



Monitoring Educational Agents Policy

Governing Council Approved Policy

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Version Control

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Review	The Governing Council will review this Policy every two years in accordance with the Institute's Policy Review Schedule.
Approving body	Governing Council
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Approval meeting	11 July 2024
Policy owner	Dean
Policy contact	Dean
Relevant Documents	Delegation of Authority Policy Dictionary of Terms Marketing Plan
Related Legislation	Australian Qualifications Framework (AQF) Higher Education Standards Frameworks (Threshold Standard) 2021 (Cth) National Code of Practice for Providers of Education and Training to Overseas Students 2018 Tertiary Education Quality and Standards Agency Act 2011 Migration Act 1958
Higher Education Standards Framework (Threshold Standards) 2021 (Cth)	BI.1 "Higher Education Provider" Category Domain 2.4 Domain 7.1
Benchmarking Institutes	Australian Institute of Higher Education Macquarie University Southern Cross University The University of Newcastle Western Sydney University

Version History

v1.1 5 December 2018 Original Policy

v1.3 26 April 2022 Amendments resulting from response to TEQSA
CRICOS Initial Assessment Report

v1.4 11 July 2024 Minor amendments during scheduled policy review

I. Preamble

1.1 Purpose

Monitoring Educational Agents Policy ('the Policy') outlines the Churchill Institute of Higher Education ('the Institute') responsibilities in the management of its Educational Agents and their activities for recruiting students to ensure only reputable Agents' services are used.

The Institute recognises the role of Agents in the recruitment of students, as Agents are often the first point of contact between prospective students and the Institute. Their activities and ethics are important to the Institute.

The Institute is committed to effectively managing the appointment and ongoing relationship with Agents who will act ethically and appropriately to ensure the reputation of the Institute and of international higher education provision in Australia.

1.2 Principles

In accordance with section 7.1 – *Representation of the Tertiary Education Quality and Standards Agency Higher Education Standards Frameworks (2021)*, the principles of this Policy are as follows:

- a. The Institute will appoint businesses on a non-exclusive basis. Primary agents are key representatives of the Institute and may participate in the student interview programs and other agreed marketing activity.
- b. The Institute will require all agents to adhere to the requirements of the National Code of Practice for Providers of Education and Training to Overseas Students (National Code 2018) and other legislation in so far as related to the provision of services by agents and other related legislations.
- c. The Institute will take all reasonable measures to use agents that have an appropriate knowledge of the Institute and Australian education and training (local and international).
- d. The Institute will take all reasonable steps to ensure that all advertising undertaken by the agents are approved prior to placement and is in accordance with legislative including the Institute's requirements.
- e. The Institute will provide agents with accurate and up to date course/unit details, other information and materials to enable them to conduct their services.
- f. The Institute will advise agents as soon as practicable of changes to the legal or regulatory conditions for Australian student visa requirements.
- g. The Institute will publicise through its website an up-to-date list of all appointed agents by country.
- h. The Institute will effectively and regularly monitor agents' compliance with CHIE's Education Agent Agreement and the National Code (2018)

1.3 Definitions

For definitions, refer to *Dictionary of Terms*.

2. Scope

This Policy applies to all staff at the Institute and all agents engaged in student recruitment on behalf of the Institute, both onshore and offshore.

3. Agent Functions

3.1 Individual persons or organisations, onshore or offshore, may be engaged by the Institute as an Agent

to assist in recruiting students pursuant to the terms of individual Agency Agreements.

3.2 Agents are representatives only within the terms of individual Agency Agreements.

3.3 As an agent of the Institute, all Agents must abide by the principles of the *National Code 2018* and the terms of their signed individual agency agreement.

3.4 The principles of the *National Code 2018*, as they relate to the conduct of Agents, state that an Agent must not:

- a. be engaged in, or 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. be currently facilitating, or have previously facilitated, the enrolment of a student who the agent believes will not comply with the conditions of his or her student visa;
- c. use the Provider Registration and International Students Management System (PRISMS) to create Confirmations of Enrolment for other than a bona fide student; or
- d. provide immigration advice where not authorised under the *Migration Act 1958* to do so.

4. Roles and Responsibilities

4.1 The Agents are responsible for:

- a. promoting the Institute to prospective students;
- b. recruiting genuine students to the Institute that meet program entry requirements;
- c. complying with the terms and condition of their individual agency agreement; and
- d. maintaining understanding and compliance with this Policy and related Policy documents.

4.2 The Institute is responsible for:

- a. entering into Agency Agreements with agents that are on terms consistent with this Policy;
- b. managing the agent relationship;
- c. managing the agent selection, monitoring, and review process;
- d. maintaining communications with the agent network;
- e. maintaining the agent database and online listing;
- f. distributing appropriate promotional material to agents;
- g. providing adequate training to agents;
- h. coordinating Agent engagement; and
- i. undertaking agent performance monitoring and reviews and reporting annually to the Governing Council. This review will be performed by the Dean based on the report received from the Marketing Manager.
- j. providing adequate course specific information to agents;

4.3 The Institute's Marketing Team is responsible for developing promotional material appropriate for source markets.

5. Appointment of an Agent

5.1 An Agent is appointed by signing a formal written Agency Agreement with the Institute.

5.2 Due care will be exercised in the appointment of all agents and all agents must have a written agreement with the Institute

- 5.3 Primary agents will be appointed for a term of two (2) years.
- 5.4 Prior to engaging a new Agent, the Institute will request the completion of an Agency Application Form which incorporates the requirement for a declaration of interests on the part of the applicant.
- 5.5 The Institute will undertake an assessment to satisfy itself that the potential agents will represent the Institute appropriately and will not pose risks to it, its staff, students or prospective students. This may include:
- a. Assessing that the agent is registered to operate in their local jurisdiction.
 - b. Assessing the agent's history and track record in recruiting students for the Australian market.
 - c. Assessing the agent's knowledge of the Australian international education industry, understanding of the principles of the *National Code* and other requirements relating to the provision of their services.
 - d. Inspecting the agent's premises to ensure that they are appropriate and present a professional image.
 - e. Interviewing counsellors to assess their performance in advising students.
 - f. Obtaining information on the display of the Institute's promotional materials.
- 5.6 The individual Agency Agreement is signed by the delegated authority in accordance with the Institute's *Delegations of Authority Policy* and the principles as per the Agency Agreement. The Agency Agreement will be executed by a delegated authority on behalf of the Institute.
- 5.7 A database of approved Agents and respective Agency Agreements is maintained by the Marketing Team .

6. Review of Agents Performance

- 6.1 In consultation with the Dean, the Marketing Manager will manage ongoing operational performance monitoring of agents throughout the contract period.
- 6.2 The Institute will monitor Agent performance on a continuous basis and the Marketing Manager, in consultation with the Dean, will conduct formal reviews of each Agent's performance at the end of each calendar year.
- 6.3 Formal Agent performance reviews will also be conducted for those contracts up for renewal one month prior to the renewal date.
- 6.4 The review will incorporate student recruitment performance and may include (but is not limited to):
- a. compliance with principles of the *National Code 2018*, as they relate to the conduct of Agents;
 - b. recruitment volume;
 - c. application conversion rates;
 - d. visa success rates (for international students);
 - e. quality and completeness of applicant documentation;
 - f. compliance with the individual Agency Agreement;
 - g. student performance on post enrolment;
 - h. quality of advice and information provided to students; and
 - i. student feedback.
- 6.5 The performance and activities of all agents will be monitored on an ongoing basis, using one or more of the followings:
- a. Evaluation of the quality of applications and documentation submitted on behalf of students;
 - b. Face to face meetings with agents and their counsellors;

- c. Meetings with students or reports from students;
 - d. Telephone, teleconference or online discussions/meetings; and
 - e. Spot checks by the Institute, for example observing agents at work at education seminars, exhibitions and fairs.
- 6.6 Renewal of an Agency Agreement will only be approved if the performance of the Agent is found to be satisfactory.
- 6.7 Where, on review, the performance of an Agent is found to be unsatisfactory, action may be taken as specified in their individual Agency Agreement.
- 6.8 At the end of each calendar year, a review report will be produced for the Institute's Governing Council by the Marketing Manager and Dean which summarises:
- i. the performance of each Agent;
 - ii. the outcome of the annual formal review of each agent;
 - iii. agency agreements that have been signed, renewed or terminated during that calendar year.
 - iv. details of any complaints received in relation to agents and corrective action taken by CIHE.

This report will be forwarded to the Institute's Governing Council which has governance oversight of agent management.

7. Termination of Agents

- 7.1 If an Agent has been found to breach the terms and/or conditions of the individual Agency Agreement, a party to the contract may terminate their Agency Agreement in accordance with the terms of the individual Agency Agreement.
- 7.2 If an Agent has been found to have acted dishonestly, the Institute will terminate the individual Agency Agreement immediately in accordance with the terms of the individual Agency Agreement.
- 7.3 The Institute may terminate an Agency Agreement with an Agent who does not comply with requirements as set out in the terms of the individual agency agreement, and in accordance with this Policy.

8. Agent Remuneration

- 8.1 Agents are remunerated by the Institute through either direct payment for services or payment of commissions based on enrolments attributable to an agent.
- 8.2 The amounts payable, and terms of payment are determined by the individual Agency Agreement.
- 8.3 Any other conditions will be specified in the individual Agency Agreement.

9. Communication with Agents

- 9.1 The Institute will ensure there is timely and relevant communication with its Agents.
- 9.2 Contact with, and management of the activities of the agent network is primarily the responsibility of the Student Support Team.
- 9.3 An Agent newsletter will be distributed to all active Agents by Student Support Team on a regular basis and as needed.
- 9.4 Copies of communications relating to updates, commission payment and individual Agency Agreements are retained by the Marketing Manager.

10. Promotional Material and Events

- 10.1* The Marketing Team is responsible for the development of promotional materials approved by the Dean.
- 10.2* Agents and other organisations are notified of the availability of new material by Agent updates conducted by the Marketing Manager.
- 10.3* Where Agent visits are arranged external to the Marketing Manager; details of these visits and any outcomes should be directed to Marketing Manager for inclusion in recruitment planning to ensure coordination of representatives.