



Department of
Education

PRIVATE TUTORS

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1 POLICY STATEMENT

Principals are authorised to organise or manage private tutors to deliver educational programs to meet the needs of a student.

2 BACKGROUND

The Department of Education (the Department) provides an appropriate educational program for all students within the available allocated resources.

The principal and teachers are responsible for the educational programs of students and it is mandated that these programs reflect the principles and outcomes of the *Curriculum Framework*.

Achievement of students is the province of teachers employed under s235 (1) (b) of the *School Education Act 1999 (Act)*. Schools must not abrogate this responsibility through the use of private tutors.

It is recognised, however, that schools do not always have the necessary resources to present educational programs to meet the full range of needs of all students.

In such cases, the principal may consider requests from parents to grant approval for students to attend private tutoring programs during school hours.

Such programs may be delivered either at the school or at a place other than the school. Section 24 (1) of the *School Education Act 1999* provides authority for an arrangement to be entered into by which a student is able to attend at a place, other than the school, to participate in activities that are recognised as part of the school's educational program. Such an arrangement may take the form of a period of time each week, or a block of time during the school year.

Principals may be approached to give permission for a private tutor to use the school premises for out of school hours tutoring. Although this is not a school endorsed activity, procedures have been written to outline the steps needed to allow the use of the school facilities. After school tuition off the school premises and not organised by the school is not a school activity and is not covered by this policy.

3 SCOPE

This policy applies to:

- all public school principals who manage or organise private tutors to run an approved education program for students; and
- all principals of public schools where a private tutor requests to use the school facilities for after school hour tutoring.

4 PROCEDURES

4.1 PRIVATE TUTORS ORGANISED OR MANAGED BY SCHOOLS

Private tutoring programs attended by students during school hours must:

- be confined to activities that enrich the content of the school's educational program;
- address the particular educational needs of students in areas not provided by the school; and
- not replace regular school educational programs.

Principals must:

- be satisfied that the private tutor is appropriately qualified, has a National Criminal Record History Check (NCRHC) and a Working with Children Check (WWCC);
- satisfy themselves that the private tutor is suitable to care for students when deciding whether to entrust the care of students to a private tutor;
- provide private tutors with clear instructions as to the level of care required for the student;
- be satisfied that the educational program to be presented is consistent with the educational program being offered by the school;
- prepare and retain a written statement that outlines the rationale for the decision to approve a private tutor to present an educational program;
- in the event that a private tutor presents programs on school premises, they are required to present documentation indicating that they have public liability insurance of \$5 million;
- as per subsections 24 (2) and (3) of the *School Education Act 1999*, enter into a written agreement with the student's parent/responsible person (Appendix A); and
- when the private tutoring program occurs away from the school site, treat the activity as an excursion and comply with the provisions of the *Excursion: Off School Site Activities* policy.

Principals and managers must confirm that all Department employees, volunteers, visitors and external providers in child-related work have applied for or hold a valid Working with Children Check in accordance with the Department's *Working with Children Checks* policy available from the *Our Policies* website at <http://policies.det.wa.edu.au>.

Guidelines

The written agreement can be terminated at any time by the principal if it is not in the student's best interest or if it is preventing the teacher from performing his/her mandated role and the student from achieving the outcomes of the classroom program.

If the private tutoring program occurs away from the school site, parents/responsible persons should organise a student's travel arrangements.

4.2 USE OF SCHOOL FACILITIES BY PRIVATE TUTORS

When deciding whether private tutors are permitted to use school facilities, decisions must be made in accordance with the *Community Use of School Facilities and Resources* policy.

Principals must:

Private Tutors

All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Education employees.

- approve applications for use of school facilities and resources and formalise it through a written agreement signed by the school principal and a representative of the user group; and
- consult with school councils to establish the schedule of fees or charges to be applied for the hire or use of school facilities and resources.

Guidelines

Private tutors may be permitted to use the school facilities, outside of hours of instruction, at the discretion of the principal and the school council.

It is expected that a charge would be levied on the private tutors for the use of school facilities.

5 RELEVANT LEGISLATION OR AUTHORITY

Curriculum Council Act 1997

School Education Act 1999

School Education Regulations 2000

Working with Children (Criminal Record Checking) Act 2004

Working with Children (Criminal Record Checking) Regulations 2005

5.1 RELATED DEPARTMENT OF EDUCATION POLICIES

Community Use of School Facilities and Resources

Configuration of the School Day

Curriculum, Assessment and Reporting K – 10: Policy and Guidelines

Duty of Care for Students

Excursions: Off School Site Activities

Visitors on School Premises

Working With Children Checks

6 DEFINITIONS

6.1 EDUCATIONAL PROGRAM

An organised set of learning activities designed to enable a student to develop knowledge, understanding, skills and attitudes relevant to the student's individual needs.

6.2 PARENT AND RESPONSIBLE PERSON

In this policy the term 'parent' will be used for brevity, and also includes 'responsible person' as defined below.

In the *School Education Act 1999*, Part 1, Section 4, Definitions, parent in relation to a child, means a person who at law has responsibility:

- a) for the long-term care, welfare and development of the child; or
- b) for the day to day care, welfare and development of the child

except in Sections 9 (2), 10 (b), 25, 27, 38 (1) and Division 2 Part 2 where it only has the meaning given by paragraph (b).

In Section 25 of the *School Education Act 1999* the 'responsible person', in relation to a student means:

- a) a parent of the student;
- b) in the case of a student who has turned 18 or is a prescribed child, the student; or
- c) a person whose details have been provided under Section 16(1) (b) (ii) (II) which states any adult person, not being a parent, who is responsible for the child.

6.3 PRIVATE TUTORS

Persons not employed by the Department and paid directly by parents/responsible persons.

7 CONTACT INFORMATION

Policy manager: Director, Office of the Director General

Policy contact officer: Manager, Policy and Governance
T: (08) 9264 4765

In the first instance, general enquiries about private tutors should be directed to the relevant district education office. Specific enquires can also be made to:

Community Use of School Facilities and Resources

Asset Planning
Department of Education
151 Royal Street
East Perth WA 6004
T: (08) 9264 4010

National Criminal Record History Checks and Working with Children Checks

Screening Unit
Professional Standards and Conduct
Department of Education
151 Royal Street
East Perth WA 6004
T: (08) 9264 4391

Off School Site Activities

Behaviour Standards and Wellbeing Directorate
Department of Education
151 Royal Street
East Perth WA 6004
T: (08) 9264 4943

OFFICE USE ONLY	
Date received:	_____
Police clearance sighted	<input type="checkbox"/>
Insurance policy sighted	<input type="checkbox"/>

APPENDIX A PRIVATE TUTOR AGREEMENT

SCHOOL: _____

(INSERT NAMES OF THE PARENTS/RESPONSIBLE PERSONS) (“the Parents”)

- and -

(INSERT PRINCIPAL’S NAME) (“the Principal”)

IN RELATION TO:

(INSERT STUDENT’S NAME) (“the Student”)

Pursuant to section 24 of the *School Education Act 1999*, we agree that the Student shall be permitted to attend for private tutoring during school hours:

with: (insert private tutors name)

at: (insert place at which private tutoring will take place)

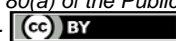
on: (insert days and times on which the private tutoring will take place)

We agree to this private tutoring on the following basis:

1. The private tutoring is consistent with the school’s philosophy.
2. The private tutoring will supplement the educational program of the student at school and contribute to the achievement of desirable outcomes for the student.
3. The school does not currently have the resources to deliver this program at school.
4. The principal has applied the *Duty of Care for Students* policy and is satisfied as to the suitability of the private tutor to supervise the student.
5. The parents’ inform the principal about the student’s progress.
6. The parents’ accept that they are responsible for the travel arrangements for the student to and from the private tutor.
7. The principal may vary or terminate this agreement at any time.

Parent/Responsible Person Signature

Principal Signature



APPENDIX B HISTORY OF CHANGES

Effective date	Last update date	Policy version no	TRIM no	Notes
22 October 2008	29 November 2013	1.1	D13/0637223	Updated contact information. D13/0573788.