



Australian Government
Department of Education and Training

Publication of education agent performance data

Policy paper



Purpose of this paper

On 10 October 2018 at the Australian International Education Conference 2018, the Hon Dan Tehan MP, Minister for Education, committed to publish performance data on education agents in Australia's international education system. This document outlines a **Publication Strategy** (see below) to implement this commitment.

Education agents

Education agents are an integral part of Australia's international education system. They represent education providers to students and advise prospective students on courses of study available to them in all education sectors. Operating in a global market, agents have a range of business models, ranging from sole operators to large companies with multinational offices. The vast majority of agents achieve good outcomes by recruiting high-quality, genuine students who complete their courses and abide by their visa conditions.

There is no legal requirement under Australian law for providers or students to engage an agent, but most do – agents facilitated 73.6 per cent of overseas student enrolments in 2017.¹

Table 1: Percentage of student enrolments facilitated by an education agent by sector

| Sector | Total % of enrolments by sector in 2017 | 2013 (%) | 2014 (%) | 2015 (%) | 2016 (%) | 2017 (%) |
|--------------------|---|-------------|-------------|-------------|-------------|-------------|
| Higher Education | 44 | 61.2 | 64.6 | 67.5 | 70.2 | 71.0 |
| VET | 27 | 62.6 | 66.8 | 70.8 | 70.9 | 72.9 |
| ELICOS | 19 | 78.6 | 81.5 | 82.8 | 83.8 | 85.1 |
| Non-Award* | 6 | 49.0 | 49.6 | 48.3 | 53.5 | 52.0 |
| Schools | 3 | 72.7 | 72.7 | 74.5 | 74.5 | 76.2 |
| All Sectors | **99 | 65.1 | 68.5 | 71.2 | 72.4 | 73.6 |

Sourced from voluntary records by education providers in PRISMS.

VET: Vocational Education and Training.

ELICOS: English Language Intensive Courses for Overseas Students.

*Non-Award includes courses that do not lead to a qualification, including Foundation Courses and Tertiary Preparation Programs.

**Does not equal 100 % due to rounding.

Since 2013, the number of enrolments involving education agents recorded in the Department of Education and Training's Provider Registration and International Student Management System (PRISMS) has increased by 8.5 per cent. This may reflect an increased rate of voluntary reporting in the PRISMS interface of education agent involvement in enrolments.

¹ Provider Registration and International Student Management System (PRISMS) data.

In 2017, of Australia's top 10 source countries for international students, agents were most involved in enrolments from Brazil (89 per cent), Thailand (85.8 per cent) and the Republic of South Korea (84.6 per cent).

Table 2: Percentage of student enrolments facilitated by an education agent by nationality of student for Australia's top 10 source countries

| Ranking for enrolments 2017 | Country | % Student enrolments facilitated by an education agent |
|-----------------------------|----------------------------|--|
| 1 | China | 76.5 |
| 2 | India | 68.6 |
| 3 | Nepal | 83.0 |
| 4 | Brazil | 89.2 |
| 5 | Korea, Republic of (South) | 84.6 |
| 6 | Malaysia | 66.8 |
| 7 | Thailand | 85.8 |
| 8 | Vietnam | 74.8 |
| 9 | Colombia | 82.6 |
| 10 | Taiwan | 82.7 |

Sourced from voluntary records by education providers in PRISMS.

Managing education agents

The *Education Services for Overseas Students Act 2000* (ESOS Act) and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code) are the key elements of the legislative framework that protects the interests of overseas students.

Providers must meet the requirements established in the ESOS legislative framework and be listed on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) to deliver education to overseas students in Australia. The ESOS legislative framework also requires providers to manage the conduct and behaviour of the education agents they have a written agreement with, the majority of whom are based overseas. The ESOS legislative framework does not directly regulate education agents.

Successive Australian Governments have identified constraints on the government's ability to regulate agents. The 2009 Baird Review of the ESOS Act found "...there is little scope to regulate the activities of foreign nationals or foreign companies operating outside of Australia." The 2011 Knight Review of the Student Visa Program supported the promotion of agent professionalism and self-regulation and "that the Department should continue to influencing education agent behaviour." The Government concentrates on improving the information available to providers to support them managing their agents, and encouraging self-regulation by agents. The department works with a

range of stakeholders, including Austrade, the national regulators – the Australian Skills Quality Authority, the Tertiary Education Quality Standards Agency, and the Overseas Students Ombudsman – and education agent bodies, to achieve this.

Standard 1 of the National Code requires providers to ensure the marketing and promotion of their courses and education services, including through an agent, is not false or misleading, and is consistent with Australian Consumer Law. Standard 4 of the National Code requires providers to ensure their agents act ethically, honestly and in the best interest of overseas students, and uphold the reputation of Australia's international education sector. They must have a written agreement with each agent who formally represents them. They must require their agents to have appropriate knowledge and understanding of the international education system in Australia, including the *Agent Code of Ethics (ACE)*. In addition, providers must terminate their relationship with an education agent if they become aware, or have reason to believe, that the agent is engaging in false or misleading recruitment practices, or require the agent to terminate its relationship with the employee or subcontractor who engaged in those practices.

Established in 2016, the ACE provides a guide to the professional behaviour expected of agents working with overseas students, parents, providers and fellow agents, and is intended to support providers to meet their obligations under the National Code.

Improving transparency of agent performance

As a result of the passage of the Education Legislation Amendment (Provider Integrity and Other Measures) Bill 2017, the ESOS Act permits the Government to give information about education agents' performance to providers, and publish information about education agents' performance. This may be done for the purposes of promoting compliance with the ESOS legislative framework and student visa conditions. Since 1 January 2018, providers must enter and maintain details of the agents they use in PRISMS. Prior to this, details of agents were voluntarily entered in PRISMS by providers.

These reforms have addressed a suggestion made by the Productivity Commission in its 2015 Research Paper on International Education Services that systematic tracking of student outcomes against agents could encourage agents and providers to reduce their risk by working to reduce adverse student outcomes and adhere to the National Code

To support providers to meet their legislative obligations with regard to agents, the department has begun providing performance data on each agent a provider has engaged to represent them.

The performance data includes student enrolment outcomes and student visa outcomes. Enrolment outcomes show whether a student went on to:

- successfully complete their enrolment
- transfer to another provider
- notify early cessation of their studies
- have their studies terminated for non-payment of fees or disciplinary reasons
- be reported for unsatisfactory course progress or course attendance
- defer or suspend their studies
- not complete for any other reason.

Student visa outcomes show whether:

- a student visa application was granted
- a student visa application was refused
- a student visa application was withdrawn
- a student visa application was invalid
- a student visa was cancelled.

Benefits of publication of agent performance data

Providing greater transparency of agent performance through publication of data relating to student enrolment and visa outcomes will support stakeholders and encourage better practice in the international education system overall.

Providers will gain an improved understanding of the agents they have engaged and other agents working in the international education system, through the availability of a more detailed range of data that allows comparisons. This will assist them to make more informed choices as to which agents they engage to represent them and encourage good management practices in accordance with the requirements of the ESOS Act and National Code.

Agents will gain an improved understanding of their performance relative to that of other agents working in the international education system. This will encourage them to evaluate their own performance and engage in continuous improvement in accordance with the requirements of the National Code.

Students will be given access to information on the performance of individual agents for the first time. This will enable them to make a more informed choice from amongst the large range of agents available to them. Students will also benefit from better practice by providers and agents, facilitating improved consumer protection under the ESOS legislative framework and better individual outcomes.

The department recognises that data held in PRISMS can only inform some aspects of agents' performance and the valuable services they provide to both providers and students.

Next steps

The **Publication Strategy** (below) outlines the actions and timing of work towards release of data on education agent performance.

- Phases 1 and 2 have already been completed and were well received by providers.
- Phases 3 and 4 will result in more detailed reports to providers and are due for completion by early to mid-2019.
- Phase 5 will result in full publication of education performance data on a public website and will be completed by the middle of 2019.

The department invites feedback from stakeholders to inform Phases 3-5 of the Publication Strategy.

Publication Strategy

| Phase | Action | Timing |
|-------|---|--|
| 1 | <p>Basic Data</p> <p>Basic reports to providers on their agents' performance</p> | Completed November 2017 |
| 2 | <p>Detailed Data</p> <p>Detailed reports to providers on their agents' performance</p> | Completed May 2018 |
| 3 | <p>Comparative Data</p> <p>Reports to providers of data on:</p> <ul style="list-style-type: none"> • each agent with which they have an agreement (overall performance and average performance) • all agents (overall performance and average performance). <p>Benefits:</p> <ul style="list-style-type: none"> • allows providers to compare agent performance against: <ul style="list-style-type: none"> ○ the agent's overall performance by country and sector ○ overall performance of all agents, by country and sector ○ by education and visa outcomes for every enrolment ○ by country and education sector • allows providers to compare how their agents perform for other providers. | Due for completion early to mid-2019 |
| 4 | <p>Pilot data release</p> <p>A selection of test reports to all providers:</p> <ul style="list-style-type: none"> • potential reports: <ul style="list-style-type: none"> ○ top 50 or 100 agents by number of enrolments ○ all agents for three to five important or high-risk source countries ○ other subsets of agents (e.g. all agents that facilitated more than 100 enrolments) • demonstrates the value of the agent data received from providers • shows the details of each provider who engages in agent • allows reports on combined agent performance by country and sector. | Due for completion mid-2019 |
| 5 | <p>Publication</p> <p>Publication of performance data for all agents on a public website</p> <ul style="list-style-type: none"> • gives providers access to performance data for all agents • allows students to assess the performance of a specific agent • allows agents to benchmark their performance against that of other agents. | Due for completion mid-2019 |

Feedback

The department invites feedback from stakeholders on the proposed approach to publishing education agent performance data. Please submit your feedback at <https://www.education.gov.au/submissions-publication-education-agent-performance-data>.

The closing date for submissions is **5 pm on 8 February 2019**.

1. Users

Understanding who will use agent performance data and for what purpose will assist the department to present it in the most helpful way.

Who within your organisation would find agent performance data useful?

How do you think you would use it?

2. Data and variables

PRISMS data includes a broad range of variables around student enrolment outcomes, these outcomes, providers and courses.

Which variables would be most useful for analysing agent performance in relation to student outcomes? For example, education sector, field of study, country/state/province of student origin, time of agent in market?

3. Publication format

Agent performance data could be presented in a range of formats, including static tables and graphs, or pivot tables that allow the user to manipulate the data.

Which publication formats for agent performance data would be most useful?

4. Publication location

The department is considering where to publish agent performance data. It could be located with the international student data collection on the department's website, on the CRICOS website, with advice to students on choosing an education agent on the Study in Australia website, or somewhere completely new.

Where would it be most helpful to publish agent performance data?

5. Publication timing

The department's initial publication in 2019 is expected to include all data available up to the quarter of publication. Subsequent publication could occur quarterly, twice yearly or annually.

What is the preferred timing for regular publication of agent performance data?

6. Data quality and coverage

From 1 July 2012, providers voluntarily entered agent details in PRISMS. Since 1 January 2018, providers must enter and maintain agent details in PRISMS. The department will cleanse the data prior to publication.

What issues should the department consider when preparing the agent performance data for publication?