

Agent Appointment, Monitoring, and Termination Policy

Date of Approval by Governing Board: 1st Oct '15

Date of review: Oct '19

1. Purpose

1.1 This Policy sets out the *Leaders Institute* (LI) requirements to demonstrate its compliance with the National Code at the point of CRICOS registration and throughout its CRICOS registration period.

1.2 To ensure that the Agents that represent LI are aware of their responsibilities and actions.

2. Principles

2.1 LI understands that as per Standard 4 of the National Code, it has to take reasonable measures to ensure that the education agents used have an appropriate knowledge and understanding of the Australian International Education Industry.

2.2 LI acknowledges that it will not use education agents that are dishonest or lack integrity in compliance with the National Code.

2.3 LI understands that it must enter into a written agreement with the education agent and the specified responsibilities must comply with the National Code.

2.4 LI must not accept students from Agents or enter into an agreement with an Agent who it knows or reasonably suspects the Agent to be:

- Being engaged or has been previously engaged in dishonest practices.
- Deliberately facilitating the enrolment of a student where it clearly conflicts with Standard 7, of the National Code;
- Facilitating the enrolment of a student who the Agent believes will not comply with the conditions of the student visa;
- Using the Provider Registration and International Students Management System (PRISMS) to create Confirmation Of Enrolments (COE's) for other than genuine students; or
- Providing immigration or migration advice where not authorised to do so under the Migration Act 1958.

3. Definitions

Agent: A person or organisation (in or outside Australia) who recruits overseas students and refers them to education providers. In doing so, the education agent may provide education counselling to overseas students as well as marketing and promotion services to education providers.

Education agent does not refer to an education institution with whom an Australian provider has an agreement for the provision of education (that is teaching activities).

(Refer to: <https://internationaleducation.gov.au>)

4. Roles and Responsibilities

4.1 The Registrar or delegated authority of the Institute will regularly monitor and evaluate the appointment, monitoring and termination of agents.

4.2 All staff of LI are responsible to notify the CEO or the Registrar should they suspect or obtain knowledge with regards to an agents' non-compliance with LI stipulated policies or government laws and legislations.

5. Scope

5.1 This policy applies to all agents of LI.

5.2 The policy should be read in conjunction with the following documents:

- *Agent Appointment, Monitoring and Termination Procedures*
- *Fraud Prevention Management Policy*
- *Fraud Prevention Management Procedures*
- *Risk Management Policy*
- *Risk Management Plan*
- *Leaders Institute – Risk Register*
- *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 2007 (The National Code).*
- *The Migration Act 1958.*
- *The Migration Regulations 1994.*

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1. Context

1.1 Leaders Institute (LI) understands that it is supposed to demonstrate its compliance with the National Code at the point of CRICOS registration and throughout its CRICOS registration period.

1.2 LI understands that as per Standard 4 of the National Code, it has to take reasonable measures to ensure that the education agents used have an appropriate knowledge and understanding of the Australian International Education Industry.

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3. Procedures

3.1 Agent Appointment:

3.1.1 The Institute will only appoint agents whose company is registered in the relevant country, state or province and if relevant in Australia.

3.1.2 All appointed Agents must apply to become an official agent for the Institute and have had an *Agent Reference Check* completed by the Registrar or delegated authority of the Institute.

3.1.3 Once *Agent Reference Check* has been completed reassess to determine if suitable to appoint.

2.1.4 The Agent must sign Agent Agreement with the Institute.

3.1.5 The Agent will be sent a Certificate of Appointment as duly appointed and authorised to representative of the Institute for the purpose of recruiting students.

3.1.6 The Certificate will be signed by the CEO or the delegated authority and show:

- The Agents business name and country
- The term of appointment
- CRICOS provider code of the Institute

- 3.1.7 The Agent will be provided with the marketing material of the Institute once the agreement has been executed.
- 3.1.8 Regular contact will be maintained by the Registrar or delegated authority and the Agent to ensure that the Agent is kept up to date with the relevant information in relation to the provision of services.
- 3.1.9 All Agents are advised to contact the Admissions department regarding the status of student applications.
- 3.2 **Agent Monitoring**
- 3.2.1 The Registrar or delegated authority will conduct an annual audit to review the agents' performance and compliance. The Institute 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.
- 3.2.2 For the annual audit of the agent's performance, the Registrar or delegated authority will consider:
- the Agent's compliance with the agent Agreement and any conditions placed on the Agent by the Institute;
 - the number of students the agent has recruited and the conversion rate of:
 - Student applications to Institute offers; and
 - Institute offers to actual enrolment of students;
 - the reasons why applications from potential Students did not proceed to student enrolment status;
 - The number of student visa refusals for students recruited by the agent;
 - Any feedback or information from students or third parties regarding the agent;
 - the quality, accuracy and currency of information and advice provided by the Agent to Students; and
 - the quality of the appointment as assessed by the Institute.
- 3.2.3 The Institute will monitor the performance and activities of the Agent on an ongoing basis, using one or more of the methods listed below:
- Face to face meetings with the Agent
 - Meeting with students or reports from the students
 - Evaluating the quality of applications and the documentation that was submitted on behalf of the student.
 - Meetings or discussions via teleconference or video conference.
 - Spot checks by the Institute such as monitoring the Agent during student fairs, exhibitions and education seminars.
- 3.2.4 If following completion of the agent audit of an existing agreement, the Institute is satisfied that the agent has not engaged in unprofessional conduct, a new agent agreement may be offered to the agent.
- 3.2.5 The new Agent Agreement is to be updated to include any new Department of Home Affairs or DEEWR or Institute policy or requirements.

3.3 Termination of an Agent

- 3.3.1 If the Registrar or delegated authority believes or suspects that an agent has engaged in unprofessional conduct, the manager may write to and forward the agent warning letter to the agent.
- 3.3.2 The agent must provide a written response within 10 business days of the date of the letter. An extension of time to provide a response may be provided at the discretion of the Registrar or delegated authority.
- 3.3.3 After 10 business days from the date of the letter, or after the expiration of such further period as may have been granted, the Registrar or delegated authority may consider the agent's performance in light of:
- The response of the Agent to the letter referred to;
 - Whether the Agent engaged in Unprofessional Conduct; and
 - The considerations contained in the Agent Audit.
- 3.3.4 After considering the Agent's conduct and performance, the Registrar or delegated authority 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.
- 3.3.5 The Registrar or delegated authority must terminate the appointment of an Agent if he or she knows or reasonably suspects the Agent may have been engaged in Unprofessional Conduct.
- 3.3.6 If the Registrar or delegated authority decides to terminate an Agent's appointment, he/she should:
- Write to the agent to advise that his or her appointment has been terminated using the agent termination letter;
 - Notify the Administration office of the termination of the agent and advise staff that no further applications are to be accepted from the agent.