

## Source of Obligation

Standard 4.1 of the National Code requires the College to 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 Provider Registration and International Student Management System (PRISMS).

Section 21A of the Education Services for Overseas Students (ESOS) Act requires the College to:

- maintain a list of all the College's Education Agents; and
- publish that list:
  - on our public website; and
  - in any manner prescribed by the ESOS Regulations.

It is an offence to fail to comply with Section 21A.

## Thomas Carr College's Policy

It is the College's policy to:

- ensure that all relationships between the College and Education Agents formally representing the College are governed by written agreements
- enter and maintain Education Agent details on PRISMS
- provide up-to-date and accurate information to Education Agents, and any employees or subcontractors of the Education Agents, to assist their compliance with the National Code and ESOS Framework
- ensure that Education Agents have appropriate knowledge and understanding of the Australian International Education and Training Agent Code of Ethics
- ensure that Education Agents act honestly and in good faith
- ensure we terminate our relationship with an Education Agent, and any employee or subcontractor of the Education Agent, that engages in dishonest or unethical conduct
- ensure that we do not accept the enrolment of overseas students from an Education Agent if we know or suspect that the Education Agent is engaging in unethical recruitment processes
- ensure that we maintain accurate records of our agreements with Education Agents and evidence of any monitoring or corrective action taken by the College in relation to Education Agents or their employees or subcontractors.

## Education Agent Agreements

Standard 4.2 requires that the written agreement between the College and each Education Agent outlines:

- the responsibilities of the College, including that the College is responsible at all times for its compliance with the ESOS Act and the National Code
- the College's requirements of the Education Agent in representing the College as outlined in Standard 4.3
- the College's processes for monitoring the activities of the Education Agent in representing the College, and ensuring the Education Agent is giving students accurate and up-to-date information on the College's services
- the corrective action that may be taken by the College if the Education Agent does not comply with its obligations under the written agreement, including providing for corrective action as outlined in Standard 4.4
- the College's grounds for termination of the College's written agreement with the Education Agent, including providing for termination in the circumstances outlined in Standard 4.5
- the circumstances under which information about the Education Agent may be disclosed by the College and the Commonwealth or state and territory agencies.
- A copy of the College's template Education Agent Agreement is available here.

## Recording Education Agent Details in PRISMS

The College records our Education Agent's/s' details in PRISMS, and keeps a record of these details in accordance with the College's Overseas Students Records Management and Retention Policy.

Refer to our Additional Resources for information about how to use PRISMS.

### **Staff and Education Agent's Responsibilities**

All staff and Education Agents that formally represent the College for the engagement and recruitment of overseas students, are responsible for ensuring that they:

- abide by the National Code at all times
- abide by the Australian International Education and Training Agent Code of Ethics
- do not give false or misleading information or advice to overseas students or intending overseas students in any form or through any mode of communication, as detailed in the College's Overseas Students Marketing Policy
- correct any misstatements and/or other mistakes as soon as possible
- perform their duties according to the obligations and responsibilities set out in the written agreement.

Any misconduct or suspected misconduct by staff or Education Agents must be reported as soon as possible to the Principal.

### **Education Agent Information**

The College provides annual information on its policies and procedures to Education Agents.

The College provides annual reminders to Education Agents about their role as representatives of the College and their responsibility to engage in honest marketing practices on behalf of the College.

Where there are changes or updates to the College's policies or procedures relating to overseas students at the College, Education Agents will be informed as soon as practicable. Records of meetings and information sent to Education Agents are maintained in accordance with our Records Management Policy.

### **Education Agent Requirements**

Standard 4.3 requires Education Agents to:

- declare in writing and take reasonable steps to avoid conflicts of interest with their duties as an Education Agent of the College
- observe appropriate levels of confidentiality and transparency in their dealings with overseas students or intending overseas students
- act honestly, in good faith and in the best interests of the overseas student
- have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics.

### **Conflicts of Interest**

The College requires all Education Agents to declare conflicts of interest in writing. Examples of conflicts of interest affecting Education Agents include, but are not limited to:

- when the Education Agent charges service fees to both overseas students and the College for the same service
- where an Education Agent has a financial interest in a private education provider
- where an employee of an Education Agent has a personal relationship with an employee of the College.

### **Corrective Actions**

If the College becomes aware that, or have reason to believe, an Education Agent, or an employee or subcontractor of the Education Agent, hasn't complied with their responsibilities under the written agreement, or the National Code, the College will take the following corrective action:

- in the case of false or misleading recruitment practices, the College will terminate the relationship with the Education Agent, or require the Education Agent to terminate its relationship with the employee or subcontractor who engaged in those practices
- in the case of practices which are not false or misleading but may be confusing to a prospective overseas student, the College will provide Education Agents with additional information or targeted training on the College's expectations of the Education Agent.

### **Monitoring of Education Agents**

The College monitors the activities of all our Education Agents.

This is done through:

- regular face-to-face meetings
- telephone and/or teleconference meetings
- regular reports on engagements with overseas students
- surveys by students recruited by the Education Agent
- surveys by parents/guardians of overseas students that are recruited by the Education Agent
- spot checks by the College of its Education Agents

- any other method that the College thinks fit.

### **Accepting Students**

Under Standard 4.6, the College must not accept students recruited by an Education Agent if it knows or reasonably suspects the Education Agent to be:

- providing migration advice, unless that Education Agent is authorised to do so under the Migration Act 1958 (Cth)
- engaged in, or previously been engaged in, dishonest recruitment practices, including the deliberate attempt to recruit a student where it clearly conflicts with the obligations of registered providers under Standard 7 (Overseas students transfers)
- facilitating the enrolment of a student who the Education Agent believes will not comply with the conditions of their visa
- using PRISMS to create CoEs for other than bona fide students.

### **Failure to Publish Details of Education Agents**

It is an offence under the ESOS Act for the College to fail to publish the details of our Education Agents in accordance with section 21A of the ESOS Act.

### **Record Keeping**

The College maintains evidence of compliance with this policy by maintaining records of written agreements entered into by the College and an Education Agent and any actions or activities undertaken by the College in relation to this policy. Records will be maintained in accordance with our Overseas Students Records Management and Retention Policy.

**Policy status:** New

**Key Stakeholders:** College staff, students and parents

**Endorsement Body:** College Executive

**Ratification Body:** College Board Policy

**Author:** Director of International Programs

**Date of Approval:** 2018

Date of Scheduled Review: 2021

**The content of this policy can be changed at the College Board's discretion at any time without notification.**