

### Overview

The National Code of Practice for Providers of Education and Training to Overseas Students (National Code 2018) requires UNE to demonstrate compliance with the National Code 2018 at the point of CRICOS registration and throughout its CRICOS registration period.

This compliance requirement also applies to students enrolled in courses delivered in association with another provider where UNE is the registered provider. UNE is responsible for breaches of the National Code, whatever the nature of its contractual or other arrangements with another provider.

### Scope

Standard 4 of the National Code 2018 requires UNE to ensure that their education agents act ethically, honestly and in the best interest of overseas students and uphold the reputation of Australia's international education sector.. UNE must:

- have a written agreement with each education agent engaged with;
- enter and maintain education agent details in Provider Registration and International Student Management System (PRISMS);
- ensure education agents have appropriate knowledge and understanding of the Australian International Education and Training Agent Code of Ethics;
- ensure education agents act honestly and in good faith;
- take immediate corrective action, or terminate if an agent (or an employee or subcontractor) is not complying with the National Code (NC); and
- not accept overseas students from an education agent if it knows or suspects that the education agent is engaging in unethical recruitment processes.

The written agreement (NC 4.2) must outline:

- UNE's responsibilities, including that UNE is responsible at all times for compliance with the ESOS Act and National Code 2018
- UNE's requirements of the agent in representing UNE as outlined in Standard 4.3;
- (NC4.3) UNE's processes for monitoring the activities of the education agent in representing UNE, and ensuring the education agent is giving students accurate and up-to-date information on UNE's services;
- The corrective action that may be taken by UNE if the education agent does not comply with its obligations under the written agreement including providing for corrective action outlined in Standard 4.4;
- UNE's grounds for termination of UNE'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 UNE and Commonwealth or state or territory agencies.

UNE must require its education agent to:

- Declare in writing and take reasonable steps to avoid conflicts of interests with its duties as an education agent of UNE;

- Observe appropriate levels of confidentiality and transparency in their dealings with students or intending students;
- Act honestly and in good faith, and in the best interests of the students; and
- Have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics.

#### Immediate corrective actions

Where UNE becomes aware that, or has reason to believe, the education agent or an employee or subcontractor of that education agent has not complied with the education agent's responsibilities under Standards 4.2 and 4.3, UNE must take immediate corrective action.

Where UNE becomes aware, or has reason to believe, that the education agent or an employee or subcontractor of the education agent is engaging in false or misleading recruitment practices, UNE must immediately terminate its relationship with the education agent, or require the education agent to terminate its relationship with the employee or subcontractor who engaged in those practices.

#### Education Agents

UNE must not accept students from an education agent if it know 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 a student where this clearly conflicts with the obligations of registered providers under Standard 7 (Overseas student transfers);
- Facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa;
- Using PRISMS to create CoEs for other than bona fide students.

UNE must ensure that its education agents have access to up-to-date and accurate marketing information as set out in UNE International procedures, *Marketing Information Practices*.

## Procedures

### 1. Principles of Agent Management

- 1.1. The Director, UNE International recommends the appointment of education agents on behalf of the University and the English Language Centre (ELC), to the Pro Vice Chancellor External Relations.
- 1.2. Due care shall be exercised in the appointment of all agents and all agents must have a written agreement with UNE.
- 1.3. UNE International will appoint education agent businesses on a non-exclusive basis. Primary agents are key representatives of the University and UNE International may participate (with School or Faculty assistance where appropriate) in their student interview programs.
- 1.4. Primary agents will generally be appointed for a term of two years unless UNE International recommends a lesser term.
- 1.5. UNE International will keep appropriate records of all agents and shall investigate and document any complaints received regarding the behaviour of agents. UNE International

will take immediate corrective action upon becoming aware of an agent being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices. Where appropriate, any agent or advisor agreement may be terminated without notice.

- 1.6. Where appropriate, UNE International will prepare an Annual Business Plan with agents, including the setting of targets and shall regularly monitor the performance and activities of all agents. Review of agents shall be held on an annual basis.
- 1.7. UNE International will take all reasonable measures to use agents that have an appropriate knowledge of the University and Australian international education and training.
- 1.8. UNE International will require all agents to adhere to the requirements of the National Code of Practice for Providers of Education and Training to Overseas Students ("The National Code") and other legislation in so far as it related to the provision of services by agents.
- 1.9. UNE International will nominate a staff member for the purposes of contact and liaison with the agent, including but not limited to issues relating to admissions, planning of promotional activities, advertising, training of agents and counsellors.
- 1.10. UNE International will take all reasonable steps to ensure that all advertising undertaken by UNE agents is approved prior to placement and is in accordance with legislative, University and UNE International requirements.
- 1.11. UNE International will provide agents with accurate and up to date course and other information and materials to enable them to conduct their services.
- 1.12. UNE International will advise agents as soon as practicable of changes to the legal or regulatory conditions for Australian student visa requirements.
- 1.13. UNE International will publicise through its website an up to date list of appointed agents and educational advisors by country.
- 1.14. Where a UNE course is marketed and delivered by another provider under an arrangement, the Director UNE International must ensure that the provider has an appropriate Agent's policy (and related procedures) in place covering the appointment, monitoring and performance of agents.
- 1.15. The Director, UNE International may obtain copies of the documentation referred to in clause 1.14, at their discretion, for review and auditing purposes.

## **2. Primary Agents**

A Primary agent is a key representative of the University and is appointed for an initial term of two years (unless the term is less as recommended by UNE International). UNE International supports the marketing and recruitment activities of a Primary agent through participation in:

- High profile student exhibitions and interview programs in an advertised venue
- Student interviews in the agent's office
- Briefing of Education Agents/Course Counsellors/Advisors
- Email updates and regular newsletters, social media and blog feeds
- Briefings from UNE Faculty, School and/or course experts
- Advertising in conjunction with the agent.

## **3. Becoming a UNE Agent**

UNE International may strategically approach agents and advisors directly and invite them to become an agent for the University. Otherwise, prospective agents can complete the

#### **4. Agent Agreements**

In the event that UNE wishes to appoint an Agent to represent it, a Primary Agent Agreement shall be prepared in duplicate for execution and exchange. Upon execution of the agreement the agent's details and signed copy of the Agreement will be entered in UNE International's Agent's Database – Easy Agent; the agent's details will be recorded on PRISMS and UNE International's website (Authorised Agents Listed by Country) at <http://www.une.edu.au/study/international/agents/our-agents>, and a signed copy of the agreement (returned by the agent) is filed in TRIM.

#### **5. Certificates of Appointment**

Once the agreement has been executed, the agent will be sent a Certificate of Appointment as a duly appointed and authorised representative of the University for the purpose of recruiting international students. All certificates will be signed by the Director, UNE International or their nominee and show the agent's business name and country; the period of appointment; and CRICOS Provider Code for the University. A copy of each Certificate of Appointment will be filed in TRIM.

#### **6. Information Updates for Agents**

All agents will receive an electronic copy of UNE International's periodic 'Agent Newsletter'. The purpose of this newsletter is to keep agents, scholarship bodies and others briefed on course changes, news at UNE, intending country visits by UNE International staff and University academics, changes to visa requirements, application processing requirements, enrolment dates etc.

Regular contact will be maintained by UNE International staff with agents to ensure that they are appropriately trained and kept up to date with all relevant information in relation to the provision of services.

#### **7. Ongoing Monitoring and Performance of Agents**

The performance and activities of all agents will be monitored on an ongoing basis, using one or more of the following:

- Evaluation of the quality of applications and documentation submitted on behalf of students
- Face to face meetings with agents and their counsellors
- Meetings with or reports from referred students
- Telephone or teleconference discussions/meetings
- Spot checks by UNE, for example, observing agents at work at education seminars, exhibitions and student fairs.

Reviews of all agents and advisors will also be conducted by the Director, UNE International on an annual basis. Reviews will include:

- Assessment of performance – number of applications and conversion rates
- Conformity with contractual requirements, in particular the National Code
- Quality of counselling and other information provided to students
- Recommended areas of improvement by agent and UNE International
- An evaluation of activity undertaken by UNE with the agent
- Recommendation of continuing status as a Primary agent
- Surveys of students recruited by particular agents

The Director, UNE International will forward a brief report to the agent/advisor with appropriate comments and actions, and record a copy of the annual review report in TRIM.

As part of the monitoring of agent's activities and to assist them to effectively carry out the performance of their services, UNE International will endeavour to visit the majority of Primary agents to:

- Undertake product briefings, including course requirements for entry etc.
- Inspect the premises to ensure that an appropriate image is presented
- Meet with counsellors to assess their performance in advising students
- Review the display of UNE promotional materials
- Assess the agent's knowledge of and conformance with the "National Code" and other legislative requirements relating to the provision of their services.
- Wherever practicable, the *UNE Agent Visit Form* is completed at least once a year for each agent by UNE International staff during their agent meetings. This form is filed on Easy Agent and in TRIM.

## 8. Corrective and Preventative Action

UNE will take immediate corrective and preventative action upon becoming aware of an agent being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices. Preventative action may include training sessions with the agent. Corrective action will be documented in Easy Agent and may include a warning, targeted training or termination.

Procedure for Preventative Action:

- Problem identified
- Problem reported to Director, UNE International
- Direct contact made with agent to advise of possible breach and seek their response to the allegation/s.
- Review of complaint by the Director, UNE International following input from agent and complainant. Three possible scenarios from outcome of review:
  1. Agent Cleared – Director, UNE International writes to agent advising of result and thanking them for their valuable input
  2. Minor breach by Agent – Agent reprimanded, advised that any further breach will result in termination of their agreements, reminded of their obligations, breach placed on their file
  3. Major breach by Agent – Agent advised in writing that their contract will be terminated, Australian post (either High Commission or Consulate) advised of the breach, outcome placed on file.

## 9. Requirements for Partner Institutions Providing Courses or Programs on Behalf of UNE in Australia

Where a UNE course is marketed and delivered by another provider under an arrangement with UNE, the provider must:

- Ensure that it has a UNE-approved Agent's policy (and related procedures) in place covering the appointment, monitoring and performance of agents.
- Provide UNE with an annual report demonstrating the agent monitoring and reviews undertaken, including evidence of activities undertaken to assess the agent's knowledge of and conformance with the National Code and other legislative requirements relating to the provision of their services.
- Use a UNE-approved agent agreement.
- Provide UNE International with a list of its authorised agents on an annual basis.
- Publish and regularly update a list of authorised agents for potential students on its website.
- Follow the UNEI Marketing Information and Practices Operating Procedures for all advertising and promotions undertaken by the Partner Agents.

- Take immediate corrective and preventative action upon becoming aware of an agent being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices. The provider must inform UNE about the activity and advise the corrective action undertaken within 14 days of the event occurring.
- In regards to a Major Breach by the Agent, the Partner must advise UNE within 24 hours of the breach occurring.

## Administration

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**Approved by:**

Ingrid Elliston



### Related policies or other documents:

ESOS Act (Education Services for Overseas Students) legislative framework  
 National Code 2018 (National Code of Practice for Providers of Education and Training to Overseas Students 2018) Regulations  
 Marketing Information Practices Operating Procedure  
 Information for Prospective Agents  
 Agent Application Form  
 Primary Agent Agreement  
 Easy Agent Database  
 UNE International Website Authorised Agent List  
 UNE Agent Annual Review template

UNE Agent Visit form

Australian International Education and Training Agent Code of Ethics