

# Education Agent Management Policy

## Section 1 - Background and Purpose

(1) This Policy ensures that the University's management of education agents complies with obligations under all applicable Acts, Regulations and Standards.

## Section 2 - Scope

(2) This Policy applies to:

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

## Section 3 - Policy Statement

(3) The University will ensure, through its recruitment, training, management and review of education agents that it engages agents who:

- a. act honestly, ethically, professionally, in good faith and in students' best interests
- b. have appropriate knowledge and understanding of the Australian education industry and the relevant legislation, codes and standards.

(4) The University conducts due diligence on potential agents before appointing them and performs regular monitoring and review of contracted agents.

(5) Only education agents who have signed formal agreements with the University may be authorised to represent and recruit international students on behalf of the University.

(6) The University may prohibit any agent activity at its absolute discretion, including but not limited to that which is not compliant with formal agreements, legislation, standards, codes or policy, and may not accept students from an agent who is not compliant.

## Section 4 - Procedures

(7) Recruitment & International Operations (R&IO) is responsible for all aspects of agent management including selection, appointment, induction, monitoring, payment, termination and contract management.

(8) R&IO keeps a record of all communications and documents from each stage of the agent management process.

## Part A - Selecting and Appointing Agents

- (9) The University identifies the need for agents using data from internal and external market assessments.
- (10) Agent applications are assessed against established selection criteria and a minimum of two reference checks are conducted with CRICOS-registered providers (such as a university or TAFE). Where the agent has not worked with an Australian provider, references are sourced from reputable international institutions.
- (11) Agents must declare in writing any potential conflict of interest in relation to their work for the University and must take reasonable steps to avoid any conflict of interest at any point in their engagement with the University.
- (12) The R&IO Director, International Recruitment and Admissions has authority to approve agent applications.
- (13) R&IO notifies agents of the outcome of their application in writing within 10 working days of the Director's decision.
- (14) Legal Services approves a template for agreements between agents and the University. Individual agent agreements are prepared by R&IO and only returned to Legal Services for review if changes are made to the template.
- (15) The Pro Vice-Chancellor (International) signs agent agreements on behalf of the University. The agreement contains all the requirements for agreements outlined in [Standard 4 of the National Code of Practice](#).
- (16) Agents have eight weeks to return signed agreements to the University, and will be considered formally engaged on receipt of the agreement by the University.
- (17) Agent details are recorded on the Federal Government's PRISMS database and La Trobe's StudyLink Portal.

## Part B - Agent Induction

- (18) R&IO Recruitment will provide agents with a comprehensive agent induction outlining [ESOS](#) and [National Code](#) requirements, agent management responsibilities, monitoring and agent review processes, La Trobe admissions policies and procedures, and other compliance requirements at the point of engagement. Formal training to supplement initial recruitment information will be provided no later than three months of agents signing an agreement.
- (19) Each training program is evaluated for quality assurance and continuing improvement purposes.

## Part C - Working With Agents

- (20) R&IO coordinates visits to education agents with promotional events overseas and in Australia, in collaboration with relevant School staff.
- (21) Schools support agent-based promotional activities and training sessions and provide information and feedback to R&IO on their agent engagements.
- (22) Agents may only undertake promotional and marketing activities that are authorised by R&IO and may only use promotional and marketing material developed or approved by R&IO in accordance with the Course and Subject Management Policy (Effective 1/11/18).
- (23) Agents are required to:
- a. observe appropriate levels of confidentiality and transparency in dealings with international students
  - b. act honestly and in good faith, and in the students' best interests

- c. have appropriate knowledge and understanding of the international education system in Australia and the relevant legislation and codes pertaining to their activities and operations, including the [Australian International Education and Training Agent Code of Ethics](#) and any applicable foreign legislation.
- d. meet agreed recruitment targets and other performance indicators.

(24) Agents remain responsible for all obligations under their agreement with the University and may not sub-contract to another person, other than their direct employees, any of these obligations under their agreement without the prior written consent of R&IO.

## **Part D - Ongoing Monitoring and Breaches**

(25) R&IO monitors agents through:

- a. feedback from students and other stakeholders
- b. analysis of the quality of applications submitted by the agent, their conversion rates for applications and reasons for students not proceeding with their enrolment
- c. checking of agents' websites, events and student communications for the accuracy and currency of the information they are providing
- d. analysis of the performance of agents in their recruitment of international students against the costs of their promotional activities
- e. analysis of student visa approval, refusal and cancellation data.

(26) Any alleged breach of conditions in an agreement by the agent or a sub-contractor of an agent, or any actions that threaten the University's compliance with laws and regulations governing the University including the ESOS Act or National Code, must be reported immediately to the R&IO Director, International Recruitment and Admissions in accordance with the University's Compliance Breach Management Policy.

(27) The Director, International Recruitment and Admissions or their delegate will investigate the alleged breach, in consultation with the Assurance & Risk Manager (as appropriate), and take any interim steps necessary to mitigate associated risks. This may include suspension of agent activities pending the outcome of the investigation.

(28) Where a breach of an agent agreement is confirmed the Director will take immediate steps to terminate the agreement or require the agent to terminate its relationship with an employee or sub-contractor found to have engaged in the breach.

(29) Where such breach jeopardises the University's ability to comply with the [ESOS Act](#) or the [National Code](#) the Director, International Recruitment and Admissions will advise the Pro Vice-Chancellor (International) who will make any necessary notifications as required under relevant laws and regulations including as applicable the Notifications of Changes to Institutional Operations, Ownership or Management Policy.

## **Part E - Annual Review**

(30) In addition to ongoing monitoring the University's agents are evaluated annually to determine if their agreement will be renewed or terminated. Their performance is reviewed against the requirements of their agreement, their compliance with relevant legislation, and aspects of performance outlined in Part C of this Procedure.

(31) The Director, International Recruitment and Admissions approves the outcome of the annual review which may be either:

- a. the performance of the agent is found to be satisfactory
- b. the performance and/or compliance of the agent is found to be unsatisfactory and further action is required.

(32) If further action is required the agent must respond within 10 working days from the date of the notification being sent, or up to any further period as may have been granted by the Director, International Recruitment and Admissions.

## **Part F - Renewal or Termination of Agent Agreements**

(33) In the event of a successful annual review, or if the concerns in the review are addressed satisfactorily, the University may:

- a. re-appoint the agent for a further period
- b. re-appoint the agent for a further period subject to certain conditions
- c. require the agent to do additional training and further professional development as specified by the University before reappointing them.

(34) When an agent is reappointed their agreement with the University is renewed.

(35) Decisions on suspending or terminating agent agreements are made by the Director, International Recruitment and Admissions and the agent is notified in writing.

(36) In addition to the circumstances outlined in Part D of this procedure, the University may terminate an agent's agreement if the agent does not rectify concerns raised by the University.

(37) Any party to the agreement may also terminate the agency agreement at any time and for any reason by giving 60 days' notice in writing to the other party.

(38) If the agreement is terminated by either party, the agent must:

- a. submit to the University all application and program fees from prospective students received up to the date of termination
- b. cease immediately any actions representing the University
- c. submit any outstanding invoices to the University within 30 days after the termination.

(39) The agent may appeal a decision by the University to terminate the agreement, to the Pro Vice-Chancellor (International), on the grounds that the review process has not been fairly applied or that they have implemented a solution to any grounds leading to the termination. The Pro Vice-Chancellor (International) makes the final decision within four weeks of the appeal.

## **Section 5 - Definitions**

(40) For the purposes of this Policy and Procedure:

- a. Agent: A person or organisation (in or outside Australia) who recruits international students under an agreement with the University and refers them to education providers. In doing so, the agent may provide education counselling to overseas students as well as marketing and promotion services to education providers. The term 'agent' does not refer to an education institution with whom the University has an agreement for the provision of education (that is teaching activities).
- b. Agent Agreement: The agreement between the University and the agent including the schedules.
- c. CRICOS: Commonwealth Register of Institutions and Courses for Overseas Students.
- d. [ESOS Act: Education Services for Overseas Students Act 2000](#) of the Commonwealth of Australia.
- e. [National Code](#): National Code of Practice for Providers of Education and Training to Overseas Students 2018.
- f. PRISMS: Provider Registration and International Student Management Systems.

- g. Prospective student: A person who intends to become, or who has taken any steps towards becoming, an 'overseas student' or 'intending overseas student' as defined by the [ESOS Act](#).

## Status and Details

<b>Status</b>	Current
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<b>Unit Head</b>	Stacey Farraway Pro Vice-Chancellor (International)
<b>Author</b>	Julie Larsen
<b>Enquiries Contact</b>	Recruitment & International Operations