

Education Agent Engagement and Management Policy and Procedure HEPP68

PURPOSE

The Education Services for Overseas Students (ESOS) legislation sets out the legal framework governing the delivery of education to overseas students studying in Australia on a student visa. The Australian Government administers the ESOS legislation that governs the registration process and obligations of registered providers. The National Code is a set of nationally consistent standards that governs the protection of overseas students and the delivery of courses to those students by providers registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). Standard 4 of the National Code clarifies the requirements as they apply to EAs.

The purpose of this policy and procedure is to ensure all the Institute's approved EAs act ethically, have appropriate knowledge and understanding of the Australian International Education and Training Agent Code of Ethics, comply with the Institute's policies and procedures and conduct themselves with honesty and integrity at all times.

SCOPE

This policy and procedure applies to all:

1. Prospective and approved local and international EAs;
2. Staff of the Institute who are responsible for and/or involved in negotiating a contract with EAs, monitoring an agent's performance and activities, and conducting and analysing student feedback regarding agents, plus any other tasks related with EAs; and
3. International and local student operations of the Institute.

DEFINITIONS

Agent/EA/Education Agent	A person or organisation (in or outside of Australia) who recruits overseas students and refers them to education providers. In doing so, the EA may provide education counselling to overseas students as well as marketing and promotion services to education providers.
Applicant	Refers to an individual applying for enrolment in a course of study.
BDM	Business Development Manager
BDO	Business Development Officer
CEO	Chief Executive Officer
Course	A course of study
DHA	Department of Home Affairs
eCoE/Electronic Confirmation of Enrolment	A document, provided electronically, which is issued by the registered provider to intending overseas students and which must accompany their application for a student visa. It confirms the overseas student's eligibility to enrol in the particular course of the registered provider.
ESOS Act	Education Services for Overseas Students Act 2000
Genuine and Quality Student	A student with relevant educational background, sufficient English Language proficiency level, access to sufficient funds for the duration of study, has a genuine desire to learn and complete the nominated course with the expected duration, with a solid history of previous study without sanctions or disciplinary actions.
International Student	A person (in or outside of Australia) who holds a student visa as defined by the ESOS Act, but does not include students of a kind prescribed in the ESOS Regulations.

National Code	National Code of Practice for Providers of Education and Training to Overseas Students 2018
PRISMS	Provider Registration and International Students Management System
Registered Providers	The process whereby a provider is recommended by a designated authority for registration under the ESOS Act to provide a specified course in that state to overseas students; and the provider is registered by the Secretary of DEST on CRICOS.
SCEI-HE	Southern Cross Education Institute (Higher Education)
Threshold Standards	Higher Education Standards Framework (Threshold Standards) 2021 represents the minimum acceptable requirements for the provision of higher education in or from Australia by higher education providers registered under the TEQSA Act.

POLICY

1. Purpose and Role of EAs

The primary purpose that the SCEI-HE enters into an agreement with an EA is for the EA to recruit high-quality genuine students to enrol and study in the SCEI-HE's courses approved for delivery at locations in Australia.

2. Terms of Education Agent Appointment

- 2.1 All prospective EAs are appointed through a comprehensive recruitment process. SCEI-HE will only appoint an EA:
 - 2.1.1 whose company is a registered business in the relevant country;
 - 2.1.2 who will declare in writing and take reasonable steps to avoid conflicts of interest with its duties as an EA of the registered provider;
 - 2.1.3 who will observe appropriate levels of confidentiality and transparency in their dealings with overseas students or intending overseas students;
 - 2.1.4 who will act honestly, in good faith, and in the best interests of the student;
 - 2.1.5 have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics;
 - 2.1.6 who will promote SCEI-HE and its approved programs in the agreed Territory in accordance with the SCEI-HE's policy and procedures;
 - 2.1.7 who will ensure all applicants for the SCEI-HE's courses are both Genuine Temporary Entrants and Genuine Students, in order to maintain the integrity of the Australian student visa program and to ensure SCEI-HE only recruits high-quality genuine and temporary students; and
 - 2.1.8 who complies with all the requirements of the ESOS Act, the National Code and the Threshold Standards.
- 2.2 Further, SCEI-HE will not recruit any EA if it is aware of or reasonably suspects the EA to be any of the following:
 - 2.2.1 providing migration advice, unless that EA is authorised to do so under the Migration Act;
 - 2.2.2 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);
 - 2.2.3 facilitating the enrolment of a student who the EA believes will not comply with the conditions of his or her visa; or
 - 2.2.4 using PRISMS to create CoE's for other than bona fide students.

3. Education Agent Agreement

- 3.1 SCEI-HE will enter into a written agreement with the EAs and maintain the EA's details in PRIMS. The agreement specifies the responsibilities of the EA and SCEI-HE, rules of engagement and performance monitoring and the need to comply with the requirements of the ESOS Act, the National Code and the Threshold Standards and the requirement to have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics.
- 3.2 SCEI-HE will monitor the activities of their EAs and conduct an annual performance review; ensuring only reputable EAs are engaged by SCEI-HE for the recruitment of genuine, quality students.

4. Quality Assurance

To ensure that policy is fit for purpose and meet the requirements of the Threshold Standards all policies will be:

- 4.1 internally endorsed by the Higher Management Team on development or review, prior to approval by Corporate Board, or the Academic Board or other delegated authority;
- 4.2 externally reviewed as part of any independent review of the Threshold Standards approved by the Corporate Board, where required; and
- 4.3 internally reviewed by the Responsible Officer every 3 years from the date of approval (if not earlier).

PROCEDURE

1. Appointing Education Agents

- 1.1 All prospective EAs must complete and submit an Agent Application Form and submit to the BDM with the following documents:
 - 1.1.1 Business registration certificate (certified);
 - 1.1.2 Company profile and or business plan; and
 - 1.1.3 Two referees.
- 1.2 The EAs applications are assessed by the BDM based on the:
 - 1.2.1 National Code Standard 4 – Educational Agents;
 - 1.2.2 Reference checks;
 - 1.2.3 Any previous and/or current dealings with other Australian education provider/s;
 - 1.2.4 Check the SCEI-HE's EA database to see if the applicant has been appointed in the past and/or agent agreement terminated; and
 - 1.2.5 Outcomes of the reference checks are recorded.
- 1.3 If the EA's application is approved the BDM will prepare the Agent Agreement and forward the Agreement to the CEO or delegate for review. Only after the approval by the CEO or delegate can the Agent Agreement be sent to the approved EA. The approved EA will be given 5 working days to return the signed Agent Agreement to the BDM.
- 1.4 Upon receiving the signed Agent Agreement, the BDM and CEO or delegate will sign the Agent Agreement.
- 1.5 A copy of the executed Agent Agreement will be sent to the approved EA with the following documents attached:
 - 1.5.1 Education Agent Handbook;
 - 1.5.2 Student Handbook/Pre-arrival Guide;
 - 1.5.3 International Student Brochure: Course Guide;
 - 1.5.4 Relevant course marketing material; and
 - 1.5.5 Approved EA Certificate.
- 1.6 SCEI-HE will not enter into an Agent Agreement with any EA if it is aware of or reasonably suspects the EA to be any of the following:
 - 1.6.1 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);
 - 1.6.2 Facilitating the enrolment of a student who the EA believes will not comply with the conditions of his or her student visa;
 - 1.6.3 Using Provider Registration and International Students Management System (PRISMS) to create Confirmations of Enrolment for other than a bona fide student; or
 - 1.6.4 Providing immigration advice where not authorised under the Migration Act 1958.
- 1.7 BDM will notify TEQSA via the Third Party Service Arrangement notification about the appointment of an EA within **30 days** of the agreement and enter details in PRISMS.
- 1.8 Where the EA's application is not approved, the details will be recorded on the Prospective Agent database for future reference.

2. Agent Agreement

- 2.1 All persons approved as an EA shall be required to sign an Agent Agreement prior to undertaking any marketing activities and student recruitment on behalf of SCEI-HE.
- 2.2 All persons approved as an EA shall be required to sign an Agent Agreement prior to undertaking any marketing activities and student recruitment on behalf of SCEI-HE. The agreement will contain following:
 - 2.2.1 SCEI-HE's responsibilities, including for compliance with the ESOS Act and National Code;
 - 2.2.2 EA's responsibilities including the requirements of the EA in representing the SCEI-HE;
 - 2.2.3 the SCEI-HE's processes for monitoring the EA's activities and ensuring the EA gives overseas students accurate and up-to-date information;
 - 2.2.4 the corrective actions that may be taken and the grounds for termination of the written agreement

- with the EA; and
- 2.2.5 the circumstances in which information about the EA and SCEI-HE may be shared by the SCEI-HE and Commonwealth or state and territory agencies;
- 2.2.6 Details of arrangement for commission and fee retained by EA;
- 2.2.7 Start and end date of agreement; and
- 2.2.8 in the conduct of audits and the monitoring of its operations.
- 2.3 The Agent Agreement will be signed for **1 year only** and will be **reviewed annually** to renew the agreement.
- 2.4 The termination date on the agreement will be assigned according to the following Table 1:

No.	Agent Agreement Signed between	Agent Agreement Termination Date (next year)
1	1st January to 31st March	31st March
2	1st April to 30th June	30th June
3	1st July to 30th September	30th September
4	1st October to 31st December	31st December

- 2.5 All approved EAs with an executed Agent Agreement shall be paid an agent's fee as outlined in their specific Agent Agreement.
- 2.6 All EAs will have access to up-to-date and accurate marketing and course information.
- 2.7 The conditions and authorisation to promote SCEI-HE and its services relate to the EA named in the Agent Agreement only. Any subcontractors or employees of the EA must be authorised by SCEI-HE.
- 2.8 The original signed executed Agent Agreement shall be kept in the SCEI-HE Agent File and the agent shall receive a copy.
- 2.9 Where an EA is contracted with SCEI-HE for a specific purpose as a one-off arrangement, an Agent Agreement must be executed. In such circumstances, commissions as specified in the Agent Agreement are paid to the EA and recorded in the 'One-off Education Agent' spreadsheet and filed in the Agent File.
- 2.10 Approved EAs will be recorded in the SCEI-HE Education Agent database as well as reported to the regulators via the Third Party Service Arrangement notification form **within 30 days**.

3. Education Agent Code of Conduct

An approved EA must NOT:

- 3.1 Engage in any dishonest practices, including suggesting to prospective students that they may come to Australia on a student visa with a primary purpose other than full-time study;
- 3.2 Facilitate applications for prospective students who do not comply with visa requirements;
- 3.3 Provide prospective students with 'immigration advice' as defined in the Migration Act 1958 unless the EA is separately registered under that Act;
- 3.4 Give a prospective student inaccurate information about:
 - 3.4.1 the course fees payable to SCEI-HE; and
 - 3.4.2 his or her acceptance into a course of study.
- 3.5 Receive or bank the course fees payable to SCEI-HE by a prospective student or deduct any amount from the course fees payable by the prospective student;
- 3.6 Make any representations or offer any guarantees to prospective students about the likelihood of obtaining a student visa;
- 3.7 Engage in false or misleading advertising or recruitment practices;
- 3.8 Make any false or misleading comparisons with any other education provider or their courses or make any inaccurate claims regarding any association between SCEI-HE and other education providers;
- 3.9 Undertake any advertising or promotional activity about the courses or SCEI-HE without the prior written consent of SCEI-HE;
- 3.10 Commit SCEI-HE to accept any prospective student into a course;
- 3.11 Use or access PRISMS:
 - 3.11.1 without the prior written consent of SCEI-HE; and
 - 3.11.2 to create a confirmation of enrolment for other than a bona fide student.
- 3.12 Use any registered or unregistered mark without the prior written consent of SCEI-HE;
- 3.13 Actively recruit, or attempt to recruit, prospective students that the representative knows to have engaged the services of another official representative of SCEI-HE; and
- 3.14 Sign or encourage or allow others to sign official documents on behalf of a prospective student. The student's signature that appears on all official documents must be the same as the prospective student used when signing the SCEI-HE Application to Study Form.

4. Education Agent Training and Support

- 4.1 SCEI-HE will nominate a designated BDO for each approved EA as a point of contact. The nominated BDO will ensure that all EAs receive:
 - 4.1.1 an Education Agent Handbook;
 - 4.1.2 an induction to SCEI-HE's website and enrolment procedures; and
 - 4.1.3 up-to-date and accurate information from the SCEI-HE's website (downloadable content) or a hard copy (upon request).
- 4.2 BDOs will maintain regular contact with approved EAs by phone, written communications and visits to the EA's office (within Australia).
- 4.3 Where non-compliance (with legislation, National Code or SCEI-HE policies) has been identified, during the monitoring of the EA, the EA in question will receive training or additional information by SCEI-HE. For more information, please refer to point 5 **Monitoring Education Agent Activities**.
- 4.4 EAs are encouraged to complete the EA Training Course or to be trained by SCEI-HE staff.
- 4.5 Training to EAs will be conducted at regular intervals by the BDM, Campus Manager or BDOs.

5. Monitoring Education Agent Activities

- 5.1 Each BOD is responsible for ensuring that all required agent documents are located in the SCEI-HE CRM.
- 5.2 All Education Agents will be required to conduct a face-to-face or web-based meeting (e.g., Zoom/ Teams) with the Business Development Manager and relevant Business Development Officer at least annually, with the meeting minutes filed in the Agent File. The meeting will cover:
 - 5.2.1 Current practices
 - 5.2.2 Marketing materials being used
 - 5.2.3 Discuss any issues or concerns
 - 5.2.4 Advising the Education Agent of any changes to SCEI's policies and procedures, entry requirements, course offerings, fees and charges and admission processes.
- 5.3 To ensure that SCEI is using reputable Education Agents, SCEI will undertake a monitoring process annually according to the following table:

No.	Agent Agreement Termination Date Between	Performance Review Month
1	1st January to 31st March	March
2	1st April to 30th June	June
3	1st July to 30th September	September
4	1st October to 31st December	December

- 5.4 The traffic light monitoring system is designed to track and monitor the performance of educational agents based on various criteria. The concept of a "traffic light" system typically refers to using red, yellow, and green indicators to signify different levels of performance or compliance. The traffic light performance metric consists of:
 - 5.4.1 Student Enrolments: Track the number of students enrolled through each agent.
 - 5.4.2 Student Retention: Monitor the retention rate of students recruited by each agent.
 - 5.4.3 Compliance with Legislative Standards (RTO/ESOS Act): Ensure agents are following RTO and regulatory guidelines.
 - 5.4.4 Student Feedback: Collect and analyse feedback from students about their experience with the agent.
 - 5.4.5 Timeliness and Responsiveness: Measure how promptly agents respond to inquiries and complete required tasks.

5.5 Traffic Light Indicators:

5.5.1 Green (Good Performance):

1. High enrolment rates
2. High student retention
3. Positive feedback from students
4. Compliance with Legislative standards
5. Timely and efficient in communication and task completion

5.5.2 Yellow (Needs Improvement):

1. Moderate enrolment or retention rates
2. Some compliance issues or negative feedback
3. Occasional delays in responsiveness

5.5.3 Red (Poor Performance):

1. Low enrolment or retention rates

2. Significant compliance issues
 3. Consistent negative feedback from students
 4. Frequently late or non-responsive
- 5.6 All Education Agent's activities are monitored via SCEI-HE's CRM and the learner management portal Paradigm on an annual basis according to the timeline in point 5.1 above. The outcome of an annual review is recorded in the agent's yearly performance review folder. To ensure the non-bias approach is applied to the agent monitoring requirements the Compliance department is responsible for conducting and overseeing the annual agent review as per the table below
- 5.7 The annual review process is commenced on the 1st working day of the nominated review month outlined in Table 2 above. The following process is conducted:
- 5.7.1 Data Collection: The QA / Compliance Manager Identifies the agent agreements that are up for renewal based on the agent agreement end date (data in the CRM). QA / Compliance Manager raises a ticket request:
 1. The Marketing Manager requested the following data collection:
 - a) CRM (agent documents, evidence of meetings, training and correspondence)
 - b) PRISM:
 - a. **Agency by CoE Incompletion Rate** - This report displays the number and percentage of agents with different CoE completion rates)
 - b. **Agency CoE Outcomes** - This report displays the incomplete CoE with details of their outcomes for each agency.
- to commence for the nominated agents and the outcome to be recorded on the agent's yearly performance review. The timeline for the completion of this data collection is 5 working days from the date the request is actioned.
- 5.7.2 Admin Manager requesting the following data collection:
 - a) Paradigme (student retention and progression)
 - b) For New Students Agent Feedback Forms (agent conduct, support and accuracy of information provided to the students as part of the recruitment process).
- to commence for the nominated agents and the outcome is to be recorded on the agent's yearly performance (a separate form is required for each agent). The timeline for the completion of this data collection is 5 working days from the date the request is actioned.
- 5.8 Analysis: The QA / Compliance Manager is responsible for analysing the data and assigning a traffic light colour to each agent per the guidelines outlined in point 5.4 Traffic Light Indicators above.
- 5.9 Reporting: The QA / Compliance Manager generates reports (a visual representation of each agent's performance) to be presented to the Higher management by the 3rd Wednesday of the Performance Review Month. Reports will be filed in the SCEI Agent File on the CRM and contribute to the annual performance review. The QA / Compliance Manager will also advise the Marketing Manager of the outcome and request them to notify each agent/agency of their annual assessment outcome by issuing them with the appropriate (Green / Yellow / Red) Agent Monitoring Notice Outcome letter. For more information, please refer to point 5.8 Outcome of Education Agent's performance review process.
- 5.10 Action Plans: The QA / Compliance Manager generates reports based on the traffic light colour, and creates action plans to improve or maintain agent performance.
- 5.11 Outcomes of the Education Agent's performance review process consist of:
- 5.11.1 Education Agents with **Green (Good Performance)** status will have their Agent Agreement renewed and an incentive may be provided. This incentive may be in the form of an increase in commission or bonuses.
 - 5.11.2 Education Agents with **Yellow (Needs Improvement)** status will have their Agent Agreement renewed but will be also required to meet the action plans to improve or maintain agent performance. The agent's yellow status will be closely monitored by the Marketing Manager.
 - 5.11.3 Education Agent's with **Red (Poor Performance)** status where the performance of the Education Agent is unsatisfactory or they have not abided by regulatory requirements, the course of action may include one of the following depending on the individual case:
 1. issuance of up to three warning letters
 2. non-renewal of Agent Agreement
 3. termination of Agent Agreement

6. Terminating the Agent Agreement

- 6.1 Where through the performance review process the EA has areas of practice to improve, the BDM is responsible for ensuring there is an improvement of practice and will offer support, training or counselling to the agent.
- 6.2 Where any practices of the EA are identified as 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 (**Red (Poor Performance)**), the SCEI-HE shall take immediate action.
- 6.3 SCEI-HE will take the following actions prior to terminating an Agent Agreement:
 - 6.3.1 If it is established that an agent is deemed to be incompetent in their performance or in severe breach of any items stipulated in the Agent Agreement the BDM will issue a series of warning letters;
 - 6.3.2 In the first instance an Agent 1st Warning Letter will be sent to the EA. This letter will inform the EA where and how they need to improve their performance. The EA has **10 working days** to respond in writing. The warning and letter and the Agent's response are filed in the SCEI-HE Agent's File;
 - 6.3.3 If the EA's performance is still not satisfactory, then the Agent will receive a 2nd Warning Letter and be provided with **10 working days** to respond in writing. The warning and letter and the Agent's response are filed in the SCEI-HE Agent's File;
 - 6.3.4 If the EA's performance continues to be unsatisfactory, then the Agent will receive a 3rd Warning Letter and be provided with **10 working days** to respond in writing. The warning and letter and the Agent's response are filed in the SCEI-HE Agent's File;
 - 6.3.5 If the EA's performance continues to be unsatisfactory, despite the issuance of 3 warning letters and the opportunities to improve, the EA will be issued with a *Notification of Termination of Agent Agreement HELET21* letter. The EA has **10 working days** to reply in writing;
 - 6.3.6 When an EA has been deemed to be in severe breach of an item stipulated in the Agent Agreement or Regulatory requirement an Agent Breach and Cancellation Notice is issued to the EA and they have **10 working days** to respond in writing;
 - 6.3.7 With each warning letter or notification, the EA will be requested to meet with the BDM and/or legal counsel and/or CEO to discuss the situation and their proposed actions for improvement. These meetings will be recorded and filed in the SCEI-HE Agent File;
 - 6.3.8 It is at the discretion of the CEO, BDM and/or Legal counsel to decide whether the EA's response justifies the situation in question and the resulting action; and
 - 6.3.9 SCEI-HE supports an EA's right to appeal in all instances listed above. EAs must address their appeal in writing with any supporting documentation to the BDM within **10 working days** of the date of the letter or notification.

RELATED DOCUMENTS

Agent 1st Warning Letter
Agent 2nd Warning Letter
Agent 3rd Warning Letter
Agent Activity Report Form
Agent Application Form
Agent Breach and Cancellation Notice
Agent Reference Form
Agent Yearly Review
Application to Study Form (Domestic Students)
Application to Study Form (International Students)
Education Agent Handbook
New Students Agent Feedback Form
Notification of Termination of Agent Agreement

LEGISLATIVE CONTEXT

Education Services for Overseas Students Act 2000
Higher Education Standards Framework (Threshold Standards) 2021
Migration Act 1958
Migration Regulations 1994



National Code of Practice for Providers of Education and Training to Overseas Students 2018, Standard 4

RESPONSIBILITIES

Chief Executive Officer and Business Development Officers

- Implementation of the policy and procedure.

Compliance Manager and Business Development Manager

- Implementation of the policy and procedure; and
- Monitoring the implementation and compliance of this policy and procedure.

DOCUMENT AND RECORD CONTROL

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