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Global Agent Code of Conduct

Version	1.0
Short Description	This policy is established to define the responsibilities and obligations of any Educational Agent representing Study Group for the recruitment, promotion and general assistance of international students on Study Group education programmes within all operational territories.
Authority	The Board
Policy Owner	General Counsel
Relevant to	All Study Group Representatives are required to comply with this policy Study Group Representatives include employees, contractors, consultants or agency works, Education Agents, Study Group University Partners and third party contractors to the extent that they represent Study Group.
Date introduced	August 2018
Date(s) modified/reviewed	n/a
Next scheduled review date	August 2019
Related Study Group documents	This policy is an addition to the Study Group Policy framework. Any other existing Study Group policies should be read in conjunction with this policy.



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1. POLICY STATEMENT

The ethical performance of Education Agents is of paramount importance at Study Group. This policy is established to define the responsibilities and obligations of any Educational Agent representing Study Group for the recruitment, promotion and general assistance of international students on Study Group education programmes within all Operational Territories.

You may find that the principles outlined in this policy conflict with other advice that you have been provided with.

- i. The minimum standards expected of an agent representing Study Group are outlined here. It is always best to start with this Global Agent Code of Conduct.
- ii. If your engagement contract, regulatory requirements or country/state legislation say that you must do something differently, it is of the utmost importance that you follow the law at all times. **Always do what you are legally required to.**
- iii. In all other cases, you should follow any local business-branded policies or procedures, as these should supplement the minimum Study Group standards and legislative requirements above.

This Global Agent Code of Conduct has been compiled together with the use of several regulations and guidance documents from our Operational Territories. The following guidance documents were used for reference:

- Statement of Principles for the Ethical Recruitment of International Students by Education Agents and Consultants (The London Statement) (viewable at http://www.ukcisa.org.uk/file_download.aspx?id=16942)
- UKCISA Code of Ethics and its Commentary (viewable at <https://www.ukcisa.org.uk/Research--Policy/Resource-bank/resources/41/The-UKCISA-Code-of-Ethics-and-its-Commentary>)
- British Council: Guide to Good Practice for Education Agents (viewable at <http://www.britishcouncil.org/sites/britishcouncil.uk2/files/guide-to-good-practice-for-education-agents.pdf>)
- ACPET Code of Practice for the Engagement of Education Agents (viewable at http://www.acpet.edu.au/uploads/files/member_resources/ACPET-Code-of-Practice-130315.pdf)

- NZQA Education (Pastoral Care of International Students) Code of Practice 2016 (viewable at <http://www.nzqa.govt.nz/assets/Providers-and-partners/Code-of-Practice/2016-Code-pdfs/2016-Code-of-Practice-English.pdf>)
- National Association for College and Admission Counselling: International Student Recruitment Agencies (viewable at <https://www.nacacnet.org/knowledge-center/international/Guide-International-Student-Recruitment-Agencies/>)
- Australian International Education and Training: Agent Code of Ethics (viewable at <https://internationaleducation.gov.au/News/Latest-News/Documents/Australian%20International%20Education%20and%20Training%20-%20Agent%20Code%20of%20Ethics.pdf>)

You are expected to read, understand and comply with the terms of this Global Agent Code of Conduct at all times whilst performing services as an Education Agent.

2. DEFINITIONS

Bribery and Corruption – means offering, promising, giving, accepting or soliciting an advantage as an inducement for an action which is illegal, unethical or a breach of trust, as well as the abuse of entrusted power for private gain. It includes conduct that amounts to US bribery, UK bribery or Australian bribery or corrupt commission.

Education Agent – means an individual, business or organization who has entered into a written agreement with Study Group to assist Students accessing education programmes, including, but not limited to, promotion of Study Group programmes, academic counselling, completion of application forms, and assistance with visa application, but only to the extent that the Education Agent represents Study Group.

Global Agent Code of Conduct – means this document, as amended from time to time.

Operating territories – means the UK, Europe, Australia, New Zealand, United States of America and Canada.

Student – means a prospective or enrolled student who is classed as an international student for the Operating Territory they are intending to study in.

Study Group Representative – means all Study Group employees, contractors, consultants or agency works, Education Agents, University Partners and third party contractors to the extent that they represent Study Group.

University Partner – means public or private Higher Education provider who has a written agreement under which Study Group is delivering accredited academic programmes. The University partner is providing their name, reputation and intellectual property for the academic programme and its quality assurance and monitoring mechanisms, but only to the extent that the University Partner represents Study Group.

3. BACKGROUND

Study Group is bound by various legislations and agreements to ensure the appropriate, effective and legal recruitment of Students within the Operating Territories. In return for the ability to represent our interests in respect of advice to Students, we feel it is important that our agents comply with the law in our contracts but also to the high standards of behaviour that we expect.

4. REQUIREMENTS OF AN EDUCATION AGENT

Before any Education Agent can act as a Study Group Representative, it needs to satisfy and agree to certain criteria that will bind and formalise its relationship with Study Group. Each Education Agent of Study Group is required to:

- enter into a written agreement to formally document the relationship between the two parties;
- disclose any previous or pending sanctions, fines or decisions imposed on them which may impact their services as an Education Agent;
- complete the mandatory Study Group anti-bribery and corruption training;
- agree to act in accordance with all local legislation and regulations of the Operating Territory the Student is intending to study in;
- agree to act in accordance with the Global Agent Code of Conduct at all times during their engagement as a Study Group Representative;
- agree to act in accordance with the terms and conditions of the agent agreement;
- agree to the publication, as required by any manner prescribed by legislation of the Operating Territories, of your engagement as an Education Agent of Study Group;

- declare any conflicts of interests, in writing, and take any reasonable steps to avoid or mitigate any conflicts of interests with its duties as an Education Agent of Study Group.

5. MONITORING OF EDUCATION AGENT

Study Group will continuously monitor the activities of the Education Agent throughout their engagement as a Study Group Representative. This is to ensure that the Education Agent is adhering to the terms and conditions of their engagement, the Global Agent Code of Conduct and any legislative instruments that may be applicable.

6. INTEGRITY

It is extremely important that any Education Agents representing Study Group are straightforward and honest in all professional and business dealings at all times. Education Agents are expected to conduct themselves in a manner which reflects positively on the professional image of education agents, Study Group and University Partners. The principles below are intended to help Education Agents with Integrity when recruiting Students, including, but not limited to:

- Maintain the highest ethical standards and comply with any legal, statutory, regulatory and institutional requirements applicable to their Operating Territories;
- Promote Study Group programs with integrity and accuracy;
- Only undertake promotional and marketing activities that have been approved by Study Group;
- Only use the official forms and include all necessary choices and dates required;
- Uphold the high reputation of Study Group and the education system of the Operating Territory of which the Student is intending to study in;
- Provide full, honest and accurate information about themselves, Study Group and the courses provided by Study Group;
- Always be reliable, honest and trustworthy to students and Study Group;
- **NEVER** facilitate applications for Students who do not comply with visa regulations or suggest that a Student can use a student visa for another purpose other than full time study;

- **NEVER** provide Students with migration advice, unless the Education Agent is authorized to do so under the Operating Territory's legislation;
- **NEVER** discount any Study Group programmes further than any listed price or special promotion price without the prior written approval of Study Group; and
- Ensure that Students are fully advised of the procedures to pursue complaints.

7. OBJECTIVITY

Students place a significant amount of trust in their Agents throughout the process of their application. Therefore, it is essential that Education Agents maintain the highest level of professional objectivity when communicating information about courses, fees, refunds and any other important information which the Student needs to make an informed decision. The principles below are intended to help Education Agents with Objectivity when recruiting Students, including, but not limited to:

- Education Agents must give Students correct and full information about:
 - the courses/qualifications offered;
 - the course content and duration;
 - the course fees, including advice on annual fee increases and refund policies; and
 - the visa requirements.
- Always act in the best interests of the Students, insuring there is no conflicts of interests with their application;
- Provide information to students that shall be sufficient, accurate and up-to-date and that will enable them to make an informed judgement;
- Not to withhold any relevant information from the Student at any time;
- Not to give any inaccurate information to a Student about acceptance onto a course for which they applied;
- Not to give inaccurate information to a Student about the fees and charges payable to Study Group;

- Not to give inaccurate information to a Student about the valid visa requirements; and
- To ensure that there is no direct government endorsement within a Student's application.

8. PROFESSIONAL COMPETENCE AND DUE CARE

Educational Agents have a direct impact on a Student's decision to enrol on a course at Study Group as they provide all of the information needed and advise the Student from their initial interest. For this reason, it is of the utmost importance that Educational Agents maintain professional knowledge and skill at the level required to provide the Student's with a competent professional service. The principles below are intended to help Education Agents with Professional Competence and Due Care when recruiting Students, including, but not limited to:

- Convey all information to Students to ensure that they understand the requirements of their chosen course;
- Assess the Students desire to participate and complete their chosen course;
- Have the appropriate knowledge and understanding of the international education system that you are recruiting Students into;
- Demonstrate quality and effective recruitment practices and standards;
- Not engage in practices that are considered to be negligent, careless or incompetent;
- Evaluate the Student's study capacity prior to enrolment in their chosen course; and
- Education Agents **MUST** not:
 - make any representations or offer any guarantees to Students about whether they will be granted a student visa;
 - engage in false or misleading advertising or recruitment practices; offer discounts and/or scholarships without prior written permission from Study Group;
 - make any false or misleading comparisons with any other education provider or their courses;
 - make any inaccurate claims of association of Study Group with any other education provider;

- undertake any advertising or promotional activity on behalf of Study Group or the courses offered by Study Group without the prior written consent of the group. Advertising or promotional activities will be at the expense of the Representative unless otherwise agreed in writing by Study Group in advance;
- deduct any amount from the fees and charges payable to Study Group by a Student.

9. TRANSPARENCY

Students take a big step forward when they declare their interest in a Study Group course. Without knowing all of the relevant and important facts about the course, a prospective student could enrol on a course which they cannot fully afford, complete or enjoy. Therefore, it is imperative that Education Agents are transparent during the entire application process, declaring conflicts of interest to all Prospective Students, especially when service fees are charged to both the education provider and the Student. The principles below are intended to help Education Agents with Transparency when recruiting Students, including, but not limited to:

- From the beginning of the application process, Education Agents should be clear to all parties about their role;
- Ensure that the Student knows that the Education Agent will receive commission for the enrolment of the Student on the chosen course;
- Ensure Students are made aware of pre-requisites for course, full course tuition fees, textbook fees and any other charges;
- Not misrepresent the potential employment outcomes of the course;
- Not advertise or promote themselves as the provider;
- Only promote and market activities that have been approved in advance by Study Group;
- Keep documentary evidence of decisions reached, especially relating to performance reward and marketing activities; and
- Maintain Student confidentiality.

10. PROFESSIONAL BEHAVIOUR

Study Group expects that, in the performance of their services, each Education Agent will act with the utmost professional behaviour. This means acting in accordance with relevant laws and regulations and dealing with clients competently, diligently and fairly. The principles below are intended to help

Education Agents with their professional behaviour when recruiting Students, including, but not limited to:

- High standards of professional conduct;
- Act in good faith and with fairness, consideration and impartially;
- Show appropriate sensitivity to other cultures and value systems;
- Refrain from unseemly criticism of other advisors or originations;
- Recognize the power of influence with role;
- Refrain from becoming involved in personal relations with Student;
- Ensure all personnel adequately training and assessed with provider expectations;
- use their best endeavours to provide an "offer" documents received from Study Group to the Student within 24 hours of receiving the documents;

11. PROFESSIONALISM AND PURPOSE

Education Agents should always act in a manner that serves the best interests of Students and the wider society, even at the expense of their own self-interest. By adhering to the principles below, Education Agents can uphold the trust and confidence of stakeholder groups and the wider public in their profession. These principles are:

- Accurately represent areas of expertise in competence, education, training and experience;
- Not discriminate or tolerate discrimination of any kind;
- Accept only gifts of nominal value – refer to STUDY GROUP Policy on Gifts;
- Conduct themselves with integrity and in a manner that will reflect positively on the image of their profession;
- Professional and ethical manner and shall ensure that their business activities reflect best practice; and
- Fairly and without recourse to unfavourable or negative comparisons with other institutions.

12. UNDER 18'S POLICY & PROCEDURE

When recruiting Students under the age of 18, Education Agents are required to take further steps to ensure that additional care. It is expected that the Education Agent will:

- Ensure that the Student has adequate representation and support from a guardian and/or legal counsel during meetings with the agent or consultant and that this is recorded as informed consent before any money changes hands;
- Ensure that all applications for admission, for Students under the age of 18, are also signed by the parent or nominated guardian of the Student;
- Ensure that the client has the legal capacity to enter into any agreement/commitment; and
- Act not only in accordance with relevant laws and regulations, but competently, diligently and fairly that befits dealing with minors.

13. CONFIDENTIALITY

Education Agents have access to personal data which is confidential and may be classified as special category data. It is imperative that Education Agents respect and preserve the confidentiality of all personal student data acquired. Study Group expects that their Education Agents:

- **NEVER** release or pass student information to third parties without Study Group's prior written approval;
- Always comply with legislative data protections for the Operating Territory the Student is proposing to study in;
- Maintain confidentiality and integrity of information of Students as per the terms and conditions and Global Agent Code of Conduct.
- Strict confidentiality of potential and existing Student details; and
- Education Agents and its employees may not disclose information of the Student to anyone other than Study Group without the written consent of these parties, unless required to by a government agency in the operational territory.

14. CONSEQUENCES OF NON-COMPLIANCE

A Study Group Representative who fails to comply with or attempts to violate this Policy, or any other formal Study Group policy, may be subject to disciplinary action and/or criminal prosecution by external authorities.

Education Agents of whom Study Group have reason to believe are non-compliant with this Global Agent Code of Conduct, or the terms and conditions of their engagement may, at Study Group's sole discretion, lead to:

- An issuance of a written warning to the Education Agent;
- A variation of commission rates for an extended period of time;
- The immediate suspension or termination of the Education Agent recruitment of Students from a specific territory;
- The immediate suspension or termination of the relationship between the Education Agent and Study Group;
- The requirement of the Education Agent to terminate its relationship with the employee or contractor who engaged in non-compliant practices;
- The requirement of the Education Agent to immediately comply with Study Group's directions on corrective actions; and
- civil prosecution resulting in fines or imprisonment.

Useful Statutory Acts for reference

- **Australia**
 - Education Services for Overseas Students (ESOS) Act (viewable at <https://www.legislation.gov.au/Series/C2004A00757>)
 - National Code of Practice for Providers of Education and Training to Overseas Students 2018 (viewable at <https://www.legislation.gov.au/Details/F2017L01182>)
 - Privacy Act 1988 (viewable at <https://www.legislation.gov.au/Details/C2018C00034>)
- **UK**
 - Data Protection Act 2018 (viewable at <https://www.legislation.gov.uk/ukpga/2018/12/enacted>)
- **New Zealand**
 - Education (Pastoral Care of International Students) Code of Practice 2016 (viewable at <http://www.legislation.govt.nz/regulation/public/2016/0057/1/atest/DLM6748147.html>)