

ENGAGING, MANAGING AND MONITORING THE PERFORMANCE OF EDUCATION AGENTS PROCEDURE

Approving authority	Executive Management Team
Purpose	This procedure sets out the basis for the engaging, managing, monitoring and evaluation of education agents to ensure regulatory compliance.
Responsible Officer	President and CEO
Next scheduled review	August 2026
Document Location	http://www.ozford.edu.au/higher-education/policies-and-procedures/
Associated Documents	Engaging, Managing and Monitoring the Performance of Education Agents Policy Academic Course Progress Policy and Procedure Admissions Policy and Procedure Credit Transfer and Articulation Policy and Procedure Marketing and Advertising Materials Policy and Procedure Student Feedback Policy and Procedure Transfer between Registered Providers Policy and Procedure

1. PRINCIPLES

This Ozford Institute of Higher Education (herein after referred to as ‘the Institute’) policy sets out how the Institute complies with its obligations under the *Education Services for Overseas Students Act 2000* (ESOS Act) and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code).

The ESOS Act sets out the legal framework governing the Institute’s delivery of education to overseas students studying in Australia on a student visa. It is supported by the National Code that provides nationally consistent standards that governs the protection of overseas students and delivery of courses registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). The ESOS Act Section 21A and National Code Standard 4 sets out the requirements that apply to education agents.

The Institute recognises that these legal obligations ensure that education agents deliver quality services to students. The Institute takes 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 and does not use education agents who are dishonest or lack integrity.

2. SCOPE

This procedure applies to:

- international education agents appointed by the Institute
- all staff involved in the recruitment, management and review of education agents.

3. DEFINITIONS

Confirmation of Enrolment (CoE)

The Confirmation of Enrolment (also called a CoE) is an official statement from the Institute via PRISMS that lists the student's details, course and the start and end dates of the course.

The Confirmation of Enrolment (COE) is an official document issued to international students by universities and other education providers in Australia. It confirms that the student has accepted a place in a course and has paid required tuition fees and Overseas Student Health Cover (OSHC). The COE is required by the Department of Home Affairs for the purpose of issuing a student visa.

Courses'

Means the full time registered courses offered by the Institute and registered on CRICOS;

Education Agent:

A person or organisation who is contracted to recruit overseas students and refer them to the Institute. The Education Agent may provide education counselling to overseas students as well as marketing and promotion services. Education Agents may be operating in Australia or overseas.

Genuine Temporary Entrants

Means a prospective student who satisfies the genuine temporary entrant criterion for Student visa or Student Guardian visa applications, ie. a genuine temporary entrant and intend to return home after studying in Australia.

Ministerial Direction 69 states an applicant who is a genuine temporary entrant will have circumstances that support a genuine intention to temporarily enter and remain in Australia, notwithstanding the potential for this intention to change over time to an intention to utilise lawful means to remain in Australia for an extended period of time or permanently. (<https://immi.homeaffairs.gov.au/Visa-subsite/files/direction-no-69.pdf>)

Genuine Students

Means a prospective student who have a genuine intention to study in Australia, engage with learning and ability to meet the requirements of their visa.

To establish this, the genuine student test includes questions about the applicant's purpose of study, English language proficiency, academic background, links to Australia and financial capacity to support themselves during their studies.

Provider Registration and International Student Management System (PRISMS)

Means the Provider Registration and International Students Management System (the electronic system that holds CRICOS and the electronic confirmation of enrolment);

Prospective student

Means a person (whether within or outside Australia) who intends to become, or who has taken any kind of steps towards becoming a Student at the Institute;

Territory

Means the countries or regions set out in the agent agreement.

4. PROCEDURE

Staff training

4.1 All Institute staff involved in managing relationships with education agents are made aware of the responsibilities and obligations of the Institute under the Higher Education Standards Framework and National Code, as well as institutional policies and procedures through induction and staff development.

Selecting and Engaging Agents

4.2 Interested individuals/organisations may be invited by the Institute or may submit an application form for becoming education agents for the Institute.

4.3 The Institute engages agents after thorough investigation including completion of a referee check.

4.4 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.
- market alignment – the market objectives and needs that the Education Agent service

4.5 The Marketing team 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.

4.6 The Head of Marketing and Student Experience will determine whether or not the Institute enters into an agreement with each applicant. The application can only be accepted if there is a written recommendation from the marketing team with supporting evidence.

4.7 The application will automatically be declined, 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).

4.8 Where the Institute 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.

4.9 All Agent applications and supporting evidence are to be kept on file by the Marketing team.

4.10 If the Head of Marketing and Student Experience is satisfied with the application, the Institute enters into a written agreement with the agent. The written agreement contains the information to comply with the Institute's regulatory requirements.

Agency Agreements

4.11 Written agreements with Education Agents:

- specify the responsibilities of the education agent and the Institute and the need to comply with the requirements in the National Code 2018, the ESOS Act and the Threshold Standards;
- 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;
- state the jurisdiction of the agreement.

4.12 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.

4.13 Agreements 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 or electronic mail address must give notice of that change to the other party.

4.14 Any agreements with education agents will be governed by and construed in accordance with the law in force in the state of Victoria, Australia.

4.15 The Institute's Marketing team will maintain a current register of the appointed agents and publish an up-to-date list of agents on PRISMS and on the Institute's website.

Education Agent Training

4.16 As set out in the agreement, education agents must ensure that their staff and contractors have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics.

4.17 The Marketing team will provide Education agents with training that includes the Institute's products, the Institute's marketing and admissions policies and procedures and relevant aspects of the National Code 2018, the ESOS Act and the Threshold Standards. This may take the form of:

- in-country training sessions
- agreed site visits
- regular communication
- familiarisation visits to the Institute
- online training sessions
- the communication and distribution of training and information materials.

Monitoring Performance

4.18 The Institute monitors the performance of its approved agents in an ongoing way by number of methods:

- student feedback as set out in the *Student Feedback Policy and Procedure*;
- analysis of agent performance by the Marketing team;
- Cohort analysis of student performance by the Academic team;

4.19 The Institute's monitoring activities will include a range of the following:

- ongoing and consistent contact with agents via telephone and email;
- participation in training of the agency staff of regulatory requirements including ESOS and National Code requirements, and Institute product knowledge updates;
- scrutiny of agent websites for accuracy and currency of information relating to the Institute;
- use of the Institute's promotional material;
- checks on the agent's performance and reputation, for example, discussions and networking with other education providers, the agent's referees, the relevant Australian Embassy or Australian Education International (AEI);
- student study outcomes (e.g. student engagement, course completion rates, visa compliance);
- Department of Home Affairs data, in relation to visa grant / refusal rates.

4.20 The outcome of monitoring activities will form part of the input to the annual review and any meetings with agents.

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

Annual Review of Agency Agreements

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

4.23 The Head of Marketing and Student Experience 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.

4.24 For the purposes of the review Agents will be divided into 2 groups:

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

Agents with no registrations

4.25 Agents with ***no registrations*** with the Institute will automatically become inactive on the management system and if the agreement is due to expire will not be renewed. 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 Student Experience as to future action.

4.26 The agents that are not renewed will be removed from PRISMs and the Institute's website.

Agents with registrations

4.27 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; and
- student study outcomes (e.g. engagement, 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, new students who have come through the Institute approved agent are asked to complete a Feedback Form, included in student orientation packs. This form provides direct feedback concerning students' opinions and experiences with their agents.
 - From this feedback, the Marketing team collate and analyse areas where agents could improve and also provides an assessment of their services and performance on a routine basis.

4.28 The Head of Marketing and Student Experience 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

4.29 The agents that are not renewed will be removed from the PRISMs and the Institute's website listings of agents.

Renewal of Agreement

- 4.30 Agents who satisfy the Institute's requirements will be issued a new agent agreement for a period of up to three years.

Student Complaints

- 4.31 Student complaints are taken seriously by the Institute and responded to in a timely and appropriate manner as per the ***Student Grievances and Appeals Policy and Procedure***.
- 4.32 Education Agents should notify the Marketing team about any student complaints about the Institute, and/or any Student complaints about the services of the Education Agent. Those complaints will be investigated, and appropriate action is taken depending on the nature of the complaint. Complaints that are frivolous, vexatious or lacking in substance are not investigated further.
- 4.33 All substantiated Student complaints against an Education Agent or a third party in delivering recruitment services will be addressed as set out in the Corrective and Preventative Actions section of this procedure.

Corrective and Preventative Actions

- 4.34 If as a result of ongoing monitoring or as the result of an annual review the Marketing team has concerns about the performance of an education agent, the Head of Marketing and Student Experience may authorise some form of corrective or preventative action.
- 4.35 The Marketing team 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.
- Corrective and preventative action may include :
 - requiring the Agent to undertake training or counselling by the Institute about the Agent's responsibilities code of conduct under the agreement and requirements under the National Code;
 - a warning letter.
 - suspension of the agreement in one or all territories
 - Corrective action may also include termination of the agreement with the education agent.
 - Preventative action could include training sessions for agents and ensuring they have all the material they need to represent the provider accurately and professionally.
- 4.36 Corrective and preventative actions will be appropriate to the breach of requirements by the Agent.
- 4.37 Agents refusing to undertake the required corrective and preventative action will have their agreement cancelled.

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 Institute's regulatory requirements including the obligations under National Code Standard 7 Transfer between registered providers, whereby the Institute 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.
- 4.39 If the Institute becomes aware of dishonest practices by an agent's employee or subcontractor, the Marketing team will contact the agent and ask for immediate action to be taken as set out in the agreement.
- 4.40 Agents refusing to undertake the required action will have their agreement cancelled.

Terminating the Agreement

- 4.41 The Head of Marketing and Student Experience or the education agent may write to the other party to terminate the agency agreement at any time by giving the other party 30 days prior written notice.
- 4.42 If the Agent breaches any provision of the Agreement, the Head of Marketing and Student Experience may terminate the Agreement at any time and with immediate effect by providing written notice to the Agent.
- 4.43 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 Institute.
- 4.44 The agents that are terminated will be removed from PRISMs and the Institute's website.

Right to Appeal

- 4.45 The agent has the right to appeal for non-renewal of agent agreements on the grounds that the review process has not been fair or that the agent has implemented a solution to any grounds leading to the termination.
- 4.46 Agents must address their appeal in writing with any supporting documentation.
- 4.47 The President and CEO of the Institute will review the appeal including the agent's submission and the Institute's actions within a reasonable timeframe, usually within four weeks of the appeal.
- 4.48 The President and CEO may conclude that:
- the agent's appeal is supported, the agent will be eligible for probationary extension of the agency agreement for 3 to 6 months.
 - the agent's appeal is not supported, the non-renewal will be notified in writing.

Records management

- 4.49 The Institute's education agents are recorded in an Institute-wide data management system used by the marketing team. This approach ensures that there is only one database of agents.
- 4.50 This data management system enables or facilitates access to or provision of the following general or specific agent related information
- list of the Institute'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 Institute's intention to report; and
 - who have been reported to Department of Home Affairs by the Institute for breach of visa conditions.
 - agent agreements;
 - criteria on which the Institute bases their selection of agents;
 - agent application form or agent declaration;
 - survey given to students that asks questions about their satisfaction with their agents and 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 Institute;
 - material provided to agents explaining the role expected by the Institute;
 - list of training provided by the Institute and list of agents that have participated in training programs; and
 - marketing material kits provided to agents or made accessible to agents.
- 4.51 Education agent records will be maintained as set out in the ***Records Management Policy and Procedure***.

Reporting and Monitoring

- 4.52 The Head of Marketing and Student Experience provides reports to the Executive Management Team on the recruitment of students through the network of Institute agents, including any issues that have arisen. The 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.
- 4.53 The Executive Management Team reports to the Academic Board on the annual review of agents which sets out information about the monitoring and review process and any issues that have arisen.

5. QUALITY ASSURANCE

To ensure that this procedure is fit for purpose and meet the requirements of the HES Threshold Standards the procedure will be:

- 5.1 internally approved by the Executive Management Team on development or review
- 5.2 externally reviewed as part of any independent review of the HES Threshold Standards approved by the Governing Board;
- 5.3 internally reviewed by the Responsible Officer every three years from the date of approval (if not earlier).
- 5.4 referenced to the applicable HES threshold Standard and/or other legislation/regulation.

6. FEEDBACK

Feedback or comments on this procedure is welcomed by the listed Responsible officer of the Institute.

7. ACKNOWLEDGEMENT

This procedure has been developed with reference to the following:

- Ozford Education Group, Engaging, managing and monitoring the performance of agent policy, 2014
- Australian National University, Procedure: International student education agent management, 2021 (https://policies.anu.edu.au/ppl/document/ANUP_014208)
- Charles Darwin University, International Students - Appointment and Monitoring of Education Agents Procedure, 2022 ([International Students - Appointment and Monitoring of Education Agents Procedure / Governance Document Library \(cdu.edu.au\)](#))
- Charles Sturt University, International Education Agent Policy, 2022 ([International Education Agent Policy / Document / CSU Policy Library](#))
- LaTrobe University, Education Agent Management Policy, 2018 ([Education Agent Management Policy / Document / La Trobe Policy Library](#))
- University of Adelaide, Education Agent Engagement Policy, 2023 (adelaide.edu.au/policies/4983/?dsn=policy.document;field=data;id=9505;m=view)
- TEQSA, Provider responsibilities when using education agents, 2022 ([Provider responsibilities when using education agents | Tertiary Education Quality and Standards Agency \(teqsa.gov.au\)](#)) and Sector alert: Provider responsibilities when using education agents ([Sector alert: Provider responsibilities when using education agents | Tertiary Education Quality and Standards Agency \(teqsa.gov.au\)](#))
- Australian Government Department of Education, Standard 4: Education agents, Fact Sheet ([E Standard 4.pdf](#))

8. VERSION CONTROL

Version	Date approved	Description	Approved by
2.0	June 2018	Initial issue	EMT

Version	Date approved	Description	Approved by
3.0	May 2019	Add appendix A & B	EMT
3.1	July 2022	Internal review – minor amendments	EMT
4.0	August 2023	Internal review and remove Appendix A and B	EMT
Related legislation/ regulation/standard	Tertiary Education Quality and Standards Act 2011 (Cth) Higher Education Standards Framework (Threshold Standards) 2021 (Cth) Education Services for Overseas Students Act (ESOS) 2000 (Cth) Education Services for Overseas Students Regulations 2019 (Cth) The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (Cth)		

Note:

EMT = Executive Management Team