

Education Agents Policy

1 PURPOSE

This policy establishes an effective, accountable and transparent framework to outline the process for ensuring the selection of only education agents who are ethical and that can provide a high level of service to international students. This policy outlines practices for dealing with Education Agents to satisfy the requirements of the ESOS Act and *National Code 2018 Standard 4.

2 SCOPE

This policy applies to all International Education Agents, and/or their employees or contractors engaged by Nomi College on any basis and at all times. This document presents Nomi College's Policy relating to:

- Appointment of International Education Agents
- Agency agreement
- Monitoring of International Education Agents
- Termination of Partner Agreements

3 POLICY STATEMENT

Education agents acting on behalf of Nomi College are required to provide a high standard of service and information to all potential overseas students. Nomi College will take reasonable measures to use education agents who are professional and ethical. Nomi College will not use education agents who are dishonest or lack integrity, or who have had negative reports issued publicly or privately through our due diligence process.

The RTO takes all reasonable measures to ensure that the Education Agents it engages have an appropriate knowledge and understanding of the Australian international education industry, in particular a good working knowledge of:

- The National Code 2018,
- The Education Services for Overseas Students Act 2000 (ESOS Act)
- The Education Agents Code of Ethics
- Nomi College's services

Nomi College will not accept or continue to accept overseas students recruited by an agent if they know, or reasonably suspect the agent to be:

- engaged in, or to have previously been engaged in, dishonest practices, including suggesting to overseas students that they come to Australia on a student visa with a primary purpose other than full-time study, or acting otherwise in contravention of the obligations of Acknowledge Education under the National Code or the ESOS Act, particularly by deliberately attempting to recruit a transferring student within the first six months of study of his or her principal course in contravention of Standard 7 of the National Code ^(4.6.2)

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- facilitating the enrolment of overseas students who the agent believes will not comply with the conditions of their student visas (4.6.3)
- engaged in false or misleading advertising and recruitment practices (4.6.2)
- using PRISMS to create Confirmations of Enrolment for other than bona fide students (4.6.4)
- providing immigration advice where not authorised under the Migration Act 1958 to do so (4.6.1)

3.1 APPOINTMENT OF INTERNATIONAL EDUCATION AGENTS

Nomi College will select International Education Agents on the basis of their overall experience and understanding of the National Code and ESOS Act. Education agents must provide the following details before being contracted for the purpose of recruiting overseas students to study:

- a) the registered company name (both in Australia and overseas where relevant)
- b) the names of the company principals
- c) the company’s business address and contact details
- d) membership of relevant industry associations
- e) brief statement of the company’s experience in recruiting students from their nominated regions
- f) minimum of two (2) Referral Reports

In the event the agent cannot supply this, then Nomi College will make a professional judgement on the validity of the Education Agents application.

3.2 AGENCY AGREEMENT (4.1)

Nomi College will enter into a written agreement with each International Education Agent engaged to recruit students on its behalf. Agency Agreements must be prepared from Nomi College’s authorised template, with any changes to be reviewed and authorised by Relationship Manager.

Once signed, an original copy of the Agency Agreement will be kept by the agent, a second signed original copy of the Agency Agreement will be kept in the agent’s file of Nomi College by the admin and enrolment officer.

Furthermore, the education agent’s details will be entered into and maintained in PRISMS 4.1

The agreement will specify the Roles and Responsibilities of both parties, and is to explicitly outline the following:

- a) That Nomi College as the provider is at all time responsibilities for compliance with ESOS Act and National Code 2018 (4.2.1)
- b) All processes for monitoring the activities of the education agent, including where corrective action may be required (4.2.3, 4.2.4)
- c) Termination conditions (4.2.5)
- d) Circumstances under which information about the agent may be disclosed by Nomi College and the Commonwealth or state or territory agencies (4.2.6)
- e) All processes for ensuring that the agent is only supplying students with accurate and up-to-date information about Nomi College and our courses and services (4.2.3)
- f) Our requirements of the agent for representing Nomi College in accordance with Standard 4.3 (see below) (4.2.2)

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3.3 REQUIREMENTS OF INTERNATIONAL EDUCATION AGENTS

The International Education Agent holds the following responsibilities:

- a) To Provide a written declaration of intention to avoid conflicts of interests with their duties as education agent acting on Nomi College’s behalf ^(4.3.1)
- b) To actively take all reasonable measures to avoid conflicts of interests with their duties as education agent acting on Nomi College’s behalf
- c) To hold and maintain confidentiality and transparency in all interactions with overseas students or intending overseas students ^(4.3.2)
- d) To be truthful and transparent in all dealings with overseas students, demonstrating good faith and acting towards the benefit of the overseas student at all times ^(4.3.3)
- e) To maintain appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics ^(4.3.4)
- f) Education agent must have good understanding on ESOS framework and knows their obligation towards students, follow education agent code of conduct, must not engage in migration related advice unless they hold a current registration as migration agent (as per Migration Act 1958). Education agent to inform students; about 20 hours of study requirements and maintaining satisfactory course progress and attendance requirement, provide students with accurate advice regarding available courses, entry requirements, tuition fees, OSHC and living cost, working rights, and general life in Australia.
- g) Nomi College monitor this by engaging with Education Agents on a regular basis and during the discussion to gauge their level of understanding, ethical practices, collecting feedback on the education agent from students and third party.
- h) Agents are required to complete the initial training provided by Nomi College before to sign the agreement with education agents. This training usually covers (but not limited to) the code of conduct, obligation of education agents to have good understanding of ESOS framework, informing students about hours of studying per week, maintaining satisfactory course progress and attendance as per the provider policies and information shared during induction, inform students about tuition fees, cost of OSHC & cost of living, inform student about attending induction programme run by the provider at the start of the course, inform international students about their work rights and student obligation to update their records such as address, email, phone number and next of kin.

3.3.1 Nomi College will not accept students from an education agent if it knows or reasonably suspects the education agent to be:

- a. providing migration advice, unless that education agent is authorised to do so under the Migration Act
- b. 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)
- c. facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa
- d. using PRISMS to create CoEs for other than bona fide students

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3.4 MONITORING OF INTERNATIONAL EDUCATION AGENTS

Monitoring of International Education Agents is vital to ensuring the provision of up to date and accurate information to overseas students and intending or potential students. Nomi College also wish to reveal any instance in which an agent is engaging in false or misleading recruitment practices

Monitoring processes may include, but are not limited to:

- Face to face meetings
- Visits
- Regular feedback from students regarding the Agent
- Key performance indicators such as level of satisfactory in Education Agent feedback form collected from students.
- General market analysis about the Education agent and feedback from the industry networking.

3.5 PREVENTATIVE AND CORRECTIVE ACTIONS

Preventative action may include training sessions for agents and ensuring that they have all the material required to recruit for Nomi College accurately.

Corrective action may include providing additional information/material or targeted training on the expectations of Nomi College. Corrective action may also include termination of the agreement with the education agent.

Nomi College will take immediate corrective and preventative action upon 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.

Nomi College is required by National Code (Standards 4), to ensure that education agent act ethically, honestly, and in the best interests of oversea students as well as uphold the reputation of Australia’s international education sector. For this purpose, Nomi College monitor Education agents’ activities through meeting, checking their websites, material published online, performance data and analyse students feedback about education agents in representing Nomi College. Nomi College also have the written agreement in place with education agents that are only valid for one year and Nomi College representative are required to review the performance of Education agent before renewing the agreements.

3.6 TERMINATION OF AGREEMENTS

If Nomi College determines that the agent is engaging in false or misleading recruitment practices, the relationship with the agent will immediately be terminated. The only exception shall be in the instance that the agent provides notification in writing of the termination of the agent’s relationship with the employee or subcontractor who engaged in those practices. The agent will be notified in writing of the Termination and this notification will be kept on file.

Beside above following also applied for termination of Agreement,

- Either party has right to terminate agreement with a notice of 10 working.
- Nomi College can terminate the agreement if it is found that the education agent has acted with dishonesty and/or against the interest of overseas student.

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- Nomi College can terminate the agreement if it is found that the education agent is not upholding the upholding the reputation of Australia’s international education sector.
- Nomi College can terminate the agreement if it is found that the education agent is not abiding by the Code of Conduct defined in ESOS Act and National Code.
- Nomi College can terminate the agreement if it is found that the education agent is engaged in giving migration related advice and is not a registered migration agent as per the Migration Act 1958.
- Nomi College can terminate the agreement if it is found that the education agent is breaching and part of the Education Agent Policy.
- Nomi College can terminate the agreement if it is found that the education agent is giving a guarantee on the outcome of the course.
- Nomi College can terminate the agreement if it is found that the education agent is falsely representing Nomi College, or the courses offered and/or is giving misleading information.
- Nomi College can terminate the agreement if it is found that the education agent.

On termination of this agreement, the education agent must:

Submit all applications and fees from prospective students received up to the termination date; and immediately cease using the marketing materials provided and any enrolment related activity for Nomi College. The termination of this agreement by either party does not affect any accrued rights or remedies of either party.

3.7 COMMISSIONS PAYMENT

- Nomi College will collect the fees from students.
- Any fees paid by a student, Nomi College will first collect the material fees and enrolment fees.
- Agent can only claim commission from the tuition fees
- All commissions will be paid in accordance to the agency agreement with the agent.
- Once an invoice received from the agent, Nomi College will pay the invoice within 2 weeks. Some delay may occur and education agent will be communicated if there will be any.

3.8 RECORDS OF EDUCATION AGENTS

- Nomi College has an obligation to ensure that we maintain up-to-date records of all registered education agent on PRISMS, and on our website.
- To ensure that quality of information provided is accurate, Nomi College engages a dedicated Admin Officer to check Education agents records, contact them on regular basis, send them notification about that their Agreement is about to expire and invite them to renew the agreement (this also base don on the performance of Education Agent including quality of the services provided to students)
- Nomi College will share records of any or all education agents with ASQA where requested.
- Nomi College’s admission team along with the dedicated admin officer, ensure that all education agents records are added on PRISMS prior to accept their students’ applications. These records are also reviewed to remove them where necessary.
- Nomi College also ensure that our Relationship Manager, Compliance officer and admission team member works together to ensure that Nomi College have all registered Education Agents on the website as we go. This information is reviewed every 3 months by the compliance officer.

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4 RESPONSIBILITIES

A record of all approved education agents, including written agreements, will be maintained by Relationship Manager

An electronic register of all monitoring activities and their outcomes will be maintained by admin and enrolment officer for the purposes of evaluating agents and identifying preventative and corrective action.

5 MARKETING MATERIALS

The use of marketing materials by international education agents must be with the official, unaltered and most up to date materials as supplied by Nomi College.

Under no circumstances are agents permitted to alter or edit the marketing material supplied, this is to ensure that students and prospective students are not given misleading information.

6 RELATED LEGISLATION AND REGULATIONS

- EDUCATION SERVICES FOR OVERSEAS STUDENTS (ESOS) ACT 2000
- *The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018' Standard 4

7 CHANGE OF AGENT

1. If a student request to Nomi College to change the education agent he/she is enrolled through because whatever reason they may have, the reason should be valid and genuine. If Nomi college deemed it reasonable for a student to change the education agent, student will be offered a form to complete 'change of agent form'. Student will have free will to nominate the education agent of their choice.
2. In the event, a request for change in agent has been received after the enrolment confirmation was issued, Nomi college will contact the existing education agent within 5 working days and will provide the first opportunity to the existing agent to contact student and try to resolve the matter with student. Existing agent will be given 10 working days.
3. If the existing education agent successfully resolve the matter and the student decided not to proceed with the change of agent request, Nomi College will take no further action.
4. If the existing agent cannot resolve the matter and/or do not get back to Nomi College, Nomi College will go ahead and change the education agent.
5. In both of the above two cases, Nomi College will contact student on confirm his/her final decision and a final email will be sent to student and existing agent.
6. Agent Commission will only be paid to existing agent who enrolled the student at Nomi College and commission will not be paid to new agent (if approved to be changed).
7. Under excruciating circumstances, if the Nomi College Director approve the commission to be paid to new agent, for example if the existing agent has breached Nomi College policy and as a result their agreement with Nomi College has been terminated or existing education agent have cease the business activities, in those circumstances commission on

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fees paid before the change of education agent request has been approved will only be paid to existing agent. Commission to new agent will only be paid on the fees paid after the change of education agent request has been approved. Nomi College will only pay the commission on any part of the tuition fees once only.

8. Appointed Nomi College staff member will also update the information on student management system and will also collect the student feedback on education agent practices and send the report to the manager. Manager at Nomi College will make a final decision (based on student feedback) and investigate if an agent has breached any of the Nomi College policy and procedure, which may lead to terminating of education agent agreement with Nomi College.