



**EXCELSIA
COLLEGE**
Sydney - Australia

**THIS POLICY AND PROCEDURE IS CURRENTLY UNDER REVIEW BY
MANAGEMENT COMMITTEE**

Document Name

EDUCATION AGENT POLICY AND PROCEDURE

Document Number

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Background

Australian law requires providers of education and training courses to overseas students to be registered and ensure that their Education Agents act ethically, honestly and in the best interests of overseas students as well as uphold the reputation of Australia's international education sector.

Scope

This policy applies to:

- (a) those education agents Excelsia College has appointed to represent it and its programs, both onshore and offshore; and
- (b) those education agents representing prospective or enrolled students of Excelsia College, both onshore and offshore; and
- (c) those education agents seeking to become Excelsia College registered agents.

Purpose

The purpose of this policy is to ensure consistent and effective management of Education Agents.

This Policy applies to:

- the appointment of all Agents by Excelsia College, both within Australia and overseas, and
- staff of Excelsia College and of Partner Providers involved in the recruitment and monitoring of Agents for Excelsia College.

Definitions

Agent Code of Ethics means the Australian International Education and Training Agent Code of Ethics.

CRICOS means The Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS), the register prescribed under section 14A of the ESOS Act (2000).

Education Agent means a person or organisation (in or outside Australia) who recruits overseas students and refers them to education providers. Education agents may provide education counselling to overseas students as well as marketing and promotional services for education providers. An education agent is not an institution with whom an Australian provider has an agreement for the provision of education or teaching services.

ESOS Act means The Education Services for Overseas Students Act 2000 (Cth).

Marketing means any promotion of the institution about its courses and facilities to prospective overseas students and their parents or guardians, agents, international organisations and other interested parties such as alumni.

National Code means the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* made under section 33 of ESOS Act (2000).

Overseas Students means Overseas students (within or outside Australia) who holds a student visa but does not includes students of a kind prescribed in the ESOS Regulations.

PRISMS means the Provider Registration and International Student Management System used to process information given to the Secretary of the Department of Education and Training (DET) by registered providers.

Policy Statement

Excelsia College is committed to being compliant with the ESOS Act (2000) and National Code (2018), and to the effective and diligent management of the Education Agents who it appoints to recruit Overseas Students to study with Excelsia College in Australia.

Responsibilities

| Position Title | Summary List of Responsibilities |
|---|---|
| Director Marketing and Student Acquisition/ Team Leader Student Acquisition | <ul style="list-style-type: none"> • Check references • Customise and issue Education Agent Agreement • Sign off Agreement • Monitor Agents' activities |

Procedure

The Director Marketing and Student Acquisition is responsible, under the supervision of the Chief Executive, for the selection, appointment, monitoring and management of the activities of Agents.

Agent Application

Agents who wish to become an Excelsia College approved agent must follow the guidelines set out below.

- (a) It is the responsibility of the Team Leader Student Acquisition to ensure that communication between Excelsia College and its agents is efficient and effective.
- (b) New agents are actively sourced by Excelsia College based on development markets. New agents can also be sourced, with assistance, from:
 - existing Excelsia College approved agents; and/or
 - Excelsia College entities in Australia or overseas.
- (c) An agent can also make an enquiry about becoming a Excelsia College approved agent by:
 - contacting Excelsia College directly by phone or email;
 - visiting an Excelsia College location;
 - contacting an Excelsia College business either domestically or internationally;
 - being visited by an Excelsia College representative either domestically or internationally.
- (d) The Director Marketing and Student Acquisition or their delegate contacts the enquiring agent and requests relevant information, including the company profile, before providing the application of the prospective agent to the relevant Regional Manager.
- (e) The Director Marketing and Student Acquisition then decides whether to continue with the application or not.
- (f) If the agent's application is not approved, the agent is notified in writing by the Agent Liaison Officer.

Agent Selection

When Excelsia College decides to continue with the agent application,

- (a) The Director Marketing and Student Acquisition or their delegate requests the agent to provide two referees, unless there has been strong working relationship with the agent in the past.
- (b) The application is then submitted to Team Leader Student Acquisition for relevant checks, including:
 - relevant references;
 - completed application;
 - names of the agency and director(s) or authorised representative(s) that will sign the agreement is checked to determine if there are any 'red flags' in dealing with this agency and/or agent;
 - Approval from the Director Marketing and Student Acquisition to appoint.
- (c) Once all checks have been completed, Team Leader Student Acquisition generates an Agent Agreement.
 - The duties and responsibilities of the agent are stipulated in the Excelsia College Agent Agreement.
 - The Agreement is sent electronically to the prospective agent.
 - The agent has three (3) months to digitally sign the Agreement before it is voided.
 - When the agent signs digitally, the Director Marketing and Student Acquisition and Team Leader Student Acquisition are notified by email.
 - The agent also receives an electronic copy of the counter signed contract.
 - The Director Marketing and Student Acquisition or their delegate then verifies the legitimacy of the Agreement and send a copy to the finance team for their records and commission calculation's when applicable.
 - Agent details are updated on the Excelsia College website twice a year.

In accordance with the National Code (2018), Excelsia College will enter into a written agreement with each education agent it engages to formally represent it. The details of the agent are entered into and maintained in PRISMS.

If the agent's application is not approved, at any stage, the agent is notified via email by the Agent Liaison Officer.

Agents are engaged to represent Excelsia College and recruit students for the College. A person or organisation wishing to apply to be an approved Agent of Excelsia College shall contact the Director Marketing and Student Acquisition or Team Leader Student Acquisition.

Approved New Agent Training

All Approved Agents will be provided with sufficient tools and resources by Excelsia College to ensure that accurate and up-to-date information is provided to prospective students at all times, and to ensure compliance with the relevant laws, regulations, standards and codes. A standard Statement of Agent Responsibilities (Appendix A to this Policy) must also be provided to all new agents to ensure that the agent has an appropriate understanding and knowledge of the ESOS Act (2000) and the National Code. (2018)

As soon as reasonably practicable, and no later than three [3] months from becoming an Approved Agent, the Agent will be provided with appropriate training on Excelsia College and its courses (including, but not limited to, entry requirements, admissions process, scholarships and support services). Their obligations and responsibilities under the National Code (2018), the ESOS Act (2000) and the requirements of Excelsia College in relation to the Genuine Temporary Entrant (GTE) status of all prospective students aimed at managing potential visa risks arising from a student's reasons for seeking to study in Australia, will also be clarified.

All new agents will be provided appropriate training initially on the Excelsia College courses as well as clarification of the agent's obligations under The National Code (2018) and ESOS Act (2000). This training will be provided in person, via Skype or Zoom, webinar, over the phone or through email.

Where applicable, Genuine Temporary Entrant (GTE) training is completed with new agents as well as on an ongoing basis. GTE training is actively initiated by Excelsia College and is provided in person, via Skype or Zoom, over the phone or through email.

- (a) If the new agent is based in Australia, the Director Marketing and Student Acquisition or relevant Team Leader Student Acquisition will arrange for the agent's Director/Manager to have a meeting and tour of a campus (where location allows). This meeting should include information regarding the courses and facilities available at Excelsia College to ensure the agent will pass on relevant information to prospective students.
- (b) If the new agent is overseas, the Director Marketing and Student Acquisition or relevant Team Leader Student Acquisition will, where possible, arrange for an Excelsia College representative - who may be travelling to that specific region - to meet with the agent, view their premises and practices as well as informing them about the courses and facilities available at Excelsia College to ensure the agent will pass on relevant information to prospective students.

Ongoing training is also provided through:

- o Agent familiarisation visits to Australia;
- o agent training and workshops days held in market;
- o various training sessions.

Agent Updates

Excelsia College will ensure that approved agents are provided with up-to-date and accurate promotional material and informed of any changes to courses and/or any legislative or regulatory requirements (where applicable), through a range of communication means including update emails and newsletters, training webinars, regular agent meetings and agent visits.

As required, the Director Marketing and Student Acquisition or relevant Team Leader Student Acquisition communicates to agents on:

- (a) product and/or campus updates;
- (b) relevant government process changes;
- (c) the advertising of events.

In addition:

- (d) if the Excelsia College agent is based in Australia, the Director Marketing and Student Acquisition or relevant Team Leader Student Acquisition may visit the Agent;
- (e) if the Excelsia College agent is based overseas, the Director Marketing and Student Acquisition or relevant Team Leader Student Acquisition can, where possible, arrange for an Excelsia College

- representative – who may be travelling to that specific region – to visit the agent;
- (f) the Director Marketing and Student Acquisition or relevant Team Leader Student Acquisition will ensure that all existing agents have current information on applicable promotional prices, new procedures and enquiry/enrolment information;
 - (g) every Excelsia College agent will be emailed from time-to-time detailing the latest Excelsia College updates.

Agent Payments

Payment of commission is made in accordance with the Excelsia College Agent Agreement.

Agent Duties

Agent use of the Excelsia College Name and Logo.

- (a) Excelsia College ensures consistent, compliant and professional use of the Excelsia College logo, corporate image and visual branding.
- (b) An Excelsia College registered agent agrees to only advertise the provision of courses with the written permission from Excelsia College and its business name and CRICOS Provider Number must appear in all written and electronic material.
- (c) All advertising and use of the Excelsia College logo must be approved by Excelsia College prior to publication.
- (d) All requests for use of the relevant Excelsia College logo are to be emailed to the Excelsia College Director of Marketing and Student Acquisition Manager at bobby.abraham@excelsia.edu.au.

The duties and responsibilities of the agent are stipulated at length in the Excelsia College Agent Agreement. The Agreement outlines an Agent's obligations in relation to the rules and regulations as set out in the ESOS Act (2000) and National Code (2018), recruitment rules, promotional activities, fees, privacy and conduct.

Agent obligations are also outlined in the Agent Practices and Responsibilities Statement.

Failure to abide by these obligations will result in a review process which may result in the warning or termination of the Agent Agreement.

4. Monitoring and Reviewing Agent Performance

Excelsia College monitors and reviews the performance of its approved agents on an ongoing basis as well as through a formal annual review. This information may be provided through Australian government agencies and their reporting systems, local government agencies around the world, informal feedback from industry colleagues, as well as student feedback, including those who change agents.

The monitoring processes used to evaluate the activities of the Agent are outlined in the Excelsia College Agent Agreement.

Annual Agent Performance Reports

- (a) The Director Marketing and Student Acquisition and Student Acquisition team will review agent performance at the end of the contract.
- (b) Agents will be sorted into three groups:
 - o Non-Performing;

- Performing; or
 - New (registered with Excelsia College for under 12 months).
- (c) Agents who are “Non-Performing” may become suspended and no further enrolments allowed.
- (d) Agents who are “Performing” will have their contract continued based on maintaining consistent enrolments and demonstrating a proven ability to continue to abide by all regulatory requirements.
- (e) “Performing” agents may be provided additional marketing support and resources.
- (f) Agents who have not worked in a professional manner and/or have not abided by all regulatory requirements, will have one or all of the following actioned:
- issued with a warning letter;
 - suspension of Agent Agreement (no enrolments allowed until performance improves); and/or
 - termination of Agent Agreement (criminal activities and serious non-compliances)
- (g) Excelsia College supports an agent’s right to appeal any decisions made by the business regarding their Agent Agreement. Agents must address their appeal in writing with any supporting documentation. The Director Marketing and Student Acquisition or their delegate will review the appeal and establish if the agent is eligible for a probationary extension of the Agent Agreement valid for 3 to 6 months.
- (h) Agents who satisfy standard requirements will be issued a new Agent Agreement.

The agent has three (3) months from the renewal date to digitally sign the Agent Agreement before it is voided, however automatic reminders are sent to the agent on a weekly basis. Failure to sign the Agreement within the three (3) month period may result in temporary suspension until the signed Agreement is returned.

Warning and Termination

All agents are continually reviewed by Director Marketing and Student Acquisition in all areas of performance. This is outlined in detail in the Excelsia College Agent Agreement. Excelsia College will take the following action prior to terminating an Agent Agreement.

- (a) If it is established that an agent is deemed to be unsatisfactory in their performance or in severe breach of any items stipulated in the Excelsia College Agent Agreement, the Director Marketing and Student Acquisition will issue a warning or immediately terminate the agent’s Agreement.
- (b) In the first instance, a letter of warning will be sent.
- (c) When an agent has been deemed to be in severe breach of an item stipulated in the Excelsia College Agent Agreement then a letter informing the agent of termination is sent and the agent is given the right of reply to Excelsia College.
- (d) It is at the discretion of the Director Marketing and Student Acquisition to decide whether the agent’s response justifies the situation in question.

Please Note: Excelsia College supports an agent’s right to appeal in all instances listed above. Agents must address their appeal in writing with any supporting documentation.

1 APPENDIX A

Agent's Ethical Practices and Responsibilities Statement

Australia offers a high-quality education experience to overseas students across all sectors, including English language and foundation programs through to higher education. By providing a fair and accessible system that supports overseas students, Australia has gained an enviable reputation as a popular study destination.

The Education Services for Overseas Students legislation is a robust framework that protects and enhances the experiences of overseas students in Australia. An integral part of the legislation is the [National Code of Practice for Providers of Education and Training to Overseas Students \(2018\)](#) (the National Code (2018)). The National Code (2018) provides nationally consistent standards for the conduct of registered providers and the registration of their courses.

Education institutions such as Excelsia College must comply, and ensure that education agents comply, with the National Code (2018) to maintain their registration to provide education services to overseas students.

Under the National Code (2018), education agents must act ethically, honestly and in the best interests of overseas students, as well as uphold the reputation of Australia's international education sector. In order to comply with these regulations, it is imperative that all education agents contracted to Excelsia College understand and abide by the requirements and responsibilities set out in this Statement. Failure to do so will result in corrective action which may include termination of your education agent agreement.

Education agents must:

- enter a written agreement with Excelsia College to be appointed as an authorised education agent
- not provide migration (visa) advice unless authorised to do so under Australian migration law
- not give false or misleading information, or engage in any deceptive practices, in the marketing and promotion of Excelsia College's courses
- not claim to commit to securing a migration outcome from undertaking an Excelsia College course
- not claim that a Excelsia College course will guarantee any specific career or job outcome for a student
- not actively recruit a student that has not completed the first six months of their principal course (except as permitted by Standard 7 of the National Code (2018))
- not accept or recruit students reasonably suspected to be non-genuine entrants into Australia
- provide students with sufficient information to enable them to make informed decisions about studying with Excelsia College in Australia
- declare in writing and take reasonable steps to avoid conflicts of interests with their duties as an authorised Excelsia College education agent
- observe appropriate levels of confidentiality and transparency in their dealings with overseas students or prospective overseas students
- use Excelsia College approved marketing and promotional materials in its recruitment activities
- have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and [Training Agent Code of Ethics](#)
- notify Excelsia College as soon as there are any changes to their Agency contact

details and business information (i.e. registered address, email and/or director/owner details).