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## WithinTuition Editorial

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## Editorial

With 2020 now behind us, we are all hoping that 2021 brings some sort of predictability and a semblance of the lives we knew pre-Covid. We all know that things have irrevocably changed, but we still do not know what the final version of the 'new normal' looks like.

### Predicting disruption

Whilst we would all prefer a situation where there is a high degree of certainty, the reality at present is that there is likely to be ongoing disruption from time to time. This means that contingencies, based on a worst-case scenario of lockdown must be built into present and future plans. Inevitably there are implications for tutoring business, including but not limited to:

- Having an operations plan that allows for a ready shift online from face-to-face tutoring
- Considering both asynchronous and synchronous modes of delivery of content
- Payment options that build in flexibility – such as booking 4 sessions at a time instead of 10 sessions
- A clear policy regarding any changes due to a possible disruption, that is communicated and is a part of the T&Cs
- Having a child protection policy that is consistent with the ATA Code of Conduct and includes technology use
- Training of staff in adapting to different modes of tutoring

### ATA Qualification

In March the ATA qualification will become live. This exciting new qualification will recognise a standard of training for the sector hitherto unmatched domestically or globally. This is highly anticipated, and we look forward to its launch. More can be read about this on pages 2-4 of the Newsletter.

### Calling for Expression of Interest – ATA College

Do you have the ability to create high quality content? As we build the ATA qualification, we are calling for Expressions of Interest for content creators who would like to be considered. See page 5 for more details.

In addition to the above, in this newsletter you will find about the "Tutors" in Schools programs in NSW and Victoria and whether these programs are actually about what they have been purported to be.

All the best for 2021 ☺



## About the new ATA Qualification

The new ATA Qualification has been created in order to give the ATA a means by which to boost the standard of private tutoring or 'supplementary education' domestically and also globally. The qualification framework allows us to recognise tutors who have demonstrated a minimum level of training in units deemed essential and fundamental to tutoring.

A complete list of Modules is shown on the next page. At launch the Modules for the **Core will be available.**

### **Content**

Each Module has been arranged in accordance with the following guidelines:

- 4 x 6-7 minutes videos (4 clear parts)
- 4-6 pages of text/reading
- 40 Multiple Choice quiz questions – 4 options (A, B, C or D). Twenty of these 40 are chosen in a randomised test), 10 drawn from each part of the Module. The options A, B, C and D are also randomised, meaning on successive iterations the options may change.
- Each Module should take about 2-hours to complete

### **Passing**

To obtain a Certificate of Completion for any Module a person will need to pass with a mark of 16/20 or 80% per module.

### **Failing a Module**

If a person fails (gets less than 16/20) the process is:

- Can restart immediately.
- If the person fails twice – they will be locked out for 24-hours – then given reminder.
- If the person fails three times - cannot proceed with the Module.
- **If a person FAILS the Child Protection Module three times their membership shall be cancelled and a refund given.**

### **We are designing a system to allow users to:**

- Select Modules
- Guide them through each step
- Perform assessment
- Manage passes/fails and incompletions
- Produce Certificates of Completion
- Give reminders to those who fail, do not commence within a designated time or do not complete Modules
- Add and remove Courses
- Keep a record of Credit Points (CPs) achieved

### **The ATA membership must be adjusted to allow us to**

- Categorise business members as Bronze, Silver or Gold.
- Distinguishes between teacher qualified ("Professional") and non-teacher tutors ("Qualified")
- List Courses completed

Over time it is our intention to undertake processes to have the qualification recognised at one or both of two levels: Recognised Prior Learning (RPL) off university short courses and for ATA College to become a Registered Training Organisation (RTO).

# ATA Qualification Courses and Modules

	Module	Credit points	Advance standing	Cost for ATA Members	ATA non-member cost
CORE					
CR1	Managing the Tutoring Environment	6	Those who are registered teachers or have been teacher trained and have practised as a teacher in Australia	Nil	\$59
CR2	How do Students Learn?	6		Nil	\$59
CR3	Reporting	6		Nil	\$59
CR4	An Introduction to Differentiation	6		Nil	\$59
CR5	Child Protection	6	ALL members MUST do this course to regardless of whether teacher trained	Nil	\$59
Additional CPD				Cost	Cost
OP1	Online Tutoring	6		\$39	\$59
OP2	Understanding and Managing Learning Difficulties	6		\$39	\$59
OP3	Understanding Assessment	6		\$39	\$59
OP4	Managing Student Behaviour	6		\$39	\$59
OP5	Strategies for Boosting Engagement	6		\$39	\$59
OP6	Understanding Perfectionism	6		\$39	\$59
OP7	Understanding and Catering for Gifted Students	6		\$39	\$59
Literacy Specialisation*					
LS1	TBC	8		\$59	\$79
LS2	TBC	8		\$59	\$79
LS3	TBC	8		\$59	\$79
LS4	TBC	8		\$59	\$79
Numeracy Specialisation*					
NS1	TBC	8		\$59	\$79
NS2	TBC	8		\$59	\$79
NS3	TBC	8		\$59	\$79
NS4	TBC	8		\$59	\$79
Running a Tutoring Business					
RB1	Setting up and getting started	NIL		\$39	\$59
RB2	Systems and Scaling	NIL		\$39	\$59
RB3	Problem Solving	NIL		\$39	\$59
RB4	Conflict Resolution	NIL		\$39	\$59
RB5	Work Health and Safety	NIL		\$39	\$59
ATA Annual Conference		6		Conference fee	
Free Short Courses (1 hour)					
RB6	Risk Management	NIL		FREE	FREE
ITB1	Introduction to Business	NIL		FREE	FREE
ITB2	Business Planning	NIL		FREE	FREE
ITB3	Understanding a market	NIL		FREE	FREE
Possible Core					
BLT	Basic Literacy Test	6		NIL	\$59

\* Any specialist creating these courses can be granted a royalty of 10%

CR1-5	Bronze membership – the base level given to ALL tutors who do Core Training
CORE + 18CP	Silver – for tutors/business where tutors have done the Core and additional 18CP in a year (3 extra Modules)
CORE + 36CP	Gold - for tutors/business where tutors have done the Core and additional 36CP in a year (6 extra Modules)
CORE + Specialisation	Specialist tutor – tutors who have successfully completed a specialisation (literacy, numeracy, special needs)

# ATA Qualification: Professional or Qualified Tutors?

## Introduction

It has long been recognised that in the area of supplementary education or private tutoring, commercial providers have been loath to accept a minimum standard with respect to detailing qualifications and experience. When Standards Australia brought together stakeholders to work towards a national minimum standard in 2002, commercial providers – some of which still operate in Australia today – completely subverted the process. They refused to accept a standard of honesty or disclosure about tutor qualifications or experience. Even today there are large commercial providers who use the word ‘teachers’ and define ‘teachers’ as being a person with a degree (but NOT in education). In my view this is dishonest despite the disclosure around the definition. A casual observer would assume that tutors characterised as ‘teachers’ would be actual school teachers.

Lack of clarity around the use of the word ‘qualified’ and ‘experienced’ serves only those who have no basic standards and want to make it hard for consumers to make informed choices.

**This has never been, and never will be acceptable.**

## Distinguishing between teachers and non-teachers

The ATA Code of Conduct explicitly states that tutors must be honest about their qualifications and experience. We believe that parents and their children deserve to make informed choices based on disclosure. We also believe that there should be a distinction between teachers (that is, people with a TEACHING degree) and non-teacher qualified tutors who work as tutors and those who do not. Accordingly, with the qualification, the ATA Board will distinguish between two groups of tutors: those we characterise as Professional Tutors and those we deem Qualified Tutors. The distinction is clarified below.

## Professional tutors

A person who has a degree in education, or a teaching degree, should be recognised for their specialised studies in the field of education and once verified by the ATA, will be classified as a Professional Tutor. **Professional Tutors will be exempt** from having to do the Core Units of training except the Child Protection unit. They will be given recognised prior learning (RPL) for their studies in education. This recognition is appropriate and respects teachers for their skills, training and experience.

## Qualified tutors

For non-teacher tutors they will be given the designation “Qualified Tutor” once they have completed the training in the Core units of study.

## Further recognition of professional tutoring businesses

For businesses that do their own in-house training, their tutors do not need to do the ATA recognised qualification if they have their in-house training assessed against ATA Modules and they cover all of the content. A business can pay \$600 to have their in-house training audited and assessed against the ATA qualification Modules.

## Bronze, Silver and Gold Standard Businesses

A further recognition for tutoring businesses comes with recognition of their investment in continuing professional development (CPD). We believe that tutoring businesses should be recognised when tutors undertake ongoing professional learning. Professional Learning (PL) is a feature of industries where providers engage with minimum hours of learning annually in order to keep up to date with changes in the profession and also in order to keep skills current and relevant. This respects the market and also ensures that tutors are role modelling learning.

## A call for Expression of Interest (Eoi) in creating Modules

ATA College, a not-for-profit public company that is a wholly owned subsidiary of the ATA, is calling for interested and suitably qualified people to consider sending in an Expression of Interest. For the creation of training Modules. These training Modules will be available to both ATA members and non-member, but at different process as shown on page 3.

The Eoi document has been uploaded to the ATA media page and may be found here:

<https://ata.edu.au/2021/02/14/ata-college-call-for-expressions-of-interest/>

Interested parties are invited to return to the completed form to the ATA office by the end of February 2021. Shortlisted applicants will then be able to view a complete Module to assess whether they are able to create content using suitable technologies.

Those who create content that is used by ATA College will earn a royalty on net sales.

## Truth-in-reporting

Truth-in-Reporting is an approach to reporting that focuses on making disclosures about student learning that accounts for what students know and can do, where they need to improve AND what the tutor will do to support student learning in areas of perceived academic weakness.

When writing reports ask the following questions:

- Am I being explicit about the skills undertaken by the student in the sessions?
- It is patent what subject-specific knowledge/content has been studied in the sessions?
- Have I been clear about specific evidence of achievement?
- Have I been clear about specific evidence of what needs support/improvement or remediation?
- Have I stated my role in taking responsibility to help the student to overcome the weaknesses I have identified?

If reports are not written in a way that covers these essential aspects, then it is arguable about the sufficiency or utility of the reports. Professional people do not mask through using language that cannot be understood by a non-expert. Professional people do not outsource the responsibility for remediation to students. They take responsibility and hold themselves to account.

# Contract for employees – draft template

## Draft tutor contract (Non-teacher) - 2021

Dear <insert name>

### Letter of engagement

I am pleased to offer you casual employment in the position of **casual tutor** with us at <insert company/partnership/sole trader name and the trading name of business> ('the employer') on the terms and conditions set out in this letter.

#### 1. Position

- 1.1 Your employment will be on a casual basis, as required.
- 1.2 Each occasion that you work will be a separate contract of employment which ceases at the end of that engagement.
- 1.3 As a casual employee, there is no guarantee of ongoing or regular work.
- 1.4 The duties of this role are in the **attached** position description. On each occasion that you work you will be required to perform these duties and any other duties the employer may assign to you, having regard to your skills, training and experience.
- 1.5 You will be required to perform your duties at <location>

#### 2. Terms and conditions of employment

- 2.1 The terms and conditions of your employment will be those set out in the **Miscellaneous Award (or enterprise agreement name if you have one)** and applicable legislation. This includes, but is not limited to, the National Employment Standards in the *Fair Work Act 2009*. Neither the <insert award or enterprise agreement name> nor any applicable legislation are incorporated into your contract of employment.
- 2.2 Your employment may be terminated at any time by providing you with notice, to apply at the end of your current engagement.

#### 3. Remuneration

- 3.1 You will be paid at the rate of \$<insert amount> per hour, including the applicable casual loading.
- 3.2 You will be paid <weekly/fortnightly/monthly> to the bank account nominated by you.
- 3.3 The employer will also make superannuation payments on your behalf in accordance with the *Superannuation Guarantee (Administration) Act 1992*.
- 3.4 Your remuneration will be reviewed annually, and may be increased at the employer's discretion.

#### 4. Your obligations to the employer

- 4.1 You will be required to:
  - (a) perform all duties to the best of your ability at all times;
  - (b) use your best endeavours to promote and protect the interests of the employer; and
  - (c) follow all reasonable and lawful directions given to you by the employer, including complying with policies and procedures as amended from time to time. These policies and procedures are not incorporated into your contract of employment.

## Contract for employees – draft template

### 5. Confidentiality

- 5.1 By accepting this letter of offer, you acknowledge and agree that you will not, during the course of your employment or thereafter, except with the consent of the employer, as required by law or in the performance of your duties, use or disclose confidential information relating to the business of the employer, including but not limited to client lists, trade secrets, client details and pricing structures.

### 6. Entire agreement

- 6.1 The terms and conditions referred to in this letter constitute all of the terms and conditions of your employment and replace any prior understanding or agreement between you and the employer.
- 6.2 The terms and conditions referred to in this letter may only be varied by a written agreement signed by both you and the employer.

**If you have any questions about the terms and conditions of employment, please don't hesitate to contact <me/insert contact person> on <insert phone number>.**

Employees and employers may also seek information about minimum terms and conditions of employment from the Fair Work Ombudsman. You can contact them on 13 13 94 or visit their website at [www.fairwork.gov.au](http://www.fairwork.gov.au).

**To accept this offer of employment please return a signed and dated copy of this letter to me by <insert date>.**

Yours sincerely,

<Insert name>

<Insert position>

I, <insert name of employee>, have read and understood this letter and accept the offer of employment from <insert company/partnership/sole trader name> on the terms and conditions set out in the letter. I understand that each engagement will constitute a separate contract of employment between us.

Signed: \_\_\_\_\_ Date: / \_\_\_\_\_ / \_\_\_\_\_

Print name: \_\_\_\_\_



# Contract for employees – draft template

## POSITION DESCRIPTION: Casual Tutor

Duties include:

- Prepare and conduct casual lessons for students in accordance with the requirements of the business.
- Ensure appropriate records are kept including student attendance, assessment marks, academic and behavioural observations and other information relevant to support student learning.
- Ensure proper cleaning and health and cleanliness standards consistent with the Covid Safe Plan are carried out before, between and after each session.
- Manage and conduct classes to support student learning, consistent with the aims of the business.
- Supervise students at all times during class.

## Miscellaneous Award – Schedule B

### A.2.1 Adult casual employees—ordinary and penalty rates

[A.2.1 varied by PR718922 ppc 01Nov20]

	Ordinary hours	Monday to Friday <sup>1</sup>	Saturday – ordinary hours	Sunday – ordinary hours	Public holiday
	% of minimum hourly rate				
	125%	145%	145%	175%	250%
	\$	\$	\$	\$	\$
Level 1	24.80	28.77	28.77	34.72	49.60
Level 2	26.49	30.73	30.73	37.08	52.98
Level 3	28.86	33.48	33.48	40.41	57.73
Level 4	31.50	36.54	36.54	44.10	63.00

<sup>1</sup> All worked performed outside hours of 7.00 am and 7.00 pm.

### Disclaimer

The ATA DOES NOT provide legal advice. This template is a guide ONLY and follows the format from the Fair Work Ombudsman website: <https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/templates>

The ATO has made rulings using the *Miscellaneous Award* and thus we have used this Award as a guide ONLY. Arguably, non-teacher trained employees – such as university students – will commence on Level 3. Members will need to get their own independent legal advice when drafting employee contracts.





# “Tutors in Schools” - Is it what it sounds like?

Both the NSW and Victorian governments have announced programs that are characterised as using “Tutors” in Schools. The NSW Premier announced in November 2020 a \$337m investment in school tutoring. Her Press Release was titled, “**Free tutoring to support students.**” The “tutors” are teachers in the casual pool, pre-service teachers and retired teachers. The Victorian government made an earlier announcement in October for \$250m investment in support to ensure “no child is left behind.”

Both programs have been designed, ostensibly in response to the learning loss experienced during Covid lockdowns, when schools were closed, and remote learning implemented.

The programs are built around the use of small groups with the teachers, pre-service teachers and retired teachers to work under the direction of school-based teachers.

## **What is this really about?**

It is my view that the use of the term “tutors” is misleading about both the nature of the program and its intention. Without doubt students left behind need additional support and it is more likely that such support will be more targeted and more individualised if given in small groups.

The first issue is that of who gets the “tutoring.” In my view the students who most need targeted and individualised support are within the cohort of students who would have needed such support whether we had lockdowns or not. That is, those most likely to have been left behind were probably already behind. Most of these students will have real learning needs (both identified and unidentified) and may also have limited access to technology at home. That is, overwhelmingly they will be students from low-income families who would be in the lowest levels on NAPLAN tests.

## **So, if this is not really about learning loss – what is it about?**

I wrote last year about the need for a billion-dollar investment in education to support students who always go unnoticed. Those who start school illiterate and/or innumerate and leave school 10, 12 or 13 years later still illiterate and innumerate. This is about 15-20% of all Australian students. The only way to effectively address this immense social and educational issue is through investment in programs that directly target the needs of these students. Accordingly, the “Tutors” in Schools programs should have direct benefit to this cohort of students.

Thus, this could be addressing the crucial issue of supporting those children who should always have been given targeted additional support. If so, this funding should be continued until such time illiteracy and innumeracy are not a stain on the national educational record. For what is the current and future economic and social cost of tens of thousands of illiterate school leavers?

## **All that glitters is not gold**

So, what is wrong with this program? I have a couple of issues with the programs as they stand. The first relates to the use of the word “tutors”. Since every person within these programs is either a teacher (retired or current) or being teacher-trained it seems very odd to characterise teachers as tutors. What is the purpose of this? Is it to imply that schools are places where tutoring is done and hence to create a blurring between the private tutoring sector and school teachers? If so, why would this have been done?

Secondly, not a cent of the money has to-date been allocated to private tutors. Why is this an issue? This is a concern because under a 2007 Commonwealth government program called An Even Start money was allocated to private tutors to support children in need. However, in 2009 the incoming Labor government cancelled this program and reallocated the remaining three years of funding in a program worth \$457m - into public schools. All that happened was no difference to children who needed academic support (as evidenced through national benchmark literacy and numeracy tests) and a loss of accountability.

It is my view that without the involvement of the private sector, for suitably qualified tutors who are accountable to schools under agreed targets, there will be little opportunity to properly assess the effects of this massive investment.

## **A choice model with accountability to schools**

To me, it seems the allocation of funding for tutoring should be given to parents for use where they see fit – either tutors in schools or private tutors outside of school, both working to remediation targets set with schools. The exclusion of the private sector for this program seems to me like an opportunity lost. Moreover, parents themselves have said to me, “if the source of the issue has been schools, how can I trust the school to remediate?”

© Mohan Dhall, ATA CEO

## **NSW program Details:**

NSW Press Release: <https://www.nsw.gov.au/media-releases/free-tutoring-to-support-students>

NSW Covid Intensive Learning Support: <https://teach.nsw.edu.au/find-teaching-jobs/covid-learning-support-program/faqs>

## **Victorian Program Details:**

Victorian Press Release, 13 October 2020, “Thousands Of Tutors To Bring Students Up To Speed” from:

<https://www.premier.vic.gov.au/thousands-tutors-bring-students-speed>

Tutor Learning Initiative: <https://www.education.vic.gov.au/about/careers/teacher/Pages/tutors.aspx>



# Approved.

Aon are proud to be the only approved insurance partner for the Australian Tutoring Association.

Comprehensive Insurance package:

- Professional Indemnity
- Public Liability
- Product liability
- Optional: Business Insurance

ATA Service Team

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