



Royal International College

RTO POLICY MANUAL

SRTOs 2015 and ESOS National Code 2018

Royal International College

RTO CODE: 46036 | CRICOS CODE: 04153F



Agent Appointment, Monitoring and Management Policy

Policy Context

This policy relates to:	
Registration Manager	Australian Skills Quality Authority (ASQA)
Conditions of Registration	VET Quality Framework (VQF)
Codes and Standards	ESOS National Code – Standard: 3.4.1; 4.1; 4.2; 4.3; 4.4; 4.5; 4.6; 10.2.2; Standards for RTOs 2015 – Standard: 4.1; 7.3;
Legislation or other requirements	National Vocational Education and Training Regulator Act 2012

Purpose

This policy has been developed to ensure that the RTO will take all reasonable measures to use education agents that have an appropriate knowledge and understanding of the Australian international education industry and do not use education agents who are dishonest or lack integrity.

Objective

The RTO will follow a firm practice in the recruiting monitoring and termination of education agents domestically and internationally to ensure honest and professional representation of RTO with the highest integrity.

Scope

This policy will apply to all agents, staff and other RTO stakeholders.

Procedures



	Description	Responsibility
1.	<p><u>Recruitment Process</u></p> <p><u>Complete Agent Application Form</u></p> <ul style="list-style-type: none"> • Education Agents who desire to become an agent for the RTO must complete an application form and submit together with a business profile to the RTO for review. • The application form is available direct from the RTO’s website. • The form may be returned as a as a scanned attachment via email, or post or Fax. <p><u>Review of submission</u></p> <ul style="list-style-type: none"> • On receipt of the submission relevant Admission Staff is to prepare an Agent Folder and staple the Agent Checklist to the inside front cover. The application form and business profile are to be inserted in the folder and marked off on the cover sheet. • The PEO/RTO Manager is to review the material and make an initial determination. • The RTO Manager is then to make a recommendation to the PEO for approval or not. • If not approved, then the Admissions Staff must notify the agent in writing of RTO’s decision. • If approved the agent is to be sent two copies of the Agent’s Agreement and Agent Guide and requested to sign one and return it. • Once the agreement is received and files in the agent file then the agent is active. • The agent’s details are created and maintained in the drive. • The agent must have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and Training Agent Code of Ethics. 	<p>PEO</p> <p>RTO Manager</p> <p>Admission staff</p>
2	<p><u>Updating Information</u></p> <p>RTO will ensure that the agent is provided with current information regarding the provider and the courses offered.</p> <ul style="list-style-type: none"> • New course documents and detailed information will be provided to agents whenever such documents are amended. • Agents are required to notify RTO if any details related to the agent or its operations are altered. 	<p>PEO</p> <p>RTO Manager</p>



	<ul style="list-style-type: none"> • RTO will ensure the agent will be provided with the latest marketing material, posters and promotional material either in paper form or by direction to RTO’s website where this information is available for download. • All agents must then ensure they use the latest marketing material supplied and destroy the older version if they have any. 	
3	<p><u>Written Agreement</u></p> <p>RTO must enter into a written agreement with the education agent it engages to formally represent it and enter and maintain the education agent’s details in PRISMS.</p> <p>The written agreement must outline:</p> <ul style="list-style-type: none"> • the responsibilities of RTO, including that RTO is responsible at all times for compliance with the ESOS Act and National Code 2018 • RTO’s requirements of the agent in representing the registered provider • RTO’s processes for monitoring the activities of the education agent in representing RTO, and ensuring the education agent is giving students accurate and up-to-date information on RTO’s services • the corrective action that may be taken by RTO if the education agent does not comply with its obligations under the written agreement including providing for corrective action outlined in Standard 4.4 • RTO’s grounds for termination of RTO’s written agreement with the education agent, including providing for termination in the circumstances outlined in Standard 4.5 • the circumstances under which information about the education agent may be disclosed by RTO and the Commonwealth or State or Territory agencies. • The registered provider must enter into a written agreement with each education agent it engages to 	<p>PEO RTO Manager</p>



	formally represent it and enter and maintain the education agent’s details in PRISMS	
4	<p><u>Advertising on behalf of RTO</u></p> <ul style="list-style-type: none"> Agents may undertake marketing and advertising on behalf of RTO as agreed, however, details of how these activities will be undertaken by the agent <u>must</u> be presented to RTO for approval. RTO needs to retain copies of Actual Advertising and Marketing Material, including any material created by Agent as it facilitates monitoring of marketing activities and allows this to be presented as part of an audit or in the investigation of a complaint. 	PEO RTO Manager
5	<p><u>Co-operating with the regulator</u></p> <ul style="list-style-type: none"> By signing the Agent Agreement, the agent agrees to cooperate with ASQA in the provision of information and in the conduct of audits and other monitoring activities. 	PEO RTO Manager
6	<p><u>Conducting tests on behalf of RTO</u></p> <ul style="list-style-type: none"> RTO requires pre-testing to assist in class allocation and will allow agents to conduct placement tests for RTO’s programs. RTO will closely control arrangements where agents are required to conduct the test and Agents <u>must</u> only use resources assigned to them. Agents will be given access to the Oxford Online Placement Test (OOPT) http://www.oxfordenglishtesting.com/DefaultMR.aspx?id=3034&menuId=1 	PEO RTO Manager



	<ul style="list-style-type: none"> • Agent must ensure the security and integrity of the test, so that the test may yield an accurate picture of the English language proficiency of the students, so that they may be placed in an appropriate class upon enrolment. • The RTO will provide written instructions and training on test management to the agents to ensure that tests are carried out in accordance with their requirements. • Agents must inform students that they may be re-tested on their arrival into Australia to ensure they are being placed in the appropriate course. 	
7	<p><u>Monitoring progress</u></p> <p>By signing the Agent Agreement, the agent agrees to annual review RTO in relation to its performance, quality and any other issues that may arise. RTO monitors and reviews the performance of its approved agents through a number of methods:</p> <ul style="list-style-type: none"> • New Student Agent Feedback Form • Annual Analysis of Agent Application Reports • Student Feedback Form • General interactions with the agent and their staff and understanding of the quality of the service they provide • Feedback on the service provided by RTO to both the agent and any feedback they have gleaned from their students. <p><u>New Student Agent Feedback Form</u></p> <p>Upon arrival at RTO, new students who have come through an approved RTO agent are asked to complete the New Student Agent Feedback Form, included in the student orientation packs. This form provides direct feedback concerning students' opinions and experiences with their agents.</p> <p><u>Annual Analysis of Agent Application Reports</u></p> <ul style="list-style-type: none"> • Marketing will review Agent Agreements Annually. 	



	<ul style="list-style-type: none"> • This review should take place within one month of the anniversary of the first appointment. • The review will look at the business generated, the quality of the business both in terms of number of applicants that are converted into students, number of students that stay for the duration and the compliance with this agreement. • Agents with no registrations will automatically become Inactive on Data Management System and the Agent Agreement will not be renewed unless there are appropriate reasons to do so. <p><u>Annual Analysis of Agent Activity (including recommendations)</u></p> <p>PEO will identify agents:</p> <ul style="list-style-type: none"> • Who have worked hard for RTO and have had good performance throughout the year (and have abided by all regulatory requirements). They will be recommended for incentives could include but are not limited to increase in commission, bonuses, specials, gifts. • Who have not worked in a professional manner (and have not abided by all regulatory requirements) throughout the year. Recommended course of action includes but is not limited to: <ul style="list-style-type: none"> ○ Warning Letter ○ Non-Renewal of Agency Agreement ○ Termination of Agency Agreement <p><u>Agent Feedback on RTO’s service</u></p> <p>The agent will be asked to provide feedback on the services that RTO provides. Any comments and or issues raised should be collated and filled in the agent file. In addition, any comments requiring action should be put into the Continuous Improvement Register and will be reviewed in line with the Continuous Improvement policy.</p> <p><u>Student Feedback Forms</u></p> <p>In a continuous effort to improve education & training standards, RTO administers student feedback forms on a quarterly basis. A section of the Student Feedback Form addresses ongoing Agent support to existing students. The findings from these feedback forms are used as the basis for continuous improvement.</p>	
8	<p><u>Ethical Standards</u></p> <p>RTO expects its agents to <u>not</u>:</p>	<p>PEO RTO Manager</p>



	<ul style="list-style-type: none">• 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;• facilitate applications and/or enrolment of 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 Institute to attend another educational institution whilst that student is enrolled in a course;• make any representations or offer any guarantees to prospective students about:<ul style="list-style-type: none">○ whether they will be granted a student visa;○ any employment outcomes or prospects associated with a course;○ 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 Institute to offer any prospective student enrolment in a course;• use or access PRISMS to create Confirmations of Enrolment without the prior written consent of the Institute;• use any registered or unregistered mark of the Institute without the prior written consent of the Institute;• undertake any advertising or promotional activity about the courses or the Institute or any of its associates, sponsors, business partners or any other organisation without the prior written consent of the Institute; or• receive or bank any fees or charges payable to the Institute by a prospective student or deduct any amount from such fees or charges.• 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.• Failure to abide by these above obligations will result in a review process which may result in warning or termination of agency agreement.	
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	<p>The RTO requires its education agent to:</p> <ul style="list-style-type: none"> • declare in writing and take reasonable steps to avoid conflicts of interests with its duties as an education agent of RTO • 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. 	
9	<p><u>Annual/Unethical Behaviour Review</u></p> <ul style="list-style-type: none"> • Twice a year, marketing will run a review process that will typically cover agents whose anniversary of renewal took place within the preceding 6 months, thus cover all agents in a year. The timings of these meeting will be placed on RTO Annual Planner. • Marketing will arrange for a review meeting with the Agent. This review will not wait for the anniversary if the agent is suspected of unethical conduct but will be called as soon as possible. • If RTO deems it necessary, RTO may suspend the agent until the review is complete. In this instance, the review must be convened within 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 RTO offices. For agents overseas, who are not being visited by a RTO representative then a conference call meeting will suffice. • The meeting should be recorded on the Agent Review Form and filed in the agent’s file. 	<p>PEO</p> <p>RTO Manager</p>



	<ul style="list-style-type: none"> As a result of the review, marketing/PEO will make the decision to recommend the agent for renewal or otherwise. <p>The review will cover, as a minimum:</p> <ul style="list-style-type: none"> Number of student enquiries received from the agent Number of students enrolling from the agent Number of students dissatisfied with the agents services Positive and negative comments in relation to agent’s behaviour Good performance throughout the year, proven ability to abide by all regulatory Conformance to the ethical standards outlined above. <p>Renewal or otherwise of the agreement will take the above factors into consideration, agents who fail to meet standard requirements will not have their agreement renewed.</p>	
10	<p><u>Actions following a review</u></p> <p><u>Renewal of agreement</u></p> <ul style="list-style-type: none"> For active agents that have a positive review and wish to continue to represent RTO, an email will be sent confirming that the existing agreement will be continued for another 12 months. RTO Agents Register, Agent’s file and RTO’s website and PRISMS list of agents will be updated 	<p>PEO</p> <p>RTO Manager</p>



	<p>immediately to reflect any changes to the Agent's registration renewal or de-registration.</p> <p><u>Warnings</u></p> <ul style="list-style-type: none">• If following either an annual review or specially convened review, it is confirmed that the agent's behaviour is unsatisfactory then a formal warning will be issued (and if it is at the annual review then renewal will still be offered).• Where a warning has been imposed, it is at the discretion of management to decide on that recommendation.• In the first instance, a letter of warning will be sent. This letter will inform the agent where and how they need to improve their performance.• Any agent who receives three warning letters will be considered incompetent and hence have their agreement terminated.• It is at the discretion of management to decide whether the agent's response justifies the situation in question. <p><u>Termination</u></p> <ul style="list-style-type: none">• Where RTO 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, RTO must 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.	
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- When an agent has been deemed to be in severe breach of an item stipulated in RTO's Agent Agreement then a letter informing the agent of termination is sent and the agent is given the right of reply to the institution.
- If an agent has received at least 3 warning letters and breached the terms of the agreement again, then a termination letter will be sent.
- No further applications from the agent will be accepted or commission paid for those cases.
- Where financial irregularities are proven, then NO further payments to the agent will be made for new or existing student applications.

Governing Law

- This agreement is governed by and construed in accordance with the law in force in the State of Victoria, Australia.
- The parties submit to the non-exclusive jurisdiction of the courts of the State of Victoria, Australia.

Dispute Resolution/Mediation

- In the event of any grievance or disputed decision, the Agent is able to access RTO's Complaints and Appeals Policy.
- If the matter cannot be resolved through the use of RTO's Complaints and Appeals Policy the parties submit to the non-exclusive jurisdiction of the courts of the State of Victoria, Australia.



<p><u>Entire Agreement</u></p> <ul style="list-style-type: none">• This agreement and its schedules:<ul style="list-style-type: none">○ constitutes the full agreement between the parties as to its subject matter; and○ in relation to the subject matter replaces and supersedes any prior arrangement or agreement between the parties <p><u>Variation</u></p> <ul style="list-style-type: none">• This agreement supersedes any previous agreements between the parties.• This agreement may only be varied in writing, signed by both parties.• Governing Law<ul style="list-style-type: none">○ This Agreement is governed by and construed in accordance with the law in force in the State of Victoria, Australia.○ The parties submit to the non-exclusive jurisdiction of the courts of the State of Victoria, Australia.	
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Continuous Improvement

A summary of all Agent appointment, monitoring and management related matters will be presented as a part of the *Continuous Improvement Policy and Procedure* at the Management Meeting for review. The purpose of this is to ensure that management becomes aware of:

- repeat issues



- common threads relating to the general management and or safety of the staff and students and the services being provided.
- (when viewed collectively) any general adverse trend that needs correcting.

Confidentiality and Privacy Statement

The RTO values and is committed to protecting the privacy of its staff and stakeholders. This policy has been developed to ensure that agent appointment, monitoring and management are managed according to the policy and procedure. Stakeholders can obtain more information, by contacting us on our contact us email.

Publication

This policy once approved, will be available to all students and staff by accessing RTO Intranet or on request. This policy will also be available through RTO’s website as well.

This policy and procedure will form part of the information distributed and communicated during staff orientation.

Other related policies and procedures

Related policies	Student support and welfare policy
Forms or other organisational documents	
Documents related to this policy	Student Handbook



Review processes

Policy review frequency: Annually	Responsibility for review: RTO Manager (CM)
Documentation and communication: Describe how the policy decisions will be documented and communicated	
Version4.0 <ul style="list-style-type: none">• Major updates are made after an Internal audit• The Policy is reviewed for grammatical errors• The Policy is forwarded to all staff members via an email• The Policy is uploaded to the website	