

Engaging, Monitoring and Managing Education Agents Policy and Procedure

1 Background

Menzies Institute of Technology (hereinafter known as the 'Institute') *Engaging, Monitoring and Managing Education Agents Policy and Procedure* outline the specific goals and contract requirements between the Institute and Education Agents. Specifically, the Education Agents represent the Institute and by default Australia. Their task is to encourage students to consider Australia as a suitable country in which to complete their education. The goal of the Institute and its Education Agents is to ensure students are treated with dignity, ethically and provided with proper advice.

2 Purpose

The Institute's Education Agents represent and promote the Institute and often act as the first point of contact for prospective learners who are looking for studying at the Institute. The Institute and the Agent must be committed to providing quality student applicants for prospective training and assessment at the Institute rather than aiming for large quantity of prospective applicants. Therefore, the Institute is committed to ensuring its Agents act in an ethical, compliant and appropriate manner. The purpose of this policy is to ensure that all of the Institute's appointed Agents act in an ethical manner and comply with the Institute's obligations under the *Education Services for Overseas Students(ESOS) Act 2000*, *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (National Code)* and the *Migration Act 1958*. This policy will also describe the procedure for approving prospective Agents and the monitoring of Agents that are appointed to represent the Institute.

3 Audience

This policy and procedure applies specifically to all agents of the Institute, as well as any partners and staff of the Institute that have any involvement with the recruitment of prospective learners, or those overseeing the agents on behalf of the Institute.

4 Definitions

Education agent: refers to a person or an organisation (in or outside Australia) who recruits international students and refers them to the Institute. In doing so, the education agent may provide education counselling to international students as well as marketing and promotion services to the Institute.

PRISMS: refers to the Provider Registration and International Student Management System (PRISMS). This is the system used to process information given to the Secretary of Department of Education and Training by the Institute.

Prospective learner: refers to someone who is considering attending the Institute or likely to enrol in a training product offered by the Institute.

Student: refers to all currently enrolled vocational education and training international students of the Institute. An international student is described as an individual who holds an Australian student visa and, therefore, is considered an overseas student under relevant legislation.

5 Policy

- 5.1. The Institute will enter into a written agreement (*Education Agent Agreement*) with each education agent it engages to formally represent it, and enter and maintain the education agent's details in PRISMS.

- 5.2. In becoming an education agent of the Institute, the education agent has to:
 - i) promote the Institute and its approved training products in accordance with the Institute's policy and procedures;
 - ii) ensure all applicants for training products are both Genuine Temporary Entrants and Genuine Students, in order to maintain the integrity of the Australian student visa program, and to ensure that the Institute only recruits high quality genuine and temporary students;
 - iii) provide prospective learners with all necessary information about the training products, Institute facilities and services and assistance in completing and submitting application forms to the Institute in accordance with all the

requirements of the ESOS Act, The National Code 2018 and RTO Standards 2015.

5.3. The *Education Agent Agreement* will outline:

- i) the responsibilities of the Institute, including that the Institute is responsible at all times for compliance with the ESOS Act 2000 and National Code 2018;
- ii) the Institute requirements of the agent in representing the Institute as outlined in clause 5.4;
- iii) the Institute's processes for monitoring the activities of the education agent in representing the Institute, and ensuring the education agent is giving students accurate and up-to-date information on the Institute's services;
- iv) the corrective action that may be taken by the Institute if the education agent does not comply with its obligations under the *Education Agent Agreement* including providing for corrective action outlined in clause 5.6;
- v) the Institute's grounds for termination of the Institute's *Education Agent Agreement* with the education agent, including providing for termination in the circumstances outlined in clause 5.7;
- vi) the circumstances under which information about the education agent may be disclosed by the Institute and the Commonwealth or state or territory agencies.

5.4. The Institute will require its education agent to:

- i) declare in writing and take reasonable steps to avoid conflicts of interests with its duties as an education agent of the Institute;
- ii) observe appropriate levels of confidentiality and transparency in their dealings with international students or potential international learners;
- iii) act honestly and in good faith, and in the best interests of potential learners and students;
- iv) have appropriate knowledge and understanding of the international education system in Australia, including the [Australian International Education and Training Agent Code of Ethics](#)

5.5. The Institute reviews education agent activities and monitors education agents on an ongoing basis, in accordance with Procedure Section of this policy. The education agent must strictly adhere to the terms and conditions stipulated in the *Education Agent Agreement* at all times.

- 5.6. Where the Institute 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 clauses 5.3 and 5.4, the Institute will take immediate corrective action.
- 5.7. Where the Institute 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 Institute 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.
- 5.8. The Institute will not accept students from an education agent if it knows or reasonably suspects the education agent to be:
- i) providing migration advice, unless that education agent is authorised to do so under the Migration Act 1958;
 - ii) 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 National Code 2018 Standard 7 (Overseas student transfers);
 - iii) facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa;
- 5.9. The Institute may terminate an education agent's appointment where it knows or has a reasonable suspicion that an education agent may have been engaged in unprofessional conduct or is in any way non-compliant with the ESOS Act 2000, National Code 2018 or the Institute's Policies and Procedures.
- 5.10. The Institute retains absolute the right to veto any education agent activity when the Institute's opinion is not compliant with:
- i) Education Agent Agreement;
 - ii) Any Relevant Legislation; or
 - iii) Any information provided to the education agent by the Institute; and
 - iv) The purpose and intent of this policy.
- 5.11. Education agents are appointed for two years from the date of signing the *Education Agent Agreement*. At the expiry of the *Education Agent Agreement*, the Institute will review the

performance of the education agent before, either renewing the *Education Agent Agreement* or terminating the Institute's relationship with the education agent.

- 5.12. The Institute publishes a list of all current appointed education agents on its website. The list can be accessed via the link: <https://menzies.vic.edu.au/about-us/apply/>. As a minimum the list will include the education agency name, name of the principal agent, legal entity and street address.
- 5.13. The Institute ensures that education agents have access to up-to-date and accurate marketing information as set out in *National Code 2018 Standard 1* and in accordance with *MITP61 Marketing and Advertising Policy and Procedure*.
- 5.14. The Institute does not allow education agents to access PRISMS or issue eCOEs on the Institute behalf.
- 5.15. The agent agreement will clearly state the responsibility of bearing the cost of advertisement and promotional activities.
- 5.16. Under this policy the Institute is free to negotiate a commission to be paid to agents and the basis on which such commission will be paid. The Agent commission:
- i) will be clearly specified in the contract and paid accordingly;
 - ii) will be payable for each student recruited and enrolled into any of the training products provided by the Institute in any given time;
 - iii) will be payable for each student who:
 - a) Is recruited by the Agent; and
 - b) Is enrolled in training product; and
 - c) Has paid the training product fee to the Institute; and
 - d) Has commenced the training; and
 - e) Who has not, subsequent to commencing training, been fully refunded the fees.
 - iv) will be payable if the agent submits the student's application for enrolment, that application also bears the agent's name and eCOE has been issued after payment of fee.
 - v) will not paid where the student applies to enrol directly to the Institute or subsequent to the admission; agent was in breach of this agreement or engaged in the activities which are detrimental to the Institute;
 - vi) will not be paid unless the agent has submitted an invoice in a form approved by the Institute.

6 Procedures

6.1 Process new education agent application

Procedure	Responsibility
<p>Provide information to potential education agents upon making contact with the Institute.</p> <ul style="list-style-type: none"> ▪ All prospective education agents to review documents, policies, handbooks and information of the Institute https://menzies.vic.edu.au/about-us/apply/ ▪ Once information reviewed, the prospective education agent completes declaration, then the Agent Application Form can be downloaded 	Marketing and Admissions Manager
<p>Assess application from education agent</p> <ul style="list-style-type: none"> ▪ Review application for completeness and contact prospective education agent if further documentation/evidence is required ▪ Consider information in application and contact referees as required. ▪ Advice referees to complete the <i>MFMM05 Education Agent Reference Check Form</i> or complete the form if referees are contacted by phone. ▪ Assess application based on the responses from referees, the location that the education agent will recruit from, the demonstrated understanding of Australian laws in regard to student recruitment and agent experience in the recruitment of international students. ▪ Approve or refuse application and forward the application to Head of Operations or authorised delegate for endorsement. ▪ If approved, compile and forward the draft <i>MFMM02 Education Agent Agreement</i> for endorsement. 	Marketing and Admissions Manager
<p>Endorse application from education agent</p> <ul style="list-style-type: none"> ▪ Endorse or refuse application and forward the decision to Marketing and Admissions Manager. ▪ If endorsed, approve the draft <i>MFMM02 Education Agent Agreement</i>. 	Head of Operations
<p>Notify agents in writing of the decision to approve or not approve the application and including reasons where the application is declined. If approved commence the confirm agreement stage.</p>	Marketing and Admissions Manager

6.2 Confirm agreement

Procedure	Responsibility
<p>Confirm agreement with new Education Agent</p> <ul style="list-style-type: none"> ▪ Send two copies of the <i>MFM02 Education Agent Agreement</i> to the agent for signing with one to be returned. The agreement will be valid for one year for new applications. ▪ Following receipt of signed agreement, send certificate as evidence of registration with the Institute to be displayed in agents' offices to indicate to prospective students that they have a written agreement with the Institute. ▪ Add approved agent to databases (Axcelerate, PRISMS, ASQANet) ▪ Add approved agents to the Institute's list of approved Education Agents and publish on the Institute's web site. ▪ Enter details of education agent into PRISMS. Ensure details are maintained at all times in the event of changes. 	Marketing and Admissions Manager
<p>Renew existing agent agreements</p> <ul style="list-style-type: none"> ▪ For existing Education Agents and subject to effective performance, provide copies of renewed agreements for signing. Existing agreements will generally be renewed for a further two years. ▪ Any updates to agent contact information should be updated on Axcelerate including the next renewal date. 	Marketing and Admissions Manager

6.3 Implement agent agreement

Procedure	Responsibility
<p>Induct new agents</p> <ul style="list-style-type: none"> ▪ Provide an induction regarding the Institute's training products. ▪ Provide an overview of Institute's current marketing. ▪ Discuss student enrolment and selection process. ▪ Provide approved marketing materials and discuss process for updating any revised marketing materials. ▪ Discuss and clarify National Code 2018 requirements ▪ Confirm dates for review of Agreement and targets to be achieved. 	Marketing and Admissions Manager

<p>Provide up to date information to agents</p> <ul style="list-style-type: none"> ▪ Provide up to date information to agents through: <ul style="list-style-type: none"> ○ Email important information for agents. Ensure each email includes most current documents/links, so that the agents are able to easily check they are using the most current up to date material available. ○ Emails, phone calls, text messages or other informal communications regarding specific student issues ○ Publishing content on Institute’s website and social media profiles 	<p>Marketing and Admissions Manager</p>
<p>Provide up to date marketing information to agents</p> <ul style="list-style-type: none"> ▪ Provide up to date marketing information to agents each time marketing information is updated via email. ▪ Send updated marketing information via email or post. ▪ Education agent information sessions held at the Institute (for onshore agents). ▪ Delivering seminars and marketing events with education agents when the Institute representatives are available in the education agent’s region. ▪ Where the website is updated, email agents with a link to the updated website and provide a summary of changes. ▪ Check that emails have been received from all agents confirming that they are using new versions and have removed, taken down or destroyed previous versions. ▪ Follow up agents who have not sent this email confirmation to ensure they send it immediately. 	<p>Marketing and Admissions Manager</p>

6.4 Monitoring Education Agents

Procedure	Responsibility
<p>Implement monitoring procedures as per written agreement</p> <ul style="list-style-type: none"> ▪ Face to face meetings and/or teleconferences/email communication with agents as required ▪ Analysis of quality and quantity of applications on behalf of prospective 	<p>Marketing and Admissions Manager</p>

<p>students.</p> <ul style="list-style-type: none"> ▪ Analysis of conversion rates from lodging applications to studying at the Institute. ▪ Requirement for education agent to complete <i>MFM04 Education Agent Annual Self-Assessment Form</i> documenting the agent’s performance over the past year and <i>MFM13 Education Agent Performance Review Form</i> completed by Marketing and Admissions Manager. ▪ Collect feedback from students relating to their education agent using <i>MS04 Student Satisfaction Survey on Education Agent</i> ▪ Documenting on the agent’s file instances where students claim to have been misinformed about their studies at the Institute. ▪ Documenting on the agent’s file instances where the agent has shown a lack of knowledge of student visa requirements or other matter relating to the student’s stay in Australia. ▪ Surveying current and prospective learners about the information provided to them by the education agent and the level of assistance given to the student to assist them in travelling to Australia. ▪ Evaluation of number of students reported and cancelled to the Department of Home Affairs (DHA) for non-compliance. ▪ Evaluation of the education agent’s advertising activities by reviewing the education agent’s website and social media profiles. The Institute may request the Agent to provide advertising material that the Agent has used over the past year and review them for any false or misleading advertising or unscrupulous conduct. ▪ If at any time, monitoring procedures show that the agent is not meeting the terms as specified in the written agreement, investigate the issue as shown below. ▪ Where an agent is meeting the terms as shown in the written agreement, provide written feedback to agent indicating such. 	
<p>Investigate agents who are not meeting the terms of their agreement</p> <ul style="list-style-type: none"> ▪ If at any time the Institute believes that the education agent is not meeting the obligations of the <i>Education Agent Agreement</i> or the National Code 2018, is being negligent, careless or incompetent, or is engaged in false, misleading or unethical advertising and recruitment practices, the Marketing and Admissions Manager will follow the review process stated below: <ul style="list-style-type: none"> ○ Identify and gather information about the issue. 	<p>Marketing and Admissions Manager</p>

<ul style="list-style-type: none"> ○ Contact the education agent to seek response on the issue. ○ Discuss the issue and the response from the education agent with Head of Operations. <ul style="list-style-type: none"> ▪ Head of Operations decide on action as follows: <ul style="list-style-type: none"> i) No Breach In this case the education agent is acknowledged in writing for the education agent’s input and no further action is taken. ii) Minor Breach In this case the education agent is given a written warning advising the education agent that any further breach will result in the termination of their <i>MFMO2 Education Agent Agreement</i>. If necessary, the education agent will be provided with advice and/or training to ensure that the breach is not repeated. The Institute may decide to vary the <i>MFMO2 Education Agent Agreement</i> with additional conditions if required. iii) Major Breach In this case the education agent will be advised in writing that their <i>MFMO2 Education Agent Agreement</i> has been immediately terminated and that the Institute may advise authoritative bodies such as Department of Home Affairs, Migration Agents Registration Authority, PIER Online and/or the local Australian Embassy of the breach. ▪ Where an agent is required to implement corrective or preventative action, monitor agent to ensure that actions are implemented according to agreed timelines. If actions are not implemented, terminate the agreement as above. ▪ Marketing and Admissions Manager is responsible of implementing the decision and keeping all documentation on education agent file. 	<p>Head of Operations</p>
--	---------------------------

7 Review

This policy will be subjected to a review and updated every three years from the approval date. Exceptions to frequency of review can be made if necessary. Any person who wishes to enter a complaint concerning this policy may do so in accordance with the appropriate policies.

RTO Code:	21834	
CRICOS Code:	02815M	
Document Title:	Engaging, Monitoring and Managing Education Agents Policy and Procedure	
Document Number:	MITP12	
Version:	Version 14	
Relevant Standards:	Standards for RTOs 2015: Clause 4.1 National Code 2018: Standard 1.1, Standard 4	
Related Policies/Documents:	<i>MF02 Education Agent Agreement</i> <i>MITP61 Marketing and Advertising Policy and Procedure</i> <i>MF01 Education Agent Application Form</i> <i>MF05 Education Agent Reference Check Form</i> <i>MF04 Education Agent Annual Self-Assessment Form</i> <i>MF13 Education Agent Performance Review Form</i> <i>MS04 Student Satisfaction Survey on Education Agent</i>	
Responsibility:	Marketing and Admissions Manager, Head of Operations	
Approved By:	PEO	
Date Approved:	April 2024	
Next Review Date:	April 2027	
Version Control and Change History:		
Version Number	Approval Date	Amendment
1	21/01/2009	Creation of policy
2	07/09/2010	Review of clause 3.1
3	07/09/2010	Review of clause 3.2
4	06/05/2011	Review of clause 3.3
5	01/06/2012	Update for next review and review of clause 7.0
6	01/06/2014	Review of policy, added additional clauses in 3.0, 4.0, 6.0
7	21/07/2014	Addition of new clauses 6.2 and 6.3
8	01/09/2016	Reviewed and updated the next review date
9	01/03/2017	Reviewed and updated the next review date
10	01/02/2018	Reviewed, updated clause 2.2, inserted clause 2.3 and updated the next review date
11	17/04/2018	Updated policy name, updated policy and procedure sections
12	23/04/2019	Added form name <i>MF0xx Education Agent Information Kit</i> and <i>MF11 Education Agent File Checklist</i>
13	April 2021	Reviewed policy and updated forms names
14	April 2024	Reviewed policy and updated