



**Education Agents'  
Selection, Appraisal, Reappointment and  
Termination**

# Overview

WIN College works together with respected and well-established education agencies worldwide to broaden our international student community. Our partnerships with Agent representatives plays a pivotal role in facilitating the enrolment of students from many countries into our college programs.

We expect our Agents to be knowledgeable about the legislative requirements imposed by the ESOS Framework, including the ESOS Act and the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code) and that the Agent will make sure that they and their staff are aware of any changes that may occur in the legislation and the National Code from time to time.

Agents must ensure that their personnel possess the necessary knowledge and comprehension of the Australian international education system, which encompasses familiarity with the Australian International Education and the Training Agent Code of Ethics. Furthermore, the Agent is committed to adhering to all pertinent State and Federal legislation in Australia while representing WIN College, which includes compliance with the Trade Practices Act 1974 (CTH).

To join our network of agents at WIN College, all prospective representatives undergo a rigorous screening process. We seek out individuals and agencies distinguished by their outstanding business practices, unwavering commitment to excellent customer service, and a shared dedication to upholding the highest standards of educational excellence.

# Agent Selection Criteria

The scope of these procedures applies to all WIN's appointed agents and its responsibility for implementation falls to the CEO and the Sydney office's Marketing Manager.

1. WIN practices due diligence in its selection and appointment of its agents and reviews:-

- a. The company profile
- b. The owners and executives involved in the company. WIN pays particular attention to establishing whether anyone connected with the company has been involved in any bankruptcies, legal proceedings or liquidations.
- c. Written agreement of the agent/representative that the agent has not been involved in dishonest practices, engaged in false or misleading advertising or recruitment practices.
- d. Any sub-branches or affiliated companies, if the company is registered.
- e. The company's financial probity.
- f. How long the company has been established.
- g. At least two educational referees, preferably Australian-based.
- h. MARA registration at <https://www.mara.gov.au/search-the-register-of-migration-agents>

2. In addition, the application allows agents to show their knowledge of their geographical territory or market. Therefore, agents need to provide details of:

- a. The potential market
- b. The geographical area the agent will service and how they will service it
- c. The agent's strengths in these areas
- d. The number of students they handle each year
- e. Their proposal for promotion and marketing territories, including the events they will organize and attend on behalf of WIN.

WIN considers the following areas in contracting agents:

a) Service Provisions

- a. Roles and responsibilities of each party
- b. A clear indication of the territory or geographical area the agent is responsible for
- c. Awareness and acceptance of WIN's admission requirements

b) Key Performance Indicators

- a. Ability to provide prospective students with low risk
- b. Ability to vet prospective students for financial capability
- c. Student outcomes--- eg number completing the BIM, number of withdrawals or transfers before completion, student commitment to the BIM.

c) Incentives

- a. Incentive schemes for providing high quality students
- b. Sliding scale commission structures (eg increasing returns as student completes each semester)

d) Basic Contractual Concerns

- a. The duration of the contract and termination clauses
- b. Provision for the document to fall within Australian legal jurisdictions whenever possible.

# Selection of an Agent

1. Agent Application Form sent by Marketing Manager to prospective agent.
2. Completed form with documentation required attached and returned to WIN
3. If determined to be suitable to appoint, Marketing Manager contacts referees for completion of Agent Reference Check
4. Once Agent Reference Check has been completed reassess to determine if suitable to appoint
5. Agent agreement approved by Marketing Manager and CEO
6. Two copies of Agent Agreement sent to Agent by Marketing Manager
7. Agent returns two signed original copies of agreement
8. Two original copies to be signed by the Marketing Manager
9. One countersigned copy filed in Marketing Manager's Office and one countersigned copy returned to the Agent together with Certificate of Representation/s.
10. Details of Agent updated on website and WIN database by Systems Development Manager

## Agent Performance Appraisal

1. The performance of each Agent will be monitored and reviewed annually by WIN

WIN will consider the performance of the Agent to decide whether to:

- Maintain the Agent's appointment;
- Appoint the Agent for a further year subject to certain conditions; or
- Terminate the Agent's appointment in accordance with Termination of an Agent within this Procedure.

2. In considering the performance of the Agent the Marketing Manager will complete the International Agent Performance Appraisal form and consider:

- a. The agent's compliance with the Agent's Agreement and any conditions placed on the agent by WIN;
- b. Currency of MARA registration;
- c. The recruitment activities which the Agent has completed, and the conversion rate of:
  - Student Applications to WIN Offers; and
  - WIN Offers to actual enrolment of students; • the number of Student Visa refusals for Students recruited by the Agent
  - The reasons why applications from potential students did not proceed to student enrolment status;
  - the quality, accuracy and currency of information and advice provided by the Agent to Students;
  - any feedback or information from Students or third parties regarding the Agent;
  - The number of students transferring to other educational Providers and the reasons for any transfer and
  - The reasons for any transfer and the quality of the appointment as assessed by WIN.

3. Agent Student Appraisals.

Students who have been recruited by an Agent, may complete a Student Feedback on Agent form. This form is provided at Orientation to all arriving students.

# Re-appointment of an Agent

1. If, following an Agent Performance Appraisal, WIN is satisfied that the Agent has not engaged in unprofessional conduct, has current MARA registration and has met satisfactory performance criteria a new Agent Agreement may be offered to the Agent.
2. The new Agent Agreement is to be updated to include any new DIBP or DHA and a copy of the completed Agent Performance Appraisal Form on the Agent's file.

# Termination of an Agent

1. If WIN becomes aware or reasonably suspects that an Agent has engaged in unprofessional conduct, the Marketing Manager will write to the Agent with a warning regarding any unprofessional conduct.
2. The Agent must provide a written response within 10 business days of the date of the letter. An extension of time to provide a response may be provided at the discretion of the Marketing Manager.
3. After 10 Business Days from the date of the letter, or after the expiration of such further period as may have been granted, the Marketing Manager may consider the Agent's performance considering:
  - a. the response of the Agent to the letter;
  - b. whether the Agent engaged in Unprofessional Conduct; and
  - c. the considerations contained in the Performance Appraisal.
4. After considering the Agent's conduct and performance, the Marketing Manager may:
  - a. require the Agent to undertake further training;
  - b. maintain the Agent's appointment;
  - c. warn the Agent;
  - d. suspend the Agent's appointment;
  - e. maintain the Agent's appointment subject to certain conditions; or
  - f. terminate the Agent's appointment immediately.
5. The Marketing Manager must terminate the appointment of an Agent if he or she knows or reasonably suspects the Agent may have been engaged in unprofessional conduct.
6. Where the Marketing Manager has made a decision as stated in Item 4 above, he or she may disclose that decision and the reasons for it to other people, organisations, bodies or professional associations, including the Agent's employer. Any disclosure must be made in accordance with WIN Privacy Policy.
7. If the Marketing Manager decides to terminate an Agent's appointment, the Marketing Manager should:
  - a. write to the Agent to advise that his/ her appointment has been terminated ;
  - b. notify DHA of the termination and the grounds for the termination; and
  - c. advise WIN staff that no further applications are to be accepted from the Agent.

# Agent Application Process

**Complete the Agent Application Form:** Please ensure that all required information and supporting documentation are included in your application. Agent application form available from [nancy.xu@win.edu.au](mailto:nancy.xu@win.edu.au).

**Evaluation and Reference Checks:** Our WIN College marketing team will carefully assess your application and conduct reference checks to ensure alignment with our partnership criteria.

**Agreement Signing:** Upon approval as an Agent partner, you will formalise the partnership through the signing of an agreement between your agency and WIN College.

New Agent partners will receive a comprehensive Agent Welcome Package, which encompasses essential information about WIN College programs, policies, and procedures. Additionally, ongoing training and support will be provided throughout the duration of the contract.

Please be mindful that Agent performance undergoes an annual review to ensure the continued excellence and effectiveness of our partnership.

We look forward to the possibility of collaborating with your agency to bring international students to WIN College. Your dedication to educational excellence aligns perfectly with our commitment to providing quality education and career opportunities for students from around the globe.

# Explanation of the National Code 2018

## Part D Standard 4 ---Education Agents

*The National Code of Practice 2018* is an Australian government regulatory framework that outlines standards and regulations to ensure the protection and well-being of international students in Australia.

*Standard 4 of Part D* specifically addresses "Education Agents," individuals or organisations that facilitate the recruitment of international students for Australian education institutions. The purpose of Standard 4 is to establish guidelines and expectations for the conduct of Education Agents to ensure the welfare and best interests of international students. WIN College cannot accept students from an Education Agent who does not comply with the *National Code*.

The WIN Code of Conduct for Education Agents is based on the key points in *Standard 4*.

### **Information and Training:**

Education Agents are expected to be knowledgeable about WIN College, our courses, and student visa requirements. A written agreement must be in place that specifies the responsibilities of the Education Agent and the registered provider and the need to comply with the requirements in the National Code. The agreement also includes processes for monitoring the activities of the Education Agent, including where corrective action may be required, and termination conditions, including providing for termination in the case of misconduct.

Agents employ appropriately qualified staff and train all staff who are involved in student recruitment, enrolment and selection processes to ensure that students are appropriately selected in accordance with WIN College policy. The Agent ensures that all of its staff abide by these key points in *Standard 4* in their dealings with actual or prospective students of WIN College. The Agent ensures that all its staff have appropriate knowledge and understanding of the international education system in Australia, including the *Australian International Education and Training Agent Code of Ethics*.

Agents do not knowingly recruit or attempt to recruit students where this conflicts with Standard 7 (Overseas student transfers) of the *National Code*.

Agents are expected to be familiar with the legislative framework:

- *ESOS Act 2000*
- *ESOS Regulations 2001*
- *ESOS Charges and Levies Acts*
- *The National Code 2018*

### **Accuracy and Integrity:**

Education Agents must provide up-to-date, accurate and honest information to students regarding course offerings, fees, and other relevant details. An educational institution cannot accept students from an Agent who has engaged in deceptive or fraudulent practices (such as enrolling non-bona-fide students). Education Agents can't be negligent, careless, incompetent or engaged in unethical recruitment and advertising.

Agents do not make any false or misleading statements about WIN College courses and services to the

public. In particular, Agents do not give false or misleading information or advice in relation to:

- Claims of association between providers;
- Prerequisites – including English language proficiency – for entry to the course;
- The employment outcomes associated with a course;
- Recruiting students who they know will not comply with the conditions of their visa;
- Automatic acceptance into another course;
- Providing immigration advice or suggesting migration outcomes;
- Give false or misleading information about the fees payable or acceptance into a course;
- Recruit or attempt to recruit a prospective student who the Agent knows has engaged the services of another Agent;
- Providing inducements to students to study at WIN College;
- Submit an application for a student who they know has applied to other education providers;
- Engaging 3<sup>rd</sup> parties to recruit students for us; or
- Any other claims relating to WIN College, its course or outcomes associated with the course.

Agents clearly identify WIN College by name and CRICOS number in written marketing and other material for students including electronic forms.

All marketing materials used should include WIN College logo with its accordance of use.

All marketing materials are approved by the Head of Academics/head of Governance, Compliance and Risk prior to printing, publishing or delivery in any form to the marketplace.

All advertising and marketing materials aimed at the international student market are to contain:

- WIN College Logo
- ABN
- RTO ID
- CRICOS Provider Number
- CRICOS Course Code
- Course descriptors for CRICOS courses contain the course CRICOS number as well as the qualification code

**Conflicts of Interest:**

Agents should disclose any potential conflicts of interest that may affect their ability to provide impartial advice to students.

**Transparency:**

Agents should provide clear and transparent information to students about their services, fees, and any financial arrangements with education institutions.

Agents keep all applicant information collected as part of the application and enrolment process secure. Agents take all necessary steps to ensure that the handling and disclosure of all personal information complies with WIN College's privacy policy and the relevant Australian state and federal privacy legislation.

Agents are obliged to handle all course monies with care and in accordance with their fiduciary obligations and the WIN College Education Agent Code of Conduct. All such monies received must be passed on immediately to WIN College without set off or deduction.



If a student pays the tuition and non-tuition fees required for their enrolment (as described in the Letter of Offer and Student Agreement) to an Agent, WIN College will not issue the student's Confirmation of Enrolment (CoE) until the Agent has transferred those fees in full to WIN College.

If an Agent charges their own fees (in addition to WIN College's tuition and non-tuition fees), those fees remain the responsibility of the Agent. WIN College is not responsible for the Agent's own fees and does not protect or refund those fees under any circumstances.

Agents assist students to apply for an Australian Student Visa for the purposes of living in Sydney and to complete their course at WIN College as per the conditions included in their respective visa and other legal requirements.

Agents do not engage in dishonest practices including counselling students that they can arrive in Australia on a student visa with a primary purpose other than that of study.

**Complaints and Dispute Resolution:**

Mechanisms are in place (outlined in the Agent Application Form) for handling complaints and disputes related to the conduct of education Agents. WIN College is required to keep records of its dealings with education Agents and report any irregularities.