



## Agent Recruitment and Management Policy

<b>Document Name</b>	Agent Recruitment and Management Policy
<b>Institution Name</b>	Global Education and Recruitment Group Pty Ltd trading as Kingsway Institute (also known as the “College”)
<b>Issue Date</b>	July 2020
<b>Version Number</b>	11.3
<b>Date of Next Review</b>	July 2021
<b>Frequency of Review</b>	Annually
<b>Approval Authority</b>	Principal Executive Officer
<b>Related Documents</b>	New Agent (Agreement) Process, Agent Agreement Application, CoE Form for PRISM Application, Agent Agreement.
<b>Administrator</b>	Principal Executive Officer (PEO)
<b>Compliance and Monitoring</b>	Principal Executive Officer (PEO)
<b>Author</b>	Marketing Manager
<b>Responsibility</b>	Marketing Manager will ensure that all staff are aware of the application, scope and use of this document and that the document is reviewed annually or if there are any revisions of the National Code 2018 requiring an update. All staff will share the responsibility for the consistent use of this document.
<b>Institutes Contact Details</b>	Level 3, 84 – 86 Mary Street, Surry Hills 2010 Australia Phone (02) 9283 2388
<b>Related Standards</b>	Standard 4 of National Code of Practice for Providers of Education and Training to Overseas Students 2018
<b>Definitions</b>	<p><b>Agent Code of Ethics (ACE):</b> The <i>Agent Code of Ethics (ACE)</i> is a critical component of the comprehensive international education and training quality framework and provides guidance to the expected professional behaviour of individual agents and agencies working in the Australian international education sector. The ACE builds on the London Statement ethical framework to support education and training providers to meet their obligations under the National Code.</p> <p><b>Confirmation of Enrolment (CoE):</b> Confirmation of Enrolment is a document, provided electronically, which is</p>



	<p>issued by a registered provider to intending overseas students 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.</p> <p><b>CRICOS:</b> Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) is the register prescribed under section 14A of the ESOS Act</p> <p><b>Education Agent (Agent):</b> A person or organisation (in or outside Australia) that 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 for education providers.</p> <p><b>ESOS Framework:</b> Principally comprises the Education Services for Overseas Students Act 2000 (ESOS Act), the Education Services for Overseas Students Regulations 2000 (the ESOS Regulations), the Education Services for Overseas Students (Registration Charges) Act 1997 (the ESOS Charges Act) and the National Code.</p> <p>The ESOS framework is supported by the Migration Act 1958 and the Migration Regulations 1994 and various state and territory legislation relevant to the education of overseas students.</p> <p><b>London Statement:</b></p> <p>Statement of principles for the ethical recruitment of international students by education agents and consultants, March 2012 – signed by UK, Australia, NZ and Ireland to facilitate a common understanding and raise ethics. They are based on ethics of integrity, objectivity, professional competence, transparency, confidentiality, professional behaviour, professionalism and purpose. They are:</p> <ul style="list-style-type: none"><li>• Principle 1 - Agents and consultants practice responsible business ethics.</li><li>• Principle 2 - Agents and consultants provide current, accurate and honest information in an ethical manner.</li><li>• Principle 3 - Agents and consultants develop transparent business relationships with students</li></ul>
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	<p>and providers through the use of written agreements.</p> <ul style="list-style-type: none"><li>• Principle 4 - Agents and consultants protect the interests of minors.</li><li>• Principle 5 - Agents and consultants provide current and up-to-date information that enables international students to make informed choices when selecting which agent or consultant to employ.</li><li>• Principle 6 - Agents and consultants act professionally.</li><li>• Principle 7 - Agents and consultants work with destination countries and providers to raise ethical standards and best practice.</li></ul> <p><b>Marketing:</b> Promotion of the provider and its courses and facilities to prospective overseas students, and education agents.</p> <p><b>Migration Agent:</b> A person registered as a migration agent as per section 286 of the Migration Act 1958.</p> <p><b>National Code 2018:</b> The National Code of Practice for Providers of Education and Training to Overseas Students 2018 is a set of nationally consistent standards that governs the protection of overseas students and delivery of courses to those students by providers registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).</p> <p><b>Overseas Student:</b> A person (whether within or outside 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.</p> <p><b>PIER:</b> Professional International Education Resources provides people working in international education with a suite of web-based courses, products and professional tools.</p> <p><b>Preventative Action:</b> Action to eliminate the cause of a possible nonconformity or otherwise undesirable potential situation.</p> <p><b>PRISMS:</b> The Provider Registration and International Student Management System (PRISMS) is the system used</p>
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	<p>to process the information given to the Department of Education by registered providers.</p> <p><b>Recruitment:</b> The pre-enrolment processes of engaging and assisting overseas students to apply for a place in a course with a provider leading up to the formal enrolment, including assistance with administrative issues and the issuing of a Confirmation of Enrolment for an application for a student visa.</p> <p><b>Services:</b> mean training, assessment, related educational and support services and/or any activities related to recruitment of prospective learners It does not include services such as student counselling, mediation or ICT support</p> <p><b>Third-Party:</b> means any party that provides services on behalf of the provider but does not include a contract of employment between a provider and its employee</p> <p><b>Tuition Fees:</b> Has the meaning given in the ESOS Act</p>
<b>Contact Person for this Policy and Procedure</b>	<p>Marketing Manager</p> <p>(02) 92832388</p>
<b>Publication Availability</b>	<p>This document is published in hard copy (available from the Marketing Manager), in soft copy (available from Student Services and the Marketing Manager).</p>

## Preamble

The National Code 2018, Standard 4 Education Agents sets out that registered providers must ensure that their education agents act ethically, honestly and in the best interests of the overseas students as well as uphold the reputation of Australia's international education sector and the College must:

- Have a written agreement with each education agent they engage with;
- Enter and maintain education agent details in the Provider Registration and International Student Management System (PRISMS);
- Ensure education agents have appropriate knowledge and understanding of the Australian International Education and Training Agent Code of Ethics (ACE);
- Ensure education agents act honestly and in good faith;
- Take immediate corrective action, or terminate a relationship if an agent (or an employee or subcontractor) is not complying with the National Code 2018; and



- Not accept overseas students from an education agent if it knows or suspects that the education agent is engaging in unethical recruitment processes

## Scope

This policy is applicable to all interactions with International Agents representing the interests of Kingsway Institute.

All processes are in accordance with HESF Domain 7 (<https://www.teqsa.gov.au/hesf-domain-7>), the National Code of Practise and the ESOS Act.

## Purpose

The purpose of this policy is to describe how the College ensures that education agents representing the College act ethically, honestly and in the best interest of overseas students and uphold the reputation of Australia's international education sector.

This policy outlines the College requirements for the following:

- Education agent has written agreement requirements as per National Code 2018
- Maintaining education agent details in PRISMS
- Informing TEQSA of education agents
- The College expectation of education agents
- Supporting education agents
- Monitoring education agent performance
- Corrective action
- Termination
- Grounds not to accept a student from an education agent
- Procedure for appointing and monitoring education agents

### **Education agent has written agreement requirements as per National Code 2018**

The College enters into a written agreement with each education agent that formally represents it, and enters and maintains the education agent details in PRISMS.

The College Agent Agreement includes the following information to comply with the National Code 2018:

1. The College responsibilities including that the College is responsible at all times for compliance with the ESOS Act and National Code 2018
2. Requirements and expectations of the education agent representing the College as outlined in Standard 4.3 National Code 2018



3. The College process for monitoring the activities of the education agent in representing the College and ensuring that the education agent is giving students accurate and up to date information on the College services
4. The corrective action that may be taken by the College if the education agent does not comply with its obligations under the written agreement including providing for corrective action outlined in Standard 4.4 National Code 2018
5. The College grounds for termination of the agency agreement with the education agent including providing for termination in the circumstances outlined in Standard 4.5 National Code 2018
6. The circumstances under which information about the education agent may be disclosed by the College to a Commonwealth or state or territory agencies
7. A signed declaration that the education agent will comply with the Australian International Education and Training Agent Code of Ethics (ACE) at all times

### **Education agent written agreement requirements as per Standards for TEQSA**

The College acknowledges that education agents are defined by TEQSA as a third-party providing services related to the recruitment of prospective students on the College's behalf. Activities related to third party recruitment by an education agent involve any of the following communication with a prospective student:

1. Making direct approaches to individuals to encourage them to enrol in specific training and assessment
2. Operating a booth at a trade show to respond to enquiries about specific training and assessment
3. Responding to enquiries and enquiry forms from a website about enrolling in particular English language course.
4. Receiving enrolment information from students to pass to the College

When the College enters into an agent agreement with an education agent, it must:

1. The College will submit the new Third Party Arrangement to PRISMS including updated information about the company as per the ESOS Act.
2. If the education agent agreement comes to an end, the College will delete the agent from PRISMS within 30 calendar days of the agreement coming to an end

The written agreement for a third party providing recruitment services on the College behalf must include the following information:

1. The name of the provider and the third party
2. The start date of the agreement
3. The length of agreement validity



4. Clauses detailing the College obligations under the agreement such as:
  - The College will review all marketing initiatives
  - The College will review all marketing materials
  - Provide current and accurate pre-enrolment information
  - If materials in other languages other than English may be required, the third party will be responsible for the translation to ensure that it meets the requirements
5. Clauses detailing the education agent obligations such as:
  - The education agent will provide the College with all marketing materials they may create before publishing for approval
  - Provide student enrolment information
  - Education agent staff must undertake the College training to assist with training package qualifications and enrolment enquiries
6. Details of arrangements for commission or fees to be retained by the education agent
7. Systems through which the College will systematically monitor the education agent
8. Include a clause that the education agent is required to cooperate with TEQSA in providing accurate and factual responses to information requests from TEQSA about the provision of services and in the conduct of audits and the monitoring of its operations

### **Maintaining education agent details in PRISMS**

The College enters and maintains the details of education agents with whom there is a signed written agreement in PRISMS.

### **The College expectation of education agents**

The College ensures that the education agents they engage with act ethically, honestly and in the best interest of overseas students. The College ensures that education agents declare and take all reasonable steps to avoid conflicts of interest with its duties as an education agent of The College to ensure transparency of the education agent activities.

The College expects education agents to:

1. Observe appropriate levels of confidentiality and transparency in their dealings with overseas students or intending overseas students
2. Act honestly and in good faith, and in the best interest of the students



3. Have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics
4. These requirements ensure education agents adhere to and practice responsible business ethics, and that education agents understand their obligations to provide current, accurate and honest information to overseas students to help them make informed decisions about study in Australia.

### **Supporting education agents**

The Marketing Manager provides approved education agents with the following support to ensure that the information they provide to prospective students on the College's behalf is up to date and accurate:

1. Induction session on the College courses and enrolment procedures
2. List of relevant the College staff that will provide support
3. Course information and promotional materials
4. Access to all current pre-enrolment information
5. Agent visits

The Marketing Manager is responsible for ensuring that at all times, the agent has access to up to date and current information. The Marketing Manager:

1. Provides the education agent with complete, accurate and up to date marketing and pre-enrolment information to enable the education agent to undertake its services, including information regarding the requirements of the ESOS Act
2. As new marketing and pre-enrolment materials become available, formally notifies agents that there are up to date and accurate marketing materials ensuring that old versions need to be removed and all agency staff advised of and implement the updated materials
3. Hard copy materials can be delivered to the agent (on their request) by courier or any other negotiated method that is mutually convenient
4. Soft copy materials will be sent as attachments via email (Mailchimp campaign system)
5. If the updated marketing and pre-enrolment materials include a significant change, such as the approval of the addition of new courses or transition of training products, this will include an information session to fully inform agency staff of the changes and/or process that will be put in place for current and prospective students
6. Maintain a spreadsheet to ensure that all approved education agents have been formally notified and received up to date and accurate marketing information

### **Monitoring education agent performance**





The Marketing Manager is responsible for monitoring the ongoing performance of approved education agents that provide recruitment services on the College's behalf. The purpose of this engagement is to monitor the activities of the education agent and ensure their practices align with their obligations.

Monitoring will be conducted regularly every twelve months - either regular face-to-face meetings with agents onshore or offshore or telephone/teleconference meetings.

Monitoring processes, which must allow providers to evaluate the activities of the education agent, may include one or more of the following:

1. Agreed Targets:
  - Review the number of enrolled students
  - Review the number of succeeded students
2. Conversion Rate:
  - The number of approved students transitioning from application to offer conversion rate as evidenced by the issuance of a CoE
3. Completion Rate:
  - Review type of incompleteness rates of students
  - Review number of visa refusals
- Enrolments are considered "incomplete" when the enrolment record is terminated for the following reasons:
  - the student does not commence their studies
  - the student notifies cessation of their studies
  - the student defers or suspends their student enrolment
  - the student transfers to a course at another provider
  - the provider decides to cease the student enrolment due to non-payment of fees, student no longer holding a student visa or disciplinary reasons
  - there is non-compliance with student visa conditions due to unsatisfactory course progress or unsatisfactory attendance
4. Course applications:
  - The effort being made to reach a wider audience and demonstrate that course selection is based on student need and English language outcome as a priority



- evaluation of the quality of applications and the application documents sent by the agent

5. Communication:

- Assessment of education agency staff communication with students and prospective students about accuracy and providing a friendly service
- Assessment of agency staff communication with relevant College staff
- Any complaints about the education agency or the College are dealt with in a timely and respectful manner

6. Organisational or operational changes that impact on recruitment:

- Review any changes within the education agent's organisation and operations and how it may have impacted on the recruitment of students for the College
- Review any changes to administrative processes internal to the College that may have impacted on the education agent's ability to recruit students for the College effectively
- Review any changes to marketing materials or course information that impacts on the recruitment activities of the education agent

7. Compliance:

- Identification of the number of students from the education agent that are high risk and currently undergoing intervention
- Identification of the number of students from the education agent that have been terminated for breach of student visa conditions
- Rate of student transfer that may be due to avoid reporting on PRISMS for breaches to student visa conditions
- Any unethical practices of the education agent that come to the attention of the College where the integrity of Australian education has been compromised

8. Other areas:

- Ensure the education agents practices are aligned with the obligations as stated in the Agent's Agreement
- Review future course schedules and student capacity
- Any other area of concern that is raised
- Any other opportunities to develop in the future



## **Corrective Action**

If the College becomes aware or has reason to believe the education agent or an employee or a subcontractor of that education agent has not complied with the education agent's responsibilities under National Code 2018. The College will take immediate corrective action.

## **Termination**

In the event that the College becomes aware or has reason to believe that the education agent or an employee or a subcontractor of the education agent 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.

## **Grounds to not accept a student from an education agent**

The College will not accept students from an education agent if it knows or reasonably suspects the education agent is engaging in unethical recruitment practices. This includes:

1. agents providing migration advice, unless that education agent is authorised to do so under the Migration Act 1958
2. education agents that have engaged in, or 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 transfer)
3. education agents using PRISMS to create CoEs for other than bona fide students or facilitating the enrolment of overseas students while knowing that the overseas student will not comply with the conditions of their student visa

## **Procedure for appointing and monitoring education agents**

1. The College is always looking for core agents from countries like Brazil, China, Czech Republic, Slovak Republic, Hungary, Germany, France, Poland, Thailand, Korea, Malaysia, India, Indonesia, Japan, Spain and many more. There is a wide variety of market demands depending on the country of origin of the student. The College provides specialists for students from different continents, and this is the reason why agreements with different agents may vary.
2. Agent agreement process (further only "process") starts when the agent sends the College an expression of interest, usually via email.
3. The process adheres to a strict protocol described in "New Agent Process". This document is emailed to the prospective Agent either via email or through the College's Mail Chimp portal. Occasionally it can also be processed at the College
4. The document mentioned earlier includes these forms:
  - Application to represent the College



- Agent Information Form for CoE
5. An agent needs to supply the following along with the application:
    - Company profile
    - Company registration
    - Migration Agent Registration number (MARn) if applicable
    - PIER Certificate if applicable
    - Any other relevant Australian educational qualifications or references if applicable
  6. Marketing staff is given the “Document Checklist for New Agent Account” in order to ensure that all documents are received. These documents are required as evidence to determine if the agent is credible and eligible to be issued with an Agent Agreement.
  7. The vital part of the process is the credibility check. The College undertakes the credibility check by contacting referees mentioned in the Agent Application. If the College is satisfied with the Agent Profile, the application will proceed. References are recorded and if positive then filed with other documents. Simultaneously the College provides information about our courses and fees.
  8. The College checks whether the prospective agent has a valid ABN and if the company is GST registered (at the time of application).
  9. The College provides a Draft of the Agreement for corrections. If the Agent does not understand or requires different conditions, these are negotiated until both the College and the Agent are satisfied.
  10. After receiving all the documents and collecting all references, the Marketing Manager thoroughly reads through all of it and decides whether the agent is eligible to represent the College. This is conducted in accordance with all laws in Australia including but not limited to the ESOS Act and National Code 2018
  11. Newly appointed Agents will be issued with an agreement for three years. With already established and well-performing agencies, the College usually continues with three-year contracts.
  12. The agent agreement process is finished when both parties sign the Agent Agreement. Marketing staff that processed the agent agreement must sign the Document Checklist for New Agent Account. Marketing staff will create a file for each agent where all agents’ documents are kept.
  13. Any conditions agreed upon by the College and the Agent must be applied.



14. After this formal appointment marketing staff will supply the Agent with marketing materials and will train all personnel nominated by the agent and agent. The agent may then commence promoting the College's courses.