Outcome 2: Managing and monitoring agents

It is important that New Zealand provides international students with an education experience that meets and exceeds their expectations.

Agents play a key role in achieving this goal, as they are often the first point of contact with international students and families.

Providers play a vital role by effectively managing and monitoring their agents, a responsibility outlined in Outcome 2 of the Education (Pastoral Care of International Students) Code of Practice 2016 (the Code).

Providers who enrol international students must be signatories to the Code and meet Code requirements.

The information below outlines the minimum process requirements for managing and monitoring their agents, as well as recommendations for practice that may assist a signatory to meet or exceed the overarching Code outcome.
Requirements for managing and monitoring agents

Under the Code (PDF, 744KB), signatory providers must meet the following minimum process requirements:

- carry out and record reference checks on potential agents
- enter into a written contract with each agent
- terminate contracts if there is evidence suggesting poor or non-compliant agent conduct (as defined in Clause 14 (c) (i) (ii) of the Code)
- ensure that agents have up-to-date information relevant to their duties.

Recommendations for good practice

Further to the minimum process requirements listed above, each Code signatory school or tertiary education organisation (TEO) will need to consider what, if any, additional activity is necessary for their organisation to meet or exceed the overall Code outcome for managing and monitoring agents.

There is no one size fits all.

This is where it becomes important to tailor practice to meet the needs of your particular learners, in your particular organisational context.

'Good practice' may look different in each school and TEO, depending on the markets, agents, and students involved.

Below are some recommendations for practice that may assist your organisation to meet or exceed Outcome 2 of the Code.

These recommendations are not requirements, but suggestions for practice gathered from a range of provider types across different sectors.

It may not be necessary or practicable for your school or TEO to adopt some of these recommendations, or there may be other practices not listed here that your school or TEO decides it needs to do to meet the outcome 2 requirements.
Ultimately, once you have complied with the minimum process requirements, you should assess what you need to do to be confident that your agents are providing quality advice to students, and acting with integrity and professionalism.

Understand the intent of this outcome

Outcome 2: managing and monitoring agents, states:

Signatories must effectively manage and monitor their agents (that is, those agents that signatories have contracted to represent them) to ensure that those agents –

a) provide international students with reliable information and advice about studying, working, and living in New Zealand;

b) act with integrity and professionalism towards prospective international students.

The intent of this outcome is:

- to acknowledge that agents play an important role in the decision-making of international students and their families
- ensure that agents act with the utmost integrity at all times and are clear about their obligations to families and the organisations they represent
- for providers to have procedures to make sure their agents provide students and their families with the best possible information and support.

It is important to keep the intent of the outcome in mind when contracting, supporting, and monitoring your agents.

Understand the role of agents

Understand how an agent is defined in the Code

An agent is defined in the Code as a person, body, or organisation acting on behalf of a provider or signatory, and includes a subcontracted agent.

Know that there are different types of agents

- Education agents work in international student recruitment.
- Immigration advisors provide immigration advice. They may also be education agents (note people who give New Zealand immigration advice must be licensed, unless exempt)
• Agents may work offshore or onshore.

**Be aware of the key services that agents may provide**

• Information on living and studying in New Zealand
• Assistance with applications to education providers
• Advice on visa options and/or assistance with visa applications (see agents' legal obligations for information about giving immigration advice)
• Promotion and marketing of education providers
• Market intelligence
• Translation services.

**Understand the motivations of agents**

• Most agents act in the best interest of the student.
• Agents make money through commission-based sales.
• Commission is paid by the provider, usually in the form of a percentage of the tuition fees the student pays.
• Some agents also charge the student fees for different services they offer, over and above any tuition fees the student pays.

**Remember the benefits of working with agents**

• Agents are a valuable channel for providers seeking to recruit international students and remain competitive in the market.
• Agents extend the "reach" of providers in offshore markets.
• Agents can assist providers with knowledge of the student’s language, cultural values and contacts.
• Agents can provide useful guidance and support to students and their families in decision-making, pre, during and post-arrival time.

**Be mindful of the challenges of working with agents**

• Working effectively with agents requires sustained investment of funds by providers.
• There may be a disconnect between the priorities, policies and values of the provider and the agent.
• The risks of this disconnect and not integrating agent management into business practice include: poor outcomes for students and their families and reputational damage to provider and New Zealand education system.
Understand your agents' legal obligations

**Under the London Statement of Principles, agents are required to:**

- practice responsible business ethics
- provide current, accurate and honest information in an ethical manner
- develop transparent business relationships with students and signatories through the use of written agreements
- protect the interests of minors
- provide up-to-date information that enables international students to make informed choices when selecting which agent or consultant to employ
- act professionally.

**Under the Immigration Advisers Licensing Act 2017 (the Act):**

- People who give New Zealand immigration advice must be licensed, unless it includes providing information from a publicly available source or clerical work.
- Education agents are exempt to advise on student visas, but only when offshore. They are not exempt to advise on any other immigration matter. Onshore education agents must be licensed to provide any immigration advice, including on student visas.

Information on what is immigration advice, including factsheets for education providers and agents, is available on the Immigration Advisers Authority website.

Integrate agent management into business practice

**Key starting points**

- Include costs of managing and monitoring agents in your organisation’s annual budget.
- Designate staff for the ongoing identification, recruitment, training, management, and review of your organisation’s agent network.
- Develop the information systems required for the ongoing monitoring of agents.
• Develop a policy stipulating:

1. criteria for agent selection
2. appointment and review process
3. support for agents through access to information, regular contact and training
4. commission for recruitment
5. investigation process for student complaints regarding agent's conduct (see ENZ's, for example)
6. process to terminate agent contract in case of agent misbehaviour.

If resources are available, develop an agent information portal as the main communication channel. The portal can include:

• agent training initiatives
• programmes of study the provider wishes to promote to international students
• any relevant fees
• policy on recognition of prior learning
• international scholarships
• marketing initiatives, events and exhibitions
• online application submission and tracking facilities
• information on the city where provider is located, such as average cost for student accommodation, food and transport
• a copy of the Education (Pastoral Care of International Students) Code of Practice 2016.

Set and monitor key agent performance indicators (KPIs)

• An expected conversion rate for offers of place and monitor the conversion rate (How many of the offers of place issued to the agent result in a visa application?).
• The agent's visa approval rate (How many of the visa applications submitted result in an approval?).

Utilise different sources of information

• Contact local Business Council, Study Group and agents’ associations.
• Contact providers with experience in managing and monitoring agents.
• Sign-up to Education New Zealand (ENZ) Skills Lab. It has three training modules on agents to assist providers.
• Visit relevant websites, such as ICEF and FPP.
Choose good agents

Be in the driver’s seat

• Ensure the agent is a fluent communicator in English as well as the home country language.
• Look for agents in line with your organisation's international strategy and priority markets.
• Be aware of differences between regions of priority markets in terms of risks and opportunities. Not all regions of one country are the same.
• Ensure the agent has knowledge of New Zealand and its education system. If they are not familiar, consider developing this.
• Check the list of ENZ recognised agents; they have completed training about learning, living and working in New Zealand (NB: ENZ is in the process of updating this list).
• Refer to the Immigration Advisers Authority (IAA) website for a list of licensed immigration advisers.
• Check the agency’s student visa application approval rates on INZ website (currently available for agents based in India, Philippines and Viet Nam only).
• Develop a waiver/obtain the permission of the agent for your organisation to check performance with INZ.
• Seek advice and references from international education professionals/providers who have used that agent.
• Google the prospective agent/agency.
• Attend agents and student recruitment fairs to meet agents interested in New Zealand (check the ENZ website for events list).
• Remember it is at your organisation's discretion to choose to offer a contract.

Undertake due diligence: develop a robust agent application form

Sample of questions to be included under each relevant section:

Contact details

• Registered agency name and trading name
• Owner/director and main contact person
• Street and postal address
• Telephone/email/website/skype/viber/wechat/lime/whatsapp, etc.

Business background

• When was the agency formed?
• What is the main purpose of the agency? (student recruitment, travel and tourism, immigration, other – please specify)
Does the agency have offices that operate independently from head office?

Is the agency GST registered in New Zealand? If so, please provide GST number.

Does the agency have membership to any professional organisation linked to the education industry?

Is the agency registered officially in its home country? If so, please provide details.

Are agency staff members licensed immigration advisers with New Zealand’s Immigration Advisers Authority?

Is the agency an ENZ Recognised Agency? Have the agents completed ENZ’s Online Training Programme?

International student recruitment experience

How many student counsellors/advisers does the agency employ?

Have the agents had experience as international students? (If so, which providers and countries?)

Does the agency publish a company prospectus or brochure in English?

What are the nationalities of the students the agency recruits?

Which countries does the agency send most students to?

What education levels does the agency recruit most students for (e.g. foundation, undergraduate, postgraduate)?

In addition to the commission received from providers, does the agency charge student clients any type of additional fee at any stage? If so, provide details.

How many students did the agency recruit last year in total? How many for New Zealand providers?

Knowledge of New Zealand, provider and relevant requirements

Does the agency have a representative in New Zealand?

Does the agency have current working arrangements with any other providers?

Does the agency assist students with travel and immigration requirements? (see agents’ legal obligations for information about immigration advice)

What systems does the agency have in place for checking that students have the required English language proficiency and other academic entry requirements?

What systems does the agency have in place to ensure students meet immigration requirements (if applicable)?

Does the agency have a protocol for dealing with students?

Are the agents aware of the New Zealand Education (Pastoral Care of International Students) Code of Practice 2016?

How many students does the agency anticipate sending to New Zealand and [provider’s name] per year?

Which of [provider’s name] programmes of study is the agency most interested in?

Is the agency interested in undertaking further training to learn more about New Zealand, [provider’s name] and relevant requirements?
Business credentials

• Please provide two education providers to act as referees (preferably from New Zealand or Australia).

Sample of reference check questions

• How long have you [referee] worked with this agent?
• Is the agent reliable and professional?
• Are you [referee] aware of any incidence of fraud or unethical behaviour?
• Has this agency submitted successful student applications (converted to offers of place) within the past 12 months?
• Please comment on the quality of the students referred by this agent.
• Any comments or feedback on this agent’s knowledge, skills or ability?
• How would you [referee] describe the agent’s knowledge of New Zealand policies, etc.?
• Do you [referee] recommend this agent?
• Any other relevant information you [referee] would like to provide?

Develop a robust agent contract

Outline expectations of agent behaviour in the agent’s contract (include):

• interviewing prospective students and their families
• the use of subcontracted agents (whether as a provider you allow this or not)
• no commission paid to students selected when already on pathway (to discourage poaching practices)
• agreement to commission schedule structure
• no student funds held by agent, payments must be forwarded and must be in gross.

Clearly define the roles and responsibilities the agent will hold:

• promotion and marketing, such as advertising in shop front, agent representing provider at events, advertising campaigns, etc.
• market research, such as informing provider of upcoming trends, demands and market conditions
• pre-departure orientation
• post-departure support and counselling.

Request declarations of:

• potential conflicts of interest
• act in accordance with the New Zealand’s Immigration Advisers Licensing Act
• act in accordance with the New Zealand Education (Pastoral Care of International Students) Code of Practice 2016
• adherence to ethical standards (attach the London Statement of Principles for ethical international student recruitment)
• any material translated by the agent must be consistent with the English version.

Request inclusion of:

• vetting waiver authorising INZ to provide all relevant data regarding agent conversion rate of offers of place (e.g. expectation of 20% of offers issued by provider result in successful student visa applications)
• a copy of all visa decline letters that the agent receives
• robust verification of student documentation prior to submission to provider.

Seek independent legal advice on your agent contract before using.

Support your agents

The provider-agent relationship is two-way.

Providers can support agents by:

• offering ongoing training to enable agents to provide up-to-date and useful information to students
• requesting feedback from agents to assess how to better enable positive outcomes for provider, students, agents
• keep agents informed of any changes to government education or immigration policy.

Sample of agent survey questions

• How satisfied are you [agent] with the services provided by [provider name]?
• What can [provider name] do to improve its relationship with you [agent]?
• Have you [agent] kept in contact with students after they started studying with [provider name]?
• Are you [agent] confident you have the support needed to maintain your contract? Would you like further training?
• How easy is it to access [provider name]’s information needed to keep students informed?
• How satisfied are you [agent] with [provider name]’s:

1 length of time to process enquiries
2 length of time to process applications
3 quality of information received
4 accuracy of information received.
Manage risk

Manage the risk to your organisation, students and the reputation of the international education sector by:

• consolidating the number of contracted agents so that they can be actively managed and monitored by your organisation
• including the agent name in the offer of place whenever possible
• if agents use subcontracted agents, including both the primary agent and subcontracted agents’ names on the offer of place
• if the provider does not allow subcontracted agents, stating on the offer of place that it is invalid if submitted to INZ by anyone other than the agent named on the offer
• measure the percentage of students enrolled through agents to assess your dependency on agents
• developing an agent-focused webpage for all relevant information
• advising agents that the Code of Practice and a summary pamphlet are available in 11 languages
• regularly checking agents’ marketing (including immigration related statements) online and off
• visiting offshore agents when possible, to get a first-hand understanding of how they operate
• surveying students and families for their experiences dealing with your organisation’s agents
• translating surveys into different languages to access families’ feedback.

Sample of student/family survey questions

• Describe your overall level of satisfaction with [agent name]’s performance
• Describe [agent name]’s level of knowledge about [provider name]’s:

  1. programmes of study
  2. entry requirements (such as English language proficiency)
  3. student support
  4. refund policy
  5. facilities
  6. accommodation options
  7. International Student Handbook
  8. other relevant information

• Did the agent charge a service fee? If so, how much?
• How well did the agent prepare you [student] for your arrival in New Zealand?
• Do you [student] have any suggestions on how [provider’s name] can improve the service to our students?
Any other comments on the service received from agent?

**Risk analysis and follow-up action**

- Look for trigger points and trends in the agents’ KPIs and surveys that lead to poor outcomes for students.
- Access agent engagement with your organisation to determine future partnerships (e.g., responding in a timely manner, etc.).
- Where risk is identified, send information to the student, the agent and relevant government agencies:
  - NZQA: code.enquiries@nzqa.govt.nz
  - INZ: educationproviders@mbie.govt.nz
  - ENZ: agenthelp@enz.govt.nz
  - IAA: info@iaa.govt.nz

Email any suggestions for and contributions to this page to code.enquiries@nzqa.govt.nz.

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