



Version 200102

# *POLICY AND PROCEDURE – Engagement of Educational Agents*

## *Rationale*

This document forms part of Acknowledge Education’s framework for the engagement of Educational Agents. The policy and procedures it contains will ensure Acknowledge Education meets its obligations arising from regulations and law when engaging and continuing to engage educational agents to act on its behalf. This policy is made with reference to the ESOS Act and the National Code 2018.

## *Application*

This policy and set of procedures applies to all agents of Acknowledge Education Pty Ltd.

## *Policy*

### *1. Statement*

Australian law and regulations require providers of education and training courses to overseas students to meet certain requirements when formally engaging education agents to represent or act on their behalf. Acknowledge Education must ensure several recording, monitoring and procedural requirements are met by Acknowledge Education and its agents.

Acknowledge Education will enter into a written agreement with each agent it engages to formally represent it. At all times Acknowledge Education staff and agents must meet Acknowledge Education obligations under the *Education Services for Overseas Students Act 2000* (‘the ESOS Act’) and the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018* (‘the National Code’).

Acknowledge Education will not accept or continue to accept overseas students recruited by an agent if they know, or reasonably suspect the Agent to be engaged in, or to have previously been engaged in, dishonest practices, including, but not limited to:

- a) providing migration advice, unless that education agent is authorised to do so under the Migration Act;
- b) 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)
- c) facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa



## 2. Engagement of Agents

### 2.1 Prospective agents must provide information before engagement

Education agents must provide the following details before being contracted for the purpose of recruiting overseas students to study with Acknowledge Education:

- a) registered company name (both in Australia and overseas where relevant); and
- b) the names of the company principals; and
- c) the company's business address and contact details; and
- d) membership of relevant industry associations; and
- e) a brief statement of the company's experience in recruiting students from their nominated location/region.

Based on this information and discussions with representatives of the agent, the authorised representative of Acknowledge Education must be satisfied that the prospective agent has an appropriate knowledge and understanding of the Australian international education industry and is not dishonest or lacking integrity before formal engagement.

### 2.2 Acknowledge Education and agents must sign a written Agency Agreement

To affect a formal engagement authorised representatives of the prospective agent and of Acknowledge Education must sign a written Agency Agreement containing the full details of the engagement.

Agency Agreements must be prepared from the authorised template. Any alterations from this template must be reviewed by the Compliance Officer and authorised by responsible management.

Once signed, an original copy of the Agency Agreement will be kept by the agent, a second signed original copy of the Agency Agreement will be kept in the agent's file of Acknowledge Education by the responsible marketing staff, and a photocopy of the Agency Agreement will be given to the Acknowledge Education Registrar for record.

### 2.3 Written agency agreement procedure

Upon receipt of a prospective student's application, the Registrar will confirm whether the student's Agent has entered into a written agreement with Acknowledge Education.

Where the Agent has not entered into a written agreement, the Registrar must notify the Administration Officer who will provide the Agent with the agreement.

The prospective student's application will remain on hold until the Agent has signed and returned the agreement to the Administration Officer.

The Administration Officer must report all new Agency Agreements to the Compliance Officer who is to ensure that the Agent's details are listed on Acknowledge Education website.

No Agent shall receive a commission from Acknowledge Education without first having entered into this agreement.

### 2.4 Scope of agents' duties

Acknowledge Education will not allow or engage an agent to use PRISMS on its behalf.



### 3. Recording and maintaining agency relationships

#### 3.1 Agents' details must be recorded

Upon receiving a copy of Agency Agreement, the Finance Officer will enter the agent's details into Acknowledge Education Agency Management Database. Agents' details and records of activities will be stored in electronic copies.

Agent details must be entered and maintained in PRISMS by the Registrar.

#### 3.2 Agents' activities must be monitored

Acknowledge education will conduct an annual audit to review the agents' performance and compliance. Acknowledge education's Marketing Department 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 Marketing Officers will consider:

- The Agent's compliance with the Agent Agreement and any conditions placed on the Agent by Acknowledge education;
- The number of students the Agent has recruited and the proportion of:
  - Student applications to Acknowledge education offers; and
  - Acknowledge Education offers to actual enrolments of students;
  - Student's completion in accordance with scheduled course duration.
- 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 Acknowledge education.

3.2.3 If following completion of the Agent audit of an existing agreement, Acknowledge Education is satisfied that the Agent has not engaged in unprofessional conduct, a new Agent Agreement may be offered to the agent.

3.2.4 All Marketing staff must record agent visits in RTOManger.

#### 3.3 A list of engaged agents must be published on the Acknowledge Education Website

In accordance with 2.3, the Finance Officer must list all active agents on the Acknowledge Education website.

The list of engaged education agents is maintained on the Acknowledge Education website at

<http://www.acknowledgeeducation.edu.au/agents-list/>



#### 4. Terminating engagement of agents

- 4.1 If the Marketing Manager believes or suspects that an Agent has engaged in unprofessional conduct, the Manager may send a warning letter to the Agent.
- 4.2 The Agent must provide a written response within 10 business days from when the letter was dated. An extension of time to provide a response may be provided at the discretion of the Marketing Manager.
- 4.3 After 10 business days from when the letter was dated, or after the expiration of an extension period as may have been granted, the Marketing Manager may consider the Agent's performance in light of:
  - 4.3.1 The response of the Agent to the letter referred to above;
  - 4.3.2 Whether the Agent engaged in Unprofessional Conduct; and
  - 4.3.3 The considerations contained in the Agent Audit.
- 4.4 After considering the Agent's conduct and performance, the Marketing Manager may:
  - 4.4.1 Require the Agent to undertake further training;
  - 4.4.2 Maintain the Agent's appointment;
  - 4.4.3 Warn the Agent;
  - 4.4.4 Suspend the Agent's appointment;
  - 4.4.5 Maintain the Agent's appointment subject to certain conditions; or
  - 4.4.6 Terminate the Agent's appointment immediately.
- 4.5 The Marketing Manager must terminate the appointment of an Agent if he or she knows or reasonably suspects the Agent may have been engaged in Unprofessional Conduct.
- 4.6 If the Marketing Manager decides to terminate an Agent's appointment, he/she should:
  - 4.6.1 Write to the Agent to advise that his or her appointment has been terminated using the Agent Termination letter;
  - 4.6.2 Notify the Acknowledge education's Administration Office of the termination of the Agent and advise staff that no further applications are to be accepted from the Agent.



## Document Approval

Endorsed by:	Managing Director
Date endorsed:	27 January 2009
Effective date:	27 January 2009
Version number:	200102
Application:	Director of Marketing, Marketing Staff, Agency Agreements

## Document change and review log

Date	Version	By	Notes
10 May 2012	1.1	RF	Previous version
31 Aug 2012	2.0	RF	Updated framework for engagement, detailed National Code requirements, requirements to check references, new format
13 Aug 2013	2.1	ML	Various
30 June 2014	2.2	BS	Change to Acknowledge
15/12/16	2.3	BS	Reviewed
06/11/2017	170611	BS	Change Format; minor amendments; version and title change
180112	180112	ABennett	Minor formatting changes
190528	190528	BS	More information on monitoring of agents and amendment to termination section
200102	200102	200102	Requirement that agent details are entered and maintained on PRISM