

**VICTORIAN INTERNATIONAL ACADEMY  
(VIA)**

**AGENT KIT**

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## **About Education Agent Kit**

Victorian International Academy will only use reputable education agents to recruit overseas students. VIA will monitor education agent activities regularly to ensure that they maintain the reputation and integrity of Australian Education.

This Education Agent kit has been drafted to ensure that VIA's Administration staff follow all the necessary steps to ensure that the process and policy and education agents are in compliance with standard 4 of National Code 2018.

This Kit will help VIA's Administration staff to keep track of Education agent's process and practices of recruiting overseas students and to ensure that education agents are not following any unethical practices.

## Legislation on Education Agents

### National Code of Practice for Providers of Education and Training to Overseas Students 2018

#### Standard 4

4.1 The registered provider must enter into a written agreement with each education agent it engages to formally represent it, and enter and maintain the education agent's details in PRISMS.

4.2 The written agreement must outline:

4.2.1 The responsibilities of the registered provider, including that the registered provider is responsible at all times for compliance with the ESOS Act and National Code 2018

4.2.2 The registered provider's requirements of the agent in representing the registered provider as outlined in Standard 4.3

4.2.3 The registered provider's processes for monitoring the activities of the education agent in representing the provider, and ensuring the education agent is giving students accurate and up-to-date information on the registered provider's services.

4.2.4 The corrective action that may be taken by the registered provider if the education agent does not comply with its obligations under the written agreement including providing for corrective action outlined in Standard 4.4.

4.2.5 The registered provider's grounds for termination of the registered provider's written agreement with the education agent, including providing for termination in the circumstances outlined in Standard 4.5

4.2.6 The circumstances under which information about the education agent may be disclosed by the registered provider and the Commonwealth or state or territory agencies.

4.3 A registered provider must require its education agent to:

4.3.1 Declare in writing and take reasonable steps to avoid conflicts of interests with its duties as an education agent of the registered provider

4.3.2 Observe appropriate levels of confidentiality and transparency in their dealings with overseas students or intending overseas students

4.3.3 Act honestly and in good faith, and in the best interests of the student

4.3.4 Have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics.

4.4 Where the registered provider 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 standards 4.2 and 4.3, the registered provider must take immediate corrective action.

4.5 Where the registered provider 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 registered provider must 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.

4.6 The registered provider must not accept students from an education agent if it knows or reasonably suspects the education agent to be:

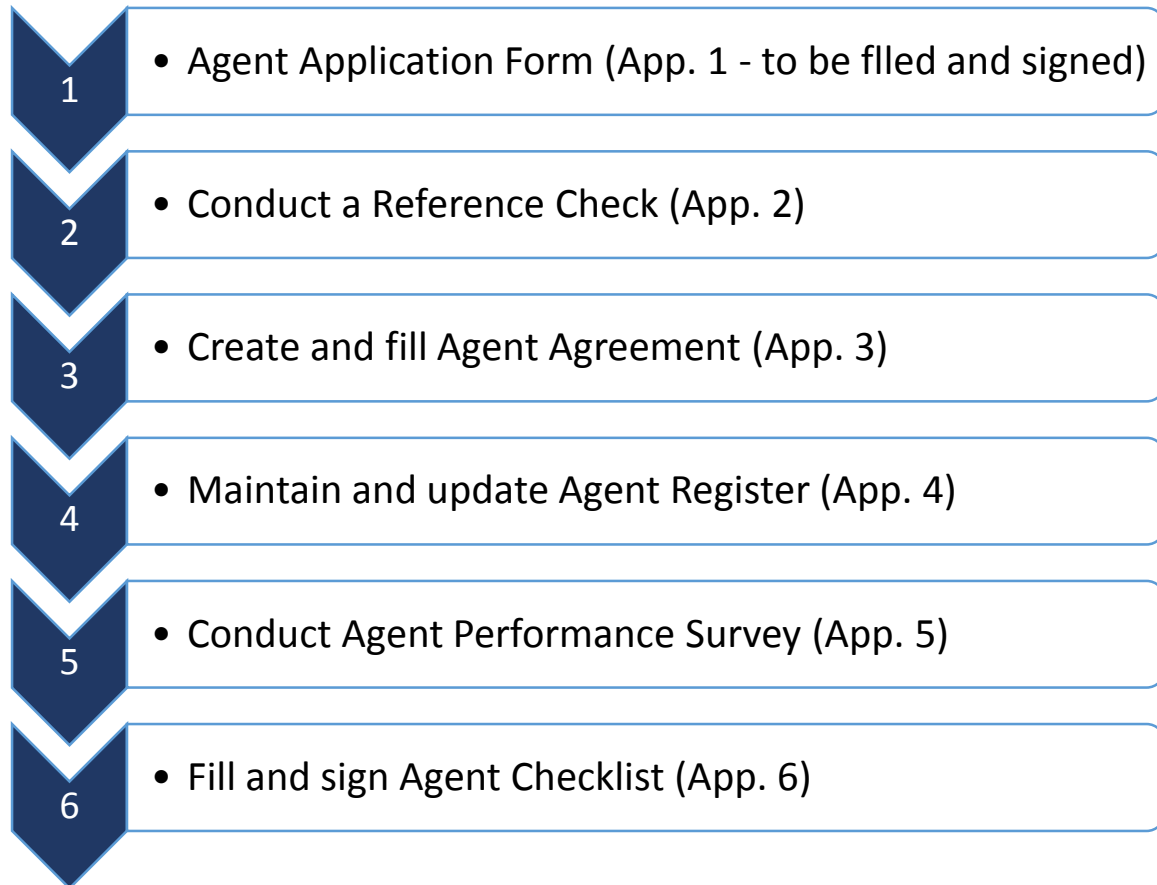
4.6.1 Providing migration advice, unless that education agent is authorised to do so under the Migration Act.

4.6.2 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 Standard 7 (Overseas student transfers)

4.6.3 Facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa

4.6.4 Using PRISMS to create CoEs for other than bona fide students.

## Agent Engagement process



## **Agent Engagement process**

### **1. Agent Application Form**

Victorian International Academy will make sure that agent's application form (Appendix 1) is read and understood by Education agents and thereafter it is duly signed. It will be made sure that Education agents that CMI engages with are aware of the Agent's code of conduct and understand that the provision of incorrect information or documentation or withholding of information or documentation may result in termination of agreement. VIA will only engage with those education agents who will provide true information and provide correct supporting documents.

According to standard 4 of National code 2018, VIA will ensure that education agent's declare in writing and take reasonable steps to avoid conflicts of interests with its duties as an education agent of VIA.

Appropriate levels of confidentiality and transparency will be maintained in their dealing with overseas students or intending overseas students and education agents will act with honesty and in good faith and in best interest of students.

### **2. Agent Reference Check**

Reference check will be conducted through Agent reference check form (Appendix 2) to check the performance of the education agent that VIA wishes to engage with. It will help VIA to ensure that claims made by education agents are true and genuine. This will allow VIA engaging with good education agents who are honest, true and does not provide any false or misleading information to overseas students or make dishonest recruitment practices including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under Standard 7 (Overseas student transfers)

### **3. Agent Agreement**

Agent agreement (Appendix 3) will be a written agreement between Education agent and VIA to ensure that both agent and VIA both follow their responsibilities in a fair and honest manner. It will largely focus on certain obligations and requirements on the providers of education and training courses to overseas students and those provider's agents, including the obligations set out in the national code established under the ESOS Act ("the National Code 2018").

This agreement will be made to ensure that the Agent provides students with accurate and up-to-date information on the VIA's services. The Agent is aware of the requirements of the ESOS Framework (includes ESOS Act 2000 and the ESOS National Code 2018) and the Standards for RTOs 2015 and has agreed to comply with those requirements.

#### **4. Agent Register**

Agent Monitoring register (Appendix 4) will be used to keep record of education agent's performance and compliance with Standard 4 of National Code 2018. VIA will ensure that this register has details about all agents who have recruited overseas students on behalf of VIA. This will help in monitoring the performance of Education Agent from recruitment stage until the last stage.

Details of corrective action taken if Education Agent has not complied with the education agent's responsibilities as mentioned in standard 4 of National code 2018 will be recorded in the agent register.

#### **5. Agent Survey**

Agent's survey will be conducted to ensure that Victorian International Academy's partner education agents are acting ethically, honestly, and in best interest of students' while providing them with accurate and sufficient information in accordance with standards for RTO 2015, National code 2018 and other Australian laws and policy requirements. This survey will aim to ensure that all agents uphold VIA's reputation in International education sector.

Agent's survey will be conducted during Induction where students will be given Agent's survey questions (Appendix 5) to check/review performance of education agents. The student survey answers will be analysed, if it is known that education agent has not complied with the education agent's responsibilities as mentioned in standard 4 of National code 2018, then immediate corrective actions will be taken by VIA.

#### **6. Agent Checklist**

The agent checklist (Appendix 6) is documented to ensure that VIA's Administration staff is responsible at all times for compliance with ESOS Act and National code 2018. The will be done by VIA's marketing staff who will fill up the education checklist to ensure that they have completed all the above mentioned process from getting agent's application form filled up till conducting Agent's survey. This will help in ensuring that no step is missed out during education agent's engagement process and all the other activities are carried out in fair and ethical manner.



## VIA's Engaging and Monitoring Education Agents Policy

### 1. Purpose

This policy/procedure will ensure that Victorian International Academy will use only reputable education agents and monitoring education agent activities to ensure they maintain the reputation and integrity of Australian education.

### 2. Policy

- VIA will enter into agreement with each education agent it engages to formally represent it, and enter and maintain the education agent's details in PRISMS.
- VIA will not enter into an agreement with any Education Agent or potential Education Agent if it knows or reasonably suspects the Education Agent to follow unethical practices while recruiting students.
- VIA will report the commencement and cessation of Agent Agreement to ASQA within 28 days.
- VIA will be responsible at all times for compliance with the ESOS Act 2000 and National Code 2018.
- VIA will outline the circumstances where information about the education agent may be disclosed by VIA and the Commonwealth or state or territory agencies in the Agents Agreement.

### 3. Procedure

#### I. Agent Application Form

- Any person wishing to enter into an agreement to promote VIA must complete an 'Agent Application Form'. This form will be available upon request.
- The completion of the Agent Application form does not provide permission or a guarantee that the education agent is able to act on behalf of VIA. The application will be reviewed and if successful shall be required to sign a copy of 'Agent Agreement'.
- The application form is to be considered by the Compliance Manager and notification of the outcome of application shall be provided in writing.

#### II. Agent Agreements

- Any person who is formally engaged by VIA to promote the courses with the intention of recruiting students for VIA shall be required to get an approval of the CEO who shall initiate an 'Education Agent Agreement'.
- All persons approved as an Education Agent shall be required to sign and return the 'Education Agent Agreement' prior to undertaking any promoting activities on behalf of VIA.

- All agents who are approved by VIA and have a signed agreement as an Education Agent shall be paid an agents fee as outlined in their specific Agent Agreement.
- The agreement, conditions, and authorisation to promote VIA relates to the Education Agent named in the agreement and, any sub-contractors or employees of the Education Agent must be authorised by VIA.
- The original signed agent agreement shall be kept in the Education Agents file and the Education Agent shall receive a copy.
- VIA requires site education agents to:
  - Declare in writing and take reasonable steps to avoid conflicts of interests with its duties as an education agent of the VIA.
  - Observe appropriate levels of confidentiality and transparency in their dealings with overseas students or intending overseas students.
  - Act honestly and in good faith, and in the best interests of the student.
  - Have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics.

### **III. Education Agents Register**

- VIA's Operations Manager will maintain an 'Education agent recruitment and monitoring Register' that lists all education agents with current agreements with VIA.
- This register will contain the following details:
  - Agent name and number
  - Details of activity at recruitment stage including application form, details of agreement, PRISM records, marketing material supplied, agent training and report to ASQA
  - Monitoring activities including details of monitoring visit date, survey form, results of survey.
  - Corrective action applied if any breach identified
  - Details of agent in PRISM and ASQAnet if agent ceased to operate.
- All education agents that have an agreement with VIA must be listed on VIA's website.

### **IV. Agent Marketing Materials**

- Once an agent has been approved and is registered within VIA, a full set of marketing materials are to be provided to the Education Agent.
- Any changes to marketing materials will be provided to the Education Agent as per the 'VIA Marketing Policy and Procedure'.

### **V. Monitoring Agents**

- As an Education Agent representing VIA, the agent's activities in relation to promoting VIA will be monitored to ensure that the agent is acting in the best interests of VIA, the

student, and the Australian education system. These monitoring activities require the agent's participation and contribution which are listed below.

- Whenever required, the agent must outline the promotional activities that have been undertaken on behalf of VIA and include any students that have been contacted or recruited to enrol with VIA. (E-mail will suffice)
- The agent will be required to undertake an annual review. Where practical, a face to face meeting will be organised to review the agent's activities. Where a face to face meeting is not appropriate, VIA will conduct an internal review of the agent's activities. The reviews will include:
  - Overview of current practices and relationship with VIA.
  - Ensuring current marketing materials are being used
  - Ensuring that accurate and up-to-date information is given to the students
  - Ensuring representation of VIA is appropriate and not misleading.
  - Discussion of any issues or concerns with the agent or appropriate staff.
- The review will be undertaken by the CEO and Operations Manager. Minutes of meetings or notes of internal reviews will be taken and kept on the agent's file.
- Further monitoring of Education Agents activities and conduct with prospective students will be gained through feedback collected from students upon enrolment or during Induction.
- Where VIA becomes aware or has a reason to believe that the education agent or any other related party has not complied with VIA's student recruitment processes, the CEO will determine the level of risk and either:
  - Determine that no further action is required with the exception of monitoring future evaluations, or
  - Instruct the Operations Manager to discuss the alleged non-conformance with the agent, and if necessary re-induct the agent, or
  - Advise the agent that their duties are suspended, pending a formal investigation, OR
  - Cancel the Agent's contract
- VIA will not accept students from the agent if it knows or reasonably suspects the agent to be:
  - Providing migration advice, unless the agent is authorised to do so under the Migration Act.
  - 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 VIA under Standard 7 of National Code 2018.
  - Facilitating the enrolment of the student who the agent believes will not comply with his/her visa conditions.
  - Using PRISMS to create CoEs for other than bona fide students.
- This process ensures that any issues relating to Education Agents providing misleading or dishonest information to prospective students is identified and can be addressed.
- Any issues that are identified will be discussed in the Senior Management Meetings and if required, discussed with the particular Education Agent. This meeting / discussion will be documented and kept in the Agents file.

## **VI. Subcontracting**

- The agent must not assign this Agreement or any rights under this Agreement without the prior written consent of VIA (which may be withheld at its discretion).

- The agent must not subcontract to any person the performance of any of its obligations under this Agreement without the prior written consent of VIA (which may be withheld at its discretion).
- Despite any subcontract, the agent remains liable for performing its obligations under this Agreement.
- The agent must terminate any agreement with its staff and a sub-contractor if they become aware of, or reasonably suspect, dishonest 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), whereby VIA must not knowingly enrol the student wishing to transfer from another registered provider's course prior to the student completing six months of his or her principal course of study) or any of the other dishonest practices outlined above.

## **VII. Termination**

- Either party may terminate the agent Agreement at any time by giving the other party 30 days prior written notice.
- If the agent breaches any provision of the Agreement, VIA may terminate the Agreement at any time and with immediate effect by giving written notice to the agent.
- Where VIA becomes aware that, or has reason to believe, the agent or any employee or subcontractor of the agent has not complied with the agent's responsibilities stated in the agreement under standard 4.2 and 4.3 of National Code 2018, VIA will take immediate corrective action or may terminate the agent agreement with immediate effect.
- Where VIA becomes aware that, or has reason to believe, the agent or any employee or subcontractor of the agent is engaging in false or misleading recruiting practices, VIA will immediately terminate the agreement and relationship with the agent, or may ask the agent to terminate its relation with the employee or the subcontractor who engaged in those practices.
- On termination of this Agreement, the agent must:
  - Submit all applications and fees from prospective students received up to the termination date; and
  - Immediately cease using any advertising, promotional or other material supplied by VIA.

### **Related documents:**

Appendix 1: Agent Application Form

Appendix 2: Agent Reference Check Form

Appendix 3: Agent Agreement

Appendix 4: Agent Register Form

Appendix 5: Agent Survey Questions form

Appendix 6: Agent's Checklist (At the end of this kit)

**Appendix 6: Agent’s Checklist**

Agent’s Details:		
<b>Agent Name</b>		
<b>Agent Address</b>		
<b>Contact Number:</b>		<b>Email:</b>
<b>Training guidelines (as per National Code 2018)</b>	<b>Yes</b>	<b>No</b>
Explained that any marketing and promotion of VIA’S courses and education services performed by the agent (in accordance with standard 4) is not false or misleading, and is consistent with Australian Consumer Law		
Explained about any other persons or organisations that the academy has arrangements with and for the delivery of the course		
Explained about CRICOS course code, course content, modes of study, any work-based training component as a part of the course, any prerequisites- including English Language Proficiency for entry to the course and the expected course outcomes		
Explained that the academy does not claim a guarantee of a successful education outcome or job for the student or intending student		
Explained about the use of CRICOS registered name and registration number in any written or online material that is disseminated on behalf of the provider to all intending overseas students		
Explained that the academy will not actively recruit students where it conflicts with its obligations under Standard 7 (Overseas student transfers)		

<p>Explained well about course duration, holiday breaks, campus locations and facilities, indicative tuition and non-tuition fees, including advice on the potential for changes to fees over the duration of a course and VIA's cancellation and refund policies</p>		
<p>Explained the grounds on which the overseas student's enrolment may be deferred, suspended or cancelled</p>		
<p>Explained that VIA must enter into a written agreement that meets the requirements of the ESOS act and the National Code with the overseas student or intending overseas student, signed or otherwise accepted by the student, concurrently with or prior to accepting payment of tuition or non-tuition fees</p>		
<p>Explained about a mandatory written agreement with each education agent that outlines the responsibilities of the registered provider (VIA) complying with the ESOS act and national code 2018, enter, and maintain the education agent's details in PRISMS.</p>		
<p>Explained about the corrective action that may be taken or the grounds for termination of the VIA's written agreement with the education agent, if the agent does not comply with its obligations as outlined in Standard 4</p>		
<p><b>Acknowledged by the agent:</b></p>		
<p><b>VIA Authorised Representative Signature:</b></p>		<p><b>Date:</b></p>