



AGENT RECRUITMENT, REVIEW and TERMINATION Policy and Procedures

DEFINITIONS

Terms in this document, for which definitions are not provided in the text or may not be self-evident or for which usage at ACC may differ to that in other higher education institutions are as follows:

Agents: a domestic or international individual or company contracted by the College to provide services for a fee. International education agents are used in the recruitment and admission of international students.

Agent Agreement(s): an agent appointment contract specifying the period and conditions of the contract.

Associates: Refers to individuals who are not staff or students of the College but who are formally associated with the College in the delivery of its programs.

Australian Higher Education Standards Framework (Threshold Standards) 2015: The basis for the regulation of higher education providers and courses by the Tertiary Education Quality and Standards Agency (TEQSA).

Confirmation of Enrolment (CoE): is an official document issued to international students by higher education providers in Australia. It confirms that a student has accepted a place in a higher education program and has paid their tuition fees and Overseas Student Health Cover premium (OSHC). A CoE is required for a student to apply for a student visa.

ESOS Act 2020: The Education Services for Overseas Students Act 2000, or ESOS Act, establishes 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. ESOS also provides tuition fee protection for international students.

Education Agents: Individual persons or organisations, in Australia or overseas, that may be engaged by the Australian Chiropractic College (ACC) in the capacity of recruitment representatives to assist the ACC in recruiting international fee-paying students.

National Code for Providers of Education of Education and Training 2018 (National Code 2018): A nationally consistent set of Australian Governments **standards** that governs the protection of international students and delivery of courses to those students by providers registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS).

International/Overseas Student: A prospective or enrolled student who is not an Australian citizen, Australian permanent resident, New Zealand citizen, or holder of an Australian permanent resident humanitarian visa, and who requires an international student visa from the Australian Government to study in Australia, whether applying to ACC from within Australia or from overseas.

PRISMS: The acronym for 'The Provider Registration and International Student Management System', which is the Australian Government secure online system that allows tertiary education providers to issue confirmations of enrolment (CoEs). Australian Government agencies use PRISMS to monitor student compliance with visa conditions and education provider compliance with the ESOS Act 2000

Program (or Degree Program): The ACC's Bachelor of Chiropractic degree.

TEQSA: The Australian Tertiary Education Quality and Standards Agency, which is the national quality assurance and regulatory agency for higher education

The Australian Competition and Consumer Act 2010: The Australian Competition and Consumer Act 2010, which was previously named the Trade Practices Act 2010. The name of the Act was changed on 1 January 2011. The object of this Act is to enhance the welfare of Australians through the promotion of competition and fair trading and provision for consumer protection.

1. PURPOSE

The purpose of this policy is to set out the role and functions of education agents and the framework for their appointment and management.

2. SCOPE

This Policy and related Procedures applies to all international student operations of the ACC. It applies to all ACC staff and education agents appointed by the ACC.

3. POLICY STATEMENT

The ACC is committed to ensuring high standards of professional conduct and transparent and consistent processes, in the recruitment, management, monitoring and termination of education agents domestically and internationally.

Accordingly, this Policy reflects the standards required under the ESOS Act 2000 and the National Code 2018 and complies with the National Code 2018, Standard 4 (Education agents).

As reflected in the National Code 2018, when engaging, interacting with or terminating contracts with education agents, the ACC will:

- Enter into a written agreement with all education agents formally engaged to represent the ACC, ensuring that the responsibilities of the ACC, including that the ACC is responsible at all times for compliance with the ESOS Act and the National Code 2018;
- Maintain a register of appointed education agents and will publish a current list of agents on the College's website;
- Actively monitor the performance of its agents and will terminate its agreement with those agents who are not meeting ACC requirements and remove them from the register;
- Maintain records of agreements that have been terminated, and provision of copies of such records as required by regulatory authorities;
- Regularly update promotional material used by agents and regularly provide advice to agents on any changes relevant to the services that the agents provide;
- Immediately implement corrective and preventative action, including immediate termination of its relationship with the offending agent, should the education agent become negligent, careless or incompetent or has engaged in false, misleading or unethical advertising and recruitment practices.
- Appropriately document and make available to TEQSA or other relevant Commonwealth and state authorities) to substantiate all of the above as required.

If agents use sub-contractors, their names will be required to be listed in the formal Agreement and the agent will not be permitted to sub-contract, to any other person or party, the performance of any of its obligations

under the Agreement without the prior consent of the ACC. Despite any sub-contract, the agent will remain liable for performing its obligations under the Agreement.

All responsibilities applicable to the ACC's obligations as a Higher Education Provider apply to the agent, by virtue of the agreement between the two parties. These obligations include:

- providing data;
- cooperating with TEQSA and related Commonwealth and state authorities;
- complying with advertising and marketing standards;
- informing prospective students;
- dealing with complaints and appeals;
- collecting fees; and
- recordkeeping.

4. ROLE OF AGENTS - ETHICAL STANDARDS

The ACC requires its agents to:

- declare in writing and take reasonable steps to avoid conflicts of interests with its duties as an education agent of the college;
- observe appropriate levels of confidentiality and transparency in their dealings with overseas students or intending overseas students;
- act honestly and in good faith, and in the best interests of the student;
- have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics.

The ACC requires its agents to **not**:

- engage in unethical behaviour, nor have ever engaged, in any dishonest practices, including suggesting to prospective students that they may use a student visa to come to Australia for a primary purpose other than full-time study and including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of the college under standard 7 of the National Code 2018;
- facilitate applications and/or enrolment and/or use PRISMS to create CoEs for prospective Students who the agent believes will not comply with the conditions of their student visas;
- facilitate or encourage applications from any student that the agent has referred to the College to attend another educational institution whilst that student is enrolled in the ACC degree program or conversely facilitate or encourage applications from any student that the agent has referred to another educational institution to attend the College whilst that student is enrolled in the other educational institution's degree program in contradiction with standard 7 (Overseas student transfers) of the National Code 2018;
- make any representations or offer any guarantees to prospective students about:
 - whether they will be granted a student visa;
 - any employment outcomes or prospects associated with a Course;
 - outcomes upon completion of ACC programs;
 - residency requirements or immigration status in Australia, including any possible migration outcomes;
- provide immigration advice as defined in the Migration Act 1958 unless authorised to do so under that Act;
- commit, or purport to commit the College to offer any prospective Student enrolment in its Chiropractic degree program;
- use or access PRISMS to create Confirmations of Enrolment without the prior written consent of the College;
- use any registered or unregistered Mark of the College without the prior written consent of the College;
- undertake any advertising or promotional activity about the degree program or the College or any of its associates, sponsors, business partners or any other organisation without the prior written consent of the College; or

- receive or bank any fees or charges payable to the College by a prospective Student or deduct any amount from such fees or charges.

Failure to abide by all of these above obligations and other requirements as set out in the agent Agreement will result in a review process which may result in a warning or, in some cases, immediate termination of the agency Agreement.

Where the college 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 ACC will 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.

5. RECRUITMENT PROCESS

Completion of Agent Application Form

Education agents who wish to become an agent for the ACC must complete an application form and submit this together with a business profile to the ACC for review. The application form is available either directly from the ACC administration or may be made available for download from the ACC website.

Review of Application

On receipt of the application, the ACC will prepare an Agent file, with an Agent checklist, and undertake an initial assessment. If assessed as a credible potential candidate, the ACC will contact a minimum of two referees and record the conversation and add a transcript to the Agent file.

A recommendation will then be made to the Corporate Services Manager for decision.

If not approved then the ACC will notify the agent in writing of the decision.

If approved the agent will be sent two copies of the agent Agreement and requested to sign one and return it.

Once the Agreement is received and recorded then the agent will be considered active.

The agent's details will be entered in the approved agents register and the agent list on the website will be updated accordingly.

The "Manage Agents" portal on PRISMS will also be updated to reflect the addition of the new agent.

6. UPDATING INFORMATION

The ACC will ensure that the agent is provided with accurate and up-to-date information regarding the college and the courses offered.

New course documents and detailed information will be provided to agents whenever such documents are amended.

Agents will be required to notify the College if any details related to the agent or its operations are altered.

The ACC will ensure that the agent will be provided with the latest Marketing Material, Posters and Promotion material and that the materials appropriately reflect the intended audience, either in paper form or by direction to the ACC website where this information is available for download. All agents will then be required to use the latest Marketing material supplied and destroy any older versions.

7. ADVERTISING ON BEHALF OF THE ACC

Agents may undertake marketing and advertising on behalf of the ACC as agreed, however, the ACC will require details of how these activities will be undertaken for approval.

The ACC will retain copies of actual advertising and marketing material, including any material created by Agents to facilitate the monitoring of marketing activities and the presentation of relevant data for an audit or in the investigation of a complaint.

8. COOPERATING WITH THE REGULATOR

Any agents appointed by the ACC will be advised that, in signing the agent Agreement, they are agreeing to cooperate with TEQSA and any related Commonwealth and state authorities in the provision of information and in the conduct of audits and other monitoring activities.

All agreements will be lodged by the ACC with the regulator in accordance with *Third Party Agreements Policy*, as required.

9. SUBCONTRACTING

Under the ACC's *Agent Recruitment, Review and Termination Policy*, agents are not permitted to assign their Agreement with the ACC, or any rights under the Agreement to a subcontractor without the prior written consent of the ACC (which may be withheld at the ACC's discretion).

The agent must not subcontract to any person the performance of any of its obligations under its Agreement with ACC without the prior written consent of the ACC (which may be withheld at its discretion).

Notwithstanding any approved subcontracting arrangement(s), the Agent remains liable for performing its obligations under its Agreement with the ACC.

10. MONITORING PERFORMANCE

By signing the agent Agreement, the agent will be agreeing to annual review with the ACC in relation to its performance, the quality of its business practices and any other issues that may arise. In the case of agents with a long-standing and positive history of recruiting high quality students using ethical practices, the ACC will consider reviewing the agent bi-annually.

This review will take place within one month of the first anniversary of the appointment.

The ACC will monitor and review the performance of its approved agents through a number of methods:

- New Student Agent Feedback Form:
- Annual Analysis of Agent Application Reports:
- Student feedback:
- General interactions with the agent and their staff and understanding of the quality of the service they provide:
- Feedback on the service provided by the ACC and any feedback agents have received from their students.

New Student Agent Feedback Form

Upon arrival at the ACC, new students who have come through an ACC approved agent will be asked to complete a *Student Review of Agent Feedback Form* included in student orientation packs. This form provides direct feedback concerning students' opinions of, and experiences with their agents.

Ongoing Student Feedback

In an effort to improve education and training standards, the ACC regularly gathers student feedback. This includes feedback on ongoing agent support to existing students, and the findings are used as a basis for continuous improvement.

Agent Feedback on the ACC service

The agent will also be asked to provide feedback on the services that the ACC provides. Any comments and/or issues raised will be recorded in the agent's file, and where judged valid they will be escalated through appropriate ACC channels for consideration as part of ACC's continuous quality improvement cycle.

Annual Analysis of Agent Application Reports

The ACC's review Agent Application Reports will look at

1. the volume of business generated
2. the quality of the business in terms of
 - a. the percentage of applicants that ACC accepts into the program
 - b. the percentage of students accepted into the program who do not commence
 - c. the student attrition rate
3. the compliance of the agent with this Policy and the agent Agreement.

Where an agent provides more than 20% of the annual commencing cohort applications, ACC will benchmark performance metrics against industry accepted standards.

Agents with no applicant registrations will automatically become inactive and the agent Agreement will not be renewed unless there are good reasons to do so.

Details of all inactive agents or those whose Agreements have been cancelled or not renewed will be removed from the ACC's Approved Agents Register and also from the ACC website.

The "Manage Agents" portal on PRISMS will also be updated to reflect any cancellations and non-renewals.

Agent Annual/ Unethical Behaviour Review

In the event if observed or alleged unethical agent behaviour, the ACC will arrange for a review meeting with the relevant agent. This review will not be deferred until the anniversary of the agent's appointment but will be initiated as soon as possible.

If the ACC deems it necessary, the ACC may suspend the agent until the review is complete. In this instance the review must be convened with 10 working days of the suspension.

If the agent does not attend the review and has no legitimate reason not to attend, then the review will take place in their absence. Ideally this will be face to face either at the agent's offices or at the offices of the ACC. For agents overseas who are not able to be visited by an ACC representative then a conference call will be arranged.

When ACC representatives are travelling in the region of the agent within 3 months of the anniversary of their appointment, then the review can be held at any time during that period, the ACC thereby relaxing the usual one month requirement.

As a result of the review, the ACC will decide to recommend the agent for renewal or otherwise.

The review will cover, as a minimum:

- Number of student enquiries received from the specific agent;
- Number of students enrolling from the specific agent;
- Number of students dissatisfied with the specific agent's services;
- Positive and Negative comments in relation to agent's behaviour;
- Good performance of the agent throughout the year, including proven ability to abide by all regulatory requirements;

- Conformity to the ethical standards referred to earlier and in compliance with the ESOS Act and the National Code 2018.

Annual Analysis of Agent Activity- Recommendations

Through an annual analysis of agent activity, the ACC will identify agents that:

- Have performed well throughout the year, including abiding by all regulatory requirements. They may be recommended for recognition and incentives, which could include but are not limited to an increase in commission or bonuses.
- Have not worked to expected professional standards and have not abided by all regulatory requirements throughout the year. The recommended course of action will take into account the nature of unsatisfactory performance and seriousness of any compliance breaches. Actions may include but are not limited to the following, which are detailed further in the section below.
 - Warning Letter;
 - Non-Renewal of Agency Agreement;
 - Termination of Agency Agreement.

11. ACTIONS FOLLOWING A REVIEW

Renewal of agreement

For active agents that have a positive review and wish to continue to represent the ACC, an email will be sent confirming that the existing Agreement will be continued for another 12 months.

Warnings and Termination

If, following either an annual review or specially convened review, it is confirmed that the agent's behaviour is unsatisfactory then formal correspondence, warning of termination, if performance does not improve in the ways specified by a specified date, will be issued. This correspondence will also include an invitation for the agent to explain the circumstances underlying the unsatisfactory performance.

If, after three (3) such warnings for unsatisfactory behaviour, an agent's performance has not improved and the reasons offered by the agent are not sufficient to justify the unsatisfactory performance, then ACC's will proceed with a letter of intent to terminate the Agreement, unless the agent can show cause as to why the termination should not proceed

However, if an agent has been deemed to be in severe breach of an item stipulated in the ACC agent Agreement, including when the college 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 ACC will 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. A letter informing the agent of the ACC's termination the Agreement will be sent without a prior warning. In some cases the agent may be given the opportunity to explain the circumstances of the severe breach to overturn the termination of the Agreement.

In the event that and agent is found to be responsible for financial irregularities, then NO further payments to the agent will be made for new or existing student applications and the Agreement will be terminated.

Right to Appeal

The ACC respects an agent's right to appeal a non-renewal or termination decision.

Agents will be required to submit their appeal in writing with any supporting documentation. The President, supported by the Corporate Services Manager, will review the appeal and determine if the agent is eligible for probationary extension of the agency Agreement, valid for 3 to 6 months.

12. REPORTING

Annually, a report will be provided to the Board of Directors recording the number of: active Agents, contract terminations and the grounds for them, new agent Agreements and renewed Agreements.

13. POLICY REVIEW

The ACC's *Agent Recruitment, Review and Termination Policy* is normally reviewed every three years. It is a policy of the ACC that any Policy or Procedure may be reviewed earlier as indicated by internal or external factors (including but not limited to such factors as changes in the guidelines of regulatory authorities, accreditation/registration requirements of the profession, or relevant legislation at state or federal level) as determined the Board of Directors and/or Academic Board.

VERSION CONTROL

Document: C010 Agent Recruitment, Review and Termination Policy and Procedures		
Responsible Officer: President/CEO		
Initially Approved by: Board of Directors		Date: 16 November 2016
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Version: V1.2	Replaces Version(s): V1.1	Next Review: September 2022
Nature of Change	August 2020 <ul style="list-style-type: none">• Minor spelling, other text and formatting edits• Addition of Definitions October 2021 <ul style="list-style-type: none">• Inserted condition that will trigger benchmarking of agent performance• Amended the metrics against which agents will be annually reviewed.	