



**Inside  
this issue...**

ATA Code  
of Conduct  
Supplement  
Proposed Changes | 1

WWCC in NSW | 2

Long Service Leave | 2

The GTA | 3

The ATA in the  
Press | 3

ATA Member  
Numbers | 4

ATA's first Dawin  
based member | 4

Aust. Gov. Job  
Outlook | 4

Formation of  
Tutoring Association  
in Britain | 4

News from  
America | 5

News from  
Britain | 5

News from  
South East Asia | 8

# ATA Code of Conduct Supplement – On-line members

Over the past few months a small group of ATA members has been drafting a supplement to the ATA Code of Conduct in order to address emerging issues in relation to on-line tutoring. The group comprised: Mohan Dhall (ATA CEO and PLC Extension Centre), Neil Saint (WA tutor), Caroline Naguib (General Manager, E-Tut, NSW) and Cameron Esslemont (Shared Concepts, NSW).

Having been approved by the ATA Board on 22nd May 2013, in addition to following the ATA Code of Conduct, it is proposed that ATA Members and Associates that carry out on-line tutoring shall be further subject to the following:

### The listing of details in regards to tutor qualifications and experience

S1 ATA members shall list the minimum qualifications that all tutors have. This includes for example a university degree in the area they are teaching and their relevant teaching experience.

The words 'available upon request' are not acceptable for ATA members.

### Plagiarism

S2 All ATA member websites must declare that they shall NEVER engage in plagiarism. This includes that they must declare that they will NOT do student's assignments or any other academic work for the student

### Child Protection

S3 For any text-based on-line tutoring a record detailing the contents of each communication must be kept and made available to parents regularly and also anytime upon request.

For any video and/or audio-based on-line tutoring and live steamed sessions the tutor must ensure that the computer being used by the student is in the family area of the home (NOT a bedroom) AND an adult should be present or within hearing range during the tutoring and should also be free to observe, and be present for, each session.

### Definitions:

Text-based includes any material or communication of a textual nature including the use of instant messaging, emoticons and other symbolic representations of communications that are simultaneously used during tutoring or used separately from the audio/video tutoring.

### Your thoughts/input

Please email us on office@ata.edu.au or call on (02) 9704 5724 or fax us on (02) 9744 0519 by June 30 if you wish to contribute to the shaping of this section of the ATA Code of Conduct Supplement

## The all new Working With Children Check (WWCC) in NSW

In NSW, having suffered delays and setbacks, the new Working With Children Check (WWCC) will be implemented from 15th June. For tutors already employed by tutoring businesses within NSW there appears to be no immediate change. The Phase-In schedule, which can be viewed on the link below, indicates that for those currently working with children there is no need to do anything until 1st January 2016.

[http://www.kids.nsw.gov.au/ArticleDocuments/183/FS2\\_Phaseinschedule\\_JUNE.pdf.aspx](http://www.kids.nsw.gov.au/ArticleDocuments/183/FS2_Phaseinschedule_JUNE.pdf.aspx)

However, for those NOT already employed within the sector there is a requirement that any new tutor must have their own Working With Children Check (WWCC) done as a prerequisite for employment. The following information from the NSW Commission for Children and Young People clarifies the situation:

### Children Check

A Working With Children Check is a prerequisite for anyone in child-related work. It involves a national criminal history check and review of reported workplace misconduct. The result of a Working With Children Check is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring, and any relevant new records which appear against a cleared applicant's name may lead to the clearance being revoked. The Check is fully portable which means it can be used for any paid or unpaid child-related work in NSW for as long as the worker remains cleared.

### Fees

Only paid workers in child-related work are required to pay the \$80 fee for a five year clearance. The fee is not refundable if you terminate or withdraw your application, or if you do not receive a clearance.

### When to apply for the Check

If you are starting a new job in child-related work, you must apply for a Check before you start work. If you are already in paid child-related work, or you are a volunteer, you will be phased in over a five year period, according to your industry sector. If you are self employed and hold a Certificate for Self Employed People in Child Related Work, you can continue to rely on your Certificate until it expires. Then you must apply for a Check before you start any new child-related jobs.

Source adapted from: <http://www.kids.nsw.gov.au/Working-with-children/New-Working-with-Children-Check>

## When, if ever, does Long Service Leave (LSL) apply?

An interesting issue arose recently when the ATA was queried about the rules relating to Long Service Leave, LSL. ATA members need to be careful in regards to their legal obligations and even with the best of intentions, adhering to the law can be tricky when the rules are hard to find or understand.

In regards to the inquiry consider the following:

- An employee has been working as a casual in a business for about 12 years. The casual employee's hours vary from 2 to 4 hours per week and their work is done over about 40 weeks in the year. They have a couple of short term (6 months breaks) to raise children

Will the employee be entitled to Long Service Leave?

It is very hard to get information about the specifics of Long Service Leave. LSL is a state-based regime and thus a scan of the Fair Work website and documentation leads a person to the state industrial bodies. This is complicated for business that operate in more than one State.

Nevertheless, the rules appear to be as follows:

- Regardless of whether a person is casually employed, part-time or full time, there may be a requirement to make provision for LSL.
- The idea that 'paying above award' is in lieu of leave should not be taken as the legal position. If this is the expectation then it MUST be put in writing and agreed to by the parties.
- If a person has career breaks and continues to work then for the calculation of the time for LSL the break is considered a period of employment. Note however, that the break will lead to a pro rata effect on the allocation of LSL. To be clear: if a person works for 2 hours per week for 40 weeks and has 12 weeks off prior to recommencing the following year then the 80 hours of work done in the 40 weeks is equivalent to 1.66 hours per week for the year. Assume the person is paid \$50 per hour.

Over ten years at this rate the person's entitlement would be:  $1.66 \div 38$  (equivalent full time hours)  $\times$  12 weeks LSL. This equates to 0.52 weeks. Thus the person will get 2.5 days of Long Service Leave. 2.5 days is 19.8 hours. Thus the LSL is  $\$50 \times 19.8 = \$988$ .

- Note that this seems like quite a lot of money. Note also however, that very few employees work in private tutoring enterprises for 10 years or longer.

*Disclaimer: The information in this piece does NOT constitute legal advice and should not be relied upon. All members MUST seek their own advice and make their own inquiries when faced with matters of a legal nature.*

## The formation of a Global Tutoring Body – The GTA

As previously reported, the ATA has set up a not-for-profit public company limited by guarantee called the Global Tutoring Association (GTA) Ltd. This company was formed in direct response to request from offshore bodies that we do so. The formation of the GTA is also recognition of the need for an overarching body to help coordinate and assist national associations in their move towards responsible and powerful self-regulation.

The principles and aims of the GTA are similar to those of the ATA, except adjusted to the global situation. Namely, the objectives of the Global Tutoring Association (GTA) Ltd are:

- 1.1 To ensure clients are provided with the best possible service by ethical tutoring organisations and practitioners.
- 1.2 To create and maintain an international benchmark for private tutoring services, including maintenance of international accreditation and adherence to accreditation
- 1.3 To provide guidance for the implementation of best practice to national associations and private tutoring providers
- 1.4 To assist national associations in their efforts to self-regulate and to assist private tutoring providers to benchmark best practice national standards in the absence of a national peak body

In July the ATA CEO will travel to the UK and to Greece in order to assist in the set up of a UK Tutoring Association and to help finalise the structure and Code of Conduct for the global body. In Greece will be representatives from national associations and private tutoring providers from, amongst others, the following nations: Greece, Cyprus, Turkey, Germany, South Korea, North America, the UK and Australia.

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[www.ata.edu.au](http://www.ata.edu.au)

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## The ATA in the Press

The ATA has been represented in the Press quite frequently in the past quarter mainly due to media interest in NAPLAN and other tests.

On May 5th Martina Simons writing for the Adelaide Advertiser wrote an article titled “Kids get coached for NAPLAN tests”. This article was reproduced in WA and also in many SA local papers.

Her article can be found on the ATA website or at the following URL:

<http://www.news.com.au/breaking-news/kids-get-coached-for-naplan-tests/story-e6frfkp9-1226635614987>

A day later Katherine Danks writing for the Telegraph wrote an article titled, “A new industry feeds on NAPLAN crammers”. This article focused on the rise in publications that were being commercially produced to assist children and their families prepare for NAPLAN testing. Katherine Dank’s article can be found at on the ATA website.

On May 11th Jewel Topsfield wrote in the Age about toys being sold to children in order to help them cope with the stress of NAPLAN. Her article can be found at the URL below and also on the ATA website:

<http://www.smh.com.au/national/education/toys-enter-naplan-mix-as-the-tests-loom-20130510-2jde1.html>

One day later Josephine Tovey, the Education Editor for the Sydney Morning Herald wrote a well researched article that challenged the myth perpetrated by some private schools that NAPLAN results are not used as one part of a matrix used by private schools when assessing applications for entry. Public schools are also using NAPLAN results for out-of-area applications. The article can be found on the ATA website or at this URL:

<http://www.smh.com.au/national/education/naplan-results-used-as-entry-criteria-for-private-schools-20130511-2jemo.html#ixzz2T2TwWPhL>

On May 11th Niki Gemmell wrote a lengthy piece in The Australian that did not quote from the ATA In her article Gammell lamented the rise of tutoring. In her experience she presented that tutoring was ‘a shame’ because it created an unequal academic playing field. However, the crucial question not address in the piece was why schools do not work with private tutors in support of children. Why do schools ‘ignore’ or hide the issue of private tutoring when the industry is filled with teachers?

## ATA Member numbers

The ATA membership numbers continue to rise. As at 15th May 2013 the membership had reached 456 and there was every indication that the recent growth trend would continue despite the next few months being the lowest in terms of annual renewals.

## The ATA's first Darwin based member!

The ATA was very happy to receive an inquiry from Shannon Russell a few weeks ago. As a trained teacher with extensive experience in schooling in the Northern Territory, Shannon Russell had decided to set up a tutoring business in order to assist families in the education of their children. We are very happy to have Shannon and her business represent the ATA in the 'top end'. She says the following about herself:

"I have been an educator in the Northern Territory for 9 years. I am a registered teacher with the NT Teachers Registration Board and hold a current Working With Children Card (Ochre card). During this time I have worked as a classroom teacher, a Principal in remote schools and as a consultant with the Assessment and Reporting team in the Department of Education and Children's Services.

These positions have provided me with access and knowledge of various different teaching programs and approaches. I have taught from Preschool to Year 11, but my preferred area is Yr 4 - 7.

My time in the Assessment and Reporting team has provided me with the skills to analyse tests such as NAPLAN and research how student responses can provide us with information on the areas in which students require further support. My specialty area in the team was reading, but I was involved in all areas of the testing.

As a mother who has worked full time with three beautiful children currently aged 4, 7 and 12, I understand that as parents we cannot always provide the time and attention we intend to, in order to further support our children's education. As a teacher in today's society, I am more than aware that the opportunity for your child to receive one on one time with their classroom teacher is dwindling and unfortunately this is resulting in our students not progressing academically to their full ability. This is why I have chosen to develop a business that allows for this gap to be addressed."

Shannon says she was very happy to find the ATA on a Google search and is excited about the ATA and the great start her business has had.

We welcome her and her business, I to I Darwin Tutoring Services to the ATA.

## Australian Government Job Outlook prognostics for private tutoring...

The Australian government reports a slight decline in tutor numbers, quantifying the formal industry as containing 30,700 employees. This is a decline from the peak of 35,300 people in the occupation in 2009 and 34,400 in 2010. The occupational sector is classified as a 'large'. Job Outlook reports that 20.3% work full-time. They state that average full-time working hours are 41.8 hours and that this is above the average. Moreover, unemployment in the occupation is below the average for all occupations.

The Job Outlook data also indicates that the industry is stable and growing. It is expected that over the five year 2011-12 to 2016-17 there will be moderate growth. However short term growth prospects appear negative (over the two years 2011-12 to 2013-14).

The average weekly earnings for tutors before tax is \$1,350. This means that the full-time annual wages within the formal sector is  $\$1,350 \times 0.203 \times 30,700 \times 48 \text{ weeks} = \$403.8 \text{ million}$ . The average wages for part time employees are \$180 per week. Thus the wages for all part time employees for the year (assuming a 48-week year) is:

$$\$180 \times 0.797 \times 30,700 \times 48 = \$211.4\text{m.}$$

Thus the total formal wages bill is \$612.2m

If wages equate to even 50% of costs within tutoring businesses then the formal value of the industry (as a conservative estimate) is \$1.2bn. If the informal sector is added the industry is worth over \$2.4bn.

References: Job Outlook, Source: [www.joboutlook.gov.au](http://www.joboutlook.gov.au)  
- Private Tutors and Teachers

## The formation of a Tutoring Association in Britain

The Australian Tutoring Association (ATA) has been approached by the Centre for Market Reform of Education to assist with forming the peak body. At present there is industry consultation. More information can be viewed at:

### The Tutors Association

c/o The Centre for Market Reform of Education  
2 Lord North Street, Westminster, London SW1P 3LB  
[www.thetutorsassociation.org.uk](http://www.thetutorsassociation.org.uk)

# Tutoring news from around the world

## News from America

The National Tutoring Association (NTA) of America has a new website! Their website can be viewed at: [www.ntatutor.org](http://www.ntatutor.org)

The NTA this year is undertaking a massive training programme and the NTA has become active with several extremely large grant and corporate supported tutoring projects. They are working with the L.E.A.D. Program and AT&T to provide tutoring to at-risk youth in six major cities across the country. In some cities they are working with as many as nine high-schools. If the project is successful, we will expand to 18 cities next academic year.

In addition, they are working with the Lear Corporation in Detroit to train Tutor Trainers online through Crossroads of Learning. These trainers will train and certify hundreds of students who want to become peer tutors and help stem the incredibly high attrition rate that exists in that city. The NTA is also working with Communities and Schools programs in two major cities to become NTA Regional Training Centers. NTA trainers have been travelling to colleges across the country providing face-to-face certification trainings.

## News from Britain

The Guardian newspaper has been looking closely at the issue of the growth of private tutoring in Britain. The Guardian revealed that schools are using the government's pupil premium to pay private tutors to assist students. Interestingly, the actual Department of Education website in England agrees that one-to-one tutoring helps improve students outcomes!

See: <http://media.education.gov.uk/assets/files/pdf/e/evidence%20-%20one-to-one%20tuition.pdf>

And

<http://www.education.gov.uk/schools/pupilsupport/premium/how/a00218578/onetoonetuition>



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## What is the intervention? *One-to-one tuition*

### What does it involve?

Interventions in literacy and numeracy to support children with particular difficulties. Without an individualised approach, it may be difficult for certain children to make the progress needed to achieve their full potential. One-to-one tuition can help schools to support such pupils. Typically, tuition is offered in short, regular sessions, and follows a detailed assessment of the child's particular needs.

The DfE funded one-to-one tuition programme was carried out in ten hours of one-to-one delivered in a suggested minimum of one-hour blocks, for English and/or mathematics only. Tuition was only carried out by a qualified tutor (this included teachers with qualified teacher status (QTS), an overseas qualified teacher eligible to teach in schools in England, newly qualified teachers in the summer before they obtain QTS or those with teaching and subject specific qualifications from higher or further education).

One-to-one approaches have been commonly used as part of early intervention schemes often at primary level to help struggling readers. The evidence below relates to a wide variety of 'partnership' interventions e.g. the Paired Reading, the Catch up project and Better Reading partnerships which all involved one-to-one approaches but only some of which were taught by teachers.

### Who has it been used for?

The characteristics of one-to-one schemes can be very varied however they are most commonly used for literacy.

- The Paired Reading scheme has been used for pupils in Years 1 to 6, for 9 weeks. The number of sessions for each child was variable, involving other adults/pupils on a one-to-one basis.
- The Catch-up Literacy was for pupils in Years 2 to 6, for between 12 and 40 weeks for 10 minutes a week individual and 15 minutes a week as a group (involving teachers or teaching assistants).
- Better Reading Partnership was for pupils in Years 1 to 6, for between 10 and 17 weeks for up to 2 or 3 x 15 minutes a week (involving other adults).
- One-to-one tuition (as part of the 'Making Good Progress' pilot) was used with pupils in Key Stage (KS) KS2 and KS3 English and maths who were performing below national expectations – although not specifically targeted on disadvantaged pupils.

### What impact does it have?

- One-to-one tuition can have a beneficial impact on attainment (Cohen et al., 1982). However, as it is often delivered as part of a specific programme or intervention it is hard to disentangle whether it is the tuition, the programme or a combination that is the key to success (Strayhorn and Bickel, 2003).
- Analysis of one-to-one tuition (as part of the 'Making Good Progress' pilot) showed that the tuition had a positive impact on pupil progression over the course of the pilot when controlling for other factors (PwC, 2010).
- For pupils eligible for free school meals (FSM) with lower prior attainment, those who received tuition were more likely to achieve Level 4 at KS2 and to make two levels of progress than those who did not receive tuition (PwC, 2010).
- Pupils eligible for FSM whose prior attainment was at or above national expectations (at Level 2 or above at the end of KS1) who also received tuition were sometimes less likely to reach Level 4 or make two levels of progress than pupils eligible for FSM not receiving tuition (PwC, 2010).
- Traditionally the effectiveness of tutoring has been attributed to the tutors' pedagogical skills (e.g. providing explanations, giving feedback and scaffolding).
- Different studies have found varying levels of positive impact on reading accuracy, spelling, and writing. The strongest impact was found on reading accuracy (Brooks, 2007). One of main benefits was also increased pupil confidence (ECAW, Fisher et al., 2011).
- Some evidence suggests that outcomes are significantly better when delivered by teachers rather than teaching assistants, yet results obtained by teaching assistants and trained volunteers are still very positive (cited in Sharples et al., 2010).
- Whole-class preventive strategies are almost as effective as one-to-one tutoring, and have evidence of long-lasting effects (Sharples et al, 2011) which implies that schools serving many children in poverty should adopt preventive whole-class strategies and then provide tutoring for the small numbers of pupils who may still need it (Sharples et al, 2011).
- All effective partnership schemes provide poorer readers with substantially increased time for reading, supported by a more skilled reader who has received structured training and receives ongoing support. Focused training for the tutors is essential, so that they know what to do when a reader falters or makes an error (Brooks, 2002).

### Where can I find out more information?

The DfE website provides some ten top tips from effective schools and some information on how to maximise the impact of one-to-one tuition.

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## News from South East Asia

Governments in Asia have been very interested in the work of Mark Bray and held a conference in Hong Kong recently that should be of interest to private tutoring bodies everywhere – particularly where there is a failure to have strong self-regulation. The conference was titled “Regulating the Shadow Education System: Private Tutoring and Government Policies in Asia”. Global experts on private tutoring, Prof Mark Bray and Chad Lykins led the Conference. The conference drew in numerous stakeholders and came up with, amongst other things, the following lessons and policy recommendations:

### Lessons and Policy Recommendations

One major lesson from the event concerns diversity in the scale and nature of shadow education. For example, in the Republic of Korea nearly 90% of elementary students receive some sort of shadow education; and in Hong Kong, China, about 72% of senior secondary students do so. Although few statistics exist, proportions appear to be much lower in Uzbekistan and Nepal. However, this does not mean that the authorities in Uzbekistan and Nepal can relax. On the contrary, they would be wise to act now to steer the likely growth of the sector – avoiding the negative aspects and enhancing the positive ones.

The participants noted that different types of regulations may be needed for different types of shadow education providers. In particular:

Companies which provide private tutoring should be subject to commercial regulations for payment of taxes, contracts for employees, etc.. They should also be subject to health and safety regulations on provision of toilets, fire escapes, etc.. The authorities may consider regulations on the qualifications of tutors and on the curriculum, though such matters require careful consideration in different societies.

Teachers who provide extra tutoring are a different category. A strong case can be made for prohibiting teachers from providing private tutoring to the students for which those teachers already have responsibility. This can be done by regulations or by codes of practice, and ideally should have the understanding of parents and support from teachers’ unions. Policy makers may also consider prohibiting teachers from providing private

tutoring to other students. This is easier to propose and to enforce when teachers are paid adequately and cannot reasonably claim that they have to engage in extra work to gain adequate incomes to meet their family needs. Again, policy makers who wish to propose such regulations would be wise to seek the support from parents and teachers’ unions.

University students and other tutors who work on an informal basis cannot be regulated so easily. They commonly provide tutoring without contracts or receipts, and cannot easily be monitored by the authorities. However, governments can educate the consumers, explaining to parents how they might evaluate the quality of services and what risks need to be assessed. These risks can include harm to the children from tutors who do not have adequate professional expertise. It is not only a matter of curriculum but perhaps even psychological stress and, in the worst cases, child abuse.

Internet tutoring is even more difficult to regulate because it can take place across national borders and because the tutoring is received in the privacy of the consumers’ homes. Again, governments can educate consumers on ways to evaluate quality and assess risks.

Entrepreneurs in the industry may also undertake self-regulation. The Policy Forum noted the existence of various associations of tutoring providers, some of which set codes of conduct and have sanctions on members who operate inappropriately.

### Within Tuition Editor

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