

# IBC Agent Management Policy and Procedure

## 1.0 Scope

International Business College inclusive of Manchester & London campuses) offers Higher Education programmes covering a wide portfolio of business, computing and engineering. International Business College Manchester is an OFS-registered Higher Education Institute.

## 2.0 Purpose

The purpose of this policy is to:

- ensure the consistent, effective and compliant management of Approved Agents who work with IBCM (the 'College').
- demonstrate how the College adheres to a strict process of application and approval in the recruitment and selection of Approved Agents.
- outline the College's firm practice in the monitoring and suspension or termination of Approved Agents who do not act in a legal and appropriate manner, ensuring all agents are honest and professional in their representation of the College's courses.

This policy applies to:

- all staff who work with admissions and who work directly with Education Agents.
- students who have enrolled via an Approved Agent.
- approved Agents appointed to represent the College, both onshore and offshore.
- approved Agents representing prospective or enrolled students of the College, both onshore and offshore.
- education Agents seeking to become an Approved Agent of the College.

## 3.0 Definitions

|                        |   |
|------------------------|---|
| <b>Agent Agreement</b> | The written agreement which the College enters into with each Approved Agent it engages to formally represent it  |
| <b>Approved Agent</b>  | An Education Agent who has entered into an Agent Agreement with the College.  |
| <b>CoE</b>             | Confirmation of Enrolment.  |
| <b>Education Agent</b> | A person or organisation who recruits Overseas Students and refers them to education providers. In doing so, the Education Agent may provide education counselling to Overseas Students as well as marketing and promotion services to education providers.   |
| <b>World Check</b>     | World Check (or other systems) is a global database that is accessed to determine if there are any 'red flags' in dealing with an agency and/or Agent in regard to, but not limited to, any possible criminal or political activity. The system also notifies the College of any updates or recent information regarding any 'red flags'. |

#### **4.0 Policy Principles Responsibilities of the College**

The College is responsible at all times for compliance with all UK Immigration legislation and adheres to best-practice as published from time -to time by Universities UK and Independent HE.

The College is responsible for the following regarding Education Agents and Approved Agents:

- The Education Agent application and approval process for an Agent Agreement.
- Initial and ongoing training, to procure that Approved Agents have an appropriate understanding and knowledge of the:
  - responsibilities of the College and responsibilities of Education Agents
  - international education system in UK
  - IBCM International Education and Training Agent Code of Ethics
- Monitoring and ensuring compliance with the Agent Agreement including performance, bonuses, warnings, suspensions, terminations and evidence provided for Genuine Student requirement (GS).

The College will not accept students and will take corrective action, if there is evidence, or the College suspects, an Approved Agent of acting in an illegal or unethical manner such as:

- providing migration (visa) advice unless authorised to do so under UK migration law
- engaging in dishonest recruitment practices now or previously
- engaging in practices in breach of laws such as the UK Modern Slavery Act 2015
- actively recruiting a prospective student, they believe will not comply with conditions of their visa
- attempting to engage in, or engaging in, tax fraud or evasion in connection with a commission or payment received, or to be received, from the College.
- For more information, see the Terms and Conditions within the Agent Agreement.

#### **Responsibilities of Approved Agents**

Approved Agents must act in a legal and an ethical manner and in the best interest of Overseas Students, as well as uphold the reputation of Australia's international education sector. All Approved Agents must understand and abide by the requirements and responsibilities set out in their Agent Agreement. Failure to do so will result in immediate corrective action which may include termination of the Agent Agreement.

Approved Agents must satisfy the following requirements:

- enter into an Agent Agreement with the College appointed as an Approved Agent.
- not provide migration (visa) advice unless authorised to do so under UK migration law.
- not give false or misleading information, or engage in any deceptive practices, in the marketing and promotion of the College's Programs and courses including:
  - association with any other persons or organisations the registered provider has arrangements with for the delivery of the program or in which the student intends to enrol or may apply to enrol.
  - any work-based training a student is required to undertake as part of the program.
  - prerequisites, including English language proficiency, for entry to the program.
  - any other information relevant to the College, its program, or outcomes.
- not claim to commit to securing a migration outcome from undertaking a College Program.
- not claim that a College Program will guarantee any specific career or job outcome for a student.
- not claim that a College Program will guarantee an assessment outcome.
- provide students with sufficient information to enable them to make informed decisions about studying with the College in UK
- declare in writing and take reasonable steps to avoid conflicts of interests with their duties as an Approved Agent of the College.
- observe appropriate levels of confidentiality and transparency in their dealings with Overseas Students or prospective Overseas Students.
- act honestly and in good faith, and in the best interests of the student.
- use College approved marketing and promotional materials in its recruitment activities.
- have appropriate knowledge and understanding of the international education system in UK, including the IBCM International Education and Training Agent Code of Ethics.
- notify the College 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).

For more information, see the Terms and Conditions within the Agent Agreement.

### **Sub-Agents**

If the College becomes aware that a sub-agent of an Approved Agent is acting illegally or unethically, the College must instruct the Approved Agent to cease dealing with the subagent in connection with the provision of services to the College in accordance with the requirements of the National Code 2018. For more information, see the Terms and Conditions of the Agent Agreement.

## 5.0 Agent Approval Procedures

### 5.1 Agent Application

Applications from new Education Agents may be sourced using any of the following methods:

- Actively sourced based on development markets.
- With assistance, from existing College Approved Agents
- A direct enquiry from the Education Agent's CEO, owner or Director.

Education agents seeking to become a College Approved Agent must provide the following background information to conduct a due diligence check on the prospective agent:

- the agent's company profile
- business registration evidence
- bank account details
- information regarding the authorised signee
- previous and proposed student recruitment activities
- any disclosures concerning any involvement with a government official(s) or government agency by the agent or its employees
- the details of at least two referees for the College to contact

The College will only approve the application of an Education Agent to become an Approved Agent where:

- the due diligence and referee checks were satisfactory; and
- there is a need, or additional need, for representation in the agent's country and/or potential for increasing student enrolments in that country; and
- the College believes after reviewing and assessing the agent's application that the agent has:
  - appropriate knowledge and understanding of the UK international education system including the IBCM Education and Training Agent Code of Ethics
  - a proven track record in student recruitment representation, preferably with other UK universities of comparable standing
  - professional, knowledgeable, and well-trained counselling staff
  - high quality infrastructure, in particular an accessible office located in a reputable location, an adequate resource centre/library for prospective students and adequate local and international communication facilities
  - a reputation for ethical business behaviour and credibility in the local community
  - a reasonably sufficient and consistent period in operation or reasonable experience relating to the industry; and
  - demonstrated success in placing students in UK.

If a prospective agent's application is not approved, the agent will be notified in writing by the relevant manager.

## 5.2 Agent Approval

If the College decides to continue with the application of a prospective agent, a new agent account will be generated in the management system to record all of the relevant information from the application stage.

Once approved by the College Sales Manager, the prospective agent's application will be submitted for compliance checks including:

- Confirmation of a correctly completed new agent questionnaire.
- Confirmation that referees were provided and have been appropriately checked and verified.
- Required data fields have been completed correctly.
- The name(s) of the agency and its director(s) or authorised representative(s) that will sign the agreement have not received a negative notice from the World Check database. Where a negative notice (i.e. notification that the agent and/or its relevant officers) is received, the agent is not approved unless the compliance team has reviewed the notice and, if required, sought clearance from IBCM legal advisors.
- Approval from Sales Director or approved delegate for any non-standard commission or bonus structure.
- Approval to appoint prospective agent from the Sales Director or approved delegate.

Once all of the above checks have been completed the College will issue an Agent Agreement to be signed. The Agent Agreement must be in writing and adhere to the Standards set out in the National Code 2018, including an outline of the following:

- the duties and responsibilities of the agent and the College, including that the registered provider is responsible at all times for compliance with the ESOS Act and National Code 2018.
- duties and responsibilities of the agent under the ESOS Act and the National Code 2018, and any other applicable laws and regulations including:
  - to observe appropriate levels of confidentiality and transparency in their dealings with Overseas Students or prospective Overseas Students.
  - to act honestly and in good faith, and in the best interests of the student.
  - to have appropriate knowledge and understanding of the Australian international education system, including the UK International Training Agent Code of Ethics.
  - a declaration by the agent that it will take reasonable steps to avoid conflicts of interest with its duties as an agent.
  - monitoring processes by the College in relation to the agent's activities as an Approved Agent.

- obligations on the agent to give students accurate and up-to-date information about the Programs.
- the corrective action(s) the College may take if the agent fails to comply with its obligations under the Agent Agreement.
- the grounds under which the College may immediately terminate the Agent Agreement
- a prohibition on the agent:
  - providing migration advice unless it is registered to do so. facilitating the enrolment of a prospective student who the agent believes will not comply with the conditions of their student visa
  - guaranteeing a successful education assessment outcome for the student or prospective student.

The Agent Agreement also outlines the agent's responsibilities in complying with IBCM policies and procedures including Global Anti-Corruption Policy and Third-Party Procedure.

No agent will be activated in the College's sales management system until the prospective agent has entered into an Agent Agreement with the College and the Agent Agreement has been approved by the College Compliance team.

The College will ensure that the Approved Agent's details are reviewed and updated on the College's website twice a year.

The College will ensure that no enrolments are accepted and/or no payments are made to any agent without a fully signed Agent Agreement in place.

## **6.0 Approved Agent Training**

All Approved Agents will be provided with sufficient tools and resources by the College to procure that accurate and up-to-date information is given to prospective students at all times, and to procure compliance with the relevant laws, regulations, standards, and codes.

New Approved Agents must attend a one-on-one briefing with the College sales staff (either by Skype/Zoom, phone or face-to-face depending on the agent's location) to outline their responsibilities as an Approved Agent and non-permitted practices and activities.

As soon as reasonably practicable, and no later than 3 months from becoming an Approved Agent, all Approved Agents will be provided with appropriate training on the College and the Programs (including but not limited to entry requirements, admissions process, scholarships and support services). The College will procure that Approved Agents are aware of and understand their obligations and responsibilities under the ESOS Framework and the requirements of the College in relation to the Genuine Student requirement status

of all prospective students aimed at managing potential visa risks arising from a student's reasons for seeking to study in UK will also be clarified.

For UK-based agents, where possible, training will be conducted face-to-face (which may include Skype/Zoom depending on the agent's location).

For non-UK based agents, the College, where possible, will arrange for a sales representative who may be travelling in the specific region to meet the agent face-to-face to conduct training.

All Approved Agents will be provided with the College's current prospectus/brochure and approved marketing and promotional materials, as well as supporting documentation such as fact sheets, application forms, fee sheets and the College brand guidelines.

The College will ensure there is ongoing training, tools and resources made available to Approved Agents through agent familiarisation visits, workshops and briefings held in person and other training sessions, via Skype/Zoom or face-to-face.

### **6.1 Approved Agent Updates**

The College will ensure that Approved Agents are provided with up-to-date and accurate promotional material and informed of any changes to the Programs 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.

- If the Approved Agent is based in UK, the relevant manager will regularly visit them.
- If the Approved Agent is based overseas, the relevant manager will, where possible, arrange for a College representative who may be travelling to that specific region to visit them.
- The relevant manager will procure that all Approved Agents have current information on applicable promotional prices, new procedures and enquiry/enrolment information.
- Every Approved Agent will be emailed a 'College Agent Update Email' every second month detailing the latest College updates.

### **6.2 Approved Agent Payments**

Payment of commission is made in accordance with the College's Agent Agreement. In addition, Approved Agents may be eligible to take part in the College's Bonus Incentive Scheme which is reviewed annually at which time Approved Agents may be invited to participate.

## 7.0 Monitoring and Reviewing Agent Performance

The College will monitor and review the performance and conduct of all Approved Agents for the purposes of evaluating their activities against the ESOS Framework.

For Approved Agents based in UK, the College sales staff will undertake regular visits to the agent and its premises.

For Approved Agents not based in UK, the College sales staff will, where possible, arrange for a College representative who may be travelling to that specific region to visit the agent and its premises.

The College specifically monitors and reviews the performance of all Approved Agents through an annual agent review. During this time, the College collects information about each Approved Agent's performance from multiple sources including the agent website, local government agencies around the world, student feedback and if available, from other partner schools and offices.

As a result of this annual agent review, Approved Agents will be categorised by the College as 'continuing' or marked for suspension. An Approved Agent that is marked for suspension will be further reviewed by the College and may be suspended if the performance criterion below has not been satisfied by the agent and the College does not believe, in its absolute discretion, that the agent should remain as an Approved Agent. In making this determination, the College may consider factors such as the potential strategic relationship between the agent and IBCM, the need to maintain or develop engagement, support or a presence in strategic markets of the College, the duration of the agent relationship or the need to diversify agents.

To qualify as a 'continuing agent':

- It is recommended that the Approved Agent normally achieved an application to offer rate of at least 70% into the Programs; and
- It is recommended that the Approved Agent must have normally achieved an offer to acceptance rate of at least 25% into the Programs; and
- The agent must continue to demonstrate a proven understanding of all applicable regulatory requirements through a solid history of zero non-compliances identified by the College.
- The agent has recruited quality students demonstrated by solid academic performance.

\*Note: these are recommendations only and IBCM will review agent performance criteria based on market conditions.

Where an Approved Agent has not submitted any prospective students to the College for enrolment into the Programs in the previous year and/or the College has identified potential or actual non-compliance by the Approved Agent in relation to the terms of the Agent Agreement, the Approved Agent will be suspended in the College's sales management system.

## 8.0 Agent Marketing

The use of the College name, logo and other branding is subject to guidelines agreed with IBCM. The College will monitor the compliance of all Approved Agents with the terms of their Agent Agreement in respect of marketing and promotional activities related to the Programs. In addition, the College will procure that all Approved Agents must, and all Approved Agents must themselves:

- Adhere to the College's Agent Brand Guide (or other directions issued by the College) to ensure consistent, compliant and professional use of the College brand.
- Only advertise the Programs with the written permission from the College, demonstrated through a signed Agent Agreement.
- Ensure that all advertising and use of the College brand is approved by the College prior to publication.

### Corrective Action

All Approved Agents must adhere to the terms of their Agency Agreement and this policy.

Where the College becomes aware of, or reasonably suspects, that an Approved Agent (or their staff or subcontractor) has engaged in a material or significant breach of the terms of its Agent Agreement or is engaging in false or misleading recruitment practices, the College may, in its absolute discretion, either immediately terminate the Agent Agreement without any right to show cause or request that the agent immediately terminates its relationship with its staff or subcontractor who engaged in those practices.

In all other cases where the College becomes aware of, or has reason to believe, that an Approved Agent (or their staff or subcontractor) is in default of the terms of its Agent Agreement and/or in contravention of any applicable regulatory requirement, the College will take immediate corrective action and:

- The agent must cooperate with the College's investigation into the default or breach, in consultation with the Compliance team, to determine an appropriate corrective action.
- In the case of a minor default or breach (e.g. where the agent can demonstrate an isolated occurrence and/or no potential for regulatory action, which the College accepts), the College may impose a sanction of additional training and/or monitoring of the agent's conduct or a suspension on accepting enrolments from the agent. The College may also terminate the Agent Agreement at any time (at its sole discretion)

where in the College opinion the agent's conduct will bring the College into disrepute and/or where the agent has multiple occurrences of a default or breach.

- The College will ensure that all corrective action is recorded against the Approved Agent in the sales management system and notified to the Approved Agent in writing.
- When an Agent has breached the terms of its Agent Agreement, the Compliance team must be notified and a letter informing the Agent of the circumstances of the default must be sent to the Agent.
- This notice must also provide the Agent with a right to submit their reason(s) as to why the College should not proceed to terminate the Agent's Agreement (i.e., show cause).

## **Reporting**

The College is committed to appointing, monitoring and managing Agents in line with this Procedure and the all relevant Higher Education Standards.

### **9.0 Quarterly Agent Compliance Status Report**

An Agent Compliance Status Report will be submitted to the Executive Committee meetings outlining the following:

- A register of all Approved Agents identifying:
  - new agents
  - recently terminated agents and reasons for termination
  - date of commencement as an Approved Agent
  - date of last annual review of an Approved Agent.

A complete data set of Approved Agent performance information including, but not limited to:

- student nationalities
- Agent country
- program(s) and intake
- a comparison to the previous calendar year.
- Summary of training and monitoring of agents that has been conducted.
- Any suspected breaches identified and the corrective or preventive action taken (if applicable).
- Number of visa rejections, requests for release, granted releases and actions taken to prevent or reduce future occurrences.

### **Annual Agent Performance Review & Report**

The College will review Approved Agent performance in January each year for the previous year. The review takes into consideration the key metrics to evidence satisfaction of the agents obligations. The outcome will be provided in an Annual Agent Performance Report which will be provided to the Executive Committee addressing each key metric, including:

- Number of Agents
- Quality of Recruitment and Student:
  - Conversion rates
  - The number of cancellations, withdrawals
  - The number of instances of request for release by students
  - Visa rejection rates
  - The academic success of the student.
- Agent performance:
  - Any breach notifications or warnings against the agent

Throughout the review process, the College aims to identify agents not meeting one or more of the performance metrics, and to discuss future actions in regard to those agents.

To ensure ESOS compliance, a register of Approved Agents will be provided annually by the Executive Committee identifying:

- new agents
- deleted agents and the reason for their deletion
- date of commencement as an Approved Agent
- date of last annual review.

New agents are provided a one-year grace period before any suspension or demotion unless there is a breach of obligations.

Based on the information contained within the report and the agreed thresholds to satisfy 'continuing agent', Approved Agents will be assigned a status of either:

- Non-Performing
- Performing
- New
- 

Performing Approved Agents will remain under contract with the College provided the Approved Agent has:

- maintained consistent enrolments
- demonstrated a proven ability to abide by all regulatory requirements, including the ESOS Framework
- ensured the quality of their students and their academic performance.

Performing Approved Agents may be provided with a number of incentives, including (but not limited to) bonuses and additional marketing support and resources at the College's discretion.

Approved Agents who are Non-Performing or who have not acted in a professional manner and/or have not adhered to all regulatory requirements and/or the terms of their Agent Agreement, will be subject to any or all of the following actions:

- a written warning.
- suspension of their Agent Agreement (i.e. no enrolments allowed until the agent can demonstrate their capacity to improve performance). If a suspended Approved Agent seeks to be reactivated, the agent may be required to undertake the full agent approval process at the College's discretion.
- termination of Agent Agreement (i.e., the agent's relationship with the College is fully terminated such as in the case of criminal activities or serious non-compliance by the agent or any of its officers, staff or subcontractors).

The College supports an Approved Agent's right to appeal any decisions made by the College in relation to its Agent Agreement. Except where the College expressly retains the right to make decisions in its absolute or sole discretion, Approved Agents will be given the opportunity to show cause as to why any of the above actions should not be imposed against them by the College by submitting their reason(s) and any supporting documentation to the Sales Manager in writing. The Sales Manager will review the appeal and establish if the Approved Agent is eligible for a probationary extension of the Agent Agreement valid for 3 to 6 months or the re-issue of an Agent Agreement.

#### **10.0 Version History**

|                |                          |
|----------------|--------------------------|
| Version        | 26.1                     |
| Originator     | BDM                      |
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