



Department of
Education

PRIVATE TUTORS IN PUBLIC SCHOOLS

EFFECTIVE: 22 OCTOBER 2008

VERSION: 1.7 FINAL

Last update date: 15 June 2021

CONTENTS

1	POLICY STATEMENT	3
2	BACKGROUND	3
3	SCOPE	3
4	PROCEDURES.....	4
4.1	PRIVATE TUTORS ORGANISED OR MANAGED BY SCHOOLS	4
4.2	USE OF SCHOOL FACILITIES BY PRIVATE TUTORS	4
5	RELEVANT LEGISLATION OR AUTHORITY	5
5.1	RELATED DEPARTMENT OF EDUCATION POLICIES.....	5
6	DEFINITIONS	5
6.1	EDUCATIONAL PROGRAM.....	5
6.2	PARENT AND RESPONSIBLE PERSON.....	5
6.3	PRIVATE TUTORS	6
7	CONTACT INFORMATION.....	6
APPENDIX A	PRIVATE TUTOR AGREEMENT	7
APPENDIX B	HISTORY OF CHANGES.....	8

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 *Western Australian Curriculum and Assessment Outline* and the *WACE Syllabus*.

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 Nationally Coordinated Criminal History Check and a Working with Children Check;
- 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 *Excursions in Public Schools* procedures in the Duty of Care for Public School Students policy and procedures.

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 *Criminal History Screening for Department of Education Sites policy and procedures*.

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 Public School Facilities policy*.

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 in Public Schools

Configuration of the School Day in Public Schools

Curriculum, Assessment and Reporting in Public Schools

Duty of Care for Public School Students.

Excursions in Public Schools

Visitors and Intruders on Public School Premises

Working With Children Checks in Department of Education Sites

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, Public Schools Planning

Policy contact officer: Manager, Schooling Planning
T: (08) 9264 4322

In the first instance, general enquiries about private tutors should be directed to the relevant education regional office.

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 in Public Schools* 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.
22 October 2008	23 March 2015	1.2	D15/0104445	Contact information updated to reflect change in position from Director, Office of the Director General to Executive Director, Organisational Governance. D15/0085666
22 October 2008	29 June 2015	1.3	D15/0250174	Updated contact details D15/0198137
22 October 2008	20 September 2017	1.4	D17/0402848	Update contact details D17/0402847
22 October 2008	3 October 2018	1.5	D18/0436705	Minor changes to include reference to Public Schools D18/0151652.
22 October 2008	26 February 2020	1.6	D20/0094316	Minor changes to contact information D20/0094360
22 October 2008	15 June 2021	1.7	D21/0326795	Minor changes to out of date information, update references, links & contacts D21/0326796