



EDUCATION AGENTS POLICY AND PROCEDURES

Purpose

Education Agents play a key role in marketing Lincoln Education Australia's (LEA**) higher education offerings and recruiting international students to LEA. LEA values its reputation as a higher education provider and acknowledges its responsibility to ensure all methods of representation internally and by third parties are ethical and maintain LEA's academic integrity.

The *Education Agents Policy and Procedures* establishes the framework for monitoring the representation of LEA by its education agents. This Policy and Procedures establishes the roles and responsibilities of LEA's decision-making authorities governing the representation of LEA and identifies resolution processes for students who report grievances with any aspect of the way in which LEA has been represented to ensure LEA remains accountable for all forms of its representation.

The objective of the Policy is to ensure that LEA complies with the following legislation when appointing, managing, and reviewing suitable education agents to represent LEA locally and internationally:

- Education Services for Overseas Students Act 2000;
- National Code of Practice for Providers of Education and Training to Overseas Students 2018;
- Higher Education Standards Framework (Threshold Standards) 2021;
- Higher Education Support Act 2003;
- Migration Act 1958;
- Tertiary Education Quality and Standards Agency Act 2011; and
- Australia's Foreign Relations (State and Territory Arrangements) Act 2020.

**The trading name for the Lincoln Institute of Higher Education (LIHE) is Lincoln Education Australia (LEA).

POLICY

Scope

This policy applies to all LEA staff involved in the representation of LEA, and in the recruitment, assessment and supervision of any education agents who represent LEA, and education agents employed by LEA for student recruitment.



Principles

The Corporate Governance Board is responsible for overseeing the academic integrity of LEA, its reputation and public representation. This includes the representation of LEA through education agent.

The relationship between LEA and all education agents who represent LEA shall be established by a formal contract that is approved by the CEO

CEO will be responsible for the appointment, management and termination of Agents. The responsibilities include:

- selection, assessment and appointment of agents;
- provision of assistance to agents;
- development and issuing of agent agreements
- management and contractual oversight of agents, including contract signing, extension, and termination;
- ensuring compliance of agent activities with the Education Services for Overseas Students Act 2000, National Code of Practice for Providers of Education and Training to Overseas Students 2018, Higher Education Standards Framework (Threshold Standards) 2021, Migration Act 1958, agent agreement and LEA policies;
- ensuring student applications received via agents are only accepted from agents with a current signed agreement in place;
- taking corrective action (which may include termination of an agreement) with any agents that do not have satisfactory performance or do not comply with the terms and conditions of the agent agreement;
- conducting annual agent performance reviews;
- managing agent relationships in a professional and responsible manner; and
- managing and mitigating reputational and other risks associated with agents.

Throughout their representation of LEA, all education agents shall reflect the values of LEA and all interactions with prospective students shall be conducted in good faith. All education agents appointed shall have appropriate knowledge and understanding of the Australian higher education sector the *ESOS Act and relevant Legislative framework*.

All information provided to prospective students about LEA's courses shall be accurate and presented truthfully. The CEO is responsible for ensuring education agents are provided with the most up-to-date information that accurately reflects LEA and its higher education offerings.



The role of an agent is to provide prospective students with accurate and comprehensive information about LEA and its courses, and submit prospective students' applications to LEA with all required information and genuine documentation. Once a student has received a Certificate of enrolment (COE) from LEA, agents who are also registered migration agents authorised to do so under the Migration Act 1958, are allowed to assist students with visa preparation and lodgement, as well as pre-departure and travel formalities.

LEA will ensure that:

- a. agents are of high quality, meet the LEA's strategic goals, and are committed to abiding by the standards specified in the ESOS legislative framework (internationaleducation.gov.au) and National Code of Practice for Providers of Education and Training to Overseas Students 2018 - Department of Education, Australian Government. Regular reviews and reporting will be undertaken to monitor agents' performance and activities;
- b. communication to agents on matters such as courses, admission requirements, policies, training, complaints, and issues requiring corrective action is timely and relevant;
- c. relationship building activities with agents are ethical, and abide by LEA policy and the National Code of Practice for Providers of Education and Training to Overseas Students 2018 - Department of Education, Australian Government;
- d. students are only accepted from agents with a current formal agreement in place; and
- e. breaches of an agent agreement are dealt with in accordance with that agreement and the requirements of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 - Department of Education, Australian Government.

PROCEDURES

Agent Agreement

Prospective Education Agents shall enter into an Agent Agreement with LEA before representing LEA. The template of the Agent Agreement will be approved by the CGB.

The following details are to be included in the Agent Agreement:

- that the agent shall not misrepresent any aspect of LEA and its offerings
- that the agent shall comply with, and maintain knowledge of, the *ESOS Act*
- processes LEA shall implement to monitor the education agent's activities and performance
- the suspension and termination conditions of the contract.

Before an agent is appointed, the CEO will conduct and document due diligence and assess the prospective agent's suitability to represent LEA in accordance with the following factors:

- a. the location of the agent and the country or countries the agent will recruit from;



- b. alignment between LEA's strategy and the agent's ability to meet relevant objectives;
- c. market information for the proposed territory, including likely recruitment channels;
- d. agency structure, such as whether the agent is a company or individual;
- e. likely support that will be required from LEA;
- f. the quality of the agent's premises and staff;
- g. the completion of relevant prior training that demonstrates an understanding of Australian legislation in relation to student recruitment, student visa requirements, the Australia international education industry (for example the PIER Education Agent Training Certification);
- h. experience in the recruitment of genuine quality international students and enrolment volume, which may include recruitment for other Australian education providers or training providers, and relevant industry partnerships;
- i. feedback from referees;
- j. marketing strategies and marketing experience;
- k. any history of non-compliance with the Education Services for Overseas Students Regulations 2001 (legislation.gov.au), National Code of Practice for Providers of Education and Training to Overseas Students 2018 (legislation.gov.au) or agent agreements;
- l. any history of false or misleading recruitment practices, illegal provision of migration advice, dishonest recruitment practices or misuse of the Provider Registration and International Student Management System (PRISMS);
- m. type of counselling services the agent provides;
- n. agent's reputation, including through publicly-available sources, and evaluation of any previous dealings; and
- o. agent's fees and charges structure.

Foreign corporations that operate on a commercial basis are exempt from the notification requirements of the Australia's Foreign Relations (State and Territory Arrangements) Act 2020. This includes international education agents when they are commercial entities operating on a commercial basis. Arrangement will not be entered into with international education agents that are not commercial entities operating commercially

LEA will not enter into an agreement with any agent and will not accept students from any agents that it knows or reasonably suspects to be:

- a. 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 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 - Department of Education, Australian Government;
- b. facilitating the enrolment of a student that the agent believes, or should know, would not comply with the conditions of their student visa;
- c. negligent, careless, incompetent or engaged in false, misleading or unethical advertising and recruitment practices, including practices that could harm the reputation of LEA or the Australian international education industry;

- d. misusing Provider Registration International Student Management System (PRISMS) to create Confirmations of Enrolment for other than bona fide students; or
- e. providing migration advice, unless that education agent is authorised to do so under the Migration Act 1958.

Agents who are assessed as meeting the LEA's expectations for a quality education agent and the Australian International Education And Training Agent Code of Ethics, will be appointed with a written agent agreement that is in a form approved by the Corporate Governance Board and promote courses with the intention of recruiting quality students who meet admissions, visa and Genuine Temporary Entrant requirements, on a non-exclusive basis.

LEA will publish an up-to-date list of appointed agents on the LEA website, maintain records of agreements and due diligence undertaken, and enter and maintain each agent's details in PRISMS. If requested by the agent, LEA will provide a certificate confirming the agreement.

Training Information for Agents

LEA will maintain regular contact with agents via telephone, written communication, virtual meetings, and office visits to provide training, up-to-date and accurate information on courses, and marketing materials to enable agents to conduct their business, including advice on:

- a. course changes;
- b. changes to the legal or regulatory conditions for Australian student visa requirements;
- c. enrolment dates, admissions, and application processing requirements;
- d. news, events, and other relevant information about LEA;
- e. changes to any privacy requirements consistent with the obligations of LEA under any applicable privacy legislation;
- f. the use of any electronic and online systems used to process applications; and
- g. taking corrective action to address any issues that may have been identified.

LEA will provide training to agents during visits and through online forums as required. Agents will be encouraged to visit LEA to undertake training sessions and familiarise themselves with LEA and its facilities.

Agents will be expected to co-operate with LEA in undertaking regular training on relevant topics and provide LEA with evidence of any external training undertaken. As a minimum requirement, agents must have appropriate knowledge and understanding of the Australian International Education And Training Agent Code of Ethics.

LEA will endeavour to provide information and training in an accurate and timely manner. However, agents are expected to be proactive in undertaking their own training and familiarising themselves with changes to courses, policies, admissions, marketing materials, application processes, visa rules, and international education regulations and legislation.



LEA shall monitor the performance of education agents to ensure compliance with the Agent Agreement and ensure the information education agents provide prospective students is an accurate representation of LEA, its courses, and graduate outcomes.

Education Agents' responsibilities:

The agent will abide by the responsibilities as mentioned in the Agent Agreement.

Performance and Monitoring of Education Agents

LEA will monitor the performance and activities of all education agents to ensure compliance with the Agent Agreement and ensure the information education agents provide to prospective recruiting students into LEA's courses is an accurate representation of LEA, its courses and graduate outcomes, on an ongoing basis, and to ensure that LEA is only using reputable and productive agents.

LEA will carry out a formal performance review of each agent at least annually which take into account:

- student feedback
- the number of student application forms provided by the education agent that result in student enrolments
- the performance and successful completion of courses by previous students recruited through that education agent
- the use of marketing materials and strategies used by the education agent.

LEA may also conduct an audit of agents' compliance with the agent agreement and this Policy at any time.

Ongoing monitoring and formal performance reviews will be undertaken in accordance with the terms of the agent agreement and this Policy, and may include but not be limited to:

- a. analysis of quality and quantity of applications on behalf of prospective students;
- b. analysis of conversion rates from application to offer, offer to acceptance, and acceptance to commencement;
- c. student academic progress, performance, and attrition;
- d. analysis of visa grants, refusals, and cancellations for LEA and for other institutions where possible;
- e. adherence to LEA's admissions processes and completeness of applications;
- f. analysis of instances where students claim to have been misinformed by the agent about their studies at the LEA;

- g. analysis of instances where the agent has shown a lack of knowledge of the LEA, student visa requirements or other matters relating to a student's stay in Australia;
- h. consideration of feedback from prospective students, staff, and third parties regarding the agent;
- i. review of the quality of information provided by agents through websites, student communications, events, brochures, and other channels;
- j. analysis of the agent performance versus costs to LEA of engaging the agent, such as commission, training, and promotional activities;
- k. review of agent compliance with the, Education Services for Overseas Students Act 2000 (internationaleducation.gov.au), National Code of Practice for Providers of Education and Training to Overseas Students 2018 – Department of Education, Australian Government agent agreement; and
- l. any other information which becomes lawfully available to LEA which is considered relevant in the review of agent performance.

LEA will maintain, where practical, confidential guidelines on the minimum required benchmarks agents must achieve in the relevant performance indicators in order for their performance to be deemed satisfactory.

Information and data for the review and monitoring of agent performance will be collected through qualitative and quantitative mechanisms on a regular basis. This includes, but is not limited to, internal LEA data, Provider Registration International Students Management System (PRISMS) data, student surveys and questionnaires, reviews of publicly- and non-publicly available materials and resources, meetings and discussions with agents and their staff, observations of events and interactions with prospective students, and feedback from individuals.

When monitoring processes indicate a deficiency or LEA becomes aware, or has reason to believe, that the agent or an employee or subcontractor of that agent has not complied with the agent's responsibilities under the agent agreement or when it is identified that the agent has been negligent, careless or incompetent or engaged in false, misleading or unethical advertising or recruitment practices, LEA will investigate into the matter in accordance with the *Education Agents Policy and Procedures* and take immediate corrective action. This may include:

- a. issuing an informal warning which may include further counselling, training, corrective advice;
- b. issuing a formal warning letter which may include corrective action or requiring the agent to terminate its relationship with the employee or subcontractor who engaged in the non-compliant activity; or
- c. suspension, non-renewal, or termination of the agreement.

The monitoring and review of agents will be used to assess the status of the relationship and inform renewals and terminations.



Following the annual review of each agent, or identification of a deficiency or non-compliance through ongoing monitoring, LEA will approve one of the following actions:

- a. renewal of agreement; or
- b. non-renewal of agreement.

LEA will communicate with the agent as part of monitoring and review processes. Should LEA propose to take adverse corrective action, or not renew or terminate the agent agreement, the agent will be provided with an opportunity to respond on the proposed action.

Complaints

LEA is responsible for the conduct of its contracted education agents and shall accept complaints and grievances regarding education agents through the channels established in the *Student Grievances and Appeals Policy and Procedures*.

Minor Breaches to Agent Agreement

A minor breach of contract shall trigger the instatement of a defined probationary period for the education agent. During this timeframe the education agent shall be required to demonstrate improved adherence to their contract.

Serious Breaches to Agent Agreement

In response to serious breaches of contract, LEA will suspend or terminate the education agent's contract.

LEA shall immediately terminate the agency agreement of an Education Agent:

- when an agent is found to have breached the *ESOS Act*
- upon discovery of unethical conduct or misrepresentation by education agents.

A suspension may be instated if a serious breach is suspected or reported, but LEA shall investigate the allegation according to the principles of natural justice.

For both suspension and termination, the education agent is to be notified in writing, and shall immediately cease to represent LEA or use any marketing material provided by LEA.

Renewal, extension, and termination

LEA may invite an agent to renew or extend their relationship with LEA in accordance with the terms in the agent agreement.

LEA may terminate an agent agreement with any agents in accordance with the Education Agents Policy and Procedures, and as mentioned in the Agent Agreement.



Records and reporting

To ensure compliance with the National Code of Practice for Providers of Education and Training to Overseas Students 2018 – Department of Education, Australian Government, LEA will keep appropriate records of all agents engaged by LEA to formally represent it in the recruitment of international students, including:

- a. a signed written and current agreement in the form of either a physically signed document, an electronically signed document, or any other reasonable means which constitute a formally written and executed agreement;
- b. a Novation Deed, which transfers one party’s rights obligations under an existing agreement to a new third party;
- c. evidence of agent monitoring activity undertaken by LEA;
- d. copies of agreements that have been terminated, where applicable; and
- e. evidence of immediate corrective and preventative action (for example, record of telephone conversations, emails or letters) taken when LEA becomes aware that the agent has or may become negligent, careless, or incompetent, or has or may be engaged in false, misleading, or unethical advertising and recruitment practices.

The agent agreements will require agents to agree collection and reporting of Agent Data to PRISMS and other Australian Government Authorities.

LEA will ensure reporting requirements of Agent data to PRISMS and other Australian Government Authorities are met.

Compliance

All staff members at LEA whose responsibilities fall within the scope of this policy and education agents employed by LEA are required to comply with this policy and its procedures, and with related policies and respective procedures. Non-compliance may result in a disciplinary action.

File Number	LEA-GEN-COR-70029-D
Responsible Officer	Chief Executive Officer
Contact Officer	Registrar
Legislative Compliance	<ul style="list-style-type: none">• <i>Education Services for Overseas Student Act 2000</i>• <i>Tertiary Education Quality and Standards Agency Act 2011</i>
Supporting Documents	
Related Documents	<ul style="list-style-type: none">• <i>Information for Students Policy and Procedures</i>• <i>Third Party Arrangements Policy and Procedures</i>
Superseded Documents	
Effective Date	1 January 2022
Next Review	3 years from the effective date



Definitions

Agent Agreement: Contractual terms agreed upon by LEA and the Education Agent throughout the duration of the agreement.

Corporate Governance Board: Governing body responsible for oversight of all higher education operations, including the ongoing viability of LEA and the quality of its higher education delivery. The Corporate Governance Board guides the Management and delegates responsibility for academic matters to the Academic Board.

Education Agent: Individual or organisation contracted by LEA to promote education services to students or prospective students in a selected regions.

Education Services for Overseas Students Act 2000 (ESOS Act): Australian federal legislation establishing legislative requirements and standards for the quality assurance of education and training institutions offering courses to international students who are in Australia on a student visa.

International student: Individual enrolled in a course at LEA who is not a citizen of Australia or New Zealand, or an Australian Permanent Resident.

PRISMS: Provider Registration and International Student Management System is a secure database owned and maintained by the Department of Education and Training for the purposes of administering the Education Services for Overseas Students Act 2000 (The ESOS Act).

Prospective student: Individual who is interested in enrolling in a LEA course.

Review Schedule

This policy shall be reviewed by the Corporate Governance Board every three years.

Version History			
Version number:	Approved by:	Approval Date:	Revision Notes:
1.0	Corporate Governance Board	17/12/2020	New policy
1.1	Corporate Governance Board	27/12/2022	Updated to comply with Legislative framework
1.2	Corporate Governance Board	22/02/2023	TEQSA and CRICOS requirements incorporated