

Department	Vocational Education & Training – Education Services for Overseas Students (ESOS)		Author	RTO CEO	
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Marriott Academy shall enter into a written agreement with each education agent it engages to formally represent it, and enter and maintain the education agent's details in PRISMS. All education agents shall be required to complete Marriott Academy's Education Agent Application Form.

By way of Marriott Academy's Education Agreement, Marriott Academy shall require education agents to:

- a) comply with the Australian International Education and Training Agent Code of Ethics (ACE)
- b) declare in writing and take reasonable steps to avoid conflicts of interests with its duties as an education agent of the registered provider
- c) observe appropriate levels of confidentiality and transparency in their dealings with overseas students or intending overseas students
- d) act honestly and in good faith, and in the best interests of the student
- e) have appropriate knowledge and understanding of the international education system in Australia

Marriott Academy shall inform prospective education agents, by way of a written agreement, that it shall not accept students from an education 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 (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.

Education Agents are often the first point of contact between prospective students and the Australian international education industry. Their activities and ethics are important to Australia's reputation as a desirable destination for students. Marriott Academy is therefore committed to ensuring its agents act ethically and appropriately when recruiting students to study at Marriott Academy.

The establishment, executing and management of written agreements with education agents engaged to act on behalf of Marriott Academy in recruiting students shall aim to ensure that Marriott Academy meets its obligations under the:

- Education Services for Overseas Students Act 2000 (ESOS Act);
- Education Services for Overseas Student (ESOS) Regulations 2019;
- National Code of Practice for Providers of Education and Training to Overseas Students (the National Code 2018);
- Migration Act 1958; and
- Migration Regulations 1994.

Approval, Monitoring and Management of Education Agent Agreements

All appointed agents must complete Marriott Academy's the *Education Agent Application Form* to become an official agent for Marriott Academy. The approval process must include a referee check completed by Marriott Academy's CEO.

Marriott Academy's CEO shall conduct an annual review of each agent's performance and activities, in addition to ongoing monitoring of all education activities. The performance of education agents shall include an assessment against the performance measures specified in the Agreement. Marriott Academy shall maintain regular contact with agents by email, and telephone. Marriott Academy shall require students to complete an Education Agent Review Survey. The survey results shall be considered in relation to ongoing engagement of education agents and during the annual review of the agent's performance.

Termination of Agreements

Marriott Academy shall terminate an agent's agreement where Marriott Academy determines that the agent may have been engaged, or is engaging, in false, misleading or unprofessional conduct, in breach of their obligations under the Education Agent Agreement. The process for terminating agreements must be included in the Education Agent Agreement.

International Education – International Education Agents Data Reports

Education agents are an important part of the Australian international education industry. They are valued and respected by Australian education institutions and the students they assist to enrol and study in Australia. This Government initiative aims to provide data to institutions on the outcomes achieved by their agents, and to see the majority of agents recognised for their high standards and levels of service.

Purpose

Since 2012, the Provider Registration and International Management System (PRISMS) has enabled institutions to record the involvement of an international education agent in enrolling an international student. The department is reviewing the data and developing institution based reports on the student enrolment outcomes achieved by the institutions agents, to assist institutions to assess the performance of their agents.

The Australian Government Department of Education has developed *International Education Agents Data Reports* to assist institutions to meet their obligations to work with agents who meet the ethical standards set out in the National Code of Practice for Providers of Education and Training to Overseas Students 2018.

For more information please see the [Education Agents Data Projects fact sheet](#) and the [Education Agents FAQ's](#).

Institution Information

Agent Performance Reports

The reports being developed by the Department of Education aim to show the relative performance of agents used by your institution. This will assist efforts to compare performance and identify agents with outcomes that are different to the norm, i.e. agents who perform exceptionally well or those who perform poorly.

Performance reports break down enrolment and visa outcomes for overseas students recruited through a particular education agency. These outcomes include whether a student went on to:

- successfully complete their enrolment
- have their visa application refused or their visa grant cancelled
- transfer to another provider
- notify early cessation of their studies
- have their studies terminated for non-payment of fees or disciplinary reasons
- be reported for unsatisfactory course progress or course attendance
- defer or suspend their studies

Education providers can only see reports for their own students recruited through education agencies. Providers will not see information about students from other providers. Report data is based on an education agent being recorded against a student's Confirmation of Enrolment (CoE) by the provider. When analysing the reports, providers should also note that education agents cannot directly control student and visa outcomes.

What do providers need to do to access the reports?

Amendments to the Education Services to Overseas Students Act 2000 (ESOS Act) which came into effect on 16 August 2017 allow the Department to share education agent performance information with providers.

As a result, from 30 November 2017 providers will no longer need to declare that they have notified all of their education agents of privacy requirements in order to access the reports. All providers' CoE administrator users will be able to request access from their "Change my Details" page in PRISMS to access reports.

The Department is committed to engaging with education providers and agents as it improves on current data sharing. Future enhancements to the performance reports will be carefully tested with education providers and agents. Any feedback, concerns or suggestions can be sent to prisms@education.gov.au

AUSTRALIAN INTERNATIONAL EDUCATION AND TRAINING

Agent Code of Ethics

Introduction

Australia is committed to ensuring the highest standard of service and care is delivered across its international education and training sector and has a comprehensive international education and training quality framework to support this aim. The *Agent Code of Ethics* (ACE) is a critical component of this framework and provides a guide to the expected professional behaviour of individual agents and agencies working with Australian international students, parents, providers and fellow agents across the sector. The ACE builds on the London Statement's ethical framework and provides a set of Australian specific 'Standards' for Australia's education agents. The ACE also aims to support Australia's education and training providers to meet their obligations under the National Code.

Purpose

The *Agent Code of Ethics* aims to:

- Outline the principles and expectations of fair and ethical conduct of Australia's offshore and onshore education agents
- Foster best practice among education agents to assist them to provide quality services to potential and existing international students and partner providers
- Provide assurances on the quality and standard of services provided by education agents recruiting into Australia
- Build on Australia's globally recognised international education and training quality systems to further enhance the reputation of Australia's education system.

Australian International Education and Training

Australia's international education and training provides a holistic approach across the sector to ensure the highest quality outcomes for everyone. Agent quality is one component of a comprehensive and integrated quality system.

Education Agent Code of Ethics

Australia's Education *Agent Code of Ethics* is based on three core elements of:

1. The London Statement's Ethical Framework
2. The London Statement's Principles
3. Australia's Education Agent Standard.

1. Ethical Framework

The Australian education and training sector expects education agents to adhere to seven ethical principles, as outlined in the London Statement, that are supported by an underlying ethical framework of:

- **Integrity** – being straightforward and honest in all professional and business dealings;
- **Objectivity** – not allowing professional judgment to be compromised by bias or conflict of interest;
- **Professional competence and due care** – maintaining professional knowledge and professional service, and acting diligently;
- **Transparency** – declaring conflicts of interest to all clients, especially when service fees are charged to both the education provider and the prospective student;
- **Confidentiality** – respecting and preserving the confidentiality of personal information acquired and not releasing such information to third parties without proper authority;
- **Professional behaviour** – acting in accordance with relevant laws and regulations and dealing with clients competently, diligently and fairly; and
- **Professionalism and purpose** – acting in a manner that will serve the interests of clients and the wider society even at the expense of self-interest; recognising that dedication to these principles is the means by which the profession can earn the trust and confidence of stakeholder groups (individual clients, the public, business and government).

2. Principles

The London Statement Principles promote best practice among education agents and consultant professions that support international students. The Statement of Principles is a unifying set of understandings for the recruitment of students in international education that serve to promote best practice among education agents and consultants. The seven principles are:

Principle 1: Agents and consultants practise responsible business ethics

- Avoiding conflicts of interest
- Observing appropriate levels of confidentiality and transparency
- Acting professionally, honestly and responsibly
- Refraining from being party to any attempt by students or others to engage in fraudulent visa applications
- Acting in the best interests of the student at all times
- Declaring conflicts of interest
- Being transparent in fees to be paid by students and commissions paid by providers
- Providing clear avenues for handling complaints and resolving disputes
- Complying with relevant laws and regulations.

Principle 2: Agents and consultants provide current, accurate and honest information in an ethical manner

- Providing realistic and appropriate information that is tailored to the individual student's circumstances, particularly in relation to language skills, capacity to pay and level of study
- Specifying the rights and responsibilities of the student in the country of destination
- Refraining from claiming a direct government endorsement or privileged relationship with a public official or member of the government where one does not exist; including for example the misuse of national brand logos
- Providing a registration number or other identifier on advertising material
- Using institutions' officially approved material in promoting providers with whom agents have an agreement.

Principle 3: Agents and consultants develop transparent business relationships with students and providers through the use of written agreements

- Signed by the student and the agent
- Signed by the provider and the agent
- Include information on the arrangements put in place by agents and consultants on behalf of the student, such as itemised payment schedules of fees and services, and refund and transfer policies
- Provide details on information provided under Principles 1 and 2, as a means of guiding agents and consultants to give appropriate information to students so that both students and agents understand what has been agreed to maintain student confidentiality
- Are archived in an appropriate manner so that the agreements can be made available to the student or an appropriate authority within a reasonable timeframe.

Principle 4: Agents and consultants protect the interests of minors

- Ensuring that the prospective student has adequate representation and support from a guardian and/or legal counsel during meetings with the agent or consultant and that this is recorded as informed consent before any money changes hands
- Ensuring that the client has the legal capacity to enter into any commitment
- Acting not only in accordance with relevant laws and regulations, but competently, diligently and fairly as befits dealings with minors.

Principle 5: Agents and consultants provide current and up-to-date information that enables international students to make informed choices when selecting which agent or consultant to employ

- Providing information to students about the accreditations the agents have met, the training they have undertaken, the memberships they hold to professional associations or processes undertaken to become registered and accredited education agents and consultants
- Providing information about themselves that support comparison of qualifications and experience.

Principle 6: Agents and consultants act professionally

- Participating in training courses and professional development wherever possible
- Becoming members of professional associations and networks that promote and support best practice in the recruitment of international students.

Principle 7: Agents and consultants work with destination countries and providers to raise ethical standards and best practice

- Sharing information on best practice in the recruitment of international students by education agents and consultants.

3. Standards

To ensure alignment and equity, Australia’s Standards for international education agents mirror the requirements for education and training providers as outlined in the ESOS Act and National Code. The ACE provides a guide to the expected professional behaviour of individual agents and agencies working with Australian international students, parents, providers and fellow agents across the sector. These Standards will be reviewed and updated to ensure continued relevance to the sector. The standards are:

Standard	Element
Organisational Effectiveness	<ul style="list-style-type: none"> • Demonstrates effective organisational governance and appropriate ownership including a well-articulated strategic plan, policies and procedures. • Evidence of relevant and up-to date business licensing and or registration. • Discloses all relevant partnerships, affiliations and agreements are disclosed, including disclosure of sub agent representation agreements and a clearly articulated approach to managing these relationships is in place to ensure compliance with the ACE. • Offers assurance of the organisation’s financial integrity and financial systems. • Provides clear and transparent disclosure of recruitment practices and activities including countries serviced
Business Ethics	<ul style="list-style-type: none"> • Demonstrates agency and individual agent adherence to the ethical standards and principles of the ACE. • Discloses any past, pending, threatened or potential litigation, arbitration or administrative actions or other disputes against the agency, CEO or other relevant business associate. • Provides current, accurate and appropriate information to students and offers a commitment to not knowingly providing false or misleading information. • Demonstrates openness and disclosure of any incentives to any party that may influence the student’s decisions.
Staff Capability	<ul style="list-style-type: none"> • Demonstrates effective human resource management practices are in place to ensure all employees and representatives are trained, informed and act in the best interests of clients at all times. • Demonstrates a strong working understanding the Australian education and training system, including all relevant legislation, regulations and information. • Completion of an Agent Training program and or other relevant education and training qualifications or programs.
Agency Recruitment Practices and Standards	<ul style="list-style-type: none"> • Implements considered and targeted marketing practices, and ensures honest and accurate communication resources are in place. • Provides appropriate, fair and considered counselling of students including assessing the student’s willingness and ability to complete the courses, their understanding of course and provider requirements and awareness of realistic employment and pathway outcomes. • Demonstrates and articulates a clear and fair complaints and appeals process. • Offers transparent and clearly articulated fees and charges including a documented refund policy. • Ensures strict confidentiality of personal information and ensures this information is not shared with a third party unless consent is given.

Australia's International Education Agent Code of Ethics - Overview

Ethics	Principles	Standards
<ul style="list-style-type: none"> • Integrity - being straightforward and honest in all professional and business dealings; • Objectivity - not allowing professional judgment to be compromised by bias or conflict of interest; • Professional competence and due care - maintaining professional knowledge and professional service, and acting diligently; • Transparency - declaring conflicts of interest to all clients, especially when service fees are charged to both the education provider and the prospective student; • Confidentiality - respecting and preserving the confidentiality of personal information acquired and not releasing such information to third parties without proper authority; • Professional behaviour – acting in accordance with relevant laws and regulations and dealing with clients competently, diligently and fairly; and • Professionalism and purpose - acting in a manner that will serve the interests of clients and the wider society even at the expense of self-interest; recognising that dedication to these principles is the means by which the profession can earn the trust and confidence of stakeholder groups (individual clients, the public, business and government). 	<ul style="list-style-type: none"> • Agents and consultants practice responsible business ethics. • Agents and consultants provide current, accurate and honest information in an ethical manner. • Agents and consultants develop transparent business relationships with students and providers through the use of written agreements. • Agents and consultants protect the interests of minors. • Agents and consultants provide current and up-to-date information that enables international students to make informed choices when selecting which agent or consultant to employ. • Agents and consultants act professionally. • Agents and consultants work with destination countries and providers to raise ethical standards and best practice. 	<ul style="list-style-type: none"> • Agents and consultants comply with this framework and the ACE • Agency demonstrates robust organisational effectiveness • Agency demonstrates strong business ethics • Agency supports staff capability development and ongoing education • Agency demonstrates quality and effective recruitment practices and standards