

EDUCATION AGENTS POLICY AND PROCEDURE

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| Approving authority | Executive Management Team |
| Purpose | This policy and procedure has been developed to sets out the marketing process to ensure that Ozford College complies with VRQA Minimum Standards. The ESOS Act, the National Code 2018 and the Guidelines for the Enrolment of Overseas Students Aged Under 18 Years. |
| Responsible Officer | Head of Marketing |
| Associated documents | Marketing and Pre-Enrolment Information Policy and Procedure Admissions and Enrolment Policy and Procedure Ozford Education Group Marketing and Education agent Policies and Procedures |

1. RATIONALE

This policy has been developed to meet the requirements of the VRQA Minimum Standards, the ESOS Act and the National Code 2018.

Ozford College ("The College") will take all reasonable measures to use education agents that have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics.

The College enters into an agreement with an education agents to recruit high quality genuine students to enrol and study. These provisions strengthen the ability of the College to regulate the activities of the education agents and also ensure that the College uses ethical education agents and does not use education agents who are dishonest or lack integrity.

2. SCOPE

This policy applies to all employees and contractors involved in the promotion of education, training and assessment products and services.

3. POLICY

3.1 The College will only select and engage those educational agents who will:

- promote The College and its approved programs in the agreed Territory in accordance with The College's policy and procedures;
- ensure all applicants for The College'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 Institute only recruits high quality genuine and temporary students;
- provide prospective students with all necessary information about the College's Programs, the facilities and services and assistance in completing and submitting application forms.

- And in doing so must, comply with all the requirements of the ESOS Act, The ESOS national Code, the VRQA Minimum standards and Guidelines.
- 3.2 The Executive Management team has approved the outsourcing of marketing to the Ozford Education Group which is documented in the Service level agreement.
- 3.3 The College ensures that the marketing and promotion of its courses and education services in connection with the recruitment of overseas students or intending overseas students, including through an education agent, is not false or misleading, and is consistent with Australian Consumer Law.
- 3.4 The College will only engage agents who agree to declare in writing and take reasonable:
- steps to avoid conflicts of interests with its duties as an education agent of the registered provider;
 - observe appropriate levels of confidentiality and transparency in their dealings with overseas students or intending international students; and
 - act honestly and in good faith, and in the best interests of the student
- 3.5 The College enters into a written agreement with each education agent it engages to formally represent it.
- 3.6 The agreement specifies the responsibilities of the education agent and the College, rules of engagement and performance monitoring and the need to comply with the requirements of the Education Services for Overseas Students Act 2000 (ESOS ACT) and the National Code 2018 and the VRQA Minimum standards and Guidelines including 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.
- 3.7 The College ensures that it maintains a list of approved education agents that is published on its website and recorded in PRISMS.
- 3.8 The College will monitor each education agent's performance on an annual and need basis coincident with the date of commencement of the agreement. Factors taken into account will include:
- student/guardian feedback;
 - internal analysis of agent performance in terms of quality of service, analysis of student performance and particularly the percentage of Visa refusal;
 - the percentage of incomplete CoEs; and
 - the percentage of visa cancellation by the Department of Immigration.
- 3.9 The College does not allow education agents to have access to PRISMS.

4. PROCEDURE

Selection of education agents

- 4.1 Interested individuals/organisations may be invited by the College or may submit an application form for becoming education agents for the College.
- 4.2 The College engages agents after thorough investigation and completion of a referee check. An agent's suitability for engagement is primarily determined by
- business registration – an Australian Registered Business (or a Business registered in another country) with demonstrated experience in complying with relevant laws and regulations of Australia;

- business services – demonstrated capacity to deliver counselling and support services to clients;
 - market knowledge, reliability and capacity – demonstrated previous experience in recruiting international students;
 - appropriately trained and qualified staff – education agent staff demonstrate the capacity to provide high quality services and information to prospective international students.
- 4.3 The Marketing and Admissions department acknowledges the application and checks the application details for accuracy, correctness and adequateness and investigates the veracity of the information by contacting the applicant’s referees and by other methods that could include conducting checks on the applicant’s performance and reputation, for example with other education providers, known clients of the applicant, the relevant Australian Embassy or Australian Education International (AEI) and various websites.
- 4.4 An application can only be accepted if there is written recommendation from the marketing office where the recommendation includes evidence of contact referees and a completed suitability checklist.
- 4.5 The Head of Marketing and Admissions will determine whether or not the College enters into an agreement with each applicant.
- 4.6 Where investigation of the application shows that the potential Agent has:
- been engaged in dishonest practices; this includes behaviour which relates to Standard 7 - Transfer between registered providers;
 - facilitated the enrolment of a student who the education agent believes will not comply with the conditions of his or her student visa;
 - used PRISMS to create a CoE for other than a bona fide student;
 - provided immigration advice where not authorised under the Migration Act 1958 to do so (i.e. not a registered migration agent).
- The Head of Marketing and Admissions will automatically refuse the application.
- 4.7 Where the College chooses to not enter into an agreement with an applicant, that applicant will be notified as such in writing within 14 days of receipt of the application. A reason for the decision will be stated on the notification.
- 4.8 All Agent applications and supporting evidence are to be kept on file by the Marketing and Admissions Department.
- 4.9 If the Head of Marketing and Admissions is satisfied with the application, the College enters into a written agreement with the agent. The written agreement contains the information to comply with regulatory requirements.

Agency Agreements

- 4.10 Written agreements with Education Agents:
- specify the responsibilities of the education agent and The College and the need to comply with the requirements in the National Code 2018, the ESOS Act and Higher Education Standards Framework (Threshold Standards) 2015 (HES Framework);
 - include processes for monitoring the activities of the education agents;
 - detail means of dealing with agents suspected of being negligent, careless or incompetent or engaged in false, misleading or unethical advertising and recruitment practices;
 - specify termination conditions;

- the jurisdiction of the agreement.

Duration of Agreements

4.11 The term of the written agreement is one year for an initial agreement and up to three years for subsequent agreements or as agreed subject to annual review.

Monitoring performance

4.12 The College monitors the performance of its approved agents in an ongoing way by number of methods (refer to appendix A and appendix B):

- student feedback;
- in-house analysis of agent performance;
- in house analysis of student performance; Such monitoring can include some or all of the following means:
 - analysis of Education Agent Feedback Form;
 - ongoing and consistent contact with agents via telephone and email;
 - regular training of agency staff of regulatory requirements including ESOS and National Code requirements, and product knowledge updates;
 - regular scrutiny of agent websites for accuracy and currency of information relating to The College;
 - regular provision and re-stocking of The College's promotional material;
 - conducting checks on the agent's performance and reputation, for example with other education providers, the agent's referees, the relevant Australian Embassy or Australian Education International (AEI);
 - student study outcomes (e.g. course completion rates, visa compliance);
 - Department of Immigration data, in relation to visa grant / refusal rates.

4.13 The monitoring procedure is designed to ensure that the College is using reputable agents. The outcome of any monitoring will form part of the input to the annual review meeting.

4.14 All information related to monitoring agents will be recorded on the College's data management system.

Register of Agents and Annual Review of Agency Agreements

4.15 The College will maintain a register of its appointed agents and will also publish an up to date list of agents on PRISMS and on the College's website.

4.16 All agency agreements will be subject to an annual review.

4.17 The Head of Marketing and Admissions will develop an annual schedule for the review of agency agreements. For all agreements due to renew, the review decision will be based on the annual review outcome/results. For ongoing agreements the date of review will generally coincide with the anniversary date. For the purposes of the review Agents will be divided into 2 groups:

- 1.) those agents who have recruited NO students during the year and consequently have No Registrations; and
- 2.) those agents who have recruited students during the year and consequently have Registrations.

- 4.18 Agents with no registrations Agents with no registrations with the College will automatically become inactive on management system and if the agreement is due to expire will not be renewed.
- 4.19 If the agreement is ongoing with a future expiry date the agent will be contacted and a decision made by the Head of Marketing and Admissions as to future action.
- 4.20 The agents that are not renewed will be removed from PRISMs and the College's website.
- 4.21 Agents with registrations Agents with registrations will be reviewed based on:
- monitoring evidence gathered throughout the year;
 - number of student enquiries received from the specific agent; • number of students enrolling from the specific agent;
 - number of students dissatisfied with the specific agents services;
 - student study outcomes (e.g. course completion rates, visa compliance);
 - Department of Home Affairs data, in relation to visa grant / refusal rates;
 - student feedback
 - Within two weeks of commencement of course at the College, new students who have come through the College approved agent are asked to complete the Education Agent Feedback Form, included in student orientation packs. This form provides direct feedback concerning students' opinions and experiences with their agents.
 - From this feedback, the College is able to collate and analyse areas where agents could improve and also provides an assessment of their services and performance on a routine basis.
- 4.22 The Head of Marketing and Admissions considering the review evidence has a number of options
- For agreements due to expire: Renew or decide not to renew the agreement
 - For agreements that are ongoing: Notify the agents of unsatisfactory performance, Implement some corrective or preventive actions, Terminate the agreement
- 4.23 The agents that are not renewed will be removed from PRISMs and The College's website.

Renewal of Agreement

- 4.24 Agents who satisfy The College's requirements will be issued a new agent agreement for a period of up to three years.

Corrective and Preventative Actions

- 4.25 If as a result of ongoing monitoring or as the result of an annual review the Marketing and Admissions department has concerns about the performance of an education agent the Head of Marketing and Admissions may authorise some form of corrective or preventative action.
- 4.26 The College will take immediate corrective and preventative action upon becoming aware of an education agent 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.
- 4.27 Corrective and preventative action may include requiring the Agent to undertake counselling by the College about the Agent's responsibilities code of conduct under the agreement and requirements under the National Code or a warning letter.
- 4.28 Corrective action may also include termination of the agreement with the education agent.

- 4.29 Preventative action could include training sessions for agents and ensuring they have all the material they need to represent the provider accurately and professionally.
- 4.30 Corrective and preventative actions will be appropriate to the breach of requirements by the Agent.
- 4.31 Agents refusing to undertake the required corrective and preventative action will have their agreement cancelled.
- 4.32 The Head of Marketing and Admissions provides reports to the Executive Management Team on the recruitment of students through the network of agents including any issues that have arisen.
- 4.33 The Head of Marketing and Admissions's report will include but not be limited to
- number of student enquiries received through agents;
 - number of students enrolling through agents, by course and by country of origin, onshore/offshore;
 - number of students expressing dissatisfaction with agent services; and
 - number of visa grant / refusal rates of students offered places.

Terminating the Agreement

- 4.34 Under this procedure either the College or the education agent may terminate an agency agreement at any time by giving the other party 30 days prior written notice.
- 4.35 If the Agent breaches any provision of the Agreement, the College may terminate the Agreement at any time and with immediate effect by giving written notice to the Agent.
- 4.36 On termination of the 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 the College and return all material to The College by registered mail or a reputable international courier.
- 4.37 The termination of the Agreement by either party will not affect any accrued rights or remedies of either party. The agents that are not terminated will be removed from PRISMs and The College's website.

Conduct of Agent's Employee

- 4.38 Under this procedure an agency agreement must specify that an agent must terminate any agreement with an employee if the agent becomes aware of, or reasonably suspect, dishonest practices, including the deliberate attempt to recruit a student where this clearly conflicts with the College's regulatory requirements including the obligations under National Code Standard 7 Transfer between registered providers, whereby the College must not knowingly enrol the student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study or any of the other dishonest practices outlined above.

Right to Appeal

- 4.39 The College supports an agent's right to appeal for non-renewal of agent agreements. Agents must address their appeal in writing with any supporting documentation.
- 4.40 The Principal will review the appeal and conclude if the agent is eligible for probationary extension of agency agreement valid for 3 to 6 months.

Cost of Advertisement and Promotional Activities

4.41 The agent has the responsibility of bearing all the costs of advertisement and promotional activities in their approved territory.

Assignment and Subcontracting to Third Parties

4.42 In entering agreements with education agents, the College specifies that the agent must:

- not assign the agreement or any right to a third party under the agreement without the prior written consent of the College;
- not subcontract to any third party the performance of any of its obligations under the agreement without the prior written consent of the College;
- despite any subcontract, the agent remains solely liable for performing its obligations under the agreement;
- terminate any agreement with a sub-contractor if they become aware of, or reasonably suspect, dishonest practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of National Code Standard 7 Transfer between registered providers, whereby the College must not knowingly enrol the student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study or any of the other dishonest practices outlined above.

Marketing systems and processes

4.43 The College's Service level agreement will set out the marketing services supplied by Ozford Education group.

4.44 The Ozford Education Group's data management system for marketing and recruitment of students is used by all staff, particularly marketing staff. This approach ensures that there is only one database of agents which can be read/used by all but is written/updated only by the Head of Marketing.

4.45 This data management system enables or facilitates access to or provision of the following general or specific agent related information

- list of the College's agents;
- list of current students with identified agent;
- for each identified agent the names of those students ; who have been requested to attend a meeting about course progress, and who have had letters sent notifying them of the College's intention to report; and who have been reported to Department of Immigration for breach of visa conditions.
- agent agreements;
- policy and procedure for engaging, managing and monitoring the performance of agents;
- criteria on which the College bases their selection of agents;
- agent application form or agent declaration;
- survey given to students that asks questions about their satisfaction with their agents;
- analysis of any survey results;
- reports from the marketing manager about interactions with agents;
- list of agents that have been terminated or have had any form of corrective action taken by the College or any of the other Ozford entities;
- material provided to agents explaining the role expected by the College;

- list of training programs provided to agents or names of training programs that the College expects agents to have undertaken;
- list of agents that have participated in training programs;
- marketing material kits provided to agents or made accessible to agents;
- The staff responsible for management of agents.

Notices

4.46 For any agreement established under this procedure will include the following clause relating to issuing of notices:

- A notice under the agreement must be in writing and sent by prepaid airmail, facsimile, or electronic mail to the party at the address given in the agreement.
- A party changing its address, facsimile number or electronic mail address must give notice of that change to the other party.

5. Feedback

Feedback or comments on this policy and procedure is welcomed by the listed responsible officer.

Appendix 1: Content of the Education agent's agreement

The Education agent agreement includes:

- the responsibilities of the registered provider, including that the College is responsible at all times for compliance with the ESOS Act and National Code 2018
- the College's requirements of the agent in representing the registered provider as outlined in Standard 4.3
- the College's processes for monitoring the activities of the education agent in representing the provider, and ensuring the education agent is giving students accurate and up-to-date information on the College's services
- the corrective action that may be taken by the registered provider if the education agent does not comply with its obligations under the written agreement including providing for corrective action outlined in Standard 4.4
- the College's grounds for termination of the registered provider's written agreement with the education agent, including providing for termination in the circumstances outlined in Standard 4.5
- the circumstances under which information about the education agent may be disclosed by the College and the Commonwealth or state or territory agencies.
- Requires the education agent 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 overseas students or intending overseas 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.
- State 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 standards 4.2 and 4.3, the College must take immediate corrective action.
- State where the College becomes aware, or has reason to believe, that the education agent or an employee or subcontractor of the education agent is engaging in false or misleading recruitment practices, the College must 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.
- 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 registered providers under Standard 7 (Overseas student transfers)
 - facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa.