

# Agent Appointment and Management Procedure

## Purpose

1. The purpose of this Procedure is to clearly articulate the process for appointing and managing agents of Global Higher Education (GHE) in accordance with the **Agent Appointment and Management Policy** and relevant legislation, codes and standards.

## Scope

2. This Procedure applies to:
  - a) all GHE staff involved in the appointment and management of agents;
  - b) all agents appointed by GHE for the purpose of recruiting international students for its higher education courses.

## Definitions

3. Definitions for key terms are presented in the Glossary of Terms which may be accessed on the GHE website at <https://www.globalhe.edu.au/policy>

## Suite documents

4. This Policy is linked to the Agent Appointment and Management Policy.

## Procedure

5. The Chair of the Board of Directors has delegated the responsibility of oversight of education agents to the Chief Executive Officer.

## Agent agreements

6. All agents appointed to GHE will be contracted using a standard draft agreement detailing the courses and area jurisdictions in which the agent may represent GHE.
7. The Chief Executive Officer is responsible for ensuring that GHE's standard agreement with agents includes the following provisions:
  - a) the responsibilities of GHE;
  - b) GHE's processes for monitoring the activities of the agent in representing GHE, and ensuring the agent is giving prospective and current students accurate and up-to-date information on GHE's services;
  - c) the corrective action that may be taken by GHE if the agent does not comply with its obligations under the written agreement;
  - d) the grounds upon which GHE would terminate the written agreement with the agent (see section on Termination of agreements in this Procedure);
  - e) the circumstances under which information about the agent may be disclosed by GHE to Commonwealth or state or territory agencies;
  - f) the requirement for the agent to:
    - i. declare in writing and take reasonable steps to avoid conflicts of interests with its duties as an agent of GHE;

- ii. observe appropriate levels of confidentiality and transparency in their dealings with international students or prospective international students;
  - iii. act honestly, in good faith, and in the best interests of the student;
  - iv. have appropriate knowledge and understanding of the international education system in Australia, including the [Australian International Education and Training Agent Code of Ethics](#).
8. Any variations from the standard agreement will need to be approved by the Chief Executive Officer.

### **Selection and appointment of agents**

9. GHE may approach prospective agents and invite them to become an agent of GHE or prospective agents may approach GHE directly.
10. The Chief Executive Officer is the only member of staff authorised to directly approach prospective agents.
11. Where a prospective agent is interested in representing GHE an Approved Agent Application Form is sent to the prospective agent by the Marketing Department.
12. Prospective agents are required to complete the form and return it with the following documentation:
- a) company profile;
  - b) Business Registration Certificate;
  - c) details of at least two independent referees.
13. Incomplete forms will not be accepted for processing.
14. If following review of the documentation a prospective agent is deemed provisionally appointable, an agent reference check will be conducted by the Marketing Department by contacting the referees nominated by the prospective agent and / or other sources deemed by GHE to be appropriate.
15. Referees are required to complete an Agent Reference Check Form and return it to the Marketing Department.
16. In cases where a referee declines to complete the Agent Reference Check in writing or referees are unable to complete it (e.g. travelling, policy of organisation concerned) the Marketing Department may:
- a) telephone the referee and complete the form on their behalf with a verification signature from the Marketing Department staff carrying out the referee contact;
  - b) provide a supporting statement documenting the reasons why the prospective agent may still be appointable (e.g. office visit, recommendation from third party provider).
17. Applicants must receive a minimum of two satisfactory references in order to be appointable.
18. Once the agent reference check has been completed, the Marketing Department staff will assess the application to recommend to the Chief Executive Officer whether the agent is suitable to appoint.
19. The Chief Executive Officer is responsible for making a decision on appointment and approves the notification letter to the applicant.
20. A copy of the Agent Agreement will be sent by courier or electronically to the head office of the agent by the Marketing Department.
21. The agent will return a signed copy of the agreement to the Marketing Department.

### *Agent certificate*

22. On appointment, agents will be issued a standard certificate as an authorised agent of GHE for student recruitment. The agent certificate will detail:
  - a) the agent 's legal name;
  - b) the regions in which he/she can operate;
  - c) applicable courses;
  - d) the agreed period of representation.

### **Induction and training of agents**

23. The Marketing Department will provide agents with a comprehensive agent induction at the point of engagement outlining:
  - a) *ESOS, National Code and Higher Education Standards Framework (Threshold Standards) 2021* ([Domain 7](#)) requirements;
  - b) agent management responsibilities;
  - c) monitoring and agent review processes;
  - d) GHE admissions policies and procedures, and other compliance requirements.
24. All agents will receive an electronic copy of GHE's periodic 'International Education Agent Newsletter'. The purpose of this newsletter is to keep agents briefed on course changes, news from GHE, intending country visits by GHE staff, changes to visa requirements, application processing requirements, enrolment dates etc.
25. Regular contact will be maintained by the Marketing Department with agents to ensure that they are kept up to date with all relevant information in relation to the provision of services.
26. As part of keeping agents up to date, GHE encourages and supports visits by agents to the relevant GHE campus.
27. GHE endeavours to visit the majority of agents on a bi-annual basis to:
  - a) undertake product briefings, including course requirements for entry etc;
  - b) inspect the premises to ensure that an appropriate image of GHE is being presented;
  - c) assess their performance in advising students;
  - d) review the display of GHE promotional materials;
  - e) assess the agent's knowledge of and compliance with the legislative and regulatory requirements relating to the provision of their services under Australian law.
28. Visits undertaken to agents may also inform the agent performance management process.

### **Conduct of agents**

29. Agents may only undertake promotional and marketing activities that are authorised by GHE and may only use promotional and marketing material developed or approved by GHE in accordance with the **Communication and Marketing Policy**.
30. Neither GHE nor its agents will actively recruit international students from another registered provider prior to the student completing six months of his or her principal program or course, except where any of the following apply:
  - a) the releasing registered provider, or the course in which the international student is enrolled, has ceased to be registered;
  - b) the releasing registered provider has had a sanction imposed on its registration by the ESOS agency that prevents the international student from continuing his or her course at that registered provider;

- c) the releasing registered provider has agreed to the international student's release and recorded the date of effect and reason for release in PRISMS;
- d) any government sponsor of the international student considers the change to be in the student's best interests and has provided written support for the change.

### **Performance management of agents**

- 31. The performance and activities of all agents will be monitored on an ongoing basis by the Marketing Department in consultation with the Chief Executive Officer.
- 32. From time to time GHE will also survey students recruited by particular agents, with a focus on the quality of advice and counselling and other information provided to students.
- 33. A comprehensive review of all agents will be conducted annually. The review will include:
  - a) whether the agent has been engaged in dishonest practices;
  - b) whether the agent has facilitated the enrolment of students who do not comply with their visa requirements or have engaged in misleading practices;
  - c) the number of applications and conversion rates;
  - d) the number of visa refusals and any impact to GHE's visa risk rating;
  - e) compliance with contractual requirements;
  - f) evaluation of the quality of applications, documentation and evidence submitted on behalf of students;
  - g) number of issues reported in relation to the [Simplified Student Visa Framework](#);
  - h) outcomes of spot checks by GHE, for example observing agents at work at education seminars, exhibitions and student fairs;
  - i) observations made during visits to agents;
  - j) reports from students on agent behaviour.
- 34. Annual agent review reports will be submitted to the Board of Directors by the Chief Executive Officer.
- 35. Following annual reviews, the Marketing Department will forward a brief report to the agent with appropriate comments and requested actions and upload a copy of the annual review report into the records management system.

### **Corrective and preventative action**

- 36. GHE 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.
- 37. All allegations of negligent, careless or incompetent agent behaviour are to be reported to the Chief Executive Officer.
- 38. Within twenty-four hours of receipt of the allegation the Chief Executive Officer will make direct contact with the agent to advise of a possible breach and seek their response to the allegations. The agent has three working days to respond in writing to the allegation, providing evidence as appropriate.
- 39. The agent must not actively recruit students on behalf of GHE during the review process.
- 40. If the agent does not respond within the specified time their contract will be immediately terminated.
- 41. Upon receipt of the response from the agent, the Chief Executive Officer will convene the Agent Performance Review Board, consisting of the:
  - a) CEO – Chair;
  - b) Head of Marketing;

- c) Operations Director;
  - d) Manager, Quality and Compliance.
42. There are three possible outcomes from the review:
- a) the agent is cleared of the allegation – the Chief Executive Officer writes to the agent advising of the result;
  - b) a finding of a minor breach by the agent – Chief Executive Officer issues a request for corrective action, a reminder of their obligations and a warning advising that any further breach will result in termination of their agreement, and places a record of all relevant documentation on the agent’s file;
  - c) a finding of a major breach by the agent – Chief Executive Officer writes to the agent advising that their contract will be terminated immediately.
43. The grounds for termination outlined in this Procedure constitute a major breach by the agent.
44. A minor breach is generally limited to non-systematic non-compliance with an administrative requirement of the agent agreement.
45. Where an agent’s agreement is terminated the Chief Executive Officer is responsible for notifying both internal and external stakeholders of the grounds for the termination.
46. The decision of the Agent Performance Review Board is final and not subject to appeal.

### **Renewal of agent agreements**

47. Agent agreements will be renewed based on successful annual reviews.

### **Termination of agent agreements**

48. Agent agreements will automatically cease on the date of expiry unless renewed through re-appointment.
49. Agent agreements may also be prematurely terminated in cases of any breach of agreement, as outlined in the agreement. GHE’s grounds for termination of an agreement with an agent include:
- a) the agent is engaging in false or misleading recruitment practices;
  - b) the employee or subcontractor of the agent is engaging in false or misleading recruitment practices, and the agent does not act to terminate its relationship with the employee or subcontractor who engaged in those practices;
  - c) the agent is providing migration advice, unless that education agent is authorised to do so under the *Migration Act 1958*;
  - d) the agent is found to have made a deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under Standard 7 (Overseas student transfers) of the *National Code* (see *Conduct of agents* section in this Procedure);
  - e) the agent is using PRISMS on behalf of GHE without written authorisation, or create or cause to be created by GHE, CoEs for other than bona fide students;
  - f) the agent is not meeting agreed performance measures;
  - g) the agent does not respond to a request for information pertaining to an allegation of misconduct.
50. Upon termination, the agent will return all the marketing and promotional material provided by GHE and also hand over any pending student applications to GHE in order to ensure that students are not disadvantaged.

### **Records management**

51. The Marketing Department is responsible for all records management arising from this Policy and Procedure, including:

- a) the maintenance of signed agents' agreements, records of communication with and visits to agents, records relating to the annual review of agents, and the outcomes of the Agent Performance Review Board;
- b) maintenance of a complete current and historic list of approved agent agreements;
- c) ensuring the availability of an agent list on the GHE public website;
- d) details of the agent are entered and maintained in PRISMS.

## Privacy

52. GHE's **Privacy Policy** explains how information is collected, used, protected, destroyed and disclosed by GHE in carrying out its business.

## Roles and responsibilities

53. The Board of Directors is responsible for the governance of this Procedure.
54. The Chief Executive Officer is responsible for the oversight of implementation of this Procedure.
55. The Manager, Quality and Compliance is responsible for:
- a) ensuring compliance with this Policy and Procedure;
  - b) ensuring that staff are adequately notified of the existence of this Policy and Procedure;
  - c) benchmarking GHE policy and standards with those adopted elsewhere in the higher education sector.
56. Members of staff with responsibilities under this Procedure are responsible for becoming familiar with and complying with this Procedure.

## Associated information

<b>Related Internal Documents</b>	Agent Appointment and Management Policy Communication and Marketing Policy Approved Agent Application Form Agent Reference Check Form Agent Agreement Agent Review Form Corrective Action Notification, Review and Ongoing Monitoring of Agents Form Privacy Policy Glossary of Terms
<b>Related Legislation, Standards and Codes</b>	<i>Tertiary Education Quality and Standards Agency Act 2011</i> <i>Education Services for Overseas Students (ESOS) Act 2000</i> <i>Australian Qualifications Framework 2013</i> <i>Higher Education Standards Framework (Threshold Standards) 2021</i> <i>National Code of Practice for Providers of Education and Training to Overseas Students 2018</i> <i>Migration Act 1958</i> <a href="#">Australian International Education and Training Agent Code of Ethics</a> <a href="#">Simplified Student Visa Framework</a>
<b>Date Approved</b>	21 February 2020
<b>Date of Effect</b>	21 February 2020
<b>Date of Review</b>	June 2026
<b>Approval Authority</b>	Board of Directors
<b>Policy Custodian</b>	Chief Executive Officer
<b>PinPoint DocID</b>	2521

## Change history

Version Control		Version 1.3
Change Summary	3-Mar-20	V1.0 Draft approved by Board of Directors 21-Feb-20, plus administrative updates
	7-Jul-20	V1.1 administrative updates
	8-Dec-21	V1.2 update for HESF 2021 and administrative updates
	21-Jun-23	V1.3 administrative updates following TEQSA registration

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