

Engaging Education Agents Policy and Procedure



1. Purpose

This policy/procedure will ensure that ABCI is only using reputable Education Agents and is monitoring Education Agent activities to ensure they maintain the reputation and integrity of Australian education system.

2. Scope

This policy applies to prospective Education Agents, both onshore and offshore, and Education Agents that currently have active agent agreements with ABCI.

3. Responsibility

The Sales and Marketing Officer is responsible for the implementation and monitoring of this policy.

4. Education Agent Conditions

ABCI will not enter into an agreement with any Education Agent or potential Education Agent if it knows or reasonably suspects the Education Agent to be:

- 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);
- facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her student visa;
- using Provider Registration and International Students Management System (PRISMS) to create Confirmations of Enrolment for other than bona fide a student; or
- providing immigration advice where not authorised under the Migration Act 1958 to do so.

5. Agent Application and Agreement Procedure

- Any person wishing to enter into an agreement to promote ABCI must complete an 'Agent Application Form' and submit to marketing department along with supporting documents (company profiles, relevant registration documents, marketing plan etc.). The application form will be available upon request.
- The completion of this application form does not provide permission or a guarantee that the education agent is able to act on behalf of ABCI. The application will be reviewed, reference check will be conducted and if the application is satisfactory/successful than both the parties, shall be required to sign an 'Education Agent Agreement'.
- Depending upon the response from the referees and the information included in the application agreement will be prepared (provisional or full).
- The application form and the documents is to be evaluated by the head of the Marketing

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team and decide on the outcome. The notification of the outcome of the application shall be provided in writing.

- Issue with Agency Appointment Certificate (excludes for provisional agreements until they successfully complete the provisional period- usually 6 months).
- In accordance with the Standards for Registered Training Organisations (RTOs) 2015 clause 8.3, ABCI will notify ASQA of arrangements with education agents (as these are third-parties who are delivering recruitment services on ABCI's behalf).

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6. Agent Agreements

- Any person who is formally engaged by ABCI to promote the courses with the intention of recruiting students for ABCI shall be required to be approved by the Marketing Officer/CEO who shall initiate an 'Education Agent Agreement'.
- All persons approved as an Education Agent shall be required to sign and return the 'Education Agent Agreement' prior to undertaking any promoting activities on behalf of ABCI.
- All agents who are approved by ABCI and have a signed agreement as an Education Agent shall be paid an agents fee as outlined in their specific agreement.
- The agreement, conditions, and authorisation to promote ABCI relates to the Education Agent named in the agreement and, any sub-contractors or employees of the Education Agent must be authorised by ABCI.
- The original signed agent agreement shall be kept in the Education Agents file and the Education Agent shall also receive a copy.

7. Education Agents Register

- ABCI must maintain an 'Education Agents Register' that lists all education agents with current agreements with ABCI.
- This register must contain the following details:
 - education agent's business name;
 - contact person;
 - address;
 - contact details;
 - area(s) the education agent is operating in;
 - dates of engagement; and
 - number of students referred to ABCI.
- All education agents that have an agreement with ABCI must be listed on ABCI website.

8. Agent Marketing Materials

- Once an agent has been approved and is registered within ABCI a full set of marketing materials are to be provided to the Education Agent.
- Any changes to marketing materials will be provided to the Education Agent as per the relevant 'Marketing Policy and Procedure'.

9. Monitoring Agents

- As an Education Agent representing ABCI, the agent's activities in relation to promoting ABCI will be monitored to ensure the agent is acting in the best interests of ABCI, the student, and the Australian education system. These monitoring activities require the agent's participation and contribution which are listed below.

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- Whenever required, the agent must outline the promotional activities that have been undertaken on behalf of ABCI and include any students that have been contacted or recruited to enroll with ABCI. (E-mail will suffice)
- The agent will be required to undertake an annual review. Where practical a face to face meeting will be organised to review the agent's activities. Where a face to face meeting is not appropriate ABCI will conduct student surveys and internal review of the agent's activities. The review may include:

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- overview of current practices and relationship with ABCI;
- ensuring current marketing materials are being used;
- ensuring that accurate and up-to-date information is being given to the students;
- ensuring representation of ABCI is appropriate; or
- discussion of any issues or concerns with the agent or appropriate staff.

The review will be undertaken by the CEO/Marketing Officer. Minutes of any meetings or notes of internal reviews will be taken and kept on the agent's file.

Further monitoring of Education Agents activities and conduct with prospective students will be gained through feedback collected from students upon enrolment. Through the course orientation students will be asked to complete a survey in relation to their dealings with Education Agents that represent ABCI.

Where ABCI becomes aware or has a reason to believe that the education agent or any other related party has not complied with ABCI's student recruitment processes, the CEO/Marketing Officer will determine the level of risk and either:

- determine that no further action is required with the exception of monitoring future evaluations;
 - instruct the Marketing Officer to discuss the alleged non-conformance with the agent, and if necessary re-induct the agent;
 - advise the agent that their duties are suspended, pending a formal investigation; or
 - cancel the Agent's contract.
- ABCI will not accept students from the agent if it knows or reasonably suspects the agent to be:
 - providing migration advice, unless the 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 ABCI under Standard 7 of National Code 2018; or
 - facilitating the enrolment of the student who the agent believes will not comply with his/her visa conditions.
 - These monitoring procedures ensure that any issues relating to Education Agents providing misleading or dishonest information to prospective students is identified and can be addressed.
 - Any issues that are identified will be discussed in the Management Meetings and if required, discussed with the particular Education Agent. This meeting/discussion will to be documented and kept on the agents file.

10. Subcontracting

- The agent must not assign this Agreement or any rights under this Agreement without the

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- prior written consent of ABCI (which may be withheld at its discretion).
- The agent must not subcontract to any person the performance of any of its obligations under this Agreement without the prior written consent of ABCI (which may be withheld at its discretion).

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11. Termination

- Either party may terminate the agent Agreement at any time by giving the other party 30 days prior written notice.
- If there are no student enrolments from the agent for 6 months during any given period within the term of the agreement, ABCI may terminate the Agreement.
- If the agent breaches any provision of the Agreement, ABCI may terminate the Agreement at any time and with immediate effect by giving written notice to the agent.
- Where ABCI becomes aware that, or has reason to believe, the agent or any employee or subcontractor of the agent has not complied with the agent's responsibilities stated in the agreement, ABCI will take immediate corrective action or may terminate the agent agreement with immediate effect.
- Where ABCI becomes aware that, or has reason to believe, the agent or any employee or subcontractor of the agent is engaging in false or misleading recruiting practices, ABCI will immediately terminate this agreement and relationship with the agent, or may ask the agent to terminate its relation with the employee or the subcontractor who engaged in those practices.
- On termination of this Agreement, the agent must:
 - submit all applications and fees from prospective students received up to the termination date; and
 - immediately cease using any advertising, promotional or other material supplied by ABCI.
- In accordance with the Standards for Registered Training Organisations (RTOs) 2015 clause 8.3, ABCI will notify ASQA of the cessation of an arrangement with the education agent.
- Where an agent's agreement is terminated for a student who is currently studying, a notification may be given to the student accordingly.

12. Agreement Renewal

- Once the Agent Agreement is terminated due to:
 - expiry of the agreement; and/or
 - reason/s specified in clause 11 of the agent agreement;an agent may initiate the renewal process of the agreement by completing the Agent Agreement Renewal Form (available upon request).
- An Agent Agreement shall not be renewed for agents whose agreements are terminated due to disciplinary reasons or as a result of breach of conditions outlined in the agent agreement.

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Revision	Date	Description of modifications
2.0	Oct 2020	Original

13. Revision History