

# Agent Management Policy and Guidelines

## Scope

This policy is applicable to Kaplan Higher Education Pty Ltd, trading as Murdoch Institute of Technology (“School”).

## Purpose

This Policy provides information as to how the School adheres to a strict process of application and approval in the recruitment and selection of education agents. The School also follows a firm practice in the monitoring and suspension or termination of education agents who do not act in an appropriate manner, ensuring all agents are honest and professional in their representation of the School courses.

## Guidelines

### Agent Application

Agents who wish to become a School approved agent must follow the guidelines set out below.

- It is the responsibility of the relevant manager to ensure that communication between the School and its agents is efficient and effective.
- New agents are actively sourced by the School based on source markets identified as developing/emerging or priority development markets.

New agents can also be sourced, with assistance, from:

- University Partners
- existing School approved agents
- Kaplan entities in Australia or overseas.
- An agent can also make an enquiry about becoming a School approved agent by:
  - contacting the School directly by phone or email
  - visiting the School location
  - contacting a Kaplan business either domestically or internationally
  - being visited by a School representative either domestically or internationally.
- The relevant manager contacts the enquiring agent and requests relevant information, including the company profile, before providing the application of the prospective agent to the relevant Sales Manager.
- The relevant Sales Manager then decides whether to continue with the application or not.
- If the agent’s application is not approved, the agent is notified in writing by the relevant manager.

### Agent Approval

When the School decides to continue with the agent application, the relevant manager will create a new agent account in the School management system and enter all relevant information.

- The Agent Liaison Officer requests the agent complete a New Agent Questionnaire. All information in the questionnaire must be true and correct.
- Two referees are also requested, unless there is an active agreement in place between the agent and another Kaplan entity, in which case one reference from a Kaplan employee who has had direct dealings with the proposed agent is required.
- The application is then submitted to Compliance for relevant checks:
  - Correctly completed questionnaire
  - Relevant references
  - Required data fields completed correctly

- Names of the agency and director(s) or authorised representative(s) that will sign the agreement are run through a global database to determine if there are any 'red flags' in dealing with this agency and/or agent.
- Approval from Director, Student Recruitment, to appoint
- Approval from Director, Student Recruitment, for any non-standard commission arrangements or bonus incentive scheme
- Once all checks have been completed, Compliance produce an Agent Agreement:
  - The duties and responsibilities of the agent are stipulated in the Kaplan Agent Agreement
  - The duties and responsibilities of the School are stipulated in the Kaplan Agent Agreement
  - The Agreement is sent electronically to the prospective agent
  - The agent has three (3) months to digitally sign the Agreement before it is voided, however automatic reminders are sent to the agent on a weekly basis
  - When the agent signs digitally, Compliance and the relevant manager are notified immediately by email
  - The agent also automatically receives an electronic copy of the signed contract
  - Compliance then verifies the legitimacy of the Agreement and activates it in the School management system
  - Upon activation in the School management system, the agent is sent a/an:
    - Current Prospectus
    - Agent Sales toolkit, which includes promotional material, product specific information, application forms, fee sheets and a brand guidelines pack
    - Invitation to join upcoming New Agent training session
  - Agent details are updated on the School website twice a year.

In accordance with the National Code, the School will enter into a written agreement with each education agent it engages to formally represent it. The details of the agent are entered in to and maintained in PRISMS.

If the agent's application is not approved, at any stage, the agent is notified via email by the relevant manager.

### **Approved New Agent Training**

All Approved Agents will be provided with sufficient tools and resources by the School to ensure that accurate and up-to-date information is given to prospective students at all times, and to ensure compliance with the relevant laws, regulations, standards and codes. A standard Statement of Agent Responsibilities (Appendix A to this Policy) must also be provided to all new agents to ensure that the agent has an appropriate understanding and knowledge of the ESOS Act and the National Code.

As soon as reasonably practicable, and no later than three [3] months from becoming an Approved Agent, the Agent will be provided with appropriate training on the School and its courses (including but not limited to entry requirements, admissions process, scholarships and support services). Their obligations and responsibilities under the National Code, the ESOS Act and the requirements of Kaplan in relation to the Genuine Temporary Entrant status of all prospective students aimed at managing potential visa risks arising from a student's reasons for seeking to study in Australia, will also be clarified.

All new agents will be provided appropriate training initially on the School courses as well as clarification of the agent's obligations under The National Code and ESOS Act. This training will be provided in person, via Skype, webinar, over the phone or through email.

Where applicable, Genuine Temporary Entrant (GTE) training is completed with new agents as well as on an ongoing basis. GTE training is actively initiated by the School and is provided in person, via Skype, over the phone or through email.

- If the new agent is based in Australia, the relevant manager will arrange for the agent's Director/Manager to have a meeting and tour of a campus (where location allows). This meeting should include information

regarding the courses and facilities available at the School to ensure the agent will pass on relevant information to prospective students.

- If the new agent is overseas, the relevant manager will, where possible, arrange for a School representative - who may be travelling to that specific region - to meet with the agent, view their premises and practices as well as informing them about the courses and facilities available at the School to ensure the agent will pass on relevant information to prospective students.

Ongoing training is also provided through:

- Agent familiarisation visits to Australia
- Agent training and workshops days held in market
- Various training sessions where representatives from the University partners or Industry peak bodies may be present
- 'New Counsellor' webinars offered quarterly

## Agent Updates

The School will ensure that Approved Agents are provided with up-to-date and accurate promotional material and informed of any changes to courses and/or any legislative or regulatory requirements (where applicable), through a range of communication means including update emails and newsletters, training webinars, regular agent meetings and agent visits.

As required, the relevant manager communicates to agents on:

- Product and/or University updates
- Relevant government process changes
- The advertising of events.

In addition:

- If the School agent is based in Australia, the relevant manager may visit the Agent.
- If the School agent is based overseas, the relevant manager can, where possible, arrange for a School representative – who may be travelling to that specific region – to visit the agent.
- The relevant manager will ensure that all existing agents have current information on applicable promotional prices, new procedures and enquiry/enrolment information.
- Every School agent will receive regular email communication and updates, from their market manager.

## Agent Payments

Payment of commission is made in accordance with the Kaplan Agent Agreement. In addition, agents may be eligible to take part in a School Bonus Incentive Scheme. The School Bonus Incentive Scheme is reviewed each year and key performing agents are invited to participate. The Scheme is intended to foster and further develop new relationships, incentivise partners to reach next tier of performance and provide ongoing support to long term partners.

## Monitoring and Reviewing Agent Performance

The School monitors and reviews the performance of its approved agents on an ongoing basis as well as through a formal annual review. This information may be provided through Australian government agencies and their reporting systems, local government agencies around the world, as well as student feedback, including those that change agents.

Annual Agent Performance Reports

- The business will review agent performance at the end of every year.
- Agents will be sorted into three groups:

- Non-Performing
- Performing
- New (registered with the School for under 12 months).
- Agents who are “Non-Performing” may become suspended in the School management system and no further enrolments will be allowed unless this status is changed to “Performing”, whereby agents may need to complete the whole approval process again.
- In determining whether to suspend an agent, the School will consider factors including:
  - Agent relationship with University Partners
  - Agent relationship and performance with another Kaplan Australia business or stakeholder
  - Discussions, commitments and plans agreed with the agent for future recruitment
  - School engagement, support and presence in market, with agent
  - New potential and opportunity in market
  - Market importance and focus on diversity
  - Duration of agent/college partnership
- Agents who are “Performing” will have their contract continued based on maintaining consistent enrolments and demonstrating a proven ability to continue to abide by all regulatory requirements.
- “Performing” agents may be provided with a number of incentives, including (but not limited to) bonuses and additional marketing support and resources.
- Agents who have not worked in a professional manner and/or have not abided by all regulatory requirements, will have one or all of the following actioned:
  - A warning letter or email
  - Suspension of Agent Agreement (no enrolments allowed until performance improves)
  - Termination of Agent Agreement (criminal activities and serious non-compliances)
- The School supports an agent’s right to appeal any decisions made by the business regarding their Agent Agreement. Agents must address their appeal in writing with any supporting documentation. The Sales Manager will review the appeal and establish if the agent is eligible for a probationary extension of the Agent Agreement valid for 3 to 6 months.
- Agents who satisfy standard requirements will be issued a new Agent Agreement.

The agent has three (3) months from the renewal date to digitally sign the Agent Agreement before it is voided, however automatic reminders are sent to the agent on a weekly basis. Failure to sign the Agreement within the three (3) month period may result in temporary suspension until the signed Agreement is returned.

## Agent Duties

Agent use of the School Name and Logo:

- The School ensures consistent, compliant and professional use of the School logo, corporate image and visual branding in accordance with the Agent Brand Guide.
- A School registered agent agrees to only advertise the provision of courses with the written permission from the School and its business name and CRICOS Provider Number must appear in all written and electronic material.
- All advertising and use of the School logo must be approved by the School prior to publication.
- All requests for use of the relevant School logo are to be emailed to [marketinganz@kaplan.com](mailto:marketinganz@kaplan.com).

The duties and responsibilities of the agent are stipulated at length in the Kaplan Agent Agreement. The Agreement outlines an Agent’s obligations in relation to the rules and regulations as set out in the ESOS Act (2000) and National Code (2018), recruitment rules, promotional activities, fees, privacy and conduct.

Agent obligations are also outlined in the Agent Practices and Responsibilities Statement.

Failure to abide by these obligations will result in a review process which may result in the warning and termination of the Agent Agreement.

## Warning and Termination

The School will take the following action prior to terminating an Agent Agreement:

- All agents are continually reviewed by the business in all areas of performance
- If it is established that an agent is deemed to be unsatisfactory in their performance or in severe breach of any items stipulated in the Kaplan Agent Agreement, Compliance or the relevant manager will make a recommendation to the Director, Student Recruitment, to issue a warning or immediately terminate the agent's Agreement.
- Where a warning has been issued, it is at the discretion of the Director, Student Recruitment, to decide on the recommendation.
- In the first instance, a letter or email of warning will be sent.
- When an agent has been deemed to be in severe breach of an item stipulated in the Kaplan Agent Agreement then a letter informing the agent of termination is sent and the agent is given the right of reply to the School.
- It is at the discretion of the Director, Student Recruitment, to decide whether the agent's response justifies the situation in question.

Please Note: The School supports an agent's right to appeal in all instances listed above. Agents must address their appeal in writing with any supporting documentation.

## Accountable Officers

The accountable officers for the implementation and relevant training of this policy are listed below.

<b>Policy Category</b>	Compliance			
<b>Responsible Officer</b>	Director, Student Recruitment, Australian Pathways			
<b>Implementation Officer</b>	Director, Student Recruitment, Australian Pathways			
<b>Review Date</b>	March 2021			
<b>Approved by</b>	National Compliance and Regulatory Manager, Kaplan Australia			
<b>Change and Version Control</b>				
<b>Version</b>	<b>Authored by</b>	<b>Brief Description of the changes</b>	<b>Date Approved:</b>	<b>Effective Date:</b>
1.0	Legal and Compliance	Policy created to strengthen current agent management documentation and to align better to National Code 2018 requirements.	09.03.2018	12.03.2018

## Appendix A

### Agent's Ethical Practices and Responsibilities Statement

Australia offers a high-quality education experience to overseas students across all sectors, including English language and foundation programs through to higher education. By providing a fair and accessible system that supports overseas students, Australia has gained an enviable reputation as a popular study destination.

The Education Services for Overseas Students legislation is a robust framework that protects and enhances the experiences of overseas students in Australia. An integral part of the legislation is the [National Code of Practice for Providers of Education and Training to Overseas Students](#) (the National Code). The National Code provides nationally consistent standards for the conduct of registered providers and the registration of their courses.

Education institutions such as Kaplan must comply, and ensure that education agents comply, with the National Code to maintain their registration to provide education services to overseas students.

Under the National Code, education agents must act ethically, honestly and in the best interests of overseas students, as well as uphold the reputation of Australia's international education sector. In order to comply with these regulations, it is imperative that all education agents contracted to Kaplan understand and abide by the requirements and responsibilities set out in this Statement. Failure to do so will result in corrective action which may include termination of your education agent agreement.

Education agents must:

- enter a written agreement with Kaplan to be appointed as an authorised education agent
- not provide migration (visa) advice unless authorised to do so under Australian migration law
- not give false or misleading information, or engage in any deceptive practices, in the marketing and promotion of Kaplan's courses
- not claim to commit to securing a migration outcome from undertaking a Kaplan course
- not claim that a Kaplan course will guarantee any specific career or job outcome for a student
- not actively recruit a student that has not completed the first six months of their principal course (except as permitted by Standard 7 of the National Code)
- not accept or recruit students reasonably suspected to be non-genuine entrants into Australia
- provide students with sufficient information to enable them to make informed decisions about studying with Kaplan in Australia
- declare in writing and take reasonable steps to avoid conflicts of interests with their duties as an authorised Kaplan education agent
- observe appropriate levels of confidentiality and transparency in their dealings with overseas students or prospective overseas students
- use Kaplan approved marketing and promotional materials in its recruitment activities
- have appropriate knowledge and understanding of the international education system in Australia, including the Australian International Education and [Training Agent Code of Ethics](#)
- notify Kaplan as soon as there are any changes to their Agency contact details and business information (i.e. registered address, email and/or director/owner details).

Please note: The Australian Government collects education agent details through PRISMS (the Australian Government's Provider Registration and International Student Management System) and makes available access to reports about the education agents Kaplan has engaged to recruit overseas students.

If you have any questions about any of the requirements and responsibilities outlined in this Statement, please contact us at [compliance@kaplan.edu.au](mailto:compliance@kaplan.edu.au) or speak to your Kaplan sales representative.