



# Education Agent Policy and Procedure

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## **1. PURPOSE**

- 1.1 This document specifies Laneway Education's (the College) education agent policy and procedure. It sets out guidance to staff to assist them in ensuring education agents are operating ethically and appropriately.

## **2. SCOPE**

- 2.1 This document applies to all staff in the College.

## **3. DEFINITIONS**

- 3.1 *Department of Home Affairs* (formerly Department of Immigration and Border Protection, DIBP) is the Government Department responsible for areas of Immigration and Border Protection.
- 3.2 *Education agent* is a person or organisation (in or outside Australia) that recruits overseas learners and refers them to education providers. In doing so, the education agent may provide education counselling to overseas learners as well as marketing and promotion services to education providers.  
Education agent does not refer to an education institution with whom an Australian provider has an agreement for the provision of education (that is teaching activities).
- 3.3 *PRISMS* is the Provider Registration and International Students Management System.

## **4. POLICY STATEMENT**

- 4.1 The College recognises that education agents are usually the first point of contact for prospective learners intending to undertake study in Australia and the activities and ethics of all education agents is important to Australia's reputation as a desirable destination for learners.
- 4.2 The College is committed to ensuring all education agents act ethically and appropriately when representing the College, ensuring the agent acts in the best interests of the learners, and when providing information to prospective learners about life and study in Australia.
- 4.3 The College will only engage education agents whose company is registered in the relevant country, state or province and, if applicable, in Australia.
- 4.4 All education agents must have an executed Education Agent Agreement prior to being officially engaged by the College.
- 4.5 The College will monitor education agent performance and activities using a variety of methods, including:
  - 4.5.1 Evaluation of formal and informal feedback;
  - 4.5.2 Education agent visits and meetings.
  - 4.5.3 Reports from education agents and other external stakeholders.
  - 4.5.4 Performance benchmarks and reports.
- 4.6 The College will not engage in any activities with an education agent who has been found to be dishonest, lack integrity or have engaged in unethical behaviour.
- 4.7 The College retains the right to veto any education agent activity that in the College's opinion is not compliant with:
  - 4.7.1 The Education Agent Agreement; or
  - 4.7.2 Any relevant legislation; or
  - 4.7.3 Any information provided to the education agent by the College.

## 5. PROCEDURE

### Education Agent Appointment

- 5.1 Education agents are required to complete and forward the College's Education Agent Application Form along with certified copies of proof of business to the College's CEO. If the College CEO already knows the education agent as they have been a previous agent of the College or have previous working experience with the College CEO, this step may not be necessary.
- 5.2 The College's CEO has the final responsibility to check the credentials of the education agent prior to accepting or rejecting of an application.
- 5.3 The College's CEO will assess all education agent applications, and will accept an application only where the applicant has demonstrated that they have the appropriate knowledge and understanding of the Australian international education industry and the Australian International Education and Training Agent Code of Ethics and will maintain the reputation of the Australian international education industry.
- 5.4 The College's CEO will send an Education Agent Reference Check Form to the referees listed on the Education Agent Application Form. If the College CEO already knows the education agent as they have been a previous agent of the College or have previous working experience with the College CEO, this step may not be necessary.
- 5.5 Once reference checks and all applicable documentation have been completed, the College's CEO will decide if the agent will be engaged by the College.
- 5.6 If an application *is* approved, the College's CEO prepares the Education Agent Agreement and sends the agreement to the education agent to be signed.
- 5.7 If an application *is not* approved, the College's CEO informs the education agent in writing of the outcome of their application.
- 5.8 The College retains copies of all signed Education Agent Agreements.
- 5.9 The education agent is added to the list of approved agents listed on the College's website.
- 5.10 The education agent is provided with current College marketing and other information required to perform their learner recruitment duties as an agent. Any subsequent updates to the College's marketing material will be supplied to education agents in a timely manner.
- 5.11 The College will inform the regulator of the written agreement entered into for the delivery of services on its behalf by an agent within 30 calendar days of that agreement being entered into, or prior to the obligations under the agreement taking effect, whichever occurs first; and within 30 calendar days of the agreement coming to an end.
- 5.12 The College will enter the education agent's details into our student management system and into our PRISMS account.

### Education Agent Monitoring

- 5.13 The performance of each education agent will be reviewed by the College throughout the calendar year by the following methods:
  - 5.13.1 Informal and formal feedback;
  - 5.13.2 Education agent visits and meetings;
  - 5.13.3 Reports from education agents; and
  - 5.13.4 Performance benchmarks and reports.
- 5.14 The College will consider the performance of the education agent to decide whether to:
  - 5.14.1 Maintain the education agent's appointment;

- 5.14.2 Appoint the education agent for a further period subject to certain conditions;
- 5.14.3 Amend the education agent's commission to be reflective of their performance; or
- 5.14.4 Terminate the education agent's appointment.
- 5.15 In considering the performance of the education agent, the College will consider:
  - 5.15.1 The education agent's compliance with the Education Agent Agreement and any conditions placed on the education agent by the College.
  - 5.15.2 The number of learners the education agent has recruited and the conversion rate of:
    - a) learner applications to College offers; and
    - b) College offers to actual enrolment of learners;
  - 5.15.3 The reasons why applications from potential learners did not proceed to learner re-enrolment status;
  - 5.15.4 The number of student visa refusals for learners recruited by the education agent;
  - 5.15.5 The number of onshore visa applications compared to offshore visa applications;
  - 5.15.6 Any feedback or information from learners or third parties regarding the education agent;
  - 5.15.7 The quality, accuracy and currency of information and advice provided by the education agent to learners; and
  - 5.15.8 The quality of the appointment as assessed by the College.

#### **Education Agent Change of Details**

- 5.16 The College will update the education agent's contact details through:
  - 5.16.1 Receipt of email advice; or
  - 5.16.2 Written confirmation on letterhead.
- 5.17 Any College staff that becomes aware of a change to an education agent's contact details must notify the College CEO.

#### **Learner Acceptance**

- 5.18 The College will not accept learners from an education agent or enter into an agreement with an education agent if it knows or reasonably suspects the education agent to be:
  - 5.18.1 engaged in, or to have previously been engaged in, dishonest practices, including the deliberate attempt to recruit a learner where this clearly conflicts with the obligations of registered providers under Standard 7 (Transfer between registered providers) of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018*;
  - 5.18.2 facilitating the enrolment of a learner who the education agent believes will not comply with the conditions of his or her student visa;
  - 5.18.3 using Provider Registration and International Students Management System (PRISMS) to create Confirmations of Enrolment for other than bona fide a learner; or
  - 5.18.4 providing immigration advice where not authorised under the *Migration Act 1958* to do so.
- 5.19 The College will ensure that when a learner becomes an accepted learner of the College, and an education agent facilitated the acceptance for enrolment of the learner in their course, the following information about the education agent will be entered into PRISMS:
  - 5.19.1 the agent's name; and
  - 5.19.2 the address of the agent's principal place of business; and

- 5.19.3 if the agent is a body corporate, the address of the body corporate's registered office; and
- 5.19.4 the agent's postal address (if different from the address mentioned in 5.19.2 or 5.19.3); and
- 5.19.5 the agent's phone number, email address and website address (if any); and
- 5.19.6 the agent's ABN or ACN (if any); and
- 5.19.7 the agent's trading name or names (if any); and
- 5.19.8 if the agent is a body corporate, the names of the body corporate's directors; and
- 5.19.9 if the agent is a registered migration agent, the agent's Migration Agents Registration Number; and
- 5.19.10 the following information about each of the agent's employees (if any) who are involved in the agent facilitating the enrolment:
  - a) the employee's name;
  - b) the employee's email address;
  - c) if the employee is a registered migration agent, the employee's Migration Agents Registration Number.

### **Education Agent Termination**

- 5.20 If the College becomes aware, or reasonably suspects that the education agent has acted in breach of the conduct set out in Standard 4 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018, the College will terminate the Education Agent Agreement immediately.
- 5.21 The College's CEO, having decided to terminate the education agent agreement, will:
  - 5.21.1 Inform the education agent to advise that his or her appointment has been terminated.
  - 5.21.2 In cases where the grounds for the termination is due to the education agent having acted unethically, notify the Department of Home Affairs and the Department of Education; and
  - 5.21.3 Advise staff that no further applications are to be accepted from the education agent.

## **6. RESPONSIBILITIES**

- 6.1 Laneway Education implements a RASCI Responsibility Matrix to assign and display responsibilities of individuals to carry out a process within the organisation.

	CEO	Head of Growth	Head of Product	Administration and Enrolment Coordinator	Administration and Enrolment Team Members	Trainers and Assessors	Student Experience Team Members	Growth Team Members	Head of Compliance
R		X							
A	X								
S				X	X				
C									X
I			X			X	X	X	

'R' Responsible – the person who is responsible for carrying out the entrusted task, monitoring compliance and maintaining records.

'A' Accountable (also Approver) – the person who is responsible for the whole task and who is responsible for what has been done.

'S' Support – the person who provides support during the implementation of the process.

'C' Consulted – the person who can provide valuable advice or consultation for the process.

'I' Informed – the person who should be informed about the process.

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