

Approved by: Board of Governors 1/11/16

International Education Agent Policy

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Responsible Officer	CEO

1. Purpose

- 1.1 The purpose of this policy is to provide a framework for Responsible Officers of IKON Institute of Australia in selection and management of Education Agents for recruitment of International Students.
- 1.2 The revised National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (National Code 2007) requires IKON Institute of Australia to demonstrate its compliance with the National Code 2007 at the point of CRICOS registration and throughout its CRICOS registration period.
- 1.3 Standard 4 of the National Code 2007 requires IKON Institute to take all reasonable measures to use education agents that have an appropriate knowledge and understanding of the Australian international education industry and not to use education agents who are dishonest or lack integrity.

2. Scope

- 2.1 In order to comply with Standard 4 IKON Institute of Australia must enter into a written agreement with each education agent it engages to formally represent it. The agreement must specify the responsibilities of the education agent and IKON Institute and the need to comply with the requirements of the National Code. The agreement must include:
 - Processes for monitoring the activities of the education agent, including where corrective action may be required; and
 - Termination conditions, including providing for termination in the circumstances outlined below.

- 2.2 IKON Institute of Australia must not accept students from an education agent or enter into an agreement with an education agent if it knows or reasonably suspects the education agent to be:
- Engaged in, or to have previously engaged in, dishonest practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under Standard 7 (Transfer Between Registered Providers);
 - Facilitating the enrolment of a student who the education agent believes will not comply with the conditions of their student visa;
 - Using the Provider Registration and International Students Management System (PRISMS) to create Confirmation of Enrolments for other than bona fide students; or
 - Providing immigration or migration advice where not authorised to do so under the *Migration Act 1958*.
- 2.3 Where IKON Institute of Australia has entered into an agreement with an education agent and subsequently becomes aware of, or reasonably suspects, the engagement of that education agent, or an employee or sub-contractor of the agent, of conduct outlined above, IKON Institute of Australia must terminate the agreement with the education agent. This does not apply where an individual employee or sub-contractor of the agent was responsible for the conduct outlined above and the agent has terminated the relationship with the individual employee or sub-contractor.
- 2.4 IKON Institute of Australia must also ensure that its education agents have access to up-to-date and accurate marketing information as set out in the IKON Institute of Australia policies, Marketing Information Practices.
- 2.5 IKON Institute of Australia must take immediate corrective and preventative action upon the registered provider becoming aware of an education agent being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices, including practice that could harm the integrity of the Australian education and training industry.

3. Definitions

Confirmation of Enrolment (CoE): A document, provided electronically, which is issued by the registered provider to intending overseas students and which must accompany their application for a student visa. It confirms the overseas student's eligibility to enrol in the particular course of the registered provider.

Corrective action: Action to eliminate the cause of a detected nonconformity or other undesirable situation.

CRICOS: The Commonwealth Register of Institutions and Course for Overseas Students (CRICOS) is the register prescribed under section 10 of the ESOS Act.

Education Agent: A person or organisation (in or outside Australia) who recruits overseas students and refers them to education providers. In doing so, the education agent may provide education counselling to overseas students 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).

Marketing: Promotion of the provider and its courses and facilities to prospective overseas students and their parents or guardians, education agents, international organisations and other interested parties such as alumni.

Migration Agent: A person registered as a migration agent as per section 286 of the *Migration Act 1958*

Overseas/International Student: A person (whether within or outside Australia) who holds a student visa as defined by the ESOS Act, but does not include students of a kind prescribed in the ESOS Regulations.

Preventative Action: Action to eliminate the cause of a possible nonconformity or otherwise undesirable situation.

PRISMS: The Provider Registration and International Student Management System (PRISMS) is the system used to process information given to the Secretary of DEEWR by registered providers.

Recruitment: The pre-enrolment processes of engaging and assisting overseas students to apply for a place in a course with a provider leading up to the formal enrolment, including assistance with administrative issues and the issuing of a Confirmation of Enrolment for an application for a student visa.

Student Visa: An authorisation permitting people who are not Australian citizens or permanent residents to come to Australia for the primary purposes of studying in Australia as defined by the *Migration Act 1958*.

4. Principles

- 4.1 Due care shall be exercised in the appointment of all agents and all agents must have a written agreement with IKON Institute of Australia.
- 4.2 IKON Institute of Australia will appoint education agent businesses on a non-exclusive basis. Primary agents are key representatives of the Institute and may participate (with Faculty assistance where appropriate) in the student interview programs and other agreed marketing activity.
- 4.3 Primary agents will be appointed for a term of two years.
- 4.4 IKON Institute of Australia will require all agents to adhere to the requirements of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (The National Code 2007) and other legislation in so far as related to the provision of services by agents.
- 4.5 IKON Institute of Australia will take all reasonable measures to use agents that have an appropriate knowledge of the IKON Institute and Australian international education and training.
- 4.6 IKON Institute will take all reasonable steps to ensure that all advertising undertaken by IKON Institute of Australia Agents is approved prior to placement and is in accordance with legislative and IKON Institute requirements.
- 4.7 IKON Institute of Australia will provide agents with accurate and up to date course and other information and materials to enable them to conduct their services.
- 4.8 IKON Institute of Australia will advise agents as soon as practicable of changes to the legal or regulatory conditions for Australian student visa requirements.
- 4.9 IKON Institute of Australia will publicise through its website an up to date list of all appointed agents by country.

5. Roles & Responsibilities

- 5.1 The CEO will recommend the appointment of education agents.
- 5.2 The Board of Governors will approve the appointment of education agents.

- 5.3 The CEO will nominate a staff member for the purposes of contact and liaison with the agent, including issues relating to admissions, planning or promotion activities, advertising, training of agents and counsellors etc.
- 5.4 The CEO will keep appropriate records of all agents and shall investigate and document any complaints received regarding the behaviour of agents. The CEO will take immediate corrective action upon becoming aware of an agent being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices. Where appropriate, any agent or advisor agreement may be terminated without notice.
- 5.5 Where appropriate the CEO will prepare a Business Plan with agents, including the setting of targets and shall regularly monitor the performance and activities of all agents. Review of agents shall be held on an annual basis.

6. Primary Agents

- 6.1 A Primary agent is a key representative of the IKON Institute of Australia and is appointed for an initial term of two years. IKON Institute supports the marketing and recruitment by agents through participation in:
 - High profile student exhibitions and interview programs in an advertised venue
 - Student interviews in the agent's office
 - Briefing of counsellors
 - Email updates
 - Briefing of Faculty and/or course experts
 - Advertising in conjunction with the agent.
- 6.2 IKON Institute of Australia may strategically approach agents and advisors directly and invite them to become an agent or advisor for the Institute. Otherwise, prospective agents must directly apply to become an authorised agent for IKON Institute.
- 6.3 IKON Institute of Australia will only appoint reputable agents and will not use agents who are dishonest or lack integrity.
- 6.4 Prospective agents are to contact the CEO my mail:

CEO
IKON Institute of Australia
Level 1/77 Jetty Road
Glenelg SA 5045

Or email:

info@ikoninstitute.edu.au

7. Primary Agent Agreements

- 7.1 In the event of an application being successful, a Primary Agent Agreement shall be prepared in duplicate for execution and exchange. In the event of the application being rejected, notification will be forwarded and the decision recorded on file.
- 7.2 Upon execution of the agreement

- The Agent's details and signed copy of the Agreement will be entered into IKON Institute of Australia's Agent Database.
- The Agent's details will be included on IKON Institute of Australia's Website (Authorised Agents Listed by Country)

7.3 In accordance with the requirements of Streamlined Visa Processing (SVP), all IKON Institute of Australia Agent Agreements include the following clauses

- a) Prospective Students applying for Courses at IKON Institute of Australia will be able to access streamlined visa-processing arrangements (SVP). In order to maintain the integrity of the Australian student visa program, and to ensure IKON Institute of Australia recruits only high quality and genuine temporary students, the Agent must ensure all applicants for IKON Institute of Australia courses are both Genuine Temporary Entrants and Genuine Students.
- b) Prior to submitting an application to IKON Institute of Australia the Agent must consider the following factors:
 - a. English Language Proficiency;
 - b. Financial Capacity;
 - c. Pre-requisite Schooling;
 - d. Age Requirements;
 - e. Intention to comply with visa conditions
- c) The Agent must keep updated on the Department of Immigration and Citizenship (DIAC) requirements in regards to Genuine Temporary Entrant and Genuine Student assessment criteria to ensure that IKON Institute of Australia complies at all times with DIAC requirements.
- d) The Agent must advise Prospective Students that IKON Institute of Australia may undertake further screening of the student to determine Genuine Temporary Entrant and Genuine Student suitability prior to making an Offer of Admission.
- e) The IKON Institute of Australia must terminate this Agreement at any time and with immediate effect by giving notice to the Agent if the Agent has, or is suspected to have breached any material provision of this Agreement including submitting to IKON Institute of Australia applications where more than 10 percent of:
 - a. Prospective Students do not meet IKON Institute of Australia's screening processes; or
 - b. Visa refusals are received.

8. Certificate of Appointment

8.1 Once the agreement has been executed, the agent or advisor will be sent a Certificate of Appointment as a duly appointed and authorised representative of the IKON Institute of Australia for the purpose of recruiting international students.

8.2 All certificates will be signed by the CEO and show:

- The Agent's business name and country
- The period of appointment
- CRICOS Provider Codes for IKON Institute of Australia

8.3 A quantity of IKON Institute of Australia marketing materials is sent to each new agent once the agreement has been executed.

9. Information Updates for Agents

9.1 All agents will receive regular contact from IKON Institute of Australia staff to ensure they are kept up to date with all relevant information in relation to the provision of services.

9.2 All agents will be encouraged to contact Administration regarding the status of student applications

9.3 As part of keeping agents and advisors up to date, IKON Institute of Australia encourages and supports visits to the IKON Institute of Australia as much as possible. Such visits will include visits to the states offices, and surrounds, accommodation, campus and facility tours, product knowledge briefings by faculty experts, briefings of procedures including Admissions, meetings with students, briefings on legislative and visa changes, services provided to international students etc.

9.4 All agents will receive marketing materials directly from IKON Institute of Australia for distribution to potential students. Agents are to use only the IKON supplied resources when discussing potential study options with IKON Institute of Australia.

10. Ongoing Monitoring and Performance of Agents

10.1 The performance and activities of all agents will be monitored on an ongoing basis, using one or more of the following:

- Evaluation of the quality of applications and documentation submitted on behalf of students
- Face to face meetings with agents and their counsellors
- Meetings with students or reports from students
- Telephone, teleconference or online discussions/meetings
- Spot checks by IKON Institute of Australia, for example observing agents at work at education seminars, exhibitions and student fairs.

10.2 Reviews of all agents and advisors will also be conducted by the CEO on an annual basis. Reviews include:

- Assessment of performance – number of applications and conversion rates
- Conformity with contractual requirements, in particular the National Code
- Quality of counselling and other information provided to students
- Recommended areas of improvement by agent and CEO

- An evaluation of activity undertaken by IKON Institute of Australia with the agent
- Recommendation of continuing status as a Primary agent
- Surveys of students recruited by particular agents.

The CEO will forward a brief report to the agent with appropriate comments and actions and maintain a copy of the annual review report in the Agent Database.

10.2 As part of the monitoring of agent's activities and to assist them to effectively carry out the performance of their services the CEO will endeavour to visit the majority of agents to:

- Undertake product briefings, including course requirements for entry etc
- Inspect the premises to ensure that an appropriate image is presented
- Meet with counsellors to assess their performance in advising students
- Review the display of IKON Institute of Australia promotional materials
- Assess the agent's knowledge of and conformance with the National Code and other legislative requirements relating to the provision of their services
- A short report of findings from site visits is filed with the Agent Agreement.

11. Corrective and Preventative Action

11.1 IKON Institute of Australia will take immediate corrective and preventative action upon becoming aware of an agent being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices. Preventative action may include training sessions with the agent. Corrective action will be documented in the Agent's file and may include a warning, targeted training or termination.

Practices which may result in corrective action include, but are not limited to:

- Dishonest Practices
- Enrolling students who are unlikely to comply with conditions of their student visa
- Creating CoE for other than bona fide students
- Providing immigration advice when not authorised to do so

11.2 Procedure for Corrective Action:

1. Problem identified
2. Problem reported to CEO
3. Direct contact made with agent to advise of possible breach and seek their response to the allegations
4. Review of complaint by the CEO following input from the agent and complainant. Three scenarios from outcome of review:
 - a. Agent cleared – CEO writes to agent advising of result and thanking them for their valuable input, investigation notes recorded in agent's file

- b. Minor breach by Agent – Agent reprimanded, advised that any further breach will result in termination of their agreements, reminded of their obligations, breach and investigation notes recorded in agent’s file
- c. Major breach by Agent – Agent advised in writing that their contract will be terminated, Australian Post (either High Commission or Consulate) advised of the breach, outcome and investigation notes recorded in agent’s file.

12. Publication

This policy is to be published and provided to Agents and on the IKON Institute of Australia website to ensure prospective agents and IKON Institute of Australia have up to date and accurate information.

13. Related Forms:

Education Agent Application and Declaration Form

14. Related Policies: