

## 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 ECA College of Health Sciences (“the College”) will comply with this regulatory framework in practice.

### 2. Commitment to compliance

The College is committed to achieving full compliance with ESOS legislative requirements. To support compliance, the College 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 College’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 for 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 Chief Executive Officer is in charge with the responsibility of 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 College staff have a responsibility to ensure that their activities on behalf of the College, 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 College’s policies and procedures relating to international students that affect their workplace and activities;
- c. report perceived breaches or weaknesses of the College’s ESOS compliance.

All staff will be inducted on commencement of their employment with the College. Staff induction will include a session on staff responsibilities regarding 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 College's ESOS compliance should contact the General Manager Higher Education Quality. 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 College's quality management system.

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

The College 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 the Australian Consumer Law.

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

The College will ensure that all marketing material complies with its *Marketing Plan [CHSPLN020]*.

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

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

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

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

Where the College becomes aware, or has reason to believe, that the education agent or their representative is engaging in false or misleading recruitment practices, the College 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 College 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 College 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 College will provide support services to international students as specified in Standard 6 of the National Code.

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

## 8. PRISMS

For the purposes of meeting the College’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 College’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

- CHSPLN020 Marketing Plan
- 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	CEO	18 March 2024	Document created – this framework is now harmonised across the IHEs. The next review date for this framework is on 18 March 2025.
1.1	CEO	30 January 2025	CEO reviewed and extended the review date to 18 September 2025

Document owner: General Manager 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