Sydney College of Professional Education Pty Ltd | ABN: 78648109040
RTO Code: 46019 | CRICOS Code 04135H
Address: Level 1, 133 Parramatta Road, Granville, NSW 2142
Tel: 0278060845 | Email: info@scpe.edu.au
Website: www.SCPE.edu.au

EDUCATION AGENT MANAGEMENT POLICY AND ASSOCIATED PROCEDURES

PURPOSE OF THE POLICY

This policy ensures that Sydney College of Professional Education (SCPE) manages its education agents effectively and in compliance with the Standards for RTOs and the National Code 2018. It establishes guidelines for appointing, monitoring, and managing education agents to ensure they act ethically and in the best interests of students and SCPE.

POLICY STATEMENT

SCPE will appoint Agents to be non-exclusive representatives and to perform the services for the terms set out in an agreement referred to as an Agent Agreement. Each Agreement will be a non-exclusive Agreement and the Agent acknowledges that SCPE may appoint other representatives as it so chooses.

SCPE is committed to working only with reputable and ethical education agents who act honestly and in the best interests of students. All education agents must adhere to the ESOS Act, the Migration Act 1958, the National Code 2018, and the Australian International Education and Training Agent Code of Ethics.

SCPE will:

- Appoint agents through a formal Agent Agreement.
- Provide education agents with accurate and up-to-date information.
- Ensure agents comply with all regulatory and legal obligations.
- Conduct regular monitoring and performance reviews.
- Take corrective action, including termination, if agents fail to meet requirements.

SCOPE

This policy applies to all education agents appointed by Sydney College of Professional Education (SCPE). It defines:

- Appointment process and contractual obligations.
- Ongoing monitoring and compliance requirements.

- Corrective actions for non-compliance.

DEFINITIONS

- **Education Agent:** A person or organisation that recruits prospective students on behalf of the College for its CRICOS-registered courses, under a written agreement.
- **Agent Agreement:** A formal, written contract between the College and the education agent outlining roles, responsibilities, obligations, and compliance requirements in accordance with the ESOS Act and National Code.
- **Recruitment Activity:** Any activity undertaken by an education agent to promote the College's courses to prospective international students, including advertising, counselling, and application support.
- **National Code:** The *National Code of Practice for Providers of Education and Training to Overseas Students 2018*, which sets nationally consistent standards to support providers and protect overseas students.
- **Commission Payment:** A fee paid to an education agent based on the enrolment of a student referred by the agent, in accordance with the terms of the Agent Agreement.
- **Student Misrepresentation:** Any false, misleading, or inaccurate information provided by an education agent to a student, or to the College on behalf of a student, which breaches the standards of ethical conduct required.
- **Agent Performance Review:** A formal process conducted by the College to monitor and evaluate the education agent's compliance, integrity, and student outcomes, to inform ongoing engagement decisions.
- **Termination of Agreement:** The process of ending the relationship with an education agent, including revocation of the agreement, due to non-compliance, misconduct, or underperformance.

PROCEDURE

1. Appointment of Agents

Agents are appointed through a formal Agent Agreement, which must be signed by both parties.
The agreement outlines:

- Scope of representation.
- Agent responsibilities.
- Compliance with legislative and regulatory requirements.
- Monitoring and termination conditions.

SCPE ensures each agent is aware of:

- The Migration Act 1958, ESOS Act, and National Code 2018.
- Their obligation to act in the best interests of students.

Upon appointment, SCPE will:

- Create a new education agent record in PRISMS, uploading a copy of the signed Agent Agreement.
- Notify ASQA of the engagement of a new agent, where required, particularly where third-party arrangements fall under the scope of RTO operations.
- Provide the agent with an Agent Induction Pack, including compliance information, current marketing materials, and key contacts.
- Maintain a register of current agents, regularly reviewed and publicly available on the SCPE website as required.

2. Education Agent Obligations

Under the agreement, agents must:

- Promote SCPE courses accurately and ethically.
- Assist in the recruitment of international students.
- Provide students with required information under the ESOS Act.
- Assist students in submitting applications.

Agents must act with integrity and:

- Declare conflicts of interest (e.g., financial ties to education providers, dual service fees).
- Use only SPCE approved materials in marketing.
- Promote SCPE with integrity and accuracy and recruit prospective overseas students in an honest and ethical manner
- Have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics (Link)
- Take reasonable steps to confirm the accuracy of information provided by prospective overseas students in the application
- Ensure that only signed and completed applications are submitted to SCPE
- Ensure that relevant fees, charges and supporting documentation accompany each application and acceptance of offer documents
- Provide any offer documents received from SCPE to the prospective student within 48 hours of receiving the offer documents.

Agents must not:

- Engage in misleading advertising or false comparisons with other providers.
- Provide immigration advice unless they are registered migration agents.
- Recruit students already enrolled with another Australian provider.
- Encourage visa fraud or applications from ineligible students.
- Give false or misleading information relating to course fees payable or acceptance into a course
- Accept or process student fees on behalf of SCPE
- Make guarantees regarding visa approvals.
- Sign official documents on behalf of students.
- Use PRISMS without prior written consent from SCPE.

3. Monitoring and Compliance

SCPE will:

- Conduct regular performance reviews of agents.
- Require agents to submit student feedback reports.
- Investigate complaints about agents promptly.
- Issue warnings or terminate agreements for non-compliance.
- Maintain an Agent Register with up-to-date details.

4. Corrective Actions

If an agent fails to meet obligations, SCPE may:

1. Provide written notice of breach and request corrective action.
2. Conduct further training or monitoring.
3. Suspend or terminate the agreement if breaches continue.

5. Education Agent Management Procedure

This procedure outlines the step-by-step process for managing education agents at SCPE. It ensures compliance with the Standards for RTOs 2015, the ESOS Act, and the National Code 2018, and maintains ethical and transparent engagement with education agents.

PROCEDURE SUMMARY TABLES

Step	Action
1. Expression of Interest	Assess the agent's profile upon receiving an expression of interest letter.
2. Application Form	If satisfactory, provide the agent with an Education Agent Application Form.
3. Reference Check	Conduct a reference check upon receiving the agent's application.
4. Agent Agreement	If approved, both parties sign an Agent Agreement.
5. Marketing Materials	Provide the newly appointed agent with marketing materials.
6. Agent Induction	Conduct an induction covering: • Agent responsibilities • Summary of obligations under the Agent Agreement • Overview of the ESOS Act and National Code • Australian International Education and Training Agent Code of Ethics • Explanation of SCPE's monitoring process and schedule

Maintaining an Accurate Record of Education Agents

Step	Action
1. Maintain Agent Register	Maintain a register of current and past education agents, including agreement details.

2. PRISMS and ASQA Updates	Ensure agent details are correctly recorded in PRISMS and ASQA.
3. Website Updates	Maintain an up-to-date list of agents on the website using the Marketing Information Checklist.
4. Monthly Compliance Review	Conduct a monthly review of PRISMS and website agent details.
5. Quarterly Website and Social Media Review	Every 3 months, review agents' websites, social media, and marketing materials using the Marketing Information Checklist.
6. Timely Updates	Update the website within 1 business day of: • New agent agreements signed and approved in PRISMS • Termination of an agent and PRISMS record updates

Assignment and Sub-contracting

Step	Action
1. Approval for Sub-contracting	Agents must not assign their agreement or obligations without prior written consent from SCPE.
2. Responsibility for Obligations	Even with sub-contracting approval, the agent remains fully liable for their obligations.

Monitoring Education Agents

Step	Action
1. Biannual Agent Review	Conduct a review every 6 months using the Education Agent Performance Review Checklist. Meetings must be held via video or teleconference.
2. Student Feedback	Collect feedback from students regarding their agent's recruitment experience using the Recruitment Experience Questionnaire.
3. Compliance Checks	Ensure agent activities align with contractual obligations and Australian regulations.

Disclosing Information About Agents

Step	Action
Reporting Concerns	SCPE may disclose agent information to regulatory bodies if: • The agent is suspected of negligence, incompetence, or unethical conduct. • A written request is received from Commonwealth or State agencies. • A regulatory audit or compliance check requires disclosure.

Corrective Action

Step	Action
1. Investigation	If an agent is suspected of misconduct, SCPE will investigate the matter.
2.Corrective Actions for Minor Breach	If the issue is not serious misconduct, SCPE may: • Provide remote performance counselling. • Require the agent to attend on-shore training. • Require completion of the AEI online Agent Training Course
3. Termination for Serious Breaches	If misconduct involves negligence, unethical conduct, or breaches of contract, SCPE will terminate the agreement immediately

Termination of Agent Agreement

Step	Action
1. Notice Period for Voluntary Termination	Either party may terminate the agreement with 30 days' written notice.
2.Immediate Termination for Breaches	If the agent is found to have engaged in: • False or misleading advertising • Unethical recruitment practices • Misuse of PRISMS • Fraudulent visa application assistance • Failure to comply with ESOS Act regulations The agreement will be terminated immediately.
3. Obligations After Termination	• Upon termination, the agent must: • Submit all outstanding applications and fees. • Cease using SCPE branding and materials. • Return all promotional materials within 30 days

Dispute Resolution and Mediation

Step	Action
1. Internal Complaints Process	Agents can raise disputes via SCPE's Complaints and Appeals Policy.
2. External Legal Action	If unresolved, either party may seek resolution through the courts of New South Wales.

Documenting and Record-Keeping

Step	Action
1. **Retention of Agent Records**	Maintain all education agent records for 2 years after the cessation of studies.

2. Compliance with Policies	Ensure records align with: • Legislative Requirements Policy • Records Retention and Management Policy • Reporting Obligations Policy

POLICY IMPLEMENTATION

This policy is implemented through a structured process for appointing, monitoring, and reviewing education agents to ensure they act ethically and in compliance with the ESOS Act, National Code 2018 (Standards 4 and 5), and the Standards for RTOs 2025.

Key implementation measures include:

- Formalising all agent relationships through a written agreement
- Conducting due diligence checks prior to appointment
- Maintaining a Register of Approved Education Agents
- Providing accurate marketing materials and compliance briefings to agents
- Monitoring agent performance through regular reviews and student feedback
- Taking corrective action where agents breach obligations
- Recording the use of agents in student files and PRISMS
- Making a list of approved agents publicly available.
- Records of all agreements, training, monitoring activities, and communications are maintained to support ongoing compliance and continuous improvement.

MONITORING AND EVALUATION

This Policy and Procedure will undergo an annual review, or sooner if required, to ensure it remains relevant and effective in guiding the operations and strategies or as needed to reflect any changes in the regulatory environment or operational practices.

Feedback will be collated and analysed and discussed at the monthly management meetings, for noting or action with any necessary changes documented in a Continuous Improvement Form and in the Continuous Improvement Register.