



**IONA COLLEGE**  
TRINITY

TEQSA Provider ID PRV14376 • CRICOS Provider Code 04294D

## Education Agent Policy and Procedure

*Approved by the Board of Directors on 16 December 2021*

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## 1. Purpose

This Policy provides Iona Trinity College of Higher Education (**the College**) with a framework for managing education agents involved in the recruitment of international students and to ensure agents understand their obligations to act ethically, honestly and in the best interests of international students, as well as uphold the reputation of Australia's international education sector.

## 2. Scope

This Policy applies to:

- Prospective and registered education agents
- All staff of the College whether full-time, part-time, casual or contract
- Members of the College's Governing Bodies, and
- Individuals engaged in providing services to the College or receiving services from the College or education agents, such as students, contractors or consultants.

## 3. Policy

### 3.1 Principles

The College will only engage agents who have completed the Education Agents Training Course<sup>1</sup> or a recognised equivalent and belong to a professional association representing education agents, where one exists.

The College will proactively manage its relationship with education agents and monitor their performance and compliance with regulatory and contractual requirements to ensure positive outcomes for students receiving services from education agents.

The College will ensure that:

- The agents it chooses to represent act ethically, honestly and in the best interests of international students, and have an appropriate knowledge of the Australian international education industry
- Agents are provided with up-to-date, comprehensive and accurate information about the College
- Representation by the education agent of the College, its educational offerings and charges are accurate and not misleading
- Current and prospective students have access to mechanisms that are capable of resolving grievances about any aspect of their experience with an education agent registered with the College, and
- Education agents are bound by formal contracts with the College, their performance is monitored, and prompt corrective action is taken in the event or likelihood of misrepresentation or unethical conduct.

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<sup>1</sup> EATC is a free online course developed with support by Australian Education International and the Department of Immigration and Border Protection (now referred to as the Department of Home Affairs). Information about the Education Agent Training Course can be found at [www.eatc.com](http://www.eatc.com).

The College will not accept students from an education agent if it knows or reasonably suspects the education agent to be in breach of their obligations.

## 4. Procedure

### 4.1 Education Agent Registration

Education agents may apply to be registered with the College by submitting an *Education Agent Application Form* which is available on the College's website.

The Marketing and Admissions Officer will:

- Liaise with education agents, including assessing applications for registration with the College, and will promptly acknowledge receipt of applications
- Review the application for completeness in the first instance and, if required, request the applicant to provide additional information. The application will not be valid until this information is provided
- Conduct due diligence checks, including contacting referees, upon reception of the full application and prior to entering into an agreement, and
- Confirm that any candidate for registration as an education agent with the College has adequate knowledge and understanding of the *Australian International Education and Training Agent Code of Ethics*.

The assessment will consider:

- The response from referees
- The location that the agent will recruit from
- The demonstrated understanding of Australian laws in regard to student recruitment, and
- The agent's international student recruitment experience.

If satisfied that the prospective agent is suitable, the Marketing and Admissions Officer will make a recommendation to the Principal to proceed with the appointment of the agent.

If the Principal agrees with the recommendation:

- a record of the assessment and outcome will be created and the applicant notified of the outcome
- the successful applicant will be provided with:
  - Two copies of the standard education agent agreement for review and signature
  - A copy of the Australian International Education and Training Agent Code of Ethics, and
  - Standard 4 of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (the Code).

Following receipt of the signed agreement, the successful applicant would be considered an education agent of the College and will receive:

- A certificate to be displayed in the education agent's offices to indicate to prospective students that they have a written agreement with the College, and

- A copy of the education agent with the Principal's signature.

The education agent's relevant details will be entered in the College's Education Agent Agreements Register.

The Department of Education and the Tertiary Education Quality and Standards Agency will be notified via PRISM of the details of the registered education agent. Any changes of details over time or termination of an agreement are also updated on PRISMS.

A list of the College's Education Agents will be maintained on the College's website. As a minimum this information will include the agency name, name of the principal agent, the legal entity and street address.

## 4.2 Education Agent Agreement

The College has a written agreement with each education agent that formally represents its education services.

Each written agreement with the education agent outlines:

- The College's responsibilities (including for compliance with international student protection legislation and standards)
- The obligations of the education agent in representing the College, including to:
  - Declare in writing and take reasonable steps to avoid conflicts of interests with its duties as an education agent of the College
  - Observe appropriate levels of confidentiality and transparency in their dealings with international students or prospective international 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
- The processes for monitoring the activities of the education agent in representing the College, and ensuring the education agent is giving students accurate and up-to-date information on the College's services
- Corrective actions that may be taken by the College if the education agent does not comply with its obligations under the written agreement
- The grounds for termination of the written agreement with the education agent, and
- The circumstances under which information about the education agent may be disclosed by the College to Commonwealth, state or territory agencies.

Written agreements have an initial maximum duration of one year. Subject to satisfactory performance and compliance by the agent, written agreements may be subsequently renewed.

## 4.3 Education Agent Information And Training

The College's education agents will receive induction and training encompassing the following topics:

- The College's courses
- An overview of the College's marketing strategies

- An overview of the student admission process
- A full briefing of the requirements of the *Code* and this Policy and Procedure, and
- Performance and written agreement review dates.

Additional training can be provided upon request.

#### *4.4 Ensuring Information Is Current*

Education agents will be provided up-to-date, accurate and relevant marketing material and will be promptly notified when College's materials become obsolete or the website is updated.

The Marketing and Admissions Officer will confirm with education agents that they are using the latest versions of any marketing material and have removed, taken down or destroyed previous versions.

#### *4.5 Education Agent Monitoring*

Education agents are required to declare as soon as possible, and take all reasonable steps to avoid, conflicts of interest with their duties as an education agent of the College.

For each semester, a review of education agents' performance and compliance with the terms of the written agreement will be undertaken. The education agent will be advised of the outcome of this review, including if the agent is not meeting the terms as specified in the written agreement.

The following monitoring mechanisms will be employed:

- Documented face-to-face meetings and/or teleconferences with agents at least every six months
- Analysis of quality and quantity of applications from prospective students
- Analysis of conversion rates from lodging applications to studying at the College and completion rates of admitted students
- Documenting on the education agent's file:
  - Instances where students claim to have been misinformed about their studies at the College
  - Instances where the education agent has shown a lack of knowledge of student visa requirements or other matter relating to the student's stay in Australia
- Surveying current and prospective students about the information provided to them by the education agent and the level of assistance given to the student to assist them in travelling to Australia.

#### *4.6 Managing Performance Or Compliance Issues*

Where investigation of performance and compliance issues are required, feedback from the education agent on the issue will be sought and:

- Where it is considered that there was no breach of the agreement, the education agent will receive confirmation of this
- Where corrective or preventative action is required, the education agent will be inform in writing of the breach, the remedial action required and timelines

- Where the breach is considered to be major (see *Major issues* below), the education agent will be informed of the reasons, the written agreement will be terminated, the termination will be reported through PRISMS, and the education agent will be removed from the Register or
- Where an agent is required to implement corrective or preventative action, monitor the agent to ensure that actions are implemented according to agreed timelines. If actions are not implemented, the written agreement will be terminated as above.

The College 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 the College for transfers between providers (for more information, refer to the College's *Student Transfer Policy and Procedure*).
- Facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa or
- Using PRISMS to create Confirmation of Enrolments for other than bona fide students.

#### 4.7 Major Issues

Where the College 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 the *Code*, the College will take immediate corrective action, up to termination of agreement or
- Is engaging in false or misleading recruitment practices, the College will 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.

All reviews, breaches, decisions and actions taken by the College against an education agent will be recorded in the Education Agent Agreements Register.

#### 4.8 Improvements and Reporting

The College uses data collected during agent monitoring to analyse trends in the use of, and issues with, education agents in conjunction with progression and completion data.

Evidence-based analysis of education agents' performance will be conducted to identify emerging risks and prevent adverse student outcomes, e.g. identifying groups of underperforming students recruited through a particular education agent.

The Principal will receive regular information on education agents' performance and compliance.

The College will improve its processes for managing education agents based on the collected data.

An annual report on education agents' performance and compliance will be provided to the Board of Directors after review by the Academic Board for matters relating to student progression and completion.

#### 4.9 Student Complaints

Students should raise any issues with education agents through the College's *Student Grievance Policy and Procedure* which includes processes for internal and external appeal.

Reports of fraudulent behaviour by an education agent will be immediately escalated to the Principal for investigation and action.

### 5. Responsibilities

The Marketing and Admissions Officer is responsible for:

- All due diligence prior to the appointment of any education agents
- Making recommendations for the appointment of agents
- Maintaining all records in relation to agent appointment and monitoring
- Ensuring that agents are provided with accurate and up-to-date information about the College.

The Principal is responsible for:

- Approving the appointment of agents and authorising agent agreements
- Managing any major issues that are escalated in relation to the performance of agents
- Authorising the renewal or termination of any agent agreements.

### 6. Definitions

For the purposes of this Policy and Procedure, the following terms are defined as follows:

Confirmation of Enrolment	An electronic document issued by the College to a prospective international student applying for a student visa to the Department of Home Affairs (DHA) to confirm the student's eligibility to enrol into a course offered by the College.
Education agent	A business entity who recruits international students and refers them to the College. In doing so, the education agent may provide education counselling to overseas students.
International student	Any overseas student, including those who have student visas, temporary residency, bridging visas and provisional residency (as falling under the <i>Education Services for Overseas Students Act 2000</i> ).
PRISMS	The Provider Registration International Student Management System, a secure database owned and maintained by the Department of Education, Skills and Employment for the

	purposes of administering the <i>Education Services for Overseas Students Act 2000</i> .
Written agreement	The Education Agent Agreement outlining the terms and conditions for representing the College to recruit prospective international students.

## 7. Version history

Version #	Changes	Approval Body	Approval Date
1.0	Original Version	Board of Directors	16/12/21

## 8. Additional Information

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Policy Status	Approved
Policy Owner	Principal
Next Review Date	3 years from Approval Date
Associated Internal Documents	Education Agent Agreement – Template Education Agent Monitoring Form – Template Student Grievance Policy and Procedure Student Transfer Policy and Procedure
Higher Education Standards Framework (Threshold Standards) 2021	Standards 7.1.1, 7.1.4 and 7.1.5
National Code of Practice for Providers of Education and Training to Overseas Students 2018	Standards 4.1 to 4.6
Other Applicable Legislation and Instruments	Education Services for Overseas Students Act 2000 Migration Act 1958

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