



Education Agent Policy & Procedure



Introduction

Australian Technical College Western Australia (ATCWA) ensures that it has a policy and procedure in place to ensure that it has a written agreement with all education agents that it engages with for the recruitment of international students, as well as outlines the processes for monitoring the performance of these agreements as provides for their termination where necessary.

Purpose

To ensure that ATCWA takes 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.

Scope

This policy and procedure applies to all education agents and prospective education agents at ATCWA.

Responsibilities

Director of Operations, Operation and Marketing Manager

Definitions

International student means international students or intending international students on a student visa under the Migration Act 1958.

Alignment	
National Code of Practice for Providers of Education and Training to Overseas Students 2018	
Part B (Standard)	4



Document Control

Version	Date	Author	Change Description
001	6 June 2019	ATCWA	Creation of policy
002	3 March 2020	ATCWA	Review of policy
003	20 May 2020	ATCWA	Review of policy
004	<Select date>		

Policy Statement

ATCWA will only use education agents with whom they have a current and valid Education Agent Agreement that has been agreed to and ratified by both the education agent and ATCWA.

ATCWA will only engage in the services of migration or qualified education agents for the purposes of enrolling international students subject to an Education Agent Agreement being agreed to and ratified by both parties being current and valid and only where they are registered under the Migration Act 1958 to provide migration advice. (Only onshore agents needs MARA certification)

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

1. The responsibilities of each party;
2. The circumstances under which information about the education agent may be disclosed by ATCWA;
3. Processes for monitoring the activities of the education agent, including where corrective action may be required; and
4. Termination conditions, including providing for termination in the circumstances outlined in Standard 4.4 of the National Code.

ATCWA 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) of the National Code.

ATCWA 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:

1. 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) of the National Code;
2. Facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her student visa;
3. Using Provider Registration and International Students Management System (PRISMS) to create Confirmations of Enrolment for other than bona fide a student; or
4. Providing migration advice where not authorised under the Migration Act 1958 to do so.

Where ATCWA has entered into an agreement with an education agent and subsequently becomes aware of, or reasonably suspects, that the education agent, or an employee or sub-contractor of that agent, breaches the National Code 2018, corrective action will occur once identified. For breaches of Part B, Standards 4.3.1, 4.3.3, 4.5 or 4.6, ATCWA will terminate the agreement with the education agent. This paragraph does not apply where an individual employee or sub-contractor of the education agent was responsible for the conduct set out in the National Code 2018 and the education agent has terminated the relationship with that individual employee or sub-contractor.

ATCWA must take immediate corrective and preventative action upon ATCWA 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.

ATCWA must make available through a searchable list on the ATCWA website that contains at a minimum, the following details of the agent, education agent or migration agent with whom ATCWA has a current and valid Education Agent Agreement:

- The agent, education agent or migration agent's trading name;
- The agent, education agent or migration agent's legal entity of that trading name;
- The agent, education agent or migration agent's street address;
- The agent, education agent or migration agent's main contact person's name for all enrolments related to ATCWA;
- The agent, education agent or migration agent's contact details including:
 - Phone number (including international access codes where relevant);
 - Email address;
 - Website.

Details of when the education agent or migration agent's Education Agent Agreement with ATCWA lapses will be available for relevant staff to monitor on the Education Agent Register.

A copy of the education agent or migration agent's Education Agent Agreement with ATCWA will be maintained on the Agent's File and recorded in the Education Agent Register.

ATCWA will undertake regular monitoring of its education agents and migration agents. Monitoring processes occur regularly and include a minimum of one (1) site visit per annum if agent is onshore. If agent is offshore ATCWA will conduct an online interaction session. Monitoring activities assist ATCWA to confirm that the education agent is meeting the requirements of the written agreement and is complying with the National Code 2018 and the Australian International Education and Training Agent Code of Ethics. Monitoring activities are discussed in the procedure that accompanies this policy statement.

In addition to the written agreement, each education agent who enters into a written agreement with ATCWA will complete an Education Agent Declaration.

Procedure

Where ATCWA has engaged an education agent or migration agent to recruit students on their behalf or formally represent it, there will be a current and valid Education Agent Agreement with ATCWA in place before any application for enrolment can be accepted or processed. This is a **mandatory** requirement, even where the agent, education agent or migration agent only recruits a small number of students per year on behalf of ATCWA.

While all management staff of ATCWA have the ability to assist or manage the education agents under a written agreement that represent ATCWA, these duties are usually fulfilled by the Director of Operations and this role has responsibility for:

- Ensuring all education agents have a completed application form on file to support their written agreement;
- Ensuring that reference checks have been conducted;
Or
Reasonable due diligence made through the reliable sources (such as but not limited to ,phone calls, telephonic interviews, face to face meetings, email communication conducted by senior management staff);
- Ensuring that all education agents have a current written agreement that has been executed by both parties;
- Ensuring that all education agent details are accurately documented on the ATCWA website;
- Ensuring that all education agents are provided with current and accurate marketing and promotional materials and that an electronic communication is provided requesting that all old materials be removed from displayed and no longer used as of the effective date. The Director of Operations is responsible for ensuring that a copy of this communication is maintained on the education agent's file for future monitoring visits;
- Ensuring that the education agent register is maintained accurately at all times;
- Ensuring that the Education Agent Student Feedback Form is distributed and collected at Orientation each term and that the results of these feedback forms are analysed, documented and reported to the DOO. A summary should be placed on the relevant education agent's file. Where corrective action or termination are required, this must be brought to the DOO's attention immediately, in writing, and managed according to the severity of the breach;
- Ensuring that, in conjunction with the DOO, all education agent monitoring is conducted on time and comprehensively;
- Ensuring that all education agent commission invoices are verified as being accurate prior to being forwarded to accounts for payment.



Application to Become an Approved Education Agent or Migration Agent with ATCWA

- All education agent or migration agents who wish to be a representative of ATCWA must complete the Education Agent Application Form;
- The Agent Application Form must be submitted to the Director of Operations with all supporting documentation attached for consideration;
- Where the Director of Operations makes an assessment that the application is satisfactory, the Director of Operations or their delegate must proceed to obtain referee reports from the nominees on the application form. Where the Director of Operations wishes to do so, they may contact an alternative referee to those nominated by the applicant;
- Where the referee reports are satisfactory, the Director of Operations may issue two (2) copies of the Education Agent Agreement to the applicant for consideration and approval;
- Where the applicant agrees to the Education Agent Agreement Terms & Conditions, the applicant must sign and return both copies of the Education Agent Agreement to the Director of Operations;
- The Director of Operations will ratify both copies of the Education Agent Agreement and return one (1) copy of the Education Agent Agreement to the education agent or migration agent and the other copy will remain on the agent's file after the details of the agreement have been entered on to the Education Agent Register;
- It is expected that all education agents or migration agents who hold a current and valid Education Agent Agreement with ATCWA who have not provided evidence of completing the Qualified Education Agents Counsellor (QEAC) exam (available online at <http://eatc.onlinetrainingnow.com/courses/education-agent-training-course>), must do so within two (2) months as a condition of the Education Agent Agreement being offered and ratified by the Director of Operations; and
- Evidence of completion of the Education Agent Training Course (EATC) by all education agents or migration agents must be stored on the agent's file.

Where the Director of Operations does not wish to accept the application from the education agent or migration agent to be a representative of ATCWA, the Director of Operations must provide written advice to the agent advising of their decision and not accept any applications for enrolment from this agent until such time as the agent becomes an approved agent of ATCWA.

Updating Agent Details on Website

As soon as the education agent or migration agent have entered into a ratified Education Agent Agreement with ATCWA, the agent's details as previously described must be added to the ATCWA website.

Provision of Marketing and Promotional Materials

The Director of Operations must ensure that all education agents or migration agents who recruit on behalf of ATCWA have sufficient and the most current marketing and promotional materials only for the purposes of promoting ATCWA, its courses and recruiting students on behalf of ATCWA. All such materials must be compliant with Part B, Standard 1 of the Marketing Information and Practices (National Code 2018) and the Marketing & Promotion Materials Policy & Procedure.

Marketing and promotional materials that this policy and procedure refers to include (but are not limited to):

- Current version of the ATCWA website;
- Current version of ATCWA course brochures;
- Current version of all special offers for courses at ATCWA;
- Compact Discs (CDs);
- Digital Video Discs (DVDs);
- International Student Handbook;
- Current version of application forms; and
- Any new or additional marketing and promotional materials as developed or amended by ATCWA.

Monitoring of Agents

All agents, education agent or migration agents who recruit on behalf of ATCWA will be monitored by ATCWA to ensure compliance with the terms and conditions of the Education Agent Agreement, the National Code 2018 and ATCWA's policies & procedures. Monitoring by the Director of Operations or his/her delegate can take the form of any or all of the following methods including but not limited to:

- Teleconference;
- Videoconference;
- Documentation audit:
 - In person; or
 - Via desktop;
 - Proposed documents;
 - Documents actually completed and received by ATCWA
- Investigating and acting upon intelligence received by other parties including (but not limited to):
 - Regulators;
 - Other providers;
 - Students;
 - Parent/guardians;
 - Homestay or other accommodation providers;
 - Public.
- Review of student satisfaction data (collected at Orientation, latest by week 3 of term);
- Agent visits to ATCWA;
- Review of conversation rates; and
- Review of the quality of students and documentation provided by the agent.



Monitoring activities must be undertaken regularly by the Director of Operations and/or their delegate and at least twice yearly. All monitoring activities will be documented on the Monitoring Agents Performance Form in addition to the quarterly reports.

Agent Reviews

Where the monitoring activities of the Director of Operations of ATCWA demonstrate sufficient evidence that supports the extension or renewal of an agent contract prior to its expiry, the Director of Operations may, at their discretion extend or renew the Education Agent Agreement.

Where the monitoring activities of the Director of Operations of ATCWA demonstrate sufficient evidence that the education agent or migration agent is not performing in a satisfactory manner, the Director of Operations may terminate the education agent's or migration agent's Education Agent Agreement with ATCWA after taking corrective action.

Where ATCWA identifies that the education agent or migration agent has committed a serious breach or suspected serious breach of the terms and conditions of the Education Agent Agreement, including a breach of the National Code 2018 or ESOS legislative framework, the Education Agent Agreement must be terminated immediately by the Director of Operations.

In such cases, ATCWA must not accept any further applications from the education agent or migration agent and the education agent or migration agent must return all marketing and promotional materials immediately to ATCWA. The Director of Operations must ensure that the agent's details are immediately removed from the ATCWA website and that any information that the Director of Operations has, including any evidence of breaching the National Code 2018, must be provided electronically to the Department of Education and Training (DET), Department of Home Affairs (DHA), Australian Council for Private Education and Training (ACPET) (where relevant) or English Australia (where relevant) to try and protect the reputation of the Australian international education industry.

Corrective Action

Where an employee of ATCWA becomes aware of, or is provided with evidence to indicate that the agent, education agent or migration agent have provided or is providing incorrect, non-current or misleading information, the Director of Operations must immediately request clarification in writing from the education agent or migration agent within 48 hours or two (2) calendar days (not business days);

Where the response from the education agent or migration agent confirms that the information being provided to students is consistent with incorrect, non-current or misleading practices, the Director of Operations must immediately request in writing that:

- The education agent or migration agent immediately cease providing such information;
- Withdraw any information, including marketing campaigns that contain incorrect, false, non-current or misleading information;
- The education agent or migration agent indicate in writing the circumstances that led to the incident, including what corrective action they have implemented (for example, where it is an employee who was acting on behalf of the agent who breached the agent's policies & procedures, how the employee was disciplined);



- The education agent or migration agent indicate in writing what strategy they will implement to ensure that such practices do not occur again;
- The education agent or migration agent must indicate in writing by reply email and letter that the education agent or migration agent has implemented the corrective action within 48 hours of being advised by the Director of Operations. This email or letter must be received by the Director of Operations within 48 hours of the agent's corrective action time lapsing (no more than 6 days after the Director of Operations has advised the education agent or migration agent of the concern).

Where the education agent or migration agent refuses to respond to the immediate request for corrective action, fails to respond to the request for clarification or fails to respond to the request for corrective action within the required timeframe, the Director of Operations must terminate the education agent or migration agent's agreement immediately, advising them in writing.

In such cases, ATCWA must not accept any further applications from the education agent or migration agent and the education agent or migration agent must return all marketing and promotional materials immediately to ATCWA. The Director of Operations must ensure that the agent's details are immediately removed from the ATCWA website and that any information that the Director of Operations has, including any evidence of breaching the National Code 2018, must be provided electronically to the DET, DHA, ACPET or English Australia (where ATCWA is a member of ACPET or English Australia) to try and protect the reputation of the Australian international education industry.

A copy of all correspondence must be retained on the agent's file and recorded on the Education Agent Register.

Relevant Documents

- Complaints and Appeals Policy & Procedure
- Education Agent Agreement
- Education Agent Application Form
- Education Agent Commission Invoice
- Agent Reference Check Form
- Education Agent Monitoring Form
- Education Agent Register
- Education Agent Student Feedback Form
- Education Agents Declaration
- Formalisation of Enrolment Policy & Procedure
- Marketing and Promotional Materials Policy & Procedure
- Student Engagement Before Enrolment Policy & Procedure