

Agent Recruitment and Management Policy and Procedures

1. Scope

This policy is applicable to Holmes Institute (Holmes) and to education agents with whom Holmes engages.

2. Purpose

2.1 This Policy and Procedures sets out how Holmes engages international education agents (“agents”) with reference to the Institute’s obligations under the National Code 2018 and the Education Services for Overseas Students Act 2000 (“ESOS Act”).

2.2 This Policy and Procedures is in place to ensure that Holmes has structured processes of:

- a) Application and approval in the recruitment and selection of education agents; and
- b) Monitoring and management of its agents.

3. Policy Principles

3.1 All Holmes agents are required to enter into a written agency agreement with Holmes.

3.2 Holmes maintains current details of agents with whom Holmes has an effective agreement in the Provider Registration and International Student Management System (PRISMS) and Holmes’ Student Management System (SMS).

3.3 A current list of agents is also available on Holmes’ website and the list will be updated at least biannually by the Chief Operating Officer. The list must be reconciled to ensure the consistency across PRISMS and SMS.

3.4 Holmes will delete the agent record from PRISMS, SMS, ASQA portal and Holmes’ website if the agreement with the agent is terminated.

3.5 All Holmes’ agents are expected to act honestly and in good faith and not to engage in misleading and deceptive conduct in the recruitment of students.

3.6 All Holmes’ agents warrant to have appropriate knowledge and understanding of the international education system in Australia, including the Australian [Training Agent Code of Ethics](#).

3.7 Holmes has established processes to monitor its education agents. Holmes will investigate, suspend and/or terminate agents who act in a dishonest, unethical or unprofessional manner in their representation of Holmes or its courses.

4. Procedural Statement

Agent Application and Approval

- 4.1 Agents are generally sourced by Holmes based on markets selected by management.
- 4.2 New agents can also be sourced, with assistance, from:
 - a) Existing Holmes approved agents; or
 - b) Holmes Education Group entities in Australia or overseas.
- 4.3 An agent can also make an enquiry about becoming a Holmes approved agent by:
 - a) Contacting Holmes directly by phone or email
 - b) Visiting a Holmes location
 - c) Contacting a Holmes business either domestically or internationally.
- 4.4 Holmes' Country/ Region Manager(s) are generally the first point of call for an agent application enquiry.
- 4.5 Before an application to become an agent is approved, due diligence checks must be undertaken regarding the enquiring agent's company profile, which will include but not be limited to checking the:
 - a) Names of the agency and director(s) or authorised representative(s) that will sign the agreement; and
 - b) Business Registration, Reference contact details from reputable Australian education institutions, and professional or industry membership.
- 4.6 If the agent's application is not approved following a due diligence check, the agent will be notified in writing by the Country/ Regional Manager or delegate.
- 4.7 If Holmes decides to continue with an agent application, Holmes may conduct a reference check on the agent.
- 4.8 If all due diligence checks are acceptable to Holmes, Holmes may approve an agent's application if the agent's recruitment supports Holmes' business needs. In such cases, an Agent Agreement will be created and sent to the agent for execution.
- 4.9 The Agent Agreement outlines Holmes and the agents' duties and responsibilities.
- 4.10 The agent has three (3) months to sign and return the agreement to Holmes unless agreed otherwise.
- 4.11 Once Holmes receives the signed agreement, Holmes will
 - a) Create a new agent account in Holmes SMS;
 - b) Enter the agent in PRISMS;
 - c) Add the agent in website agent list when Holmes conducts the biannual agent list review;
- 4.12 The list of Agents available on Holmes' website is updated at least biannually by the Chief Operating Officer.

Agent Training and Information Management

- 4.13 Holmes manages its international marketing using a 'Country/ Regional Manager' system.
- 4.14 Country Managers will monitor the Agent's activities on a regular basis, through various means such as data from internal databases, Australian Government agencies and their reports and student feedback.
- 4.15 Holmes will provide all approved Agents with sufficient tools and resources 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.
- 4.16 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 their obligations under the ESOS Act (2000) and the National Code (2018).
- 4.17 Failure to abide by the above obligations will result in a review process which may result in the warning and termination of the Agent Agreement.
- 4.18 All new agents will also be provided appropriate training initially on the Holmes courses and facilities as well as clarification of the agent's obligations and responsibilities under the National Code and ESOS Act. This training will be provided in person, via Skype, webinar, over the phone or through email.
- 4.19 The training will include the requirements of Holmes 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.
- 4.20 Ongoing training is also provided through various:
- a) Agent familiarisation visits to Australia, and
 - b) Agent training and workshops days held in market.
- 4.21 Holmes will ensure that approved Agents are provided with up-to-date and accurate promotional material and informed of any changes to courses or campuses 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.
- 4.20 All requests for use of the relevant Holmes logo are to be emailed to the Holmes Director, Marketing and Business Development.
- 4.21 All advertising and use of the Holmes logo must be approved by Holmes prior to publication.

Agent Payments

- 4.22 Payment of commission is made in accordance with the Holmes Agent Agreement. In addition, agents may be eligible to take part in a Holmes Bonus Scheme. The Holmes Bonus Scheme is reviewed each year and key performing agents are invited to participate.

Monitoring and Reviewing Agent Performance

- 4.23 Country Managers are primarily responsible for managing and supporting agents and are required to:
- a) Visit each active agent (either in person or virtually), at least once each year.
 - b) Provide senior management with comprehensive reports biannually and after each visit to a region/country visit.
- 4.24 Holmes monitors and reviews the performance of its approved agents on an ongoing basis as well as through a formal review.
- 4.25 The review information may be provided through Country Managers, Australian government agencies and their reporting systems, local government agency reports around the world, as well as from student feedback.

Annual Agent Performance Reports

- 4.26 The business will review agent performance at the end of every year.
- 4.27 Agents will be sorted into three groups:
- a) Non-Performing, i.e. those deemed to be unsatisfactory in their performance e.g. for severe breach of any items stipulated in the Holmes Agent Agreement, breach of ESOS National Code compliance or where the relevant Country Manager formally raises concern in regards to the agents behaviour.
 - b) Performing, i.e. those maintaining consistent enrolments and demonstrating a proven ability to continue to abide by all regulatory requirements.
 - c) New, i.e. those registered with Holmes for under 12 months.
- 4.28 Agents who are Non-Performing may become suspended in the Holmes management system and no further enrolments will be allowed unless this status is changed to "Performing". Refer to next section on 'Warning and Termination.'
- 4.29 Performing agents may be provided with a number of incentives, including (but not limited to) bonuses.
- 4.30 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) A warning letter or email
 - b) Suspension of Agent Agreement (no enrolments allowed until performance improves)
 - c) Termination of Agent Agreement (criminal activities and serious non-compliances)

Warning and Termination

- 4.31 A warning letter may be sent to an agent where they are deemed in Holmes' reasonable perspective to be non-performing. Where a warning is issued, it is entirely the Chief Operating Officer's discretion as to what the recommendation for action will be.
- 4.32 In the first instance and in cases where non-performance issue is deemed minor, a letter or email of warning will be sent.

- 4.33 When an agent has been deemed to be in severe breach of an item stipulated in the Holmes Agent Agreement then a letter informing the agent of termination is sent and the agent is given the right of reply to Holmes.
- 4.34 Holmes 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 Chief Operating Officer will review the appeal and establish if the agent is eligible for a probationary extension of the Agent Agreement. It is at the discretion of the Chief Operating Officer to decide whether the agent’s response justifies the situation in question.
- 4.35 Authority to terminate agent agreements ultimately rests with the Principal Executive Officer.
- 4.36 Holmes will remove the agent from the PRISMS and SMS within 30 calendar days of the termination being effective.
- 4.37 The terminated agent will be removed from agent list in Holmes’ website when the biannual agent list review happens.

Version Control and Accountable Officers

It is the joint responsibility of the Implementation Officer and Responsible Officer to ensure compliance with this policy.

Responsible Officer	Chief Operating Officer		
Implementation Officers	Chief Operating Officer in liaison with Director, Marketing and Business Development		
Review Date	January 2026		
Approved by			
Academic Board			
Associated Documents			
Code of Conduct Policy PRISMS User Guide Website Management Policy and Procedure			
Version	Brief Description of the changes	Date Approved	Effective Date
2.1	<ul style="list-style-type: none"> Document formatted in line with the other Holmes’ policies. Policy purpose revised by including agent monitoring and management. Procedure for agent list review revised with more clarity. 	24 July 2020	24 July 2020
2.2	<ul style="list-style-type: none"> Removal of reference to VET reporting requirements 	4/1/2023	4/1/2023

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 Holmes 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 Holmes 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:

- a) enter a written agreement with Holmes to be appointed as an authorised education agent
- b) not provide migration (visa) advice unless authorised to do so under Australian migration law
- c) not give false or misleading information, or engage in any deceptive practices, in the marketing and promotion of Holmes' courses
- d) not claim to commit to securing a migration outcome from undertaking a Holmes course
- e) not claim that a Holmes course will guarantee any specific career or job outcome for a student
- f) 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)
- g) not accept or recruit students reasonably suspected to be non-genuine entrants into Australia
- h) provide students with sufficient information to enable them to make informed decisions about studying with Holmes in Australia
- i) declare in writing and take reasonable steps to avoid conflicts of interests with their duties as an authorised Holmes education agent
- j) observe appropriate levels of confidentiality and transparency in their dealings

- with overseas students or prospective overseas students
- k) use Holmes approved marketing and promotional materials in its recruitment activities
 - l) have appropriate knowledge and understanding of the international education system in Australia, including the Australian [Training Agent Code of Ethics](#)
 - m) notify Holmes 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 Holmes has engaged to recruit overseas students.

If you have any questions about any of the requirements and responsibilities outlined in this Statement, please speak to your Country Manager.

The Chief Operating Officer is to investigate the allegations according to the following procedure:

- a) Make email contact with the agent and inform them that Holmes Institute intends to terminate their agreement.
- b) Request written explanation from agent as to why they are not adhering to the terms and conditions as set out in the Agreement.
- c) Provide a report to the Principal Executive Officer or delegate outlining the reasons for recommending termination of an agent agreement.