

010-PP-MGS

Agent Engagement Policy

1. Purpose and Scope

This policy specifies the requirements for approving and monitoring education agents and where necessary, terminating agent agreements, in order to maximise the chances that only reputable agents are engaged, and that the focus is on agents who act effectively in line with the school's marketing plan.

It deals with:

- National Code 2018 Standard 4 / NESA Guidelines, Requirement 3.10: Education Agents
- ESOS Act Section 21A (1): Listing agents on institution's website
- NESA Guidelines, Requirement 3.7: Identification of persons representing a provider

2. Education Agent Agreements Policy

Agents who act on behalf of MGS or formally represent MGS must have a written agreement with MGS. This agreement must be fully signed by both parties before representation begins. Further, the agent should appear on the agent list on the MGS website at all times while representation occurs.

The agent agreement (314-FM-MGS Agent Agreement) must specify:

- the responsibilities of the agent
- the responsibilities of MGS
- the need to abide by the ESOS Act as amended and the National Code 2018
- the processes for monitoring the agent
- the situations in which preventative or corrective action may be taken
- termination conditions compatible with the section below on actions to be taken if problems are detected
- that the agreement will be updated if, for example, changes to the National Code make it appropriate to do so
- arrangements for collecting money from students, including the use of trust accounts to assist in the protection of student fees
- ideally, any training the agent's staff undertake to remain up-to-date with ESOS requirements, good practice, and the courses they're promoting; examples would be the Education Agent Training Course (EATC) or the ISANA tutorial

Agreements must not be entered into if MGS is aware, or reasonably suspects, that any of the items in List 1 apply to the agent. A reasonable suspicion may arise from monitoring activities or reports from a number of students that appears significant in proportion to the number of students recruited by the agent; a guideline provided in the National Code is that reports from three students out of 100 may not be sufficient to create a level of suspicion deemed 'reasonable', but three students out of ten may constitute grounds for reasonable suspicion.

List 1

- be engaged in or have previously been engaged in dishonest practice

- be engaged in, or have previously engaged in, deliberate attempts to recruit students against the requirements of National Code 2018 Standard 7 (transfer between registered providers)
- facilitate the enrolment of any student who the agent is aware is unlikely to comply with student visa conditions
- use PRISMS to create eCoEs for people other than genuine students
- provide immigration advice without the appropriate licence or permissions

3. Agents Acting on Behalf of Students Rather Than on Behalf of MGS

It is possible for an agent to act on behalf of a student, parent or legal guardian (rather than MGS) and introduce the student to MGS without a formal agreement, provided that there is no understanding or expectation that the agent will promote MGS's courses on an on-going basis. In this situation, MGS will ensure that the student has been supplied with the information they need to make an informed choice of whether to apply to MGS or not.

4. Agent Selection Procedure

On receiving an expression of interest from a prospective agency, the International Relations Officer (IR) will email a 246-FM-MGS Agency Representative Application Form to the applicant.

On receipt of the completed form, the International Relations Officer (IR) will review it, with the PEO/Headmaster and other team members where appropriate, with regard to factors including the following:

- qualifications and experience of the agent (PIER Course completion; ISANA tutorial completion and/or any other evidence of quality such as being included on the ACPET Preferred Agent/Broker list);
- recruitment potential of the agent;
- number and quality of current agents in the region;
- effect on current relationships;
- growth potential of the market the agent represents.

If the application passes this review, the International Relations Officer (IR) will forward a copy of 245-FM-MGS Referee Verification Form to at least two of the referees provided by the agent on the application form. Once the referee verification forms have been returned, the International Relations Officer (IR) will make a recommendation to the PEO/Headmaster.

Finally, the International Relations Officer (IR) will contact the applicant in writing to confirm the outcome of the application, and if approved, send the applicant a signed copy of the 314-FM-MGS Agent Agreement and also issue a 315-CT-MGS Agent Certificate to the successful applicant. The Agent List will also be updated – see below.

5. List of agents on MGS website

It is a requirement under section 21A (1) of the ESOS Act for providers to maintain a list of the provider's agents and publish it on their website. Unlike the National Code, this does not distinguish between agents representing the provider and agents representing students and introducing them to the provider. It is an offence to not maintain and publish this list.

The agent list is maintained by the Admissions Officer (AO). He or she will update it and upload the new version to MGS's website within three working days of signing each new agent agreement. He or she will also add to the list any other agent who acts on behalf of students rather than MGS and provides students to MGS. This will be done and the list uploaded within three working days of the signing of the written agreement from the first student supplied by the agent.

If an agent agreement is cancelled, the Admissions Officer (AO) will remove the agent's details from the list and upload the new version within three working days of the cancellation date.

The Admissions Officer (AO) will ensure that the list is checked once a year against current agent agreements, to ensure that it remains current. At the time of this check, any agent representing students rather than MGS will be removed from the list if more than a year has elapsed since the last student they supplied has left the school.

6. Providing Information to Agents

The Admissions Officer (AO) will ensure that agents with whom they have agreement have up-to-date and accurate marketing information – see 015-Marketing Materials Policy and Procedure.

7. Monitoring Education Agents

Monitoring processes should be specified in the agreement, though provision to adjust and expand these processes should also be included. Monitoring processes are not just to identify or discourage negative behaviours; they also enable high-performing agents to be identified. Processes may include any of the following, or additional activities, proportionate to the number of students the agent sends. Monitoring will be increased where appropriate, for example in the event that a high proportion of students from a particular agent show discipline issues or have a negative attitude to study.

- regular face-to-face or telephone/teleconference meetings
- regular reports from agents
- surveys, focus groups, interviews or other evidence-gathering techniques involving students recruited by the agent or the students' parents/legal guardians
- performance benchmarks specified in the agreements, which may be adjusted from time to time
- spot checks by MGS, e.g. observing agents at work at recruitment fairs or acting as a 'secret shopper'
- surveys, focus groups or interviews or other evidence-gathering techniques involving agents and/or their staff
- complaints made by students
- contact with industry sources such as peak bodies and the NSW Department of Education and NESA, who themselves may identify agents acting unethically or in breach of any of the points in List 1.

Actual processes will vary according to circumstances, but in general will include, for the majority of agents:

- review of student feedback collected during student orientation on form 238-FM-MGS Registration Enrolment Form and through other surveys during the student's enrolment
- review of an agent's actions in the event that a complaint or grievance by a student suggests there may be a problem

In addition, the Admissions Officer (AO) will ensure that metrics for each agent are kept on a quarterly basis, including number of students recruited, amount of marketing materials provided to the agent, and complaints made by the students that the agent has recruited. These will be compared with any benchmarks written into the agreement with the provider, and may result in MGS contacting the agent to discuss areas for improvement and/or extra assistance that can be given to the agent, e.g. product training, materials or market-specific incentives. This will be informed by the marketing plan.

Records of monitoring of agents will be kept, and the Admissions Officer (AO) will review the records of monitoring of each agent at least once a year to ensure that monitoring has occurred; if it hasn't or monitoring amount of monitoring appears limited in relation to the number of students the agents sends, then that agent will be prioritised for monitoring in the following year.

8. Actions to Be Taken If Problems Are Detected

This section applies to agents who introduce students to MGS without an agreement, as well as those who represent MGS and have an agreement with MGS.

If, though monitoring or otherwise, an agent is found to be acting in a way that appears negligent, careless or incompetent, or that the agent is engaging in false, misleading or unethical advertising and recruitment practices, then the International Relations Officer (IR) or Administration Manager will contact the agent as soon as possible and initiate one or more of the following, as appropriate:

- checking the material that they have available and are providing to students, and update it as necessary
- training sessions with the agency principals and/or staff, either in person or through electronic means such as Skype; this may be to correct wrong understandings or to ensure that MGS's expectations are understood

If monitoring shows that the agent, an employee of the agent or a sub-contractor of the agent is in breach of any of the items in List 1 above, the International Relations Officer (IR) or PEO/Headmaster will contact the agent. From there, one of two things may happen:

- If the agent can show that the breach was solely caused by a single employee or sub-contractor and the agent demonstrates that they have terminated their relationship with that person or sub-contractor and have given an undertaking to make reasonable efforts to prevent it from happening again, no further action need be taken
- Otherwise, MGS will terminate the agent agreement.

An agent agreement may also be terminated if the NSW Department of Education or BOSTES advises that the agent has engaged in dishonest practices.

If an agent whose agreement is terminated has access through PRISMS to create eCoEs, MGS will immediately contact the PRISMS Help Desk in writing to request that the provider's access be removed.

There may be a period during which the breaches are investigated; during this period no students from that agent will be accepted, and if the agent has access through PRISMS to create eCoEs, this access will be suspended.

Records will be kept in the agent's file of all actions.

9. Revision history

Review date: 22 March 2023

Version	Date	Description of modifications
7.0	30 Sept 2015	Complete re-write; title changed to reflect the whole scope of National Code Part B Section 4 / BOSTES Guideline 3.6
7.1	12 Oct 2015	Enhancements to emphasise certain important points, especially Agent List
7.2	27 Mar 2016	Roles and Procedures
7.3	18 Mar 2018	Updated Roles and Procedures
8	22 Mar 2023	Updated Roles, Titles and nomenclature