

PURPOSE

This policy establishes an effective, accountable and transparent framework to outline the process for ensuring the selection of only education agents who are ethical and that can provide a high level of service to international students. This policy outlines practices for dealing with Education Agents to satisfy the requirements of the ESOS Act and National Code 2018 Standard 4.

SCOPE

This policy applies to all International Education Agents, and/or their employees or contractors engaged by Sapience College (SC) on any basis and at all times. This document presents SC's Policy relating to:

- Appointment of International Education Agents
- Agency agreement
- Monitoring of International Education Agents
- Termination of Partner Agreements

POLICY

Education agents acting on behalf of SC are required to provide a high standard of service and information to all potential overseas students. SC will take reasonable measures to use education agents who are professional and ethical. SC will not use education agents who are dishonest or lack integrity, or who have had negative reports issued publicly or privately through our due diligence process.

The RTO takes all reasonable measures to ensure that the Education Agents it engages have an appropriate knowledge and understanding of the Australian international education industry, in particular a good working knowledge of:

- The National Code 2018,
- The Education Services for Overseas Students Act 2000 (ESOS Act)
- The Education Agents Code of Ethics
- SC's services

SC will not accept or continue to accept overseas students recruited by an agent if they know, or reasonably suspect the agent to be:

- engaged in, or to have previously been engaged in, dishonest practices, including suggesting to overseas students that they come to Australia on a student visa with a primary purpose other than full-time study, or acting otherwise in contravention of the obligations of Acknowledge Education under the National Code or the ESOS Act, particularly by deliberately attempting to recruit a transferring student within the first six months of study of his or her principal course in contravention of Standard 7 of the National Code
- facilitating the enrolment of overseas students who the agent believes will not comply with the conditions of their student visas
- engaged in false or misleading advertising and recruitment practices
- using PRISMS to create Confirmations of Enrolment for other than bona fide students
- providing immigration advice where not authorised under the Migration Act 1958 to do so

Appointment of International Education Agents

SC will select International Education Agents on the basis of their overall experience and understanding of the National Code and ESOS Act. Education agents must provide the following details before being contracted for the purpose of recruiting overseas students to study:

- a) the registered company name (both in Australia and overseas where relevant)
- b) the names of the company principals
- c) the company's business address and contact details
- d) membership of relevant industry associations
- e) brief statement of the company's experience in recruiting students from their nominated regions
- f) minimum of two (2) Referral Reports

In the event the agent cannot supply this, then SC will make a professional judgement on the validity of the Education Agents application.

Education Agent Agreement

SC will enter into a written agreement with each International Education Agent engaged to recruit students on its behalf. Education Agents Agreements must be prepared from SC's authorised template, with any changes to be reviewed by the Admissions Officer and authorised by Compliance Officer.

Once signed, an original copy of the Education Agent Agreement will be kept by the agent, a second signed original copy of the Education Agent Agreement will be kept in the agent's file of SC, and a copy of the Agreement will be kept by the marketing department for their records. Furthermore, the education agent's details will be entered into and maintained in PRISMS.

The agreement will specify the Roles and Responsibilities of both parties, and is to explicitly outline the following:

- a) That SC as the provider is at all time responsibilities for compliance with ESOS Act and National Code 2018
- b) All processes for monitoring the activities of the education agent, including where corrective action may be required
- c) Termination conditions
- d) Circumstances under which information about the agent may be disclosed by SC and the Commonwealth or state or territory agencies
- e) All processes for ensuring that the agent is only supplying students with accurate and up-to-date information about SC and our courses and services
- f) Our requirements of the agent for representing SC in accordance with Standard 4.3

Requirements of International Education Agents

The International Education Agent holds the following responsibilities:

- a) To Provide a written declaration of intention to avoid conflicts of interests with their duties as education agent acting on SC's behalf
- b) To actively take all reasonable measures to avoid conflicts of interests with their duties as education agent acting on SC's behalf
- c) To hold and maintain confidentiality and transparency in all interactions with overseas students or intending overseas students
- d) To be truthful and transparent in all dealings with overseas students, demonstrating good faith and acting towards the benefit of the overseas student at all times
- e) To maintain appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics

Monitoring of International Education Agents

Monitoring of International Education Agents is vital to ensuring the provision of up to date and accurate information to overseas students and intending or potential students. SC also wish to reveal any instance in which an agent is engaging in false or misleading recruitment practices.

Monitoring processes may include, but are not limited to:

- Face to face meetings
- Visits
- Regular feedback from students regarding the Agent
- Key performance indicators
- Telephone, online or email surveys

Preventative and Corrective Actions

Preventative action may include training sessions for agents and ensuring that they have all the material required to recruit for SC accurately.

In the realm of education agents, SC acknowledges the paramount importance of ethical conduct. Should SC become aware of any inappropriate practices by its education agents, the organisation will promptly initiate a thorough investigation, employing a variety of methods such as interviews and document reviews to gather pertinent information. SC will take immediate corrective and preventative action upon becoming aware of an education agent being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices, including practices that could harm the integrity of Australian education and training.

Following the initial investigation, SC will engage in open and transparent communication with the implicated education agent to understand the context and gather their perspective on the reported inappropriate practices. In the event that the investigation substantiates the allegations, SC will collaborate with the education agent to implement immediate corrective actions. This may involve additional training, guidance, or the establishment of clear expectations to rectify identified issues. Corrective action may also include termination of the agreement with the education agent.

Furthermore, SC will conduct a comprehensive review of its partnership with the education agent, potentially reassessing terms or introducing enhanced monitoring mechanisms. If necessary, and in accordance with regulatory requirements, SC may terminate the relationship with the education agent. In cases where the inappropriate practices are found to breach regulatory standards, SC will promptly report the incident to the relevant regulatory authorities, providing full cooperation during any ensuing investigations.

Termination of Agreements

If SC determines that the agent is engaging in false or misleading recruitment practices, the relationship with the agent will immediately be terminated. The only exception shall be in the instance that the agent provides notification in writing of the termination of the agent's relationship with the employee or subcontractor who engaged in those practices. The agent will be notified in writing of the Termination and this notification will be kept on file.

RESPONSIBILITIES

A record of all approved education agents, including written agreements, will be maintained by CEO / Designated Official.

MARKETING MATERIALS

The use of marketing materials by international education agents must be with the official, unaltered and most up to date materials as supplied by SC.

Under no circumstances are agents permitted to alter or edit the marketing material supplied, this is to ensure that students and prospective students are not given misleading information.

RELATED LEGISLATION AND REGULATIONS

- Education Services for Overseas Students (ESOS) Act 2000
- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018' Standard 4