

AUSTRALIAN LEARNING GROUP

International Education Agency Policy

A photograph of a person's hands using a laptop and a smartphone, with a red geometric overlay on the left side of the page.

Policy Summary

- ✓ ALG aims to provide vocational education and training for students. Part of the recruitment can be done through agents in the business of international student recruitment and promotion of education providers, as agents are contacting and recruiting prospective students on ALG's behalf.
- ✓ ALG and the agents recognize their responsibility to comply with the requirements of the Education Services for Overseas Students Act 2000 (ESOS Act) and its associated National Code 2018 and the requirements of the Australian Skills Quality Authority (ASQA) Standards for Registered Training Organisations RTO's 2015.
- ✓ These requirements are enumerated in the National Code 2018, Standard 4.

CONTENTS

1. DEFINITIONS	4
2. AIM AND SCOPE	4
3. APPLICATION PROCESS AND RECRUITMENT OF AN EDUCATION AGENT	5
4. AGENTS INITIAL TRAINING	6
5. AGENT'S RESPONSIBILITIES	6
6. ALG'S RESPONSIBILITIES	9
7. MONITORING AGENT'S PERFORMANCE	9
8. TERMINATION OF AGENTS' AGREEMENT	11
9. CHANGE OF AGENCY	12
10. APPLICATION	13
11. RESPONSIBILITIES	13
12. QUALITY AND COMPLIANCE	13
13. REFERENCES	14

1. DEFINITIONS

Agency Agreement The agreement between ALG and the Agent.

Australian Skills Quality Authority (ASQA) is the national regulator for Australia's vocational education and training sector. ASQA regulates courses and training providers to ensure nationally approved quality standards are met.

Australian Qualifications Framework (AQF) First introduced in 1995, it is the national policy for regulated qualifications in Australian education and training. It incorporates the qualifications from each education and training sector into a single comprehensive national qualifications framework.

Australian Quality Training Framework (AQTF) The national set of standards which assures nationally consistent, high-quality training and assessment services for the clients of Australia's vocational education and training (VET) system. Initially established in 2001 for implementation in 2002, it is approved by the Ministerial Council for Tertiary Education and Employment (MCTEE), which includes all Ministers for VET in Australia.

CRICOS Commonwealth Register of Institutions and Courses for Overseas Students.

Education Agents (EA) Agencies whose primary business is to recruit students into an educational institution where they are paid a commission for a successful placement. They may have one or more offices in Australia or overseas. They have been recruited by ALG to formally represent it.

ESOS (act) Education Services for Overseas Students Act 2000 of the Commonwealth of Australia

The College Australian Learning Group (ALG).

The Education Services for Overseas Students Act 2000, (ESOS Act), establishes legislative requirements and standards for the quality assurance of education and training institutions offering courses to international students who are in Australia on a student visa. ESOS also provides tuition fee protection for international students.

Registered Training Organisation (RTO) A vocational education and training organisation registered by a state or territory registering body in accordance with ASQA.

The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018) sets nationally consistent standards for the delivery of courses to overseas students. The National Code 2018 commenced on 1 January 2018.

Vocational Education and Training (VET) A type of tertiary education under the Australian Qualifications Framework (AQF), which enables students to gain qualifications for all types of employment, and specific skills to help them in the workplace.

2. AIM AND SCOPE

Aim

- 2.1 This document aims to set out ALG's policy in relation to the recruitment, management and termination of agents.
- 2.2 The aim of the policy is to ensure ALG:
 - (a) Selects high quality EAs;

- (b) Ensures that services provided on its behalf by EAs are subject of a written agreement.
- (c) Provides adequate marketing materials and support to EAs to assist with their recruitment;
- (d) Manages the EAs in a professional and responsible manner;
- (e) Reviews EA performance on a regular basis;
- (f) Terminates agreements with any EAs that do not comply with ALG's International Education Agency Policy, the ESOS Act and National Code 2018.
- (g) Ensures the third-party agreement is updated with ASQA for all new or terminated agents' agreements within 30 days of the agreement starting date or of coming to an end.

Scope

- 2.3 This policy does not apply to any other party who doesn't have a formal agreement with ALG.
- 2.4 This policy does not apply to Domestic Students.
- 2.5 This policy should be used in conjunction with the Agent Online Application Form, Agent's Agreement and Change of Agent Form.

3. APPLICATION PROCESS AND RECRUITMENT OF AN EDUCATION AGENT

- 3.1 ALG has a number of approved education agents to represent its interests and may approach prospective agents to apply for ALG using the online application form available on ALG's website.
- 3.2 Agents who have interest in becoming an ALG's education agent must comply with the following:
 - (a) Contact ALG and submit a completed Agent Application Form available on ALG's website. Agents will be required to supply ALG with accurate and complete information, and provide the contact details of at least two referees and include/attach all related documentation.
 - (b) Sales Manager will conduct the screening and assess completed responses. In case of any inconsistency or missing information, the Sales Manager will contact the agents and/or referees for further clarification. ALG reserves the right to request for additional referee to complete a reference check if needed.
 - (c) Once assessment is completed and all information recorded, Sales Manager will approve the Application and organise the sending of the agreement to the agent for signature.
- 3.3 Agents will return the signed agreement to ALG Team. The details of the agent will be recorded on ALG's database. Relevant information (agency's name and main contact details) will be published on ALG's website.

4. AGENTS INITIAL TRAINING

- 4.1 ALG's sales department will provide comprehensive training for new agents in:
- (a) Important regulatory requirements that might have impact on agents;
 - (b) Minimum level of English Language Proficiency required for acceptance into ALG courses;
 - (c) ALG's courses details, duration, fees, entry requirements, pathways agreements;
 - (d) Acceptance requirements for students applying to ALG;
 - (e) Admissions process, Finance Recipient Created Tax Invoice, login details on RTOManager, marketing guidelines.
- 4.2 Once initial training is completed, Sales Manager will record any areas of improvement that the agent may need and record on RTOManager for future reference;
- 4.3 ALG will review the agent's activities on a regular basis as part of the monitoring process.

5. AGENT'S RESPONSIBILITIES

- 5.1 In accordance with ALG's policies and Education Agents' Agreement, the agents must:
- (a) adhere to the principles of the ESOS Act, the National Code and the RTO Standards, as applicable;
 - (b) demonstrate knowledge of the Australian education system and the AQF;
 - (c) promote ALG courses to prospective students within the territories they operate in;
 - (d) ensure current and accurate pre-enrolment information and ensure that all information provided to Prospective Students meets the requirements of ALG;
 - (e) recruit and assist in the recruitment of Prospective Students in accordance with the policies of ALG;
 - (f) assist Prospective Students to become Enrolled Students and for that purpose provide all necessary information about Study Programs and provide assistance in completing forms or applications and in submitting these to ALG;
 - (g) perform other services and provide reports or information requested by ALG or required by this Agreement;
 - (h) cooperate with ASQA by providing accurate and factual responses to information requests from ASQA and or in the conduct of audits of ALG and the monitoring of its operations by ASQA;
 - (i) comply with ALG Education Agent's policy published on ALG's website at all times.
- 5.2 In performing the Services, the Education Agent must:
- (a) take all reasonable steps to avoid conflicts of interests with its duties to ALG as an Education Agent, including but not limited to conflicts where:

- I. the Education Agent charges services fees to both Prospective Students and ALG for the same service;
 - II. the Education Agent has a financial interest in a private education provider; or
 - III. an employee of the Education Agent has a personal relationship with an employee of ALG;
- (b) be transparent in its dealings with Prospective Students;
 - (c) promote the Study Programs with integrity and accuracy and recruit Prospective Students in an honest, ethical and responsible manner and to always act in good faith and in the best interests of Prospective Students;
 - (d) ensure the Education Agent, its staff and any representatives have appropriate knowledge and understanding of the Australian International Education and Training Education Agent Code of Ethics (published on ALG's website) and the requirements that ALG must follow as an education provider under the ESOS Act and National Code in order to enable ALG to comply with its obligations thereunder;
 - (e) ensure that all staff and sub-contractors of the Education Agent are aware of the terms and conditions of this Agreement;
 - (f) give ALG regular access to the Education Agent, its staff and any representatives to update them with new or updated information about its Study Programs or policies;
 - (g) provide an accurate list of Education Agent contact information and provide updates to that information in a timely manner when any changes have been made;
 - (h) promptly provide to ALG completed applications by Prospective Students and ensure that only fully completed applications are submitted;
 - (i) accurately inform Prospective Students about ALG using only material provided or approved by ALG;
 - (j) take reasonable steps to confirm the accuracy of information provided by Prospective Students in their enrolment applications and advise ALG as soon as it becomes aware of any fraudulent information or documentation submitted in or with any Prospective Student application;
 - (k) only collect Total Fees or Tuition Fees (as the case may be) from the Prospective Student as outlined in the applicable letter of offer prepared by ALG; and
 - (l) treat as confidential information relating to Prospective Students and Enrolled Students and only collect, use or disclose Personal Information in accordance with the Privacy Act 1988 (Cth) and privacy laws in the country from which each student is recruited.

5.3 Prior to completing an application, the Agent must provide and inform Prospective Students with information pertaining to ALG that ALG have permitted for Agent use in relation to:

- (a) ALG, its campus locations and a general description of facilities, equipment, and learning resources available to students;
- (b) the relevant Study Programs for which the Prospective Student is applying;

- (c) the Total Fees and Tuition Fees (as the case may be) applicable to the relevant Study Programs including refund conditions;
- (d) minimum English language proficiency requirements, educational qualifications and work experience required for acceptance into the Study Programs and whether course credit may be applicable.
- (e) the course content and duration, timetable, qualification offered if applicable, modes of study and assessment methods;
- (f) information about the grounds on which the student's enrolment may be deferred or suspended;
- (g) relevant information on living in Australia, including indicative costs of living and accommodation options.

5.4 The Agent must not:

- (a) engage in false or misleading advertising or recruitment practices including misleading comparisons with any other education provider or their courses or inaccurate claims regarding any association or comparison between ALG and any other education provider;
- (b) provide migration advice, unless they are a qualified migration Education Agent under the *Migration Act 1958* (Cth);
- (c) engage in dishonest recruitment practices, including the deliberate attempt to recruit a Prospective Student where this would be in conflict with ALG's obligations under the National Code;
- (d) facilitate applications for Prospective Students who the Education Agent suspects may not comply with their visa requirements;
- (e) charge any Prospective Student a fee in relation to their application or acceptance of an offer;
- (f) recruit or attempt to recruit a student currently studying with another Australian education provider;
- (g) assign its obligations under this Agreement to any third party unless the Education Agent has obtained the prior written consent of ALG;
- (h) suggest that a student come to Australia on a student visa for any reason other than for full time study;
- (i) recruit or attempt to recruit a Prospective Student who the Education Agent knows to have engaged the services of another representative of ALG;
- (j) sign or encourage others to sign documents, such as the application form and letter of offer, on behalf of a Prospective Student;
- (k) deduct any amount from Tuition Fees or Total Fees payable to ALG that the Education Agent receives from either a Prospective Student or Tagged Student (exceptional circumstances are detailed in the Education Agency Agreement); or

- (l) discount or modify in any way the pricing or fee structure of any part or the whole of the Tuition Fees or Total Fees set and advertised by ALG for any of the Study Programs.

6. ALG'S RESPONSIBILITIES

- 6.1 In accordance with current legislative and regulatory requirements and with the terms of Agents Agreement, ALG must:
 - (a) provide the Agent with information to enable the Agent to provide their Services;
 - (b) Assess completed applications from prospective students within a reasonable time of receipt;
 - (c) Meet the identified training needs of ALG's Agents, including:
 - (i) initial training for new agents;
 - (ii) refresher training as part of the monitoring process;
 - (iii) meet the identified training needs of ALG's Agents and
 - (iv) corrective training to address any deficiency identified through ALG's monitoring procedures.
 - (d) The ALG Marketing Team ensures that the Agent has access to up-to-date and accurate marketing information and materials by referencing material via the ALG website, sending materials via physical mail and information via emails as well.
 - (e) ALG notifies agents of significant alterations or updates to marketing materials as soon as practical. In this instance, ALG will make valid attempt to notify agents outdated must not be used and should be immediately replaced with the updated materials.

7. MONITORING AGENT'S PERFORMANCE

- 7.1 ALG will systematically monitor the Education Agents' performance periodically and review the activities of the Education Agent representing in accordance with clause 13 of the education agency agreement, to ensure that the Education Agent is giving students accurate and up-to-date information on the ALG's services, in line with ESOS Act, National Code and as required by the Standards for RTO.
- 7.2 The Sales Manager will ensure that this opportunity is taken to:
 - (a) Review the agent's performance;
 - (b) Identify areas for refresher training;
 - (c) Refresh the Agent's knowledge and understanding of the legislative and regulatory requirements relating to relevant legislative requirements for international students, and conditions of student visas (National Code, Standard 8 in relation to course progress and attendance);
 - (d) Refresh the Agent's knowledge and understanding to the range of ALG's training programs; and
 - (e) Refresh the Agent's supply of ALG information packs and promotional materials.

- 7.3 Once refresh training is completed, the Sales Manager will record any areas of improvement that the agent may need and record on RTOManager.
- 7.4 The Sales Manager will work with the Agent to address any inefficiency identified during the visit, with details being recorded on the Agents file and RTOManager.
- 7.5 In case of changes in laws, regulations, policies and procedures related to international students which impact the performance of agents, ALG will provide the information and necessary training to ensure that its Agents remain compliant.
- 7.6 The monitoring process/criteria will include:
- (a) Agents' performance focused on regular data provided by admissions team (data from PRISMS), as follows:
 - the number of student applications and their quality and completeness;
 - the conversion rate of student Applications to CoEs;
 - the incidence of Visa rejection; and
 - the conversion rate of CoEs to actual enrolments.
 - (b) Analysis of Students survey at the start of each term (collected during ALG's Orientation program), which evaluates the services provided by the education agent and their performance. Any unusual response will be referred to the Sales Manager for actions.
 - (c) The following matters will be discussed at these meetings:
 - reports from the Agent;
 - number of enrollments received from the Agent;
 - feedback surveys of students recruited by the Agent;
 - review of spot checks made by ALG e.g. observation of the Agents at work at education fairs;
 - all aspects of quality assurance process;
 - administration issues;
 - marketing materials;
 - visas refusals and
 - any other issues identified.

7.7 Where a need is identified, the Sales Manager will contact the agent by email, phone call and/or Skype to address specific matters and to notify them of any procedural requirements and changes. This process will be recorded on the agent's profile on RTOManager.

7.8 The Sales Manager will then make a recommendation to continue or terminate the agent's agreement.

8. TERMINATION OF AGENTS' AGREEMENT

8.1 Factors which would contribute to the termination of an Agent's Agreement include:

- 8.1.1 acting in a manner which may be negligent, careless or incompetent;
- 8.1.2 being engaged in false, misleading or unethical advertising and recruitment practices;
- 8.1.3 not acting to minimize conflicts of interest and, when they occur, not declaring those conflicts of interests, and thereby not acting in the best interests of international students;
- 8.1.4 acting in a manner which may be non-compliant with the terms and conditions of their Agreement;
- 8.1.5 being engaged in false or misleading practices which could harm the integrity of Australian education and training and/or the integrity of ALG;
- 8.1.6 the number of students the Agent has recruited and the conversion rate of student applications to CoEs, the visa rejection rate, the conversion rate from CoEs to actual enrolments and success rate from enrolment to successful completion;
- 8.1.7 the satisfaction of students and/or third parties regarding the agent's performance;
- 8.1.8 the quality, accuracy and currency of information and advice provided by the Agent to students;
- 8.1.9 consistent inactivity or dormancy to refer students to ALG as per the purpose outlined within the agents Agreement, within a time frame under ALG's own discretion.
- 8.1.10 compliance with Australian legislative and regulatory requirements (e.g. National Code, ESOS act) relating to the recruitment of international students; and
- 8.1.11 the overall quality and value of the agent to ALG.

8.2 ALG will also monitor agent's through ALG's Complaints and Appeals process and will investigate any complaints lodged by students based on the behaviour and practices of their education Agents.

8.3 If any reasonable grounds for concern, the Sales Manager will communicate with the agent in writing expressing the situation and requesting a response within 10 business days (an extension may apply as its ALG own discretion).

8.4 the Sales Manager will evaluate the agents' response and will:

- 8.4.1 maintain the relationship with the agent (observing specific conditions, if needed);
- 8.4.2 suspend the agents' agreement for undetermined or determined period or;
- 8.4.3 terminate the agents' agreement.

- 8.5 If the complaint lodged by a student is found to be false or creating a false belief about an agent, the Sales manager will refer the situation to the ALG's Compliance Manager for further investigation and depending on the outcome, the student may:
- 8.5.1 be placed on probation;
 - 8.5.2 have the enrolment suspended for a certain period;
 - 8.5.3 have the CoE cancelled on PRISMS and be reported to the immigration.
- 8.6 If ALG becomes aware, or has reason to believe, that the Education Agent is being negligent, careless or incompetent or is engaged in false misleading or unethical advertising or recruitment practices, ALG may:
- 8.6.1 terminate this Agreement immediately in its absolute discretion; or
 - 8.6.2 if the false or misleading recruitment practices were engaged in by an employee or subcontractor of the Education Agent, require the Education Agent to terminate its relationship with those entities or individuals.

9. CHANGE OF AGENCY

- 9.1 ALG recognises that Enrolled Students may wish to change their Education Agents in some circumstances. Conversely, ALG acknowledges that Education Agents incur expenses including through the allocation of resources to secure enrolments for ALG.
- 9.2 Once an Offer Letter has been issued to a Student, the Student cannot change their Education Agent unless:
- (a) the student completes the Study Program and enrolls into a new Study Program at ALG, and nominates a new Education Agent prior to the commencement of the new Study Program; and/or
 - (b) the student provides evidence to ALG that the Education Agent has acted negligently.
- 9.3 When an agent's agreement is terminated based on misbehaviour or unethical conduct, ALG will communicate with students represented by that agent and will ask them to complete a Change of Agency Form where they will indicate a new agent listed on ALG's website to be their new representative.
- 9.4 Prospective student is required to complete an online change of Education Agency form specifying the initial agency information (agency name, consultant's name, email address) and reason for requesting the change of agency. Supporting documents and/or evidences must be provided at the point of completing the online form.
- 9.5 Sales Manager will receive the change of agency form and check if the proposed new agent is an ALG's agents' partner. In negative case, the application will be denied.
- 9.6 When the change of agency request has been approved, the Sales Manager will communicate with:
- (a) the existing agency to inform the situation and any on-going commission payment entitlements;
 - (b) the new agency informing the outcome and future commission payment entitlements.

9.7 Student Services or Admissions team will communicate the outcome to the student.

10. APPLICATION

10.1 This policy applies to all ALG staff involved in marketing ALG's education programs and courses to international students, the recruitment of students for those programs and courses, and the management and monitoring of ALG's Education Agents.

10.2 In line with AQF (2013), this policy will be applied consistently and fairly.

11. RESPONSIBILITIES

11.1 The College's Sales Department is responsible for the management of this policy. The College's Sales Manager is responsible for the application of this policy, where applicable.

12. QUALITY AND COMPLIANCE

12.1 The College's approach to International Agent Policy aligns with the Guidelines of the ESOS Act and ASQA requirements.

12.2 This policy will be reviewed and updated annually by the Sales and Compliance Department to ensure the quality and relevance of its content, and to maximise the effectiveness of its application to both the students and the needs of industry.

12.3 The following legislation and compliance regulations apply to this policy:

Standards for Registered Training Organisations (RTOs) 2015	
Standard 2	Clauses 2.3 and 2.4
Standard 4	Clause 4.1, 'e' and 'f'
Standard 5	Clauses 5.1, 5.2, 5.3 and 5.4
The National Code 2018	
Standard 1	Marketing information and practices
Standard 4	Education Agents
Standard 7	Overseas student transfers
Standard 10	Complaints and appeals

13. REFERENCES

- 13.1 *Australian Qualifications Framework Council, 2013, Australian Qualifications Framework (AQF), 2nd ed., Australia.*
- 13.2 *Australian Skills Quality Authority (ASQA), 2015, Standards for Registered Training Organisations (RTOs) 2015. Australia.*
- 13.3 *Australian Skills Quality Authority (ASQA), Standards for Registered Training Organisations (RTOs) 2015 – Financial Viability Risk Assessment Requirements. Australia.*
- 13.4 *Australian Skills Quality Authority (ASQA), Standards for Registered Training Organisations (RTOs) 2015 – Fit and Proper Person Requirements. Australia.*
- 13.5 *Department of Education and Training (DET), 2018, National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (The National Code). Australia.*
- 13.6 *Education Services for Overseas Students Regulations 2001 (Statutory Rules) made under the Education Services for Overseas Students Act 2000 and the Education Services for Overseas Students (Consequential and Transitional) Act 2000. Australia.*
- 13.7 *Education Centre of Australia. Education Agents Policies and Procedures. ECA P&P – ESOS 4 – 03 .01 – 2018.02. Australia.*