honestly and in good faith;
- take immediate corrective action, or terminate a relationship if an agent (or an employee or subcontractor) is not complying with the National Code; and
- not accept overseas students from an education agent if it knows or suspects that the education agent is engaging in unethical recruitment processes.
- list all agents it has agreements with on its website.

## Written Agreement

IIB will enter into a written agreement with each education agent it engages to formally represent it. The agreement will specify the responsibilities of the education agent and IIB and the need to comply with the requirements of the ESOS Act and the National Code 2018. The agreement will also include:

- the responsibilities of the registered provider, including that the registered provider is responsible at all times for compliance with the ESOS Act and National Code 2018;
- the registered provider's requirements of the agent in representing the registered provider as outlined in Standard 4.3;
- the registered provider's processes for monitoring the activities of the education agent in representing the provider, and ensuring the education agent is giving students accurate and up-to-date information on the registered provider's services;
- the corrective action that may be taken by the registered provider if the education agent does not comply with its obligations under the written agreement including providing for corrective action outlined in Standard 4.4;
- the registered provider's grounds for termination of the registered provider's written agreement with the education agent, including providing for termination in the circumstances outlined in Standard 4.5;
- the circumstances under which information about the education agent may be disclosed by the registered provider and the Commonwealth or state or territory agencies.

## Education Agent Integrity

IIB must require its education agent/s to:

- declare in writing and take reasonable steps to avoid conflicts of interests with its duties as an education agent of the registered provider;
- observe appropriate levels of confidentiality and transparency in their dealings with overseas students or intending overseas students;



- act honestly and in good faith, and in the best interests of the student;
- have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics.

IIB will ensure that its education agents have access to up-to-date and accurate marketing information as set out in Standard 1 (Marketing information and practices).

IIB will not accept students from an education agent or enter into an agreement with an education agent if it knows or reasonably suspects the education agent to be:

- Engaged 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);
- Facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa;
- Using Provider Registration and International Student Management System (PRISMS) to create Confirmations of Enrolment for other than bona fide students, or;
- Providing immigration advice when not authorised under the *Migration Act 1958* to do so.

Where IIB becomes aware that, or has reason to believe, the education agent or an employee or subcontractor of that education agent has not complied with the education agent's responsibilities under standards 4.2 and 4.3, we must take immediate corrective action

Where IIB becomes aware, or has reason to believe, that the education agent or an employee or subcontractor of the education agent is engaging in false or misleading recruitment practices, we must immediately terminate its relationship with the education agent, or require the education agent to terminate its relationship with the employee or subcontractor who engaged in those practices.

IIB 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;
- using PRISMS to create CoEs for other than bona fide students.

**IIB** will monitor the activity of its agents on a regular basis, which may include the following:

- surveys completed by students targeting specific agents;



- surveys from administration staff regarding enrolments, with a specific focus on accuracy of information and compliance;
- regular face-to-face meetings;
- telephone meetings;
- regular reports from education agents and other external stakeholders;
- spot checks by providers e.g. to observe education agents at work;
- performance benchmarks;
- IIB internal surveys of agents.

In accordance with Standard 4.4 of the National Code, IIB retains the right to veto any Education Agent activity that in IIB's opinion is not compliant with:

- the Education Agent Agreement; or
- any Relevant Legislation; or
- any information provided to the Education Agent by IIB.

### Maintaining details in PRISMS

IIB must enter and maintain the details of education agents with whom they have a written agreement in PRISMS. A 'How To' guide for recording details in PRISMS is available at <https://prisms.education.gov.au/Information/ShowContent.ashx?Doc=How to Manage Agent Details.pdf>.

## Procedures

### Procedures for Education Agent Appointment

1. Education Agents are required to complete and forward the *IIB Agent Application Form* along with certified copies of proof of business to IIB Regional Marketing Manager.
2. The IIB Regional Marketing Manager delegated to the applicant's Region of focus is responsible for all stages of the Education Agent appointment approval process. The International Marketing Manager has the final responsibility to check the credential of the Education Agent, approve the proposed commission rate, and either accept or reject an application.
3. The IIB Regional Marketing Manager will assess the application of the Education Agent and will only accept the application where the applicant has demonstrated that they have the appropriate knowledge and understanding of the Australian international education industry and will meet the obligations of the National Code. This will be undertaken via referee checks and evaluation of any previous dealings.



4. IIB Regional Marketing Manager will send the *Education Agent Reference Check Form* to referees listed on the completed *Education Agent Application Form*.
5. Once reference checks have been completed, the IIB International Marketing Manager is to reassess to determine if suitable to appoint.
6. When the applicant has been assessed as satisfactory, the IIB Regional Marketing Manager prepares the *Education Agent Agreement* and sends the soft copy to the International Marketing Manager, along with referee documentation, for approval and signing.
7. The International Marketing Manager checks and signs the agreement and returns to the Regional Marketing Manager.
8. The Regional Marketing Manager forwards the signed soft copy to the Education Agent to sign, and is responsible for retrieving the signed copy from the Education Agent and storing it, along with all support documents and application documents, in the Education Agent file on the SharePoint. Unless a signed copy is received, the Education Agent Agreement is inactive.
9. The Regional Marketing Manager then needs to enter or update the Education Agent details on:
  - the Student Management System (RTOManager)
  - the list of approved agents on the IIB website and the Education Agent contact list.
10. Regional Marketing Manager needs to notify all relevant stakeholders of the new agreement.
11. Upon receiving notification of a new agent agreement, Admissions will ensure that the details are added to IIBs list of agents in PRISMS.
12. Where the application has been rejected, the Education Agent will be notified in writing with the *Education Agent Termination Letter*, signed by the International Marketing Manager

### Procedures for Amending an Existing Education Agent Appointment

If an existing *Education Agent Agreement* commission rate changes, the current *Education Agent Agreement* is no longer valid and will need to be updated with the new commission rate. The IIB Regional Marketing Manager delegated to the applicant's Region of focus is responsible for all stages of the *Education Agent Agreement* update. The International Marketing Manager has the final responsibility of approving the proposed commission rate.

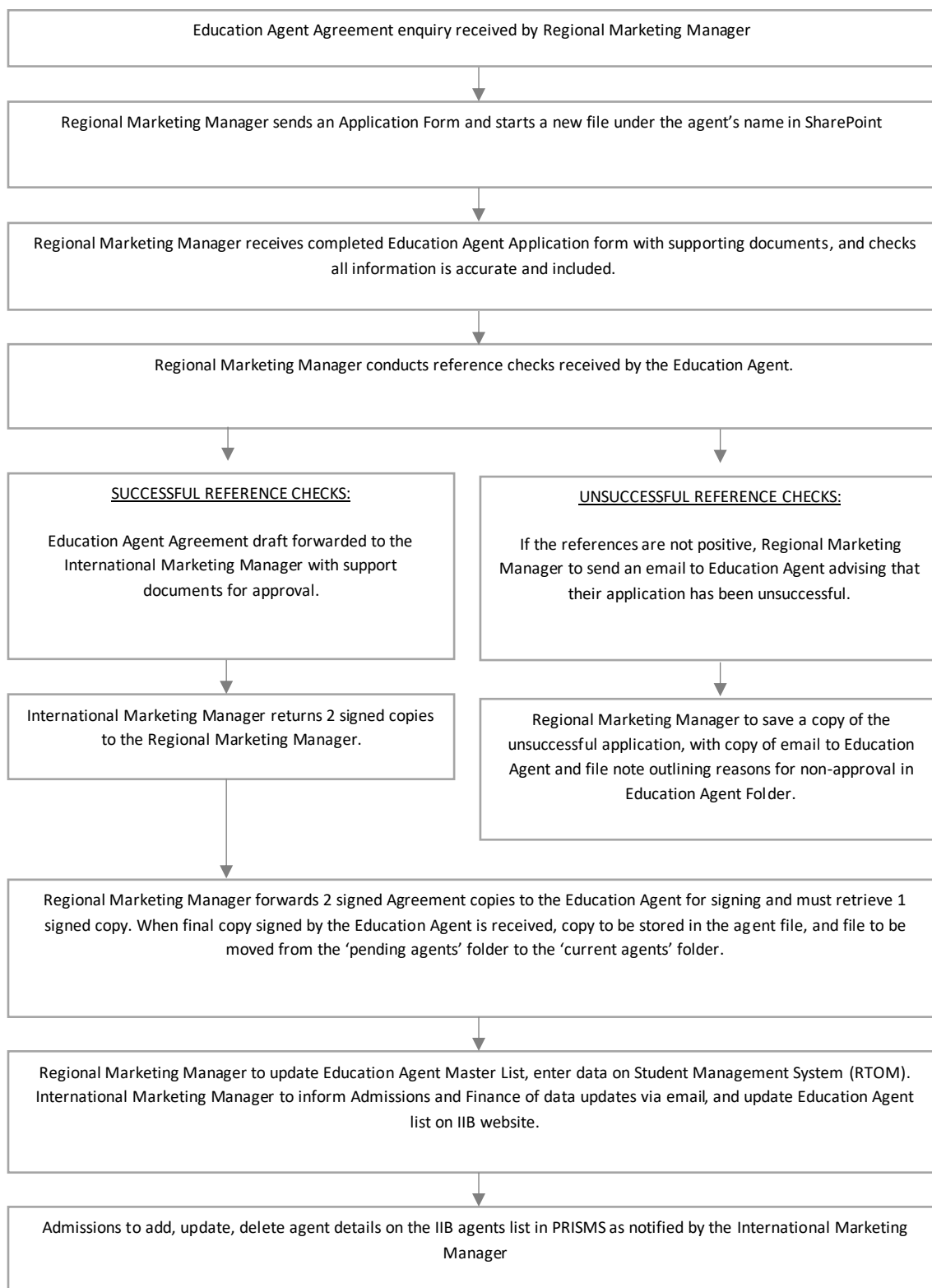
1. The IIB Regional Marketing Manager will amend the *Education Agent Agreement* to reflect the new commission rate and date affective, and send it to the International Marketing Manager for approval and signing.
2. The International Marketing Manager checks and signs the agreement and returns signed soft copies to the Regional Marketing Manager.
3. The Regional Marketing Manager forwards the signed copies to the Education Agent to sign, and is responsible for retrieving the signed copy from the Education Agent and storing it, along with all support documents and application documents, in the Education Agent file on the SharePoint. Unless a signed copy is received, the *Education Agent Agreement* is inactive.



4. The Regional Marketing Manager then needs to enter or update the Education Agent details on:
  - the Student Management System (RTOManager)
  - the list of approved agents that is made public on the IIB website
  - the Education Agent contact list on SharePoint
  - email Admissions and Finance to notify them of any data updates
5. Upon receiving notification of a change to an agent agreement, Admissions will ensure that the agents details are updated in PRISMS.
6. Where the application has been rejected, the Education Agent will be notified in writing by the IIB International Marketing Manager, with the *Education Agent Termination Letter*.



## Education Agent Appointment Flowchart





## Training of Education Agents

1. An IIB Regional Marketing Manager will provide newly appointed Education Agents with training in:
  - the legislative and regulatory requirements relating to international education in Australia;
  - Australian requirements for and conditions of student visas;
  - IIB policies;
  - Terms and conditions of their contract;
  - the programs, courses, administrative procedures, and forms for IIB and its subsidiary and associated providers.
1. After such training, the responsible Regional Marketing Manager will identify any possible areas for further Education Agent training and development, as well as identifying particular strengths of the Agent. The documentation will be filed in the IIB SharePoint.
2. Where possible, Education Agents will be invited to visit the IIB premises. If this is not possible, Education Agents may be visited by the Regional Marketing Manager. They will review their performance and identify areas for further training, particularly in the areas of international education in Australia, student visa requirements, knowledge of IIB education and training programs as well as provide access to current marketing and promotional materials. After such a visit, the responsible International Marketing Manager will identify any possible areas for further Education Agent training and development, as well as identifying particular strengths of the Education Agent.
3. All IIB Agents will be provided and required to participate in at least one information and training session a year. In addition, when there are legislative, regulative, and/or administrative changes in laws, regulations, policies and procedures pertaining to international students, IIB will provide the information and training necessary to ensure that its Education Agents remain fully compliant and professional.

## Education Agent Monitoring Procedure

1. IIB will actively monitor all Education Agents' performance to ensure professional behaviour and positive outcomes measured by the number of potential student referrals and the conversion rate to active enrolments.
2. The performance of each Education Agent will be reviewed by IIB annually using the following methods:
  - informal and formal feedback
  - surveys
  - conversion rates
  - education Agent visits and meetings
  - reports from Education Agents
  - performance benchmarks.





3. IIB will consider the performance of the Education Agent to decide whether to:
  - maintain the Education Agent's appointment
  - appoint the Education Agent for a further period subject to certain conditions
  - amend the Education Agent's commission to be reflective of their performance
  - terminate the Education Agent's appointment in accordance with Education Agent Termination within this Procedure.
4. The PEO, Campus Manager, International Marketing Manager and Admissions Manager hold regular admission review meetings to analyse Education Agent's performance. In considering the performance of the Education Agent under Item 2, IIB will consider:
  - the Education Agent's compliance with the Education Agent Agreement and any conditions placed on the Education Agent by IIB.
  - the number of students the Education Agent has recruited and their quality and competence;
  - the conversion rate of student Applications to CoEs:
    - student applications to IIB offers;
    - IIB offers to actual enrolment of student.
  - The reasons why applications from potential students did not proceed to student reenrolment status:
    - the number of Student Visa refusals for students recruited by the Education Agent;
    - any feedback or information from students or third parties regarding the Education Agent;
    - the quality, accuracy and currency of information and advice provided by the Education Agent to students;
    - the quality of the appointment as assessed by IIB.
5. Where a need for additional training is identified, IIB will contact the Education Agent via emails, phone calls, and TEAMS/ZOOM conversations to address specific problems and to notify them of any procedural requirements and changes.
6. Analysis of PRISMS based data entries for each agent on their performance made available under Subsections 175 (3) and (4) of *Education Legislation Amendment (Provider Integrity and Other Measures) Act 2017*, namely information on the:
  - the number of applications for student visas made by or on behalf of students recruited or otherwise dealt with by an agent that has been either granted, refused, withdrawn or are invalid;
  - the number of student visas issued to students recruited or otherwise dealt with by an agent that has been cancelled or have ceased to be in effect;



- the number of students accepted for enrolment in courses provided by registered providers by students recruited or otherwise dealt with by an agent;
- the completion rates of accepted students recruited or otherwise dealt with by agents.

### Annual Performance Review

Annually, each Education Agent's overall performance review will be completed approximately one month before the expiry/renewal date of the Education Agent's Agreement.

1. The International Marketing Manager will evaluate the Education Agents' performance against the agreed performance criteria as defined in the *IIB Evaluation of Agent Performance Management Plan*, including:
  - acting in a manner which may be negligent, careless or incompetent;
  - being engaged in false, misleading or unethical advertising and recruitment practices;
  - not responding to minimise conflicts of interest and, when they occur, not declaring those conflicts of interest, and thereby not acting in the best interests of international students;
  - acting in a manner which may be non-compliant with the terms and conditions of the Agent's Agreement and Schedule; and/or
  - being engaged in false or misleading practices which could harm the integrity of Australian education and training and/or the integrity of IIB and its subsidiary and associated providers' programs;
  - the number of students the Agent has recruited and the conversion rate of student applications to CoEs, the visa rejection rate, the conversion rate from CoEs to actual enrolments and success rate from enrolment to successful completion;
  - the reasons, where relevant, for apparently unsatisfactory application numbers, conversion and success rates;
  - the satisfaction of students and/or third parties regarding the performance of the Agent
  - the accuracy and currency of information and advice provided by the Agent to students;
  - knowledge of and compliance with Australian legislative and regulatory requirements relating to the recruitment of international students under the ESOS Act and The National Code 2018; and
  - the overall quality and value of the appointment to IIB.
2. The International Marketing Manager will make a recommendation based on the monitoring and analysis process described above relating to the renewal of the Education Agent Agreement, and the PEO will decide whether to:
  - Renew the Agent's contract;
  - Renew the Agent's contract for a further period subject to certain conditions; or
  - Terminate the Agent's contract following the procedures for terminating an Agent's Agreement.



## Complaints

Any complaint made by an IIB student using the appropriate *Complaints and Appeals Policy and Procedure*, and/or any matter that relates to a suspected serious breach regarding the behaviour and practices of an IIB Education Agent will be investigated thoroughly.

1. Where there appear to be grounds for concern, the International Marketing Manager (or his/her delegate) will send to the Education Agent a warning email, which will include:
  - The specific nature of and the grounds for the concern;
  - The implications of failing to meet the IIB Education Agent's Agreement;
  - and requesting the Education Agent to respond within 10 business days of the receipt of the email.
2. The PEO and International Marketing Manager (or his/her delegate) will evaluate the Education Agent's response to the complaint, and consider the following:
  - the substance of the initiating complaint and its investigation;
  - the Agent's response;
  - the performance history of the Agent; and
  - any other relevant information.
3. The PEO and International Marketing Manager (or his/her delegate) will within ten days of receipt of the Education Agent's response, email the Education Agent using the IIB Education Agent Email with the outcome of the investigation, which may include:
  - continuing the Education Agent's appointment;
  - maintaining the Education Agent's appointment subject to certain conditions;
  - suspending the Agent's contract, making re-appointment subject to training and an agreement to comply with specifically defined requirements; or
  - terminate the Agent's appointment immediately.
4. If the PEO and International Marketing Manager (or his/her delegate) find that a complaint made about an Education Agent's behaviour was false and vexatious, and if the complainant was a current IIB Education Centre of Australia student, the PEO and International Marketing Manager may refer the issue for a formal investigation and, depending on the outcome of the investigation:
  - the student may be disciplined according to their student code of conduct and relevant policies and procedures.
5. The outcome of any formal investigation will be recorded in the relevant management system.

## Education Agent Details

The IIB Regional Marketing Managers are responsible for the update and accuracy of all Education Agent Change of Details. All staff that become aware of a change to an Education Agent's contact details must notify and forward this to the IIB Regional Marketing Managers. All information obtained from or about the Education agents must be subject to the IIB privacy policy.



The IIB Regional Marketing Managers will inform the International Marketing Manager of any changes, who then in turn informs the Finance and Admissions Department. The Admissions Department is responsible for entering and maintaining all agent agreements and details in PRISMS.

### How the Education Agent Can Claim Commission

1. All Education Agent commission invoices will be processed and paid after the study period census date.
2. Forward commission invoices to account officer for processing.
3. Before a commission payment can be made, the following information must be provided on the invoice:
  - Student Name and ID;
  - Course name and relevant study period;
  - Complete and current banking details which are consistent with *Education Agent Agreement* to avoid payment delays;
  - If the invoice is a tax invoice, it must contain the ABN of the Education Agent and show the amount of GST payable (where applicable);
  - Commission and bonus payments are payable on the fully paid tuition fees.
4. IIB should inform its Education Agents of any change in the physical address, telephone number, facsimile number or electronic mail address within five working days of such change.
5. IIB is not required to accept any prospective student referred by the Education Agent.

### Renewal

1. If, after the successful completion of the end of the Education Agent Agreement contract review, IIB is satisfied that the Education Agent has operated professionally and ethically, has represented IIB's interests, and has referred appropriate prospective students to IIB's programs and courses, with satisfactory conversion and success ratios, a two-year renewal of the Education Agent Agreement may be offered to the Agent.
2. For those Agents completing their contract, IIB's International Marketing Manager (or his/her delegate) will ask the Education Agent to complete an IIB Renewal Agreement Form.
  - Once IIB has received the completed Renewal Agreement Form, a new IIB Education Agent Agreement will be sent to the Agent.
  - If the Agent accepts the terms of the Agreement s/he will sign return to IIB's International Marketing Manager (or his/her delegate)
  - IIB International Marketing Manager (or his/her delegate) will counter-sign the Education Agent's signed copy of the Agreement and return to the Agent.
  - The new Agreement will be filed on the Agent's file and any necessary changes made to the IIB Agents' Database and IIB's website, RTOM, PRISMS and ASQAnet.



## Education Agent Termination

1. If IIB becomes aware, or reasonably suspects that the Education Agent has acted in breach of the conduct set out in Standard 4 of the National Code, IIB will terminate the Education Agent Agreement immediately.
2. The IIB Regional Marketing Managers should advise the International Marketing Manager of any situations they believe warrant termination. The International Marketing Manager will then assess the case. If the decision is to terminate the Education Agent Agreement, the International Marketing Manager would write to the Education Agent to advise that his or her appointment has been terminated and the Admissions, Finance and Marketing teams will be notified of the termination of the Education Agent, advising these staff that no further applications are to be accepted from the Education Agent.
3. Upon notification, all terminated agent agreements must be updated on RTO and website by International Marketing Manager. International Marketing Manager will also inform Admissions to delete the agent from PRISIMS agents list.

## Change of Education Agents

IIB seeks to ensure that its students have every opportunity for competent, ethical and professional representation by approved agents, and a parallel commitment to ensuring security of investment for approved agents allocating resources to secure enrolments for IIB.

In practical terms, this means that IIB recognises the legitimacy of students wanting to change agents in some circumstances. Still, IIB also seeks to ensure that constraints are placed on this right to provide checks on frivolous, vexatious, and/or frequent student-initiated changes in agents.

1. In situations where IIB terminates or fails to renew an *Education Agent Agreement*, the IIB International Marketing Manager (or his/her delegate) will ensure that the students represented by that Education Agent are sent a letter informing them of the termination/non-renewal of the *Education Agent's Agreement*, and asking them to complete and submit a *Change of Agent Request Form*, identifying a new Education Agent from the list of Education Agents published on the IIB website.
2. For all potential and enrolled students with an *Education Agent Agreement*, IIB will facilitate a change of agent for those with a *conditional Letter of Offer*.
3. IIB will not allow a change of agent once a student has been issued an *Unconditional (Full) Letter of Offer* and /or *Confirmation of Enrolment*.
4. In situations in which a potential student issued with a *Conditional Letter of Offer* wants to change their Agent for reasons other than the termination of their agent's *Education Agent Agreement*, that student must complete and submit:
  - an *IIB Change of Agent Request Form* identifying their preferred new Agent, with appropriate documentation; OR
  - a Release Email or Acknowledgement from the student's existing Agent; and



- a statement identifying how remaining with their current Agent would not be in their best interests.
5. On receiving such an application, a check will be undertaken to see if the proposed new agent is one of IIB's authorised Education Agents. If the preferred new agent is not an IIB authorised Education Agent, the application will be rejected.
  6. If the student provides a *Release/Acknowledgement Email* from their agent and/or demonstrates, to the satisfaction of the International Marketing Manager, that their best interests are not served by remaining with their existing agent, and the proposed new Agent is an IIB authorised Agent, the International Marketing Manager will approve the change.
  7. In situations where the student has no existing CoEs for study with IIB, its subsidiaries, and/or its associated providers, IIB will agree with the requested change providing it is in no way detrimental to the student's wellbeing.
  8. Once a change of agent has been approved and is scheduled to be implemented as specified above, the IIB International Marketing Manager will:
    - notify the existing Education Agent of the student-initiated change of agent;
    - inform the new Education Agent that IIB has approved the student-initiated change of agent, and;
    - update the IIB Education Agents Database.

## Pro-forma and supporting documents

- Agent Application Form
- Agent Reference Check & Internal Verification
- Agent Agreement
- Agent Termination Letter
- Evaluation of Agent Performance and Management Plan
- Change of Agent Request Form
- Education Agent Satisfaction Survey
- Student Agent Evaluation Form
- Agent List and Contact Details list



## Appendix 1: Related National Code Standard 4

### Standard 4

#### Education agents

- 4.1 The registered provider must enter into a written agreement with each education agent it engages to formally represent it and enter and maintain the education agent's details in PRISMS.
- 4.2 The written agreement must outline:
  - 4.2.1 the responsibilities of the registered provider, including that the registered provider is responsible at all times for compliance with the ESOS Act and National Code 2018
  - 4.2.2 the registered provider's requirements of the agent in representing the registered provider as outlined in Standard 4.3
  - 4.2.3 the registered provider's processes for monitoring the activities of the education agent in representing the provider, and ensuring the education agent is giving students accurate and up-to-date information on the registered provider's services
  - 4.2.4 the corrective action that may be taken by the registered provider if the education agent does not comply with its obligations under the written agreement including providing for corrective action outlined in Standard 4.4
  - 4.2.5 the registered provider's grounds for termination of the registered provider's written agreement with the education agent, including providing for termination in the circumstances outlined in Standard 4.5
  - 4.2.6 the circumstances under which information about the education agent may be disclosed by the registered provider and the Commonwealth or state or territory agencies.
- 4.3 A registered provider must require its education agent to:
  - 4.3.1 declare in writing and take reasonable steps to avoid conflicts of interests with its duties as an education agent of the registered provider
  - 4.3.2 observe appropriate levels of confidentiality and transparency in their dealings with overseas students or intending overseas students
  - 4.3.3 act honestly and in good faith, and in the best interests of the student
  - 4.3.4 have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics.



- 4.4 Where the registered provider becomes aware that, or has reason to believe, the education agent or an employee or subcontractor of that education agent has not complied with the education agent's responsibilities under standards 4.2 and 4.3, the registered provider must take immediate corrective action.
- 4.5 Where the registered provider becomes aware, or has reason to believe, that the education agent or an employee or subcontractor of the education agent is engaging in false or misleading recruitment practices, the registered provider must immediately terminate its relationship with the education agent, or require the education agent to terminate its relationship with the employee or subcontractor who engaged in those practices.
- 4.6 The registered provider must not accept students from an education agent if it knows or reasonably suspects the education agent to be:
  - 4.6.1 providing migration advice, unless that education agent is authorised to do so under the Migration Act
  - 4.6.2 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)
  - 4.6.3 facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa
  - 4.6.4 using PRISMS to create CoEs for other than bona fide students.





## Appendix 2: AUSTRALIAN INTERNATIONAL EDUCATION AND TRAINING

### Agent Code of Ethics

#### Introduction

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 behaviour 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.

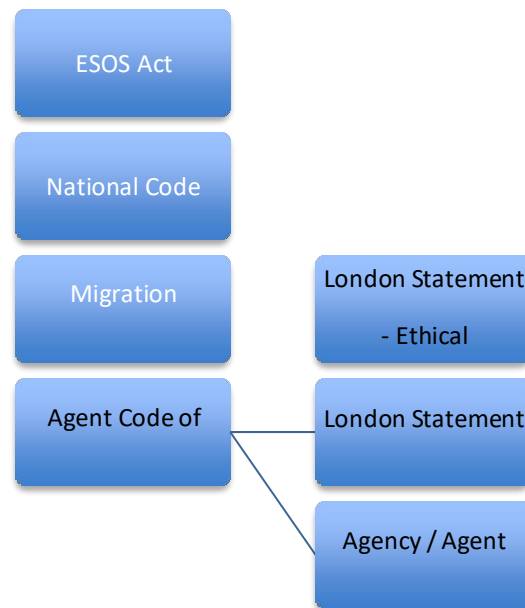
#### Purpose

The *Agent Code of Ethics* aims to:

- Outline the principles and expectations of fair and ethical conduct of Australia'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 and training quality systems to further enhance the reputation of Australia's education system.

#### Australian International Education and Training

Australia's international education and training provides a holistic approach across the sector to ensure the highest quality outcomes for everyone. Agent quality is one component of a comprehensive and integrated quality system.



## Education Agent Code of Ethics

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

1. The London Statement's Ethical Framework
2. The London Statement's Principles
3. Australia's Education Agent Standards



## 1. Ethical Framework

The Australian education and training sector expects 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** behaviour – 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; recognising 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).

## 2. Principles

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 serve to promote best practice among education agents and consultants. The seven principles are:

### Principle 1: Agents and consultants practise 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 itemised 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.



### 3. Standards

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 behaviour 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
<b>Organisational Effectiveness</b>	<ul style="list-style-type: none"> <li>• Demonstrates effective organisational governance and appropriate ownership including a well-articulated strategic plan, policies and procedures.</li> <li>• Evidence of relevant and up-to date business licensing and or registration.</li> <li>• 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.</li> <li>• Offers assurance of the organisation's financial integrity and financial systems.</li> <li>• Provides clear and transparent disclosure of recruitment practices and activities including countries serviced</li> </ul>
<b>Business Ethics</b>	<ul style="list-style-type: none"> <li>• Demonstrates agency and individual agent adherence to the ethical standards and principles of the ACE.</li> <li>• Discloses any past, pending, threatened or potential litigation, arbitration or administrative actions or other disputes against the agency, CEO or other relevant business associate.</li> <li>• Provides current, accurate and appropriate information to students and offers a commitment to not knowingly providing false or misleading information.</li> <li>• Demonstrates openness and disclosure of any incentives to any party that may influence the student's decisions.</li> </ul>
<b>Staff Capability</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Demonstrates a strong working understanding the Australian education and training system, including all relevant legislation, regulations and information.</li> <li>• Completion of an Agent Training program and or other relevant education and training qualifications or programs.</li> </ul>
<b>Agency Recruitment Practices and Standards</b>	<ul style="list-style-type: none"> <li>• Implements considered and targeted marketing practices, and ensures honest and accurate communication resources are in place.</li> <li>• 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.</li> <li>• Demonstrates and articulates a clear and fair complaints and appeals process.</li> <li>• Offers transparent and clearly articulated fees and charges including a documented refund policy.</li> <li>• Ensures strict confidentiality of personal information and ensures this information is not shared with a third party unless consent is given.</li> </ul>



## Australia's International Education Agent Code of Ethics - Overview

Ethics	Principles	Standards
<ul style="list-style-type: none"><li>• <b>Integrity</b> - being straightforward and honest in all professional and business dealings;</li><li>• <b>Objectivity</b> - not allowing professional judgment to be compromised by bias or conflict of interest;</li><li>• <b>Professional</b> competence and due care - maintaining professional knowledge and professional service, and acting diligently;</li><li>• <b>Transparency</b> - declaring conflicts of interest to all clients, especially when service fees are charged to both the education provider and the prospective student;</li><li>• <b>Confidentiality</b> - respecting and preserving the confidentiality of personal information acquired and not releasing such information to third parties without proper authority;</li><li>• <b>Professional behaviour</b> – acting in accordance with relevant laws and regulations and dealing with clients competently, diligently and fairly; and</li><li>• <b>Professionalism and purpose</b> - acting in a manner that will serve the interests of clients and the wider society even at the expense of self-interest; recognising 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).</li></ul>	<ul style="list-style-type: none"><li>• Agents and consultants practice responsible business ethics.</li><li>• Agents and consultants provide current, accurate and honest information in an ethical manner.</li><li>• Agents and consultants develop transparent business relationships with students and providers through the use of written agreements.</li><li>• Agents and consultants protect the interests of minors.</li><li>• 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.</li><li>• Agents and consultants act professionally.</li><li>• Agents and consultants work with destination countries and providers to raise ethical standards and best practice.</li></ul>	<ul style="list-style-type: none"><li>• Agents and consultants comply with this framework and the ACE</li><li>• Agency demonstrates robust organisational effectiveness</li><li>• Agency demonstrates strong business ethics</li><li>• Agency supports staff capability development and ongoing education</li><li>• Agency demonstrates quality and effective recruitment practices and standards</li></ul>