

Education Agents Policy & Procedure – Standard 4

Purpose

Newgen Education’s Agents (Agents) are often the first point of contact between prospective Students and the Australian Overseas education industry. Their activities and ethics are important to Australia’s reputation as a desirable destination for Students. Newgen Education is therefore committed to ensuring its agents act ethically and appropriately.

To this end, Newgen Education requires its agents to have an appropriate knowledge and understanding of the Australian Overseas education industry and to act honestly and with integrity.

This policy aims to ensure that the actions of its appointed agents are ethical and comply with the Institute’s obligations under the:

- ESOS ACT;
- ESOS Regulations;
- National Code;
- Migration Act; and
- Migration Regulations

Newgen Education follows a firm practice in the monitoring and termination of education agents domestically and Overseasly to ensure honest and professional representation of Newgen Education with the highest integrity.

Scope

- Agents of Newgen Education and
- Staff of the Newgen Education involved in the recruitment, and monitoring of agents for Newgen Education.

Definitions

CRICOS:	Commonwealth Register of Institutions and Courses for Overseas Students.
ESOS Act:	Education Services for Overseas Students Act 2000 of the Commonwealth of Australia.
ESOS Regulations:	Education Services for Overseas Students Act 2000 of the Commonwealth of Australia.
National Code:	National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students.
Prospective Student:	A person who intends to become, or who has taken any steps towards becoming, a Student an 'overseas Student' or 'intending overseas Student' as defined by the ESOS Act.
Relevant Legislation:	the ESOS Act 2000; the ESOS Regulations 2001; the Migration Act 1958;



	the Migration Regulations 1994; the National Code; and Any other legislation or regulations relevant to governing the provision of education to overseas Students in Australia.
Agent:	An accredited person or organisation with the authority to promote Newgen Education’s courses and services to Students or intending Students in nominated regions.
Agents Agreement:	Agreement between the Institute and the Agent including the Schedules.
Student:	A person (whether within or outside Australia) who holds a Student Visa and is an 'overseas Student' as defined by the ESOS Act.

Policy

This policy/procedure supports ‘Standard 4 – Education Agents’ of the ‘National Code of Practice for Registration Authorities & Providers of Education & Training to Overseas Students 2018’ which states:

“Registered providers take all reasonable measures to use education agents that have an appropriate knowledge and understanding of the Australian Overseas education industry and do not use education agents who are dishonest or lack integrity.”

In following this procedure the Newgen Education (RTO) will ensure it is able to manage the activities of their education agents, ensuring only reputable education agents are used.

Newgen Education will conduct ongoing reviews including annual Agents Performance Appraisals and Agent Student Appraisals are taken on the Orientation day.

Newgen Education may terminate an agent’s appointment where Newgen Education knows or has a reasonable suspicion that an agent must have been engaged in Unprofessional Conduct.

Newgen Education retains the right to veto any Agent activity that in Newgen Education’s opinion is not compliant with:

- The Agent Agreement; or
- Any Relevant Legislation; or
- Any information provided to the Agent by Newgen Education.

Procedure

Agent Appointment Process

STEPS	WHO IS RESPONSIBLE?	COMMENTS
-------	---------------------	----------



1.	Agent Application Form and Agent Information documents sent to prospective Agent.	Admin Manager	
2.	Completed forms with documentation required attached returned to Newgen Education	Prospective Agent	Business Profile etc. to be attached.
3.	If determined to be suitable to appoint, contact referees for completion of Agent Reference Check.	Admin Manager	In cases where referees refuse to complete the Agent Reference Check in writing then there are two options: <ul style="list-style-type: none"> Admin Manager to telephone referee and complete the form on their behalf with verification signature from Operations Manager Provide supporting statement documenting reasons why the agent was appointed (i.e. office visit or recommendation from somebody)
4.	Once Agent Reference Check has been completed reassess to determine if suitable to appoint.	Operations Manager	
5.	Complete Agent Agreement.	Admin Manager	Ensure correct details are entered i.e. title of Agent, company registration number (if any); country of representation, address is listed in agreement.
6.	Agent agreement approved.	Operations Manager	
9.	Two copies of Agent Agreement sent by courier to Head Office of Agent.	Admin Manager	
10.	Agent returns signed original copies of agreement.	Agent	
11.	Two original copies to be signed by CEO.	Operations Manager	
12.	One countersigned copy retained in operation managers Office in agent's file and one countersigned copy returned to Admin Manager to courier to the Agent together with Agency Certificate of Representation/s.	Operations Manager Admin Manager	
13.	Details of Agent updated in Student Management System	Admin Manager	
14.	Details of Agent updated in PRISMS	Admin Manager	

Responsibility

- Operations Manager

- Admin Manager

Policy Base

- Education Services for Overseas Students Act 2000.
- ESOS Regulations 2001.
- The ESOS (Registration Charges) Act 1997.
- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (The National Code).
- The Migration Act 1958.
- The Migration Regulations 1994.

Agent Agreements

- Any person who is formally engaged by Newgen Education to promote its courses with the intention of recruiting students for Newgen Education shall be required to be approved by the Operations Manager who shall initiate an Agents Agreement
- All persons approved as an Agent shall be required to sign an 'Agent Agreement' prior to undertaking any promoting activities on behalf of Newgen Education.
- Newgen Education will **not** enter into an agreement with any education agent or potential education agent if it knows or reasonably suspects the education agent to be: (ESOS 4.3)
 - Engaged in, or to have previously been engaged in, dishonest practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under Standard 7 (Transfer between registered providers); (ESOS 1.3, 4.3)
 - Facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her student visa (ESOS 4.3)
 - Providing immigration advice where not authorised under the Migration Act 1958 to do so. (ESOS 4.3)
- All agents who are approved by Newgen Education and have a signed agreement as an agent shall be paid an agents fee as outlined in their specific agreement.

The agreement, conditions, and authorisation to promote Newgen Education relates to the 'agent' named in the agreement and, any sub-contractors or employees of the agent must be authorised by Newgen Education

- The original signed agent agreement shall be kept in the Agents file and the agent shall also receive a copy.

The written agreement will outline:

- the responsibilities of the registered provider and agent, including that the registered provider is responsible at all times for compliance with the ESOS Act and National Code 2018
- Agent must always comply with ESOS act and provide all necessary information to the students as provided by Newgen Education to the Agent and as required by the ESOS Act and National Code to enable the students to make informed decisions. The requirement of Education agent to agree to declare and avoid conflicts of interest with their duties as an education agent and to observe appropriate levels of confidentiality and transparency in the dealings with overseas students or intending overseas students. This behaviour includes acting honestly, in good faith and the best interests of the student. And also agree to have adequate and appropriate knowledge and understanding of Standard 4.3.4 of the National Code 2018 of the Overseas education system in Australia, including the Australian Overseas Education and Training Agent Code of Ethics <https://internationaleducation.gov.au/>

- the registered provider's requirements of the agent in representing the registered provider as outlined in Standard 4.3
- 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
- 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
- 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
- The circumstances under which information about the education agent may be disclosed by the registered provider and the Commonwealth or state or territory agencies.

Monitoring Agent activities (ESOS 4.1a)

To ensure that Newgen Education is using reputable agents Newgen Education will initiate a monitoring procedure with all active agents. This monitoring process is outlined as follows.

- **Agent Feedback Orientation day:** Student support officer takes verbal feedback about the students about experience
- **Agent Student Appraisals:** All new students are requested to complete Agent student Appraisals form with in first 3 months
 - To check Whether they were Informed to make an Informed decision
- **Annual Agents Performance Appraisals:** All education agents will be required to conduct a face to face meeting with Newgen Education at least once a year or a discussion over the phone once a year. This meeting or the telephonic conversation will cover:
 - Current practices
 - Ensure current Marketing materials are being used
 - Discuss any issues or concerns

Annual Agents Performance Appraisals form will be filled and kept on the agents file.

- Where any practices of the education agent are identified as 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, Newgen Education shall take immediate action.
- Where the above practice(s) by an agent is identified, The Operations Manager is responsible for ensuring there is a change of the practices causing concern through counselling the agent or for terminating the agreement. Any counselling or termination of agreements shall be documented within the Agent file.
- The agent files shall be reviewed through the internal continuous improvement policy.

Termination of an Agent (ESOS 4.1b, ESOS 4.5)

1. If Newgen Education believes or suspects that an Agent has engaged in Unprofessional Conduct, the operations Manager may write to and forward the *Agent Warning Letter* to the Agent.(ESOS 4.4)
2. The Agent must provide a written response within 10 business days of the date of the letter. An extension of time to provide a response may be provided at the discretion of the operations Manager
3. After 10 Business Days from the date of the letter, or after the expiration of such further period as may have been granted ,the Operations Manager will consider the Agent's performance in light of:

- a) the response of the Agent to the letter
 - b) whether the Agent engaged in Unprofessional Conduct;
4. After considering the Agent's conduct and performance, the Operations Manager may: (ESOS 4.4)
- a) require the Agent to undertake further training;
 - b) maintain the Agent's appointment;
 - c) warn the Agent;
 - d) suspend the Agent's appointment;
 - e) maintain the Agent's appointment subject to certain conditions; or
 - f) Terminate the Agent's appointment immediately.
5. The Operations Manager must terminate the appointment of an Agent if he knows or reasonably suspects the Agent may have been engaged in Unprofessional Conduct. (ESOS 4.5)
6. If the Operations Manager decides to terminate an Agent's appointment, the Operations Manager should: (ESOS 4.5)
- a) write to the Agent to advise that his or her appointment has been terminated using the *Agent Termination Letter*;
 - b) Notify Department of Home Affairs of the termination and the grounds for the termination Through PRISMS; and
 - c) Update the agent list on the Newgen Education website.

Updating Information (ESOS 4.3)

- Newgen Education will ensure that the agent is provided with current information regarding the provider and the courses offered by making sure the Newgen Education's Website is up to date with latest versions of Pre enrolment Brochure and Student Handbook.
- New course documents and detailed information will be provided to agents whenever such documents are amended.
- Agents are required to notify Newgen Education if any details related to the agent or its operations are altered.

Forms

- 4.1 [Agent Application Form](#)
- 4.2 [Agent Reference Check Form](#)
- 4.3 [Agent Agreement](#)
- 4.4 [Agency Certificate](#)
- 4.5 [Agent Student Appraisals form](#)
- 4.6 [Annual Agents Performance Appraisals form](#)
- 4.7 [Agent warning letter](#)
- 4.8 [Agent termination letter](#)
- 4.9 [Agent Manual](#)

Implementation

This Procedure will be implemented using the following strategies:

- By ensuring that staff engaged in student recruitment activity are fully trained in the requirements of the ESOS Act



- By ensuring that all new Admin staff have attended ESOS training in the first 6 months of the commencement of their role and completed the ISANA on line training
- Ensure that all agents have up to date course information and stock
- Through www.gqms.com.au Announcement Section
- Staff during the induction into the Newgen Education team, training on using www.gqms.com.au
- The Process flow Diagram on www.gqms.com.au.
- By providing always updated 4.9 Agent Manual
- By sending all agents a Newsletter “what’s happening at Newgen Education” once every 6 Months.

Record Keeping

Refer record's management policy & Register

This policy also supports standard 1 of ESOS framework – Marketing information and practices