

## **ESOS COMPLIANCE FRAMEWORK**

### **1. Overview**

The Commonwealth has put in place a regulatory framework which establishes the minimum requirements for education programs delivered to international students including the *Education Services for Overseas Students Act 2000* (ESOS Act), the *Education Services for Overseas Students Regulations 2019* (ESOS Regulations) and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code).

The purpose of this Policy is to describe how the Higher Education Leadership Institute (“the Institute”) will comply with this regulatory framework in practice.

### **2. Commitment to compliance**

The Institute is committed to achieving full compliance with ESOS legislative requirements. To support compliance the Institute will:

- a. inform international students clearly and in a timely manner of their rights and responsibilities arising under ESOS;
- b. ensure staff are aware of the Institute’s ESOS obligations and how this affects their roles and their interactions with international students;
- c. maintain a suite of policies and procedures that clearly explain the rights and responsibilities of international students in the context of the ESOS compliance framework;
- d. ensure that courses offered to international students are delivered by qualified staff in appropriate facilities according to delivery arrangements appropriate to international students;
- e. provide appropriate support services to meet the needs of international students;
- f. ensure that all relevant information related to international students is entered into PRISMS in a timely manner;
- g. keep the relevant government agencies up to date with any notifiable changes.

The General Manager Higher Education Quality is charged with the responsibility for coordinating and overseeing ESOS compliance.

To measure and verify compliance with the National Code, the General Manager Higher Education Quality will undertake an annual self-assessment against the National Code Standards and create a report for the Board of Directors. The report will detail the outcome of the self-assessment and any suggestions for improvement that might be implemented to enhance compliance.

### **3. Staff obligations**

All Institute staff have a responsibility to ensure that their activities on behalf of the Institute, and those of their colleagues, comply with the ESOS regulatory framework. All staff are required to:

- a. Comply with all relevant ESOS regulation;
- b. Familiarise themselves with the Institute’s policies and procedures relating to international students that affect their workplace and activities;

- c. Report perceived breaches or weaknesses of the Institute's ESOS compliance.

All staff will be inducted on commencement of their employment with the Institute. Staff induction will include a session on staff responsibilities in regard to the ESOS regulatory framework.

Staff will be reminded of their obligations in relation to international students in professional development sessions and staff meetings, where appropriate. Staff will also be kept up to date with any changes to the ESOS regulatory framework which may affect their duties.

Any staff member who perceives a breach or weakness in the Institute's ESOS compliance should contact the General Manager Higher Education Quality Quality Manager. The General Manager Higher Education Quality will ensure that the issue is dealt with as an opportunity for continuous improvement and the staff member's concern will be noted and monitored through the Institute's quality management system.

#### **4. Marketing and recruitment of international students**

The Institute will ensure that the marketing and promotion of its courses to international students or intending students, either directly or through an education agent, is not false or misleading, and is consistent with Australian Consumer Law.

In seeking to enter into written agreements with international students or intending students, the Institute will ensure it meets the information requirements set down in Standards 1 & 2 of the National Code.

The Institute will ensure that all marketing material complies with its *Ethical Marketing Policy and Procedure [QAF034]*.

#### **5. Formalisation of an international student's enrolment**

The Institute will enter into a written agreement with every international student, or intending student, signed or otherwise accepted by the student, concurrently with or prior to accepting payment of tuition fees or non-tuition fees.

The written agreement will meet the requirements as outlined in Standard 3 of the National Code.

The Institute will retain records of all written agreements as well as receipts of payments made by students under the written agreement for at least 2 years after the person ceases to be an accepted student.

#### **6. Education agents**

The Institute will enter into a written agreement with each education agent it engages to formally represent it and enter and maintain the education agent's details in PRISMS.

The written agreement will meet the requirements as outlined in Standard 4 of the National Code.

Where the Institute becomes aware that, or has reason to believe, the education agent or their representative has not complied with the education agent's responsibilities, the Institute will take immediate corrective action.

Where the Institute becomes aware, or has reason to believe, that the education agent or their representative is engaging in false or misleading recruitment practices, the Institute will immediately terminate its relationship with the education agent or require the education agent to terminate its relationship with its representative who engaged in those practices.

The Institute will not accept students from an education agent if it knows or reasonably suspects the education agent to be:

- a. providing migration advice, unless that education agent is authorised to do so under the Migration Act;
- b. engaged in, or to have previously engaged in, dishonest recruitment practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of the Institute in relation to international student transfers;
- c. facilitating the enrolment of a student who the education agent believes will not comply with the conditions of their visa;
- d. using PRISMS to create CoEs for other than a bona fide student.

## 7. International student support services

The Institute will provide support services to international students as specified in Standard 6 of the National Code.

The Institute will designate a member (or members) of staff to be the official contact point for international students.

## 8. PRISMS

For the purposes of meeting the Institute’s obligations for reporting through the PRISMS<sup>1</sup> system the PRISMS Reporting Officer will be the Operations Manager.

In order to access PRISMS the Institute’s Registered Signatory Delegate (RSD)<sup>2</sup> will arrange the necessary access for the PRISMS Reporting Officer. The PRISMS Reporting Officer will be provided with access to the *PRISMS Provider User Guide*.

## 9. Related documents

- QAF034 Ethical Marketing Policy and Procedure
- Representative Agreement
- Letter of Offer and Student Agreement – International Student
- PRISMS Provider User Guide

## 10. Version control

Version	Approved by	Approval Date	Details
1.0	Executive Management Committee	27 May 2019	Document creation
1.1	Quality Manager	7 May 2020	Change to position titles and reformat to HELI style guide
1.2	Quality Manager	17 November 2021	Minor changes
1.3	CEO	7 July 2023	Minor Change of document owner and job title

Document owner: General Management Higher Education Quality

<sup>1</sup> Refers to the *Provider Registration and International Students Management System*

<sup>2</sup> Initially, the PEO will be the only Registration Signatory Delegate (RSD). Once users are created under the providers’ authorisation, the RSD can be changed to another user in the organisation