



AGENT APPOINTMENT AND MANAGEMENT POLICY AND PROCEDURES

Policy Statement	Kent Institute Australia (Kent) intends to ensure that the actions of its appointed Agents are ethical and comply with its obligations and requirement under the following regulations and agencies: <ul style="list-style-type: none"> • Education Services for Overseas Students (ESOS) Act 2000 • ESOS Regulations 2019 • Migration Act 1958 • Migration Regulations 1994 • National Code of Practice for Providers of Education and Training to Overseas Students (National Code) 2018 • Standards for Registered Training Organisations (RTOs) 2015 • Higher Education Standards Framework (Threshold Standards) 2021 • Tertiary Education Quality and Standards Agency (TEQSA) • Australian Skills Quality Authority (ASQA)
Responsibility for Implementation	Chief Executive Officer (CEO), Director – Campus Operations, Marketing & Recruitment Unit Staff onshore and offshore, Finance and Marketing Support Officer
Compliance and Monitoring	CEO, Director – Campus Operations, Executive Manager Governance, Risk and Compliance, Governing Board

Purpose

Kent Institute Australia (Kent) uses the services of Education Agents (Agents) to actively recruit students into its courses. Their activities and ethics are important to Australia's reputation as a desirable destination for students. As such, Kent is committed to appointing and working with agents who act ethically, honestly and with integrity, and have a comprehensive understanding of students' requirements, Australian culture, the education sector and appropriate legislative knowledge, together with an in-depth knowledge of Kent's programs, courses and policies.

This policy establishes Kent's process for appointing and monitoring Agents and is to be read in conjunction with:

- Kent's *Marketing and Student Recruitment Policy & Procedures*
- The relevant Agent Agreement which document the contractual responsibilities of each party.
- The Australian International Education and Training Agent Code of Ethics (ACE)
- Agent Appointment and Management Guidelines which provide detailed processes for appointing and monitoring Education Agents
- The Agent Induction Manual which provides Agents appointed by Kent Institute Australia Pty Ltd (Kent) with information on how to promote Kent in an ethical, accurate and honest manner.

Scope

This policy applies to:

- Kent's Education Agents;
- Kent staff and contractors; and
- Kent's Partner Providers (if involved in the support and servicing of Kent's Agents).

Aim

To document Kent's policy for appointing and monitoring the activities of Agents representing Kent and to ensure Agents are provided with accurate and up-to-date information about Kent and Kent's courses. Kent has a number of approved Agents to represent its interests in different countries and regions of the world. Kent may approach prospective Agents in these areas and is also open to receiving applications from agents seeking appointment to be one of its authorised Education Agents.

Definitions

Agent	An individual or organisation (whether within or outside Australia) who represents or acts on behalf of the provider, or purports to do so, in dealing with overseas students or intending overseas students. A Kent Agent is authorised by Kent to recruit students on its behalf. An Agent may have one or more offices in Australia or overseas and be paid a commission for the counselling and assistance provided to a new student referred to Kent. In the context of this Policy the Agent does not extend to third parties for purposes of delivery of courses or services other than recruitment activities. An Agent must be contracted by Kent via an Agent Agreement to be able to promote Kent and its services to students.
Agent Agreement	The written agreement between Kent and the Agent, setting out the terms and conditions under which the Agent is authorised to recruit students on Kent's behalf. An Agent Agreement is a type of Third Party Arrangement which authorises the Agent only to recruit students on Kent's behalf and does not extend to delivery of courses or provision of other services on its behalf.
Australian International Education and Training Agent Code of Ethics	The Australian International Education and Training Agent Code of Ethics (ACE) provides a set of standards specific to Australia's education Agents. These standards mirror the requirements for education providers as outlined in the ESOS Act and National Code. Kent requires all Agents to abide by this Code.
PRISMS	Provider Registration and International Student Management System. PRISMS is an Australian Government secure online system that allows Kent to issue confirmations of enrolment (CoEs)
Course	A higher Education or Vocational Education and Training course as defined in the ESOS Act 2000.
Prospective Student	A person who intends to become, or who has taken any steps towards becoming, an 'overseas student' or 'intending overseas student' as defined by the ESOS Act. Agents deliver prospective students to Kent.
Student	A person who holds an Australian student visa and is an 'overseas student' as defined by the ESOS Act. A Kent student has been admitted to one of Kent's courses.

POLICY

1.0 Agent Appointment

All agents interested in gaining an appointment must comply with the following procedures:

- 1.1 Apply to become an authorised Agent of Kent by completing an **Agent Application Form**. The form must be completed honestly and accurately with details of at least two referees from the Australian Education Sector. At the time of application, the Agent must declare in writing any conflicts of interests with its duties as a potential Agent of Kent.
- 1.2 The Agent Application Form will be initially assessed by Kent against the following criteria:
 - a) Priority markets and regions under Kent's Marketing & Recruitment Operation Plan;
 - b) Kent's current representation within specific regions;

- c) Feedback from referee checks and other available data with regards to the Agent's reputation and standing in the Australian Education Sector as well as any known breaches of ethical conduct and/or regulatory requirements
 - d) The extent of the Agent's knowledge and experience in Australian international education and awareness of current industry trends and regulatory requirements including the Australian International Education and Training Agent Code of Ethics.
 - e) Appropriate company registration and applicable accreditations; and
 - f) Potential to ethically and honestly recruit quality students for Kent courses.
 - g) Any potential conflicts of interest.
- 1.3 At least two reference checks will be completed. Reference checks may be waived in cases where the Agent has been previously contracted by Kent with no compliance issues. Kent will not appoint Agents where it is 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.
- 1.4 Kent may request further referees or information in support of the Agent Application at any time.
- 1.5 Kent will make a provisional recommendation to:
- a) reject the Agent Application, or
 - b) approve and appoint the Applicant as an Agent of Kent.
- 1.6 A recommendation to approve and appoint an Agent will be approved in writing by Kent's Chief Executive Officer and the Agent will be issued with an **Agent Agreement**.
- 1.7 Upon an executed Agent Agreement, Agents will be issued with an **Agent Certificate of Appointment**.
- 1.8 All registered and approved Kent Agent Agreements are listed and maintained on the Kent Website and updated Agent details on the Provider Registration and International Student Management Systems (PRISMS) database and in the Australian Skills Quality Authority's (ASQA's) online web portal, Asqanet.

2.0 Agent Induction and Training

- 2.1 Kent will provide appointed Agents the **Kent Agent Induction Manual**, training and marketing information about Kent and Kent courses.
- 2.2 Agent training will be tailored to the requirements of each Agent and could include and is not limited to a range of training sessions, campus visits, online meetings, phone calls and emails.
- 2.3 Kent will ensure that the Agent is aware of the requirements to adhere to the ESOS Act and National Code 2018 and Australian International Education and Training Agent Code of Ethics.
- 2.3 Kent will ensure that the Agent has access to up-to-date and accurate information on Kent's services

3.0 Agent Audit and Monitoring

- 3.1 Kent monitors and reviews the performance of its Agents annually. In conducting annual **Audits**, Kent will take into consideration a number of criteria including but not limited to:
- a) Feedback from students via the 'new student surveys';
 - b) An annual Audit of Agent performance and activities including other observations made by Kent with respect to the Agent conduct.
 - c) Regular analysis of PRISMS data for each Agent about their performance and the performance, outcomes and trends in variations to enrolment of student cohorts supplied to Kent by the Agent.
 - d) Feedback from other sources and industry regarding the activities and reputation of the Agent.

3.2 In assessing the overall performance of an Agent, Kent will consider:

- a) The Agent's ongoing compliance with the Agent Agreement and associated conditions;
- b) The Agent's compliance with legislation relevant to the provision of education to overseas students in Australia and regulatory requirements.
- c) The Agent's compliance with the Australian International Education and Training Agent Code of Ethics
- a) The Agent's compliance with any information or instructions provided to the Agent by Kent.
- d) The number of student applications, their quality and completeness.
- e) The Conversion rate of Applications *to* actual commencements for students referred to Kent by the Agent
- f) The quality, accuracy and currency of information and advice provided by the Agent to students (including information provided on the Agent's website and other marketing collateral);
- g) Available information on the academic progression of students referred by the Agent;
- h) The incidence of student visa refusals for students referred by the Agent;
- i) Any feedback or information from students or third parties regarding the Agent; and
- j) The overall market conditions affecting student recruitment for Kent.

3.3 Upon completing the annual audit, Kent may:

- a) Maintain the Agent's current appointment;
- b) Maintain the Agent's current appointment *subject to certain conditions* (such as maintaining a consistent visa approval rate or attending agent training);
- c) Suspend the Agent from representing Kent for a specified amount of time (for example, until corrective action for a student complaint has been carried out);
- d) Renew the Agent's agreement if it has expired;
- e) Terminate the Agent's appointment in accordance with the relevant termination clauses of the Agent Agreement.

3.4 Kent may conduct random and regular review of the Agent's performance via Audits and Admissions Agent Review meetings. The reviews will be informed by the information provided in section 3.2 of this policy.

3.5 To continuously improve its marketing and recruitment activities, Kent may survey Agents to obtain feedback on Kent's induction, training, monitoring, management and support of agents. Agents are required to partake in these surveys.

4.0 Agent Termination

4.1 Kent may terminate an Agent Agreement or take corrective action at any time, where it is determined that the Agent has acted unethically or when Kent has identified or become aware of any Agent activity that in Kent's opinion is not compliant with:

- b) The Agent Agreement terms and conditions;
- c) Australian International Education and Training Agent Code of Ethics
- d) Any relevant legislation or regulatory requirements
- e) Any information or instructions provided to the Agent by Kent.

- 4.2 Kent may terminate an **Agent Agreement** where following an Agent Audit Kent determines that:
- the Agent has not serviced Kent adequately whether through failure to meet established targets for student numbers
 - student cohorts supplied to Kent by the Agent appear to be at risk of not progressing academically
 - undesirable trends in variations to enrolments are noted with respect to student cohorts supplied to Kent by the Agent, including but not limited to high attrition rates, deferrals, suspensions, requests for release and transfer to other providers.
 - must decrease its Agent base and the Agent is not one of Kent's top performing Agents.
- 4.3 Kent will terminate an Agent Agreement where any other reasons, Kent believes that continued association with the Agent presents risks to Kent, its stakeholders and/or reputation or where Kent 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
- 4.4 Kent also reserves the right to refuse students from certain offices of an Agent if it is deemed that the branch staff do not hold the requisite knowledge or training to accurately, compliantly and ethically promote Kent in their respective market.
- 4.5 Kent will not accept students from an 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 a student where this clearly conflicts with the obligations of registered providers under Standard 7 of the National Code (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.

4.0 Reporting

Changes to Kent's Agent base, including the addition of new Agents or Termination of existing Agents will be reported to Kent's Governing Board in the Senior Management Report Marketing and & Recruitment at each scheduled Governing Board meeting. The report will include:

- The number of Agents and any Sub Agents Kent has
- Any additional of new Agents in the reporting period
- Any Terminations of Agents in the Reporting Period
- Details pertaining to Agents who have conditions assigned to their ongoing association with Kent
- Any Audits conducted in the reporting period and their outcomes

Information about the education Agent may be disclosed by the Kent to Commonwealth or State agencies were required.

Document Title: Agent Appointment and Management Policy and Procedures	
Date Compiled: 23 rd October, 2015	By: Executive Manager Operations & Development
Due Date for Review: July, 2021	Website Access Permission: Staff
Date Updated: 14/11/2016 Minor Amendment no Version Control Change. Noted at GB Meeting 7/12/2016 – minor amendments 8 th January, 2018 19 th October, 2018 28 th August, 2019 14 th April, 2020 (no version control change) 31 st May, 2021 20 th July 2022	Reviewed by: Executive Manager Operations & Development Executive Manager Operations & Development Executive Manager Operations & Development Executive Manager Operations & Development Executive Manager Operations & Development Executive Manager Governance Systems Executive Manager Governance Systems/Academic Board Secretary and CEO Executive Manager Governance, Risk and Compliance
Version Control Update (Current): Version 1 – 23 rd November, 2015 Version 2 – 8 th January, 2018 Version 3 – 19 th October, 2018 Version 4 - 28 th August, 2019 Version 5 – 21 st July, 2021 Version 6 - 20 th July 2022 Version 7 – 7 th September 2022	Endorsed By: Governing Board Meeting Date: V1 9 th December, 2015 V2 – 7 th February, 2018 V3 – 5 th December, 2018 V4 - Executive Chair 29 th August, 2019 Executive Chair 14 th April, 2020 V5 – 21 st July, 2021 V6 - 20 th July 2022 V7 – 7 th September 2022
AMENDMENT: 14/11/2016 - Definition of Provisional Agent has been updated to ensure only onshore students can be referred to Kent and a provisional agent cannot refer off-shore applicants. Clause 1.3 updated to include issuance of a written ‘provisional appointment letter’ to a Provisional Agent to outline the terms and conditions of the student referrals. 08/01/2018 – Update requirements to meet the National Code 2018 Standards, procedures related to revised Agent Agreement and related administrative management and update of Kent staff titles. 19/10/2018 – Removal of Provisional Agent appointment, Kent Staff titles updated and responsibility of ASQAnet updates moved to a different role. 28/08/2019 – minor word amendments and alignment of procedures with the update for ESOS Regulations 2019 requirements and update of Kent Business Management System Hyperlinks. 14/04/2020 – review of the policy with no other amendments except to update Kent position titles. 31/05/2021 – separation of policy and procedure, update to agreement titles, update to appointment and audit information 20/06/2022 – Re-integration of Policy and Procedure, update to position titles. Re-organisation of sections to flow in chronological order of the Agent Appointment and Management cycle. Inclusion of references to other associated Kent documents which define the Management of Agents. Explicit stipulation of the requirement for Agents to abide by the Australian International Education and Training Agent Code of Ethics (ACE). Removal of definitions which are not required or referenced in this Policy as these are covered in other documents. Inclusion of more detailed criteria and considerations for Agent Monitoring and Terminations. Reporting requirements Section 5.0 included to provide Governing Board with oversight over changes to Kent’s Agent Base. Addition of requirement to disclose Agent data to Government Authorities and additional wording from Section 4 of the National Code (2018). 07/09/2022 – Removal of references to the Agent Agreement Form which has been incorporated into the Agent Agreement Template. Minor orthographic corrections.	