

## **OVERSEAS STUDENT EDUCATION AGENT POLICY & PROCEDURE**

1. APGS is always responsible for compliance with the *ESOS Act* and the National Code in its relations with its education agents.
2. APGS implements procedures in its engagement of education agents in relation to:
  - written agreement with each education agent
  - PRISMS and school website publishing of education agent details
  - monitoring the activities of each education agent
  - when overseas students will not be accepted from an education agent
  - corrective or preventative action
  - termination of agreement with an education agent.

### **Written agreement with each education agent**

1. APGS will enter into a written agreement with each education agent it engages for formal representation.
2. The PEO will review the NESA Guidelines annually, to ensure written agreements with education agents are compliant.
3. The PEO will review all written agreements annually for currency and will maintain written agreements in each education agent's file at the school.
4. Written agreements will outline:
  - the roles and responsibilities of APGS and the education agent and specifically state that APGS is always responsible for compliance with the *ESOS Act* and the National Code
  - the requirements referred to in section 3.7.3 of the Guidelines and as may be updated from time to time by the NSW Education Standards Authority.
  - processes for monitoring education agents and ensuring overseas students are given accurate and up-to-date information
  - that corrective action will be taken if the education agent or a subcontractor has not complied with the written agreement
  - grounds for the termination of the written agreement, including that if the education agent, an employee or subcontractor, is engaging in false or misleading recruitment practices the agreement will be terminated.
  - the circumstances under which information about the education agent may be disclosed APGS and the Commonwealth Government or state government
  - the circumstances when an overseas student will not be accepted from the education agent.
5. APGS will require its education agents to:

- declare in writing and take reasonable steps to avoid conflicts of interests with its duties
  - observe appropriate levels of confidentiality and transparency in dealings with overseas students
  - act honestly, in good faith, and in the best interests of overseas students
  - have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics.
6. The PEO is responsible for sending a written agreement to a prospective education agent and for making sure the returned written agreement is signed and dated.
  7. APGS will not accept overseas students from education agents unless a compliant written agreement is in place.

#### **PRISMS and school website publishing of education agent details**

1. The PEO will maintain each education agent's details in PRISMS and maintain up-to-date details on the School's website.
2. The PEO will update PRISMS and the school website when a written agreement has ceased or been terminated with an education agent.

#### **Procedures for monitoring the activities of education agents**

1. The Admissions Officer will monitor education agents every 12 months by writing an assessment report about the agent's adherence to the School's expectations. The report will be reviewed by the PEO who will decide about ongoing agreements with education agents.
2. The basis for the assessment report will be:
  - reviewing the information given to overseas students by the education agent for currency
  - information and documentation collected from the education agent/s
  - phone calls with the education agent/s
  - spot checks with the education agent/s
3. Records of the monitoring assessment report will be stored in the education agent's file by the PEO.

#### **When overseas students will not be accepted from an education agent**

1. APGS will not accept overseas students from 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*
  - engaged in, or to have previously engaged in, dishonest recruitment practices, including the deliberate attempt to recruit an overseas student where this clearly conflicts with the obligations of registered providers under National Code Standard 7

- facilitating the enrolment of an overseas student who the education agent believes will not comply with their visa conditions
- using PRISMS to create CoEs on behalf of APGS for other than bona fide overseas students.

### **Corrective or preventative action**

1. If APGS becomes aware, or has any reason to believe, that the education agent or an employee or subcontractor of the education agent has not complied with responsibilities under its written agreement with the School and/or the obligations set out at point 5 under the Written agreement with each education agent section above, the School will take immediate corrective action.
2. The PEO will decide if corrective action is required.
3. If corrective action is required, the PEO will contact the education agent via phone, written communication or another appropriate method.
4. Corrective action could include, but is not limited to:
  - providing education agent and/or subcontractor with additional information
  - targeted training for the education agent and/or subcontractor
  - targeted training about expectations of the education agent and/or sub-contractor
5. The Admissions Officer will monitor the education agent through phone calls, video conference calls or other forms, to ensure corrective action results in compliance with its written agreement with the School and/or the obligations set out at point 5 under the Written agreement with each education agent section above.
6. The Admissions Officer will write an assessment report for the PEO about the outcome of corrective action.
7. Records of compliance issues and corrective action will be stored in the education agent's file at the school by the PEO.

### **Termination of agreement with education agent**

1. If APGS believes that the education agent or an employee or subcontractor of the education agent is engaging in false or misleading recruitment practices, the agreement will be terminated.
2. If the education agent breaches any part of the written agreement it will be terminated.
3. APGS will send written communication to the education agent, identifying the reasons and the date of termination of the agreement. Or if relevant, request that the education agent immediately terminate its relationship with the employee or subcontractor.
4. If the education agent is requested to terminate its relationship with an employee or subcontractor, the education agent must provide proof that this has occurred. It is at the PEO's discretion to accept the proof. If proof is not provided or not accepted the agreement will be terminated.
5. Records of correspondence in relation to education agent's will be stored in the education agent's file by the PEO.