

## Education Agent Policy and Procedures

### 1. Purpose

1.1 This policy and procedure are to ensure that Westin College uses 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 of integrity.

1.2 This policy and procedure will also ensure that intending students will benefit from the monitoring strategies of Westin and their ability to terminate agreements with Education Agents who engage in false or misleading recruitment practices.

1.3 This ensures compliance with Standard 4 of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 and Clause 4.1 Standards for Registered Training Organisations 2015

1.4 This policy and procedure cover the recruitment, management and termination of Education Agents and their compliance with Westin College's obligations under the ESOS Framework.

### 2. Related Documents

Education Agent Application Form  
Education Agent Student Feedback Survey  
Education Agent Reference Check  
Education Agent Agreement

### 3. Relevant Legislation

National Code (2018), Standard 4  
The Migration Act 1958

### 4. Scope

4.1 This policy applies to:  
4.1.1 all Education Agents of Westin College; and  
4.1.2 all staff involved in the recruitment and monitoring of the Education Agents for the Westin College.

### 5. Responsibility

5.1 The Marketing Manager/PEO is responsible for managing Westin College's Education Agents.

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### 6. Definitions

Education Agent Agreement	A legal agreement between Westin College and the Education Agent outlining the obligations and responsibilities of all parties.
Education Agent	A person or organisation (in or outside Australia) who recruits overseas students and refers them to education providers. In doing so, the Education Agent may provide education counselling to overseas students as well as marketing and promotion services to education providers. Education Agent does not refer to an education institution with whom an Australian provider has an agreement for the provision of education (that is teaching activities).
ESOS Act	The Education Services for Overseas Students Act 2000 of the Commonwealth of Australia.
International Student	A student studying in Australia on a student study visa.
National Code 2018	The National Code of Practice for Providers of Education and Training to Overseas Students 2018, established pursuant to Part 4 of the ESOS Act.
PRISMS	The Provider Registration and International Student Management System (PRISMS) is the system used to process information given to the Secretary of DESE by registered providers.
Prospective International 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.

### 7. Policy Provisions

#### Principles

- 7.1 Westin College will enter into a formal written agreement that governs the appointment of Education Agents engaged to representing Westin College.
- 7.2 Westin engages and manages agents to support the Westin College's recruitment objectives.
- 7.3 Westin will not accept students from an Education Agent if it reasonably suspects that the Education Agent, their employee or sub-contractor:
- 7.3.1 Engaged in, or previously involved in dishonest practices, including the deliberate attempt to recruit a student, where it conflicts with National Code 2018, Standard 7.
  - 7.3.2 Facilitated the enrolment of a student who the Education Agent believes will not comply with the student visa conditions.
  - 7.3.3 Provided immigration advice where it is not authorised under the Migration Act.
- 7.4 Westin College will:
- 7.4.1 select only reputable Education Agents
  - 7.4.2 manage and monitor its Education Agents to ensure they act with honesty and integrity.
  - 7.4.3 manage its Education Agents in a professional and responsible manner.
  - 7.4.4 enter into a written agreement with each Education Agent, as per the *Education Agent Procedure*

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- 7.4.5 engage with its Education Agents to ensure they have up-to-date information on Westin courses and education services available to Prospective International Students
- 7.4.6 maintain an accurate list of its Education Agents and enter and maintain the Education Agents' details in PRISMS and ASQAnet
- 7.4.7 be responsible at all times for compliance with the ESOS Act 2000 and the *National Code 2018*
- 7.4.8 provide adequate training and information for Education Agents, including their obligations under this policy, the written agreement and Australian migration laws.
- 7.4.9 monitor the Education Agents compliance with the written agreement, and
- 7.4.10 terminate the written agreement if it becomes aware, or has reason to believe, the Education Agent is engaging in false or misleading recruitment practices.

### 8. Policy Information

Authorised Officer	PEO
Supporting documents, procedures & forms of this policy	Education Agent Policy Education Agent Procedure Marketing Policy Marketing Procedure Education Agent Application Form Education Agent Student Feedback Survey Education Agent Reference Check Education Agent Agreement
Related Legislation and Codes of Practice	National Code of Practice for Providers of Education and Training to Overseas Students 2018 Education Services for Overseas Students (ESOS) Act 2000 The ESOS Regulations 2001 The Migration Act 1958 The Migration Regulations 1994
Audience	Public

### 9. Procedures

#### 9.1 Education Agent Appointments

- 9.1.1 Westin College will enter into a formal written agreement that governs the appointment of Education Agents engaged to representing Westin College's.
- 9.1.2 Westin College will not accept students from an Education Agent if it reasonably suspects that the Education Agent, their employee or sub-contractor:
  - Engaged in, or previously involved in dishonest practices, including the deliberate attempt to recruit a student, where it conflicts with National Code Standard 7.

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- Facilitated the enrolment of a student who the Education Agent believes will not comply with the student visa conditions.
- Provided immigration advice where it is not authorised under the Migration Act.

### 9.2 Education Agent Recruitment Procedure

#### *Agent Application*

- 9.2.1 The Education Agent contacts Westin College for an expression of interest to represent the Westin College.
- 9.2.2 The Education Agent completes the Application to become an Education Agent and sends it to the Marketing Manager, along with:
- Copy of business registration certificate
  - Copy of Australian residency or work permit status (if onshore applicant)
  - Copy of company profile, history and track record in recruiting students to Australia
  - Information about their staff/team members
- 9.2.3 Copies of publications and promotional material, and/or any other supporting documentation
- 9.2.4 Supporting documents and/or information to support assessing their understanding of the Australian international education industry; its standards and regulations
- 9.2.5 Full contact details for three relevant Business references

#### *Assessment for suitability*

- 9.2.6 The Marketing Manager/PEO assesses the application based on:
- The quality and sufficiency of the documentation provided by the agent, and
  - The applicant's Business references feedback received.
- 9.2.7 The Marketing Manager/PEO ensures that the Education Agent is informed, declares and will take all reasonable steps to avoid conflicts of interest with its duties as an Education Agent of Westin College's. Examples of conflicts of interest include, but are not limited to:
- When the Education Agent charges services fees to both overseas students and registered providers for the same service,
  - Where an Education Agent has a financial interest in a private education provider, or
  - Where an employee of an Education Agent has a personal relationship with an employee of the education provider.
- 9.2.8 The Education Agent completes a Conflict-of-Interest Disclosure Statement to Marketing Manager/PEO for review and retention on the Education Agents file. The Marketing Manager will determine whether to accept or decline the Application, based on the conflict of interest report provided.

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- 9.2.9 If the application from Education Agent is successful it will be signed off by the Marketing Manager or PEO. The Marketing Manager/PEO will provide the Education Agent with a Westin College Education Agent Agreement, confirm to the agent that all marketing information and documentation is always up to date and accessible via the Westin College website or on request from the Marketing Manager/PEO and access to all relevant Westin College current marketing and promotional documents etc including the Westin College International Student Handbook, course flyers, Westin College course intake dates and fees and charges and other marketing material that may assist the agent to represent Westin College.
- 9.2.10 An Education Agent file and Checklist is created by the Marketing Manager/PEO, and the Marketing Manager/PEO is responsible to ensure PRISMS and ASQAnet are updated to reflect the approved Education Agent.
- 9.2.11 If the application is incomplete, the Marketing Manager/PEO will advise the Education Agent that the application will not be processed until all required information is provided. The Education Agent will be reminded of the same through email reminders on a maximum of two further occasions, after which a rejection notice with reason will be emailed to applicant. The application will then be appropriately discarded by Westin College's Marketing Manager/PEO.
- 9.2.12 Where applicants are not successful, the Marketing Manager/PEO advises the applicant accordingly in writing.

### *Education Agent Approval*

- 9.2.13 Successful applicants will be provided with an Education Agent Agreement, which must be read, acknowledged, signed and scanned/returned back to the Marketing Manager/PEO at Westin College before the Education Agent is approved to commence activities on behalf of Westin College.
- 9.2.14 The duties and responsibilities of Westin College and the Education Agent are listed in the Westin College Education Agent Agreement.
- 9.2.15 Upon receipt of the signed Education Agent Agreement, Westin College will send a formal and written letter advising of the decision and a Westin College Certificate of Appointment as a Westin College Approved Education Agent.
- 9.2.16 Approved agents will be provided with current and up-to-date Westin College promotional materials and will be contacted to undertake the compulsory Westin College Education Agent Induction/training session.
- 9.2.17 All approved Education Agents will be provided with a Westin College Education Agent Confirmation Notice.
- 9.2.18 All approved Education Agents will be placed on Westin College Education Agent Register on the PRISMS, ASQAnet, and will be listed on the Westin College approved Education Agents Register on the Westin College website.
- 9.2.19 ASQAnet must be updated via ASQAnet within 30 days of the agent having been approved and within 30 days of an approved education agent have had their services Terminated with Westin College.

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- 9.2.20 All approved Education Agents will have an Education Agent file which holds the Education Agent signed Agreement, supporting documents, referee checks and any other relevant communication between Westin College and the Education Agent. The files are stored by the Marketing Manager/PEO.
- 9.2.21 The Marketing Manager will ensure that all marketing, promotional and relevant Westin College Policies and Procedures when updated – that approved Education Agents are informed and advised to review via the Westin College website [www.westincollege.com](http://www.westincollege.com) or on request for separate e-copies distributed via the Marketing Manager/PEO. This will ensure agents continue to provide prospective students with accurate and current information. This will be provided by email and records of the communication will be retained in the Education Agents file.
- 9.2.22 Education Agent Agreements are approved on a two years' contract basis, which may be renewed dependent upon the Education Agent's performance review, information/data retained on the Education Agents file, and the Student Feedback Survey.

### *Education Agent Remuneration*

- 9.2.23 Education Agents are remunerated by Westin College in the form of a marketing contribution for particular services/events and/or payment of commissions based on enrolments attributable to the approved Westin College Education Agent.
- 9.2.24 The amount payable, and terms of payment are an agreement between the individual Education Agent and Westin College.
- 9.2.25 All other terms and conditions are specified in the specific Education Agency's Agreement.

### **9.3 Communication with Westin College Approved Education Agents**

- 9.3.1 Westin College will ensure there is timely and relevant communication with its approved Education Agents.
- 9.3.2 Contact with, and management of the activities of the agent network is primarily the responsibility of the Westin College Marketing Manager/PEO.
- 9.3.3 Copies of communications relating to updates, commission payment and individual Agency Agreements are to be retained by the Marketing Manager/PEO on each Education Agent's file.

### **9.4 Promotional Material, Events, Training and Meetings**

- 9.4.1 The Marketing Manager/PEO is responsible for the development, management, monitoring and reviewing of all Westin Colleges promotional materials.
- 9.4.2 Education Agents are notified of the availability of new and/or revised materials through communication by the Marketing Manager/PEO.
- 9.4.3 Education Agents requests for Westin College materials are to be referred to the Marketing Manager/PEO.
- 9.4.4 Education Agent attending and/or visiting the Westin Campus are to be coordinated via the Marketing Manager/PEO and wherever practicable, the Marketing Manager is to use these

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visits/attendance opportunities to conduct a monitoring, feedback and progress meeting with the relevant Education Agent including, but not limited to:

- Providing updates and feedback regarding Westin College courses, prices and other related information
- Marketing, recruiting and promotional discussions and strategies.
- Updates about courses and changes to agreement or standards.

9.4.5 The Marketing Manager/PEO will record the meetings on an Education Agent Meeting sheet to confirm the meeting content and to document the activity undertaken with the agent as evidence of Westin College Education Agent Performance and Monitoring Process. The signed form must be retained on the Education Agents file.

9.4.6 Meetings held via audio-visual connection (Skype, WhatsApp, WeChat) are to be documented by the Marketing Manager/PEO on an Education Agent Meeting Sheet confirming the meeting content and to document the activity undertaken with the Education Agent as evidence of Westin College Education Agent Performance and Monitoring Process. The signed form must be retained on the Education Agents file.

9.4.7 The Marketing Manager/PEO is responsible for establishing an Education Agent Performance and Monitoring Register which is to include the following:

- A schedule of general contact with approved agents approximately monthly basis (face-to-face, phone, emails, skype, WhatsApp etc) to update them; provide feedback, guidance and information, to answer any questions they may have and to maintain a good relationship.

9.4.8 The Marketing Manager/PEO is to schedule regular contact with each approved Westin College Education Agent in addition, the Marketing Manager/PEO is to Schedules a formal meeting (face-to-face, teleconference or audio visual) with each approved Education Agent at least every 3 months of the year – to ensure the Education Agents performance is being monitored and reviewed.

### 9.5 Monitoring and Review

9.5.1 The Marketing Manager/PEO conduct a full review of each Education Agent's performance and the feedback /documentation received on their activities each 6 months. This review will ensure that Westin College is informed and has an understanding of its Education Agents' overall performance, behaviours and practices over the past six month period and identify if the requires further support and/or training – In addition, this review will identify areas of concern or non-compliance that will require the Marketing Manager/PEO to document, notify/discuss with the Education Agent and to then take appropriate/relevant action/s which may include, but is not limited to; issuing a breach/warning notice, termination action etc

9.5.2 The 6 monthly Education Agent performance and monitoring review is to include, but not be limited to:

- Analysis of quality and quantity of applications on behalf of prospective students
- Analysis of conversion rates from applications lodged to actual enrolments at the Westin College
- Analysis of visa grants and refusals for the Westin College's
- Adherence to the Westin College's admissions processes
- Progress and conduct of students.

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- Analysis of recorded instances where a student claims to have been misinformed by the Education Agent about his or her studies at the Westin College; and/or
- The number of recorded instances where the agent has shown a lack of knowledge of student visa requirements or other matters relating to a student's stay in Australia.

9.5.3 Where the review and monitoring process identifies a deficiency or non-compliance with legislation or the National Code 2018, training and/or the provision of additional information in relation to the expectations of the Education Agents roles and/or responsibilities - Westin College will be provided the relevant Education Agent with specific details and/or data and information during the performance and monitoring contact/meeting – this will be followed up in writing between the parties.

9.5.4 Education Agents found to be in breach of their Education Agent Agreement, or where negative feedback or complaints have been received from students, the relevant agent will be contacted and or informed by the Marketing Manager/PEO. The Marketing Manager/PEO may take action to terminate an Educate Agent's agreement if deemed necessary.

9.5.5 After each review, the Marketing Manager prepares a report to the relevant agent and the CEO. The report aims to assess the relationship and provide recommendations for continues improvement or actions to be taken by the Westin College, including, in severe cases, may terminate the agreement.

9.5.6 Where any practices by an Education Agent are identified as being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices, or engaged in practices that could harm the integrity of the Westin College or the Australian Education and Training sectors, the Marketing Manager will take immediate corrective and preventative action.

### 9.6 Termination of the Education Agent Agreement

9.6.1 Where Westin College becomes aware of, or reasonably suspects that an Education Agent, their employee or sub-contractor has breached Westin College's Education Agent Agreement, the ESOS Act 2000, or the National Code 2018, Westin College will terminate the agreement. This includes, but is not limited to the Education Agent, their employee or subcontractor:

- Being engaged in, or being previously engaged in dishonest practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of the registered provider under the National Code 2018.
- Facilitating the enrolment of a student who the Education Agent believes will not comply with the conditions of his or her student visa.
- Providing immigration advice where not authorised under the Migration Act 1958 to do so.

9.6.2 The Marketing Manager may terminate and Education Agreement at any time or may decide not to renew the Education Agent's Agreement with Westin College. Reasons for both must be recorded in the Education Agent Profile.

9.6.3 Terminated Education Agent Agreements and/or Education Agent Agreements that have not been renewed by Westin College will be marked as INACTIVE and the Marketing Manager will ensure that the Westin College records on ASQAnet and PRISMS are updated accordingly.



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9.6.4 Education Agents may appeal any decision made by Westin College, in line with Westin College's Complaints and Appeals Policy – available via the Westin College website at: [www.westincollege.com.au](http://www.westincollege.com.au).

### 10. Revision History

Creation/ Revision Date	Comment	Created/ Revised By
Feb 2021	Policy and Procedure created	CEO
June 2022	Updated footer, logo, changed Marketing Manager to Marketing Manager/PEO, changed CO to PEO, updated ANZ to Westin College	PEO
June 2023	Updated Header and Footer	PEO



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