

Education Agents Policy

Purpose

KCA Education (KCA) delivers vocational education and training programs for overseas (international) students under the registered training provider Learning Lab Pty Ltd. The programs are registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) with approved campuses in NSW and QLD.

Scope

This policy applies to international Education Agents who wish to engage with KCA to promote and recruit students to participate in the registered programs at any of our registered campuses.

Responsibility

Responsibility (R)	Accountability (A)	Consult (C)	Inform (I)
International Recruitment Managers	Chief Executive Officer	Recruitment Managers	Quality Assurance

Applicable Legislation/Contracts

- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- ESOS Act
- VET Quality Framework – National Standards for RTO and AQF

Related Policies/Procedures

- QMSP001: Marketing Information Practices V3
- QMSF001: Marketing Information and Practices Checklist V3
- QMSP004: Formalisation of Enrolment and Written Agreement Policy V3
- QMSF003: Letter of offer and acceptance V3
- QMSP012: International Student Complaints and Appeals Policy V3

Reference

National Code: Standard 4- Education Agents.

KCA will 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.

4.1 The registered provider must enter into a written agreement with each education agent it engages to formally represent it, and enter and maintain the education agent’s details in PRISMS.

4.2 The written agreement must outline:

4.2.1 the responsibilities of the registered provider, including that the registered provider is responsible at all times for compliance with the ESOS Act and National Code 2018

4.2.2 the registered provider’s requirements of the agent in representing the registered provider as outlined in Standard 4.3

4.2.3 the registered provider's processes for monitoring the activities of the education agent in representing the provider, and ensuring the education agent is giving students accurate and up-to-date information on the registered provider's services

4.2.4 the corrective action that may be taken by the registered provider if the education agent does not comply with its obligations under the written agreement including providing for corrective action outlined in Standard 4.4

4.2.5 the registered provider's grounds for termination of the registered provider's written agreement with the education agent, including providing for termination in the circumstances outlined in Standard 4.5

4.2.6 the circumstances under which information about the education agent may be disclosed by the registered provider and the Commonwealth or state or territory agencies.

4.3 A registered provider must require its education agent to:

4.3.1 declare in writing and take reasonable steps to avoid conflicts of interests with its duties as an education agent of the registered provider

4.3.2 observe appropriate levels of confidentiality and transparency in their dealings with overseas students or intending overseas students

4.3.3 act honestly and in good faith, and in the best interests of the student

4.3.4 have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics.

4.4 Where the registered provider 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, the registered provider must take immediate corrective action.

4.5 Where the registered provider 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, the registered provider 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.

4.6 The registered provider must not accept students from an education agent if it knows or reasonably suspects the education agent to be:

4.6.1 providing migration advice, unless that education agent is authorised to do so under the Migration Act

4.6.2 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)

4.6.3 facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa

4.6.4 using PRISMS to create CoEs for other than bona fide students.

Policy

Education Agents play a pivotal role in recruiting overseas students to study with KCA and market our programs onshore and offshore. Agents are generally the first point of contact for a potential overseas student and their families and therefore are able to provide detailed information and advice about study options and opportunities in overseas countries.

KCA forms relationships with reputable and professional agencies in order to promote its programs to international markets, they will promote and encourage potential students to consider KCA as their preferred provider and Australia as their preferred study destination. They may also assist them with the course and visa application process where required.

Once a formal agreement has been met between an Education Agent and KCA, KCA will promote the respective Education Agent by listing them on our website and through other marketing materials as appropriate. KCA supports Education Agents to promote our courses and college as well as providing a financial commission arrangement to remunerate agents' for their services.

Education Agents are strongly encouraged to undertake the [Education Agent Training Course](#) offered by International Education Services.

Education Agent Selection/Application

A potential Education Agent, who wishes to represent KCA, is able to make application through our website or direct to the College by completing an online Education Agent Application Form. Upon receipt of the form, KCA will conduct referee checks and further research and based on this information will reach a decision.

Should an Agent be deemed approved, they will be sent a written agreement to be dually executed, prior to being able to market and promote KCA to overseas students.

Written Agreement

KCA will enter into a written agreement with each education agent it engages to formally represent it. The agreement specifies the responsibilities of the education agent and KCA and the need to comply with the National Code. The agreement outlines:

- The registered providers responsibilities, including for compliance with the Education Services for Overseas Students Act 2000 (ESOS Act) and National Code 2018
- The requirements of the agent in representing the registered provider
- The registered provider's processes for monitoring the education agent's activities and ensuring the education agent gives overseas students accurate and up-to-date information
- The corrective actions that may be taken and the grounds for termination of the written agreement with the education agent; and
- The circumstances which information about the registered provider may be shared by the registered provider and Commonwealth or state and territory agencies

The agreement also includes:

1. processes for monitoring the activities of the education agent, including where corrective action may be required
2. termination conditions, including providing for termination in the circumstances outlined in Standard 4.4
3. commission structure and terms for payment of commissions

The education agent will also be presented with a formal Agent's Certificate that is to be signed by both the CEO and Director International Education of KCA

The education agent's details will be entered and maintained in PRISMS.

Financial Arrangements

Upon negotiation with an Education Agent, KCA will make a decision in regards to the financial arrangements that apply to the individual Education agent.

Full details in regards to an individual education agent's financial arrangements are negotiated and contained in their International Education Agent Agreement.

Termination of Agreement

KCA will commence steps to terminate an agreement with an education agent based on the following:

- KCA identifies or suspects the education agent is 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).
- KCA identifies or suspects the education agent is engaged in facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her student visa
- KCA identifies or suspects the education agent is engaged in using Provider Registration and International Students Management System (PRISMS) to create Confirmations of Enrolment for other than bona fide a student, or
- KCA identifies or suspects the education agent is engaged in providing immigration advice where not authorised under the *Migration Act 1958* to do so
- KCA becomes aware of an education agent being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices, including practices that could harm the integrity of Australian education and training.

Marketing

KCA will ensure its Education Agents have access to up-to-date and accurate marketing materials and course information available at all times.

Monitoring

- KCA will monitor the performance of Education Agents both onshore and offshore based on the following:
- Regular surveys of students about Education Agents.
- Ongoing and consistent contact with Education Agents via telephone, email or face to face.
- Regular training of agency staff of regulatory requirements including ESOS and National Code requirements and product knowledge updates.
- Regular scrutiny of agent websites for accuracy and currency of information pertaining to KCA and its courses.
- Regular provision and re-stocking of KCA promotional materials.
- KCA will take immediate corrective and preventative action upon the registered provider becoming aware of an education agent being negligent, careless or incompetent or being engaged in false, misleading or unethical advertising and recruitment practices, including practices that could harm the integrity of Australian education and training.

Maintaining details in PRISMS

KCA will enter and maintain the details of the education agents with whom we have a written agreement with in PRISMS.