



Number:	POL-069
Version:	v3.8
Pages:	6

Created:	05-May-2009
Last modified:	30-Sep-2019
Revision:	30-Sep-2020

Documents:	Agent Agreement Agent Application Checklist Agent Monitoring Checklist and training schedule Agent performance report - annual
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References:	Education / Migration Agent List ESOS Framework Policy
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Relevant Standards:	Standards for Registered Training Organisations (RTOs) 2015 ELICOS National Standards Education Services for Overseas Students (ESOS) Act 2000 National Code of Practice for Providers of Education and Training to Overseas Students 2018
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Authorised:	
Position:	Principal

Authorisation Date:	04-Oct-2019
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PURPOSE

The purpose of this policy is to ensure that all stakeholders whether directly involved in the selection and management of Education &/or Migration Agents are fully conversant with both legislative requirements and Blackfriars Priory School (Blackfriars) policy and procedure in this regard.

POLICY

Blackfriars will use registered education / migration agents to recruit full time overseas students to study at our school. The Education for Overseas Students (ESOS) Act 2000 imposes certain obligations and requirements on providers of education and training courses to overseas students and agents of those providers including the obligations set out under Standard 4 of the National Code 2007, that "Registered providers take all reasonable measures to use education agents that have an appropriate knowledge and understanding of the Australian international education industry and do not use education agents who are dishonest or lack integrity".

LEGISLATIVE OVERVIEW

Standard 4.3 of the National Code 2007 specifically states the registered provider must not accept students from an education agent if the provider is aware of, or reasonably suspects, the education agent to be:

- a. 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).
- b. Facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his student Visa.
- c. Using Provider Registration and International Students Management System (PRISMS) to create Confirmations of Enrolment (CoE) for other than bona fide a student, or
- d. Providing immigration advice where not authorised under the Migration Act 1958 to do so.

Migration Agents Registration Authority (**MARA**) helps to uphold the position of Australia's migration agents as among the most professional in the world. MARA does this by ensuring that they have high level knowledge of Australian migration law and procedures, as well as meeting high professional and ethical standards. MARA assists Blackfriars by:

- helping to monitor the conduct of registered migration agents;
- investigating complaints about and taking appropriate disciplinary action against registered migration agents who breach the Migration Agents Code of Conduct or otherwise behave in an unprofessional or unethical way.

In Australia, a person may only give immigration assistance if he or she is a migration agent registered with the MARA or is exempt from being registered.



CODE OF CONDUCT

The Code of Conduct (which is contained in the *Migration Agents Regulations 1998*) is legally binding on all registered migration agents. Some conditions of the Code of Conduct that agents must adhere to are to:

- be honest with prospective students about their chances of securing the Visa for which they are applying;
- keep the prospective student informed about the progress of their application and any changes that may affect it;
- within the law, work within the prospective student's best interests, to their instructions and protect their confidentiality;
- provide the prospective student with a written statement, prior to commencement, of the services to be provided, the fee and other costs and a similar statement at the end with services actually performed and fees charged;
- charge a reasonable fee and if the prospective student pays in advance, keep this in a separate bank account;
- provide timely and correct advice to prospective students and provide written notification about the result of their application as soon as possible.

PROCEDURE

Guidelines in selecting an appropriate Education Agent

Whilst not legislated, Department of Immigration and Border Protection (DIBP) has a preference that the Education Agent and Migration Agent are two separate parties;

1. Through the use of Migration Agent Registration Authority (MARA), Australian Education International (AEI), and other appropriate resources that may be available from time to time make the best determination possible that the Education Agent has not breached any of the items indicated in Standard 4.3 of the National Code 2007;
2. Through the use of MARA and other appropriate resources that may be available from time to time as best as possible determine that the Education Agent is fully conversant with the Australian International Education Industry;
3. Provide the Education Agent with a copy of Education Agent Initial Application to Provide Services for Blackfriars pack which should include:
 - application form
 - survey of previous student users and parents;
 - references;
 - request for data related to agent's effectiveness;
 - draft of Education Agent's Agreement; and
 - request for Country of Origin & Australian Federal Police Clearance less than 3 months old.
4. Evaluate Application.
5. Where ever possible conduct an evaluation visit to the premises of a potential Education Agent.



Guidelines for signing an Education Agent Agreement

Where an Education Agent's application has been approved by Blackfriars;

1. Education Agent's Agreement (1-year duration) is to be completed by both parties;
2. Blackfriars to provide stocks of current marketing and promotional materials (these are to be updated and forwarded to Blackfriars on a quarterly basis as part of the reporting requirements);
3. Update Education Agent Register, schedule training. In conjunction with Blackfriars training, all Education Agents and offshore representatives are advised to register for the extensive up to date, free training resources available via https://eatc.onlinetrainingnow.com/pier_users/login

4. Agent training is conducted by Development Office staff and consists of Blackfriars courses, the nature of the relationship between Blackfriars and the Agent, the code of conduct/ ESOS Act.



Guidelines for working with an Education Agent

If not received, Monitoring Reports are to be followed up no later than one week after due date;

1. Local agents are available for adhoc / drop in relationship building by marketing and recruitment staff. These agents should also be contacted formally for annual training updates (minimum regime)
2. Telephone / Online contact should be made with the Education Agent as a minimum once per month. This contact is to:
 - Maintain a strong relationship;
 - Identify, record and address potential or actual issues promptly – including additional training required;
 - Provide feedback to the Education Agent;
 - Provide feedback mechanism for the Education Agent;
 - Reinforce quality delivery of services by both the Education Agent and Blackfriars.
3. Provide up to date information to the Education Agent including marketing and promotional materials, course information, campus information and student support mechanisms. Where necessary provide teleconference or face to face briefings / workshops to better inform the Education Agents' staff. Online contact is the most effective method for agents overseas or in remote areas.
4. Annual audits with Blackfriars at which time performance of both parties will be reviewed against the Agreement and ESOS Act.
5. When an agent is suspected to be acting unethically or is subject to a complaint from a student in communication with Blackfriars the situation will be investigated. Any agent found to be in breach of the Agreement and Code of Conduct will be subject to having the agreement to act cancelled.

Guidelines for Education Agents' commissions

Students who study at Blackfriars are required to pay the full fee of the first year of the course they are studying prior to commencement.

If they are unable to do this due to financial hardship, a payment plan can be arranged by making an appointment with the Finance Office.

Blackfriars have set up the following guidelines to assist in understanding our process of paying Agent Commissions.

1. Student enrolls at Blackfriars and pays their fees.
2. In Week 6, the Finance Office will calculate commission statements and send them out to agents (the commission statement will also show who has paid).
3. Agents will then have until the end of Week 9 to send in their invoice for payment.
4. Invoices will then be paid within ten (10) working days of receiving.

Agents are required to only invoice Blackfriars for students who have paid their fees to ensure there is no delay in the payment of commissions.

It is up to agents to check that their students pay school fees on time to facilitate the timely payment of commissions.

For all matters relating to agents' commissions please contact Patrick Kelly.



Guidelines for dealing with dishonest, disreputable or unethical Education Agents

Where evidence of an Education Agent's involvement in practices such as:

- Engaging in dishonest practices;
- Facilitating the enrolment of students who do not comply with their Visa requirements;
- Engaging in false or misleading advertising and recruitment practices;
- Using PRISMS to create CoEs for other than bona fide students

the following actions must be undertaken:

- Agreement must be terminated immediately;
- Students referred by the Education Agent must not be accepted;
- MARA, DHA and ASQA must be advised.

If in doubt in regard to possible breaches the Principal, Director of Development & Community Relations and International Students Program Officer will meet to implement the appropriate action.

RESPONSIBILITIES

Principal

It is the overall responsibility of the Principal to ensure that appropriate and effective Education Agents are contracted to provide services for and on behalf of Blackfriars.

Director of Development & Community Relations

It is the responsibility of the Director of Development & Community Relations to ensure that appropriate research has been conducted and that all relevant information has been supplied to potential Education Agents.

International Students Program Officer

The International Students Program Officer is responsible for maintaining the Agent Register / Agent Performance Report and Agent Training Regime.