

EDUCATION AGENT PROCEDURES

Table of Contents

1. Purpose.....	1
2. Principles	1
3. Context	1
4. Scope	2
5. Definitions	2
6. Procedure Details	2
6.1 Initiating Relationships with Education Agents	2
6.2 Training Education Agents	2
6.3 Assessing Education Agents	3
6.4 Conditional Renewal or Non-Renewal of an Agency Agreement	3
7. Relevant Legislation	4
8. Procedure Administration	4
9. Version control	5
10. Benchmark / References	5

1. Purpose

1.1 These Procedures and the related Policy explain the way Monaro Higher Education (MHE) will establish and maintain relationships with student agents, monitor and evaluate agents' performance and ensure that these relationships are mutually beneficial and compliant with all higher education regulations.

2. Principles

2.1 MHE plans to recruit full time overseas students' courses registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).

2.2 MHE plans to forge relationships with agents who:

- have and maintain current knowledge of the state of the Australian higher education system
- abide by all applicable regulations and standards including but not limited to the Education Services for Overseas Students Act (ESOS) 2000 and the Australian International Education and Training Agent Code of Ethics
- are characterised by honesty, reliability and integrity.

3. Context

3.1 This Policy is aligned with Section 7.1 of the Higher Education Standards Framework 2021.

4. Scope

4.1 This document applies to all prospective students and staff involved in processing enrolment applications.

5. Definitions

Agency Agreement – a contract between MHE and an agent which confers rights and responsibilities on both in accordance with the Education Services for Overseas Students Act (2000).

Prospective Student – a person (whether within or outside Australia) who plans and/or expects to become, or who has taken any action with the purpose of becoming a student.

Quality Student – a student who has the intention, skill and personal characteristics required to maintain satisfactory academic progression (as defined in the Academic Progression and Students at Risk Policy and Procedure) and complete a course satisfactorily within the required time limit.

Term – the time defined in the agency agreement.

Territory – the city, region, state or nation in which a particular student agent operates.

6. Procedure Details

6.1 Initiating Relationships with Education Agents

6.1.1 The Marketing Manager will research the education agents in a territory as it considers its entry to that territory, then request that they complete an application form. The Marketing Manager will also accept unsolicited forms from education agents. The form will be available on the MHE website.

6.1.2 The Marketing Manager will contact the referees and then assess the education agent's suitability. The Marketing Manager will produce a report stating why each education agent is deemed suitable or unsuitable.

6.1.3 The criteria which the Marketing Manager will consider include:

- the priority target markets in MHE's business plan
- MHE's current representation and reputation in the education agent's territory
- Referees' comments
- The education agent's understanding of the Australian higher education system and student visa conditions
- Capacity to deliver counselling and support to prospective students
- The education agent's company registration, qualifications and registrations are appropriate for the industry
- The education agent's ability to attract quality students
- The education agent's ethics and reliability

6.1.4 A decision to establish a relationship with any education agent must be approved by the CEO. Where the education agent is deemed suitable, MHE will produce two copies of an Agency Agreement and forward one to the education agent. If the education agent signs, dates and returns the agency agreement, the term of the agreement is generally twelve months beginning on the day it is signed.

6.2 Training Education Agents

6.2.1 All education agents who represent MHE will initially receive a manual which comprises all MHE's marketing material, policies and procedures and details of MHE's courses, as well as information regarding the requirements of the ESOS Act and The National Code Education Agent Agreement and Contract.

6.2.2 At least once a year, each education agent with an Agency Agreement will participate in a training session, campus visits or other formal or informal dialogue about Australian international education as well as MHE courses, policies, procedures and administrative processes.

6.2.2 When any of the items in the induction manual or the training courses change, MHE will inform all education agencies within five working days.

6.3 Assessing Education Agents

6.3.1 At least every six months MHE will tabulate for each education agent:

- The number of referrals/applications and the percentage of applications which are incomplete
- The percentage of applications which become enrolments
- The percentage of referrals which have visa applications rejected
- Academic progress, completion and attrition rates of referred students
- The accuracy, clarity and relevance of information given by education agents to prospective students
- Their compliance with relevant legislation
- Their compliance with the terms of their Agency Agreement.

6.3.2 Annual student feedback surveys will ask students about their agents' professionalism and expertise.

6.3.3 MHE will also attend the agent's business premises and promotional events to watch the agent's activity.

Based on the results of this research, the Marketing Manager may contact the education agent to discuss any issues.

6.3.4 MHE reserves the right to disclose relevant information about the education agent to Commonwealth or state agencies in accordance with legal and regulatory requirements. This includes, but is not limited to, circumstances where the education agent fails to meet the obligations outlined in the written agreement or is engaged in misconduct, misrepresentation, or non-compliance with the ESOS Act or the National Code 2018.

6.3.5 The Marketing Manager will decide whether to:

- Renew the Agency Agreement or
- Renew the Agency Agreement with conditions or
- Cancel the Agency Agreement.

6.3.6 The Marketing Manager will advise the education agent in writing of their decision.

6.3.7 The Agency Agreement will not be renewed if an education agent refers no students to MHE for three consecutive trimesters.

6.4 Conditional Renewal or Non-Renewal of an Agency Agreement

6.4.1 If MHE becomes aware, or has reasonable grounds to believe, that an education agent or their employee or subcontractor has failed to comply with their responsibilities as outlined, MHE must take immediate corrective action. This may include providing additional training, issuing a formal warning, or implementing other remedial measures to ensure compliance with the agreement and the ESOS Act.

6.4.2 If the situation continues, the Marketing Manager will advise the education agent that the Agency Agreement is terminated. Generally, thirty days' notice is required to terminate an Agency Agreement but this is not required if the termination is due to a major breach of the Agency Agreement.

6.4.3 If MHE becomes aware, or reasonably believes, that the education agent or any employee or subcontractor of the education agent has engaged in false or misleading recruitment practices, MHE must immediately terminate its relationship with the education agent. Alternatively, MHE may require the agent to terminate their relationship with the specific employee or subcontractor responsible for the misconduct.

6.4.4 Once an Agency Agreement has been terminated:

- Any commissions due to the education agent for students already enrolled will still be paid
- No further applications from that education agent will be accepted
- The education agent will be asked in writing to stop promoting MHE immediately
- The education agent will be asked in writing to return to MHE all resources given to them by MHE, including promotional and advertising material
- Students represented by that education agent will be recommended to choose a new agent and assisted in the process of changing their agent.

6.4.5 Where there is evidence or reasonable suspicion that an education agent has been involved in any kind of unethical or illegal practice, MHE will immediately report details to the Department of Home Affairs on PRISMS. MHE will advise students represented by that agent that they must change to a new agent as soon as is practicable and render all necessary assistance and support to those students to do so.

6.4.6 Conditional renewal or termination will not apply if the unethical or illegal activity is carried out by an employee whose manager responds with appropriate corrective and/or punitive action or by a subcontractor of the agent if the agent takes appropriate corrective action and/or terminates the subcontract.

6.4.7 An education agent whose application is rejected, or whose Agency Agreement is terminated or made conditional, has the right to appeal that decision in accordance with standard MHE procedure. Appeals must be made in writing to the CEO within ten working days. The CEO will consider any relevant factors and respond in writing within ten working days of receiving the application.

7. Relevant Legislation

MHE acknowledges its legal and regulatory obligations under the following frameworks:

- Higher Education Standards Framework (HESF) 2021
- Education Services for Overseas Students (ESOS) Framework 2013
- Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)
- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- Education Services for Overseas Students Act 2000

8. Procedure Administration

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Approving authority	Academic Board
Contact officer	CEO
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9. Version control

Version	Approval date	Approved by	Summary of changes
1.1	14 th October 2022	Academic Board	

10. Benchmark / References

- Crown Institute of Higher Education
[Microsoft Word - QA33 Education Agents Policy and Procedures 1.0.docx \(cihe.edu.au\)](#)
- Kent Institute Australia
[Insert Title Here \(kent.edu.au\)](#)
- Ozford Institute of Higher Education
[C.7.1-Engaging-Managing-and-Monitoring-the-Performance-of-Education-Agents-Procedure-Updated-V-3.2.pdf \(ozford.edu.au\)](#)
- The Institute of International Studies
[EM1-TIIS-Education-Agent-Policy-and-Procedure-V1.1-20210305.pdf](#)