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ACPET CODE OF PRACTICE FOR THE ENGAGEMENT OF EDUCATION AGENTS

Introduction

To provide confidence to students, industry and government, the Australian Council for Private Education and Training (ACPET) has, with the support of its members, developed a Code of Practice for using the services of agents/brokers (the Code).

Implementation of the Code is ACPET’s way of demonstrating that its membership is serious about providing high quality services that students, their families and the community can feel confident will meet their expectations. Amongst other things, ACPET members will use the services of reputable agents/brokers who have a proven track record in meeting the obligations enshrined in the Code.

The Code should be seen as additional to the ACPET Code of Ethics for Members¹, adherence to which is a condition of ACPET membership. The Code of Ethics affirms the professional standards expected of education and training providers. Members are required to act with integrity in all dealings with students (past, present and future), employers, with ACPET and with other organisations.

The Code is intended to provide students with a clear statement of the standards which they can expect from ACPET member organisations in their dealings with them and their nominated representative, including the agents/brokers which they use to attract students.

ACPET members will publically make a stand on the need to eliminate those disreputable agents/brokers which are bringing adverse publicity on the sector and undermining the confidence of the community. Such publicity is undermining the credibility of all providers including ACPET members. The Code is a tangible way of differentiating ACPET members from other private providers who may continue to use disreputable agents/brokers. Simultaneously ACPET is seeking to facilitate the differentiation of those reputable agents/brokers which perform an important function in the sector’s operation by providing a necessary linkage between students and providers.

In a real sense the Code ensures that ACPET members will meet their obligations under the various governments’ legislation², regulations³ and codes of practice⁴. It will cover the use of agents/brokers who operate both on-shore in Australia for domestic and international students and off-shore for international students including Australians who study abroad.

While the Code will necessarily only apply to ACPET members, its intention is to provide a framework which agents/brokers who work with or partner ACPET members will be required to operate. In line with the latest

¹ ACPET Code of Ethics for Members, February 2015
² Education Services for Overseas Students (ESOS) Act 2000
³ Standards for Registered Training Organisations (RTOs) 2015
⁴ National Code of Practice which operates under the ESOS Act
changes to government standards for post-secondary education providers, such a framework will not be prescriptive in terms of how it is to operate, but rather provide student-centric parameters which encourage and facilitate best practice.

To facilitate such high ideals, ACPET will be encouraging all agents/brokers to recognise the Code, undertake ACPET endorsed professional development in the responsibilities of agents/brokers similar to the training offered by the British Council and consider membership of ACPET as ‘Partners in Education', and register on the ACPET Preferred Agents/Broker List. Schedule 1 illustrates the requirements for agents/brokers wishing to be placed on the ACPET Preferred Agents/Broker List and how it links back into ACPET membership.

The Code acknowledges the ‘Statement of Principles for the Ethical Recruitment of International Students by Education Agents and Consultants (The London Statement)’ (see Attachment 1) which outlines an ethical framework and adopted the following seven principles under which providers and agents/brokers should operate:

1. Agents and consultants practice responsible business ethics.
2. Agents and consultants provide current, accurate and honest information in an ethical manner.
3. Agents and consultants develop transparent business relationships with students and providers through the use of written agreements.
4. Agents and consultants protect the interest of minors.
5. Agents and consultants provide current and up to date information that enables students to make informed choices when selecting an Agent or consultant to employ.
6. Agents and consultants act professionally.
7. Agents and consultants work with providers to raise ethical standards and best practice.

The London Statement ethical framework and principles provide a solid basis on which recruitment of students by agents/brokers in Australia could be based and has been used in the development of the Code.

The Code has also drawn on material from the Australian Government Department of Education guide for providers of education and training to overseas students titled ‘Using Education Agents’ (see Attachment 2) which supports the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (op. cit.). The Guide provides assistance in establishing a framework designed to assist providers in reaching a reasonable level of assurance that any education agents they engage act appropriately. The guide also identifies and addresses any inappropriate conduct by education agents before there is an adverse impact on the provider’s business and its students.

6 http://www.britishcouncil.org/education/education-agents/training-agents
6 Statement of Principles for the Ethical Recruitment of International Students by Education Agents and Consultants (The London Statement)
7 Australian Government Department of Education guide for providers of education and training to overseas students titled ‘Using Education Agents’
The Code of Practice Principles

The aim of the Code is to provide students, the community and government with confidence in the integrity of the agents/brokers used by ACPET members to recruit prospective students and to be assured that they act in the interest of those students.

To achieve this aim, ACPET members have developed and agreed the following principles which will guide their interaction with agents/brokers:

ACPET members (the providers) using agents/brokers for the purpose of recruiting students shall:

1. Give priority to using agents/brokers who are on the ACPET preferred agents/brokers list (see Schedule 1) which outlines how agents/brokers can be placed on that list.

2. Identify that the agent/broker has agreed to recruit students for an ACPET member, who is a signatory to the Code of Practice for its members using the services of agents/brokers and if not on the ACPET preferred agents/brokers list has agreed to abide by the conditions of the Code of Conduct for agents/brokers (see Schedule 1).

3. Ensure that a written agreement/contract is in place with the agent/broker detailing:
   a. expectations and responsibilities of the provider and agent/broker;
   b. defining courses on offer by the provider;
   c. the requirement for both parties to comply with relevant legislation, including but not limited to marketing and sales practices are not deceptive or misleading;
   d. any third party arrangements which may apply; and
   e. conflict resolution for student enrolments.

4. Satisfy themselves that the agent/broker personnel are adequately trained and assessed in accordance with provider expectations and compliant with all relevant legislation.

5. Ensure that use of an agent/broker is monitored to ensure compliance with the Code of Conduct for agents/brokers and has intervention strategies in place for non-compliance.

6. Ensure that agents/brokers are fully aware of the requirement of the ACPET member in relation to:
   a. assessing a potential student’s desire to participate in a course;
   b. assessing a potential student’s intention to complete a course;
   c. ensuring the potential student understands the requirements of the course in accordance with the policies and procedures of the ACPET member;
   d. ensuring the potential student understands transfer policies;
   e. ensuring the potential student is made aware of, and understands, the total costs in relation to pre-requisites, course tuition fees, textbook fees and any other charges. This is particularly important where a student is going to access VET FEE HELP or FEE HELP to facilitate meeting the cost of the ACPET member’s course; and
   f. ensuring the potential student understands the VET FEE HELP or FEE HELP conditions (including loading rates, interest rates and repayment requirements) where applicable.
7 Be assured that the agent/broker does not misrepresent employment outcomes as a result of student completing the ACPET member’s course.

8 Be assured that the agent/broker does not promote themselves as being a provider, but rather as an agent/broker for the ACPET member.

9 Be assured that the agent/broker does not misrepresent themselves as having a direct government endorsement or privileged relationship with government where one does not exist, including for example the misuse of government logos and direct links to government forms.

10 Be assured that the agent/broker maintains strict confidentiality of potential and existing student details and does not obtain potential student details without consent or through false pretences.

11 Be assured that the agent/broker does not refer prospective students under the age of 18 unless they have adequate representation from a guardian and/or legal counsel during meetings with the agent/broker and that this is recorded as informed consent before any money is exchanged and that the prospective student has the legal capacity to enter into any commitment.

Schedule 1
The ACPET Preferred Agent/Broker List

In an effort to assist its members in the recruitment and use of agents/brokers, ACPET will establish a preferred agent/broker list. As indicated in the introduction to the Code, entitlement to be on the list will require agents to agree to a number of conditions, similar to those adopted by ACPET members under this Code and in addition to the ACPET Code of Ethics.

To be included on the ACPET Preferred Agent/Broker List requires:

1 The agent/broker to be nominated by three existing ACPET members who are satisfied with the services provided to the members.

2 In nominating an agent/broker the member should ensure that the agent/broker will adhere to the Code.

3 The nominated agent/broker will then be required to:
   a. agree to abide by the Code of Conduct for agents/brokers (see below);
   b. acknowledge the ACPET Code of Practice for its members using the services of agents/brokers;
   c. ensure a proportion of staff participate in a professional development session organised by ACPET; and
   d. agree to be a ‘Partner in Education’ member of ACPET and thus agree to abide by the Code of Practice for ACPET members using the services of agents/brokers.

4 The nominated agent/broker details will be distributed to ACPET members on initial application and annually thereafter to determine if members have any issues with the agent/broker becoming or maintaining a ‘Partner in Education’ membership of ACPET. This is usual practice for any individual or organisation seeking to be a member of ACPET.
If there is no objection from existing ACPET members the nominated agent/broker will become an agent/broker member of ACPET on payment of the annual membership fee of $1,000 and be placed on the ACPET Preferred Agent/Broker list.

Admission on the ACPET Preferred Agent/Broker List will require maintenance of ‘Partner in Education’ membership of ACPET and reaffirmation of agreeing to abide by the Code of Conduct for agents/brokers.

The Code of Conduct for Agents/Brokers on the ACPET Preferred Agent/Broker List

A preferred agent/broker for listing with ACPET shall:

1. Ensure all legislated compliance practices, including but not limited to marketing and sales practices, are not deceptive or misleading and are in line with ACPET member requirements and applicable regulations.

2. Ensure all personnel are adequately trained and assessed in accordance with provider expectations.

3. Ensure appointment of appropriately qualified personnel accountable for monitoring compliance with the Code and applicable legislation.

4. Comply with provider monitoring interventions to ensure compliance with the Code and applicable regulations.

5. Use reasonable endeavours to:
   a. assess a student’s desire to participate in a course;
   b. assess a student’s intention to complete the course; and
   c. ensure students understand the requirements of the course of study in accordance with the policies and procedures of the provider.

6. Use reasonable endeavours to evaluate students’ study capacity prior to enrolment in a course to optimise the likely completion of the course by the student, including, by way of example, language, literacy and numeracy skills, and personal circumstances that may influence ability to complete the course.

7. Ensure students are made aware of the pre-requisites for the course, full course tuition fees, textbook fees and any other charges.

8. Ensure potential students understand the VET FEE HELP or FEE HELP conditions (including loading rates, interest rates and repayment requirements) where applicable.

9. Not misrepresent employment outcomes as a result of completing the course.

10. Not advertise or otherwise promote themselves as being the provider.

11. Not misrepresent themselves as having a direct government endorsement or privileged relationship with government where one does not exist, including for example the misuse of government logos and direct links to government forms.

12. Maintain strict confidentiality of potential and existing student details and not obtain potential student details without consent or through false pretences.
Comply with all relevant legislation and regulation in relation to ethical marketing, advertising and sales including, but not limited to:

a. the Competition and Consumer Act 2010 (Commonwealth);

b. the Privacy Act 1988 (Commonwealth);

c. the Do Not Call Register Act 2006 (Commonwealth);

d. the Spam Act 2003 (Commonwealth);

e. legislation relating to health and safety; and


Attachments

Attachment 1: Statement of Principles for the Ethical Recruitment of International Students by Education Agents and Consultants (The London Statement)

Attachment 2: Australian Government Department of Education guide for providers of education and training to overseas students titled 'Using Education Agents'
1. Introduction

1.1 Context

Increasing numbers of students now move across national borders seeking education and training opportunities in order to gain internationally recognised qualifications. The OECD publication Education at a Glance 2010 sources OECD and UNESCO Institute for Statistics, which estimated that more than three million tertiary students were educated outside their home country in 2008. Some commentators project that global demand for international education could be expected to rise to almost eight million by 2025.

The growth in the number of international students has been accompanied by an increase in the number of education agents and consultants who provide services to them. Education agents and consultants are integral and important stakeholders in international education.

1.2 Background to the Initiative

The Roundtable on the Integrity of International Education is a forum at which the UK, Australia, Canada, Ireland, New Zealand and the US meet to share knowledge and experience and identify common areas of practice and concern, as well as scope for collaboration. At the initial meeting of the Roundtable in 2010 Australia proposed developing a joint international code of ethics for international education agents which would facilitate a common approach and raise ethical standards.

The development of a ‘Statement of Principles for the Ethical Recruitment of International Students by Education Agents and Consultants’ is the initiative that flowed from that proposal. The UK, Australia, Ireland and New Zealand agreed to the statement of principles on 16 March.

Each of these countries is now working towards implementing the principles. This includes training and communications for Agents.

1.3 Purpose

This high-level Statement of Principles promotes best practice among the education agents and consultant professions that support international students. The Statement of Principles is a unifying set of understandings for the recruitment of, and related services provided to, students in international education which serve to promote best practice among education agents and consultants. The Statement will be reflected in each country’s approach to international education.
A report on activity will be presented to the Roundtable meeting in 2013.

A number of factors which could be addressed under each principle when developing initiatives and actions are provided in the Attachment on page 3.

2. Ethical Framework

The Statement of Principles is based on 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).

3. Principles

**PRINCIPLE 1** - Agents and consultants practice responsible business ethics.

**PRINCIPLE 2** - Agents and consultants provide current, accurate and honest information in an ethical manner.

**PRINCIPLE 3** - Agents and consultants develop transparent business relationships with students and providers through the use of written agreements.

**PRINCIPLE 4** - Agents and consultants protect the interests of 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.

**PRINCIPLE 6** - Agents and consultants act professionally.

**PRINCIPLE 7** - Agents and consultants work with destination countries and providers to raise ethical standards and best practice.
This Attachment to the London Statement of Principles provides suggestions on a number of factors that could be addressed under each of the principles.

**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 registration, 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.