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Insert: ATA National Tuition Survey.

ATA Code of Conduct Amendments April 2011 And Justification For The Amendments

Annually the ATA Code of Conduct is assessed to see whether each of the clauses remains relevant and also to assess whether further clauses need to be added. Over time therefore the Code is amended and updated.

In April 2001 the ATA Board convened for its monthly meeting. Among items discussed was the issue of amendments to the ATA Code of Conduct. The Code of Conduct is reviewed annually and amendments are made from time to time when deemed necessary by the Board. Amendments are not made without widespread discussion including feedback from ATA members and industry observers. The amendments to the Code were unanimously agreed upon. The new Code of Conduct is available in English, traditional and modern Chinese and Vietnamese. The translations into Korean, Greek and Hindi are being made and will be uploaded to the site as soon as they are ready. The amendments are shown below and the considerations for each described. Note original text is in black and amendments are in RED.

Clause 14:

Where required by law original copies of marked pre tests that are used for screening for enrolment, streaming or any other purpose, must be made available for perusal by clients. Streaming or suggestions that clients undertake tutoring should be justified on the basis of appropriate interpretation and disclosure of assessment results.

Amendment: Addition of the words: "Where required by law"

Considerations/Justification: When the form of pre-assessment used is a psychometric test then original copies cannot be made available for perusal by clients. This would breach the conditions of use of such tests. These tests include the WISC IV and the Stanford Binet V.

Clause 16:

Reports may be written or verbal. Reporting must be done at least once per term, when the length of tutoring is for at least one academic term.

Amendment: Change this requirement to **once per semester, where the length of tutoring is at least one semester.**

Consideration/Justification: Reporting once per term can be particularly onerous and commercially unviable if a business conducts its operations around a semester-by-semester basis of enrolment. It seems too restrictive.

Clause 17:

A Member must not use misleading or false advertising or marketing practices, which may include, but are not limited to, false or misleading representations concerning the price of tutoring services, false representations that tutoring services have benefits that they do not have; false or misleading representations concerning the need for tutoring.

The provisions of the **Trade Practices Act 1974** (Cth) and any State/Territory based consumer protection legislation apply, as well as the provisions of this Code.

Amendment: Change this to the **Competition and Consumer Act**

Justification: Reflects the changed nature of the Act as coming into force in 2011

Clause 26:

Where requested individual tutors (who are not employees of organisations) must provide a written statement outlining an intended pattern of study for the period of tuition, where the period of tuition is more than one term.

Amendment: Add the words “where requested”

Consideration/Justification: The present condition is not realistic and does not reflect the actual form of tuition that takes place on a one-to-one basis of the type mentioned.

Clause 38:

A client has the right to discontinue tutoring services for any reason whatsoever.

Amendment: This clause be removed.

Consideration/Justification: This clause in excess of legal requirements. A client should not be able to discontinue tutoring when they simply ‘change their mind’.

Clause 41:

Members cannot ever display a sign saying “No Refunds” as this is misleading. Consumers do have the right to a refund if there has been a breach of statutory conditions - **Trade Practices Act 1974 (Cth)**. Such conditions include working with appropriate care and skill, and providing the level of service promised or advertised.

Amendment: Change the name of Act to **Competition and Consumer Act**

Justification: Reflects the changed nature of the Act as coming into force in 2011.

Use Of The ATA Logo In Advertising

ATA members are welcome to use the ATA logo in their advertising and are encouraged to do so. A scan of newspaper advertisement reveals that no ATA member at present uses the logo in advertising, although a very small proportion of members do state that they are ‘proud members of the ATA’.

The situation is different with respect to member websites. Numerous members state that they are members of the ATA and some use the logo on their sites.

It would benefit all members and the ATA if ALL members made a concerted effort to use the logo in their print advertising and also made explicit reference on their websites. Better still would be to include a link to our website. (www.ata.edu.au)

Overt reference to the ATA has numerous benefits to members:

- The logo gives assurance to consumers who may be tempted to look up the ATA and see what membership requires of members. In this way it distinguishes members from non-members
- The logo makes a public statement of accountability to the market. This is crucial in raising industry standards
- The use of the logo symbolises pride in the application of the Code of Conduct
- The logo can be a source of protection and provides members and consumers an industry-based mechanism for the resolution of conflicts
- Badging adds value to businesses, credibility to operations and supports the peak body

All members are encouraged to use the logo and the Office will be making contact with members to see how members can better support the industry body in this very important badging initiative.

Please note the logo is available in several formats both for use on the web and in print materials. Please contact the ATA office by email (mlopez@ata.edu.au or mdhall@ata.edu.au), by phone (02) 9704 5724, by fax (02) 9744 0519 or by mail (PO Box 256, Croydon, NSW 2132).

Please note: the ATA newsletter can also be used to promote your business and the ATA. Tutors may wish to have copies of the newsletter on display (free by download) and they may also wish to have copies of the ATA promotional brochure on display (also available on the ATA website: www.ata.edu.au for free download).

Tuition World News

Professor Mark Bray, the leading educational/academic authority on private tuition has recently come back to Hong Kong from delivering a paper to the European Union in Brussels. He was specifically invited to the EU in order to address the issue of private tuition and its implications for national governments. His paper was very well received and, when published, the ATA will seek permission to either reproduce it or have a PDF link on the ATA website for ATA members.

Prof Bray reports to the ATA: The paper was well received by the EU and is currently in the process of being published. Once published the ATA will be able to link it to its website.

The National Tutoring Association of America (NTA) has just had its 19th Annual Conference. It was held in Alaska. Sandi Ayaz, the NTA Executive Director reports to the ATA as follows: "The conference was extremely intimate, but successful hosting participants from all areas of the US as well as Qatar, Guam and Canada. Several participants have already submitted proposals for the 20th Annual event in Scottsdale, AZ, March 17-21, 2012, "Understanding The Millenniums."

Regional News:

India: *Regulation issues in the Kashmir valley*

On 28th February the Jammu Kashmir government warned that college teachers were not allowed to engage in private tuition. At a meeting convened by the Divisional Commissioner to address issues of regulation of private tuition and coaching centres, college teachers were warned that tough action would be taken against teachers who indulge in private tuition. However, private tuition is allowed to be conducted by government teachers and lecturers of School Education Department only after the duty hours. No school teacher is allowed to do private tuitions during the school hours. The meeting was told that there were 72 coaching centres and that they give coaching to about 30,000 students.

The Divisional Commissioner asserted that there should be regulation over the facilities and infrastructure offered by the private sector. 50 of the 72 centres had applied for registration.

Parents participating in the meeting put forth suggestions with regard to the registration of coaching centres, infrastructure modernisation, separate classes of male and female students, regulation of fee and mode of payment on monthly basis instead of advance in lump-sum and shifting of coaching centres from civilian areas. The Divisional Commissioner asked the Director Education to examine the suggestions and take necessary steps in this regard.

The Divisional Commissioner further asked the coaching centres to adopt some bright poor children and sponsor their coaching. He also stressed the importance of the operation of coaching centres from different corners of the city so that students have not to travel long distances while availing tuition facilities.

Adapted from Vijay Kumar Mall, "Kashmir Chief reviews Regulation of Private Tuition Centres", 28.02.11 (Scoop News) from: http://www.groundreport.com/Media_and_Tech/KashmirChief-reviews-Regulation-of-Private-Tuition_2/2935389

Also in India in Patna there has been a huge boom in the past 5 years in the number of private English colleges. This has arisen in response to the growing demand for English skills in the workplace and the increased emphasis on English in examinations

Thailand:

In Thailand tutorial schools may opt to be registered with the Education Ministry under the Private School Act 2007. If they do so they are permitted to use the word 'school' in their name and can earn a maximum profit of 20%. Currently exempt from business taxes the sector is estimated to earn between Bt4bn and Bt6bn annually (in the range AUD\$124 - 186million). Not widely enforced, the Secretary-General of the Office of Private Education Commission (OPEC), Mr Chanwit Tubusphan said tutorial schools would be closed down if they did not comply with the Act. However, the law only applies to registered schools.

Taipei:

The private tuition sector or 'cram school' industry in Taipei is regulated under the Supplementary and Continuing Education Act. Concerns about scandals that emerged late last year have led regulators to consider amending the Act so that all tutors are certified and can be subject to evaluation. At present only local authorities in Taipei have regulations one of which is that private tuition school 'hire teachers with enough expertise to teach the classes they are offering'.

Korea:

The number of legally run private profit-making tuition centres has increased from 1,421 in 1970 to 67,649 in 2007, 66% of which are in Seoul and employ in total over 180,000 tutors (Yun, C. et al (2008) cited in Lee, J (2011), *The policies on supplemental education in Korea*).

Australian News:

The NAPLAN National tests have been sat by students in Years 3, 5, 7 and 9 with much controversy raised about the pressures placed on students and more particularly on schools and mainstream educators. This pressure stems from the reporting of the test results on the MySchool website. The MySchool website is extremely popular with parents seeking to make informed choices about education for their children. Just before the three days of testing Prof Barry McGaw was quoted as follows: Tutoring

for the tests is a waste of time, says ACARA, which prepares them. "NAPLAN is not a test students can prepare for because it is not a test of content," said chairman Professor Barry McGaw. (Daily Telegraph 7th May). The ATA response is detailed below.

NAPLAN Tests And The Benefits Of Tuition In Encouraging Thinking

Simplistic comments about tuition by the Chairman of ACARA Barry McGaw and others underlie the need for a proper dialogue between mainstream educators and their shadow counterparts in the private tuition market. Recognising the benefits of tuition in teaching thinking skills parents seek private tuition for their children. The private tuition market has within it a mix of teacher trained tutors and non-teacher trained tutors. Is Prof McGaw asserting that the teachers in this market do not teach thinking skills? If so then there is a major problem in Australian education. Prof McGaw's comments reinforce a very poor understanding of the private tuition sector; a sector dominated by teachers. He should ask himself why students attend private tuition and why the market is growing. The evidence is that parents and students feel there is some utility in attending classes external to school and paying for them.

The NAPLAN tests cover numeracy, literacy (reading, language conventions and writing) in Years 3, 5, 7 and 9. Tutors using past papers such as those from 2010 would be ineffective if they were not teaching thinking skills. This applies to teachers as well. Consider the following: when a student is asked to estimate the length of a shoe how can estimation be made without teaching thinking skills? Moreover, an understanding of fractions is required to successfully answer some of the numeracy questions. A tutor and a teacher would not be of assistance to students unless they teach notions of proportion prior to engaging with a study of fractions. Tutors can spend the time with students to teach the requisite thinking skills in a structured, systematic and ordered way.

Tutors have a vested interest in the outcomes achieved by their students. With the creation of the MySchool website, teachers in mainstream schools are also under more overt pressure 'to perform'. Mainstream educational bodies, such as ACARA would benefit from a structured dialogue with tutors rather than making uneducated remarks about tuition. In this way all parties can align to work in the interests of students.

European news:

Cyprus:

State teachers are allegedly not only illegally tutoring students but doing a bad job at school to force them to take yet more lessons, the head of the Association for Private Tutors, Adonis Mylonas charged yesterday. "It's completely unacceptable to be manipulating

parents and students," said Mylonas, who referred to the situation as a 'black market'. "Think that this is the case in such bad economic times: the tax evasion, the burden on households," he added. The issue of illegal private lessons by state teachers has been an ongoing for the last few years as civil servants are not permitted to have a second job. It is in fact a criminal offence for teachers as they should not take money in the afternoon from the same students they teach in the morning to cover parts of the syllabus that they have failed to do so during school hours.

"You can't put 10 to 12 students in a kitchen to have a lesson, it's a matter of safety, literally," said Mylonas adding that the complaints were unheard of, such as students being charged €50 an hour with 10 students in the class.

The Association is calling for a registration committee to be formed, that will provide a position for an inspector, who will be involved with issues of educational systems and illegal tutoring. Mylonas explained that they had received many complaints and as a result want to "officially invite OELMEK (Secondary School Teachers' Association) to a meeting" to hand over all of the evidence concerning the complaints. "We have never supported colleagues that give illegal lessons in the afternoon," said head of OELMEK Eleni Semelidou, condemning the issue if in fact there were state teachers "who are blackmailing students using their grades." "I must say clearly that we're not the Ministry of Education, we're not the police, we're not the courts and whatever evidence there may be it is not OELMEK's job to file it," said Semelidou. She also clarified the association's position asserting that state schools need to be upgraded and supported so that "our children do not need to attend a second school after they get out of school."

Adapted from an article by Natalie Hami Published on March 2, 2011 from <http://www.cyprus-mail.com/cyprus/state-teachers-accused-deliberately-underperforming-so-they-can-cash-private-lesson/20110302>

The ATA And Tutor Support Materials

A recent scan of every page of the ATA website revealed what it is that visitors to the site are accessing, reading and downloading. Of interest was the use of the Tutor Assessment Forms (nearly 5,000 hits), particular Press articles, the Code of Conduct hits and the number of hits on the Newsletters.

Having looked closely at the figures it seems clear that tutors and tuition businesses would benefit from an increased number of free resources. Such resources could include lesson plan pro forma, student reports and the like. These are being drafted for the site at present.

ATA members are very welcome to suggest any other kind of form or resources they would like designed and made available on the site.

And in Other News From Around The World:

A threat or to be embraced??

Salman Khan has uploaded to YouTube over 2,000 free video lessons over the past 5 years. 41 million viewers have used the free lessons and Bill Gates and Google have recently paid Khan to continue to develop the free lessons so that Khan's aim of "providing a world-class education to anyone, anywhere" may be realised. The YouTube lessons run for about 10 minutes each and cover topics in mathematics, history and the sciences. The clips range in level, from basic adding and subtracting for young children through to university level math problems. Khan is not seen in the videos, but his conversational voiceover steps through the problems using a virtual blackboard, coloured pens and a pointer.

Many users have praised the free videos which they say has helped them pass exams, including university courses.

Khan says: *"I'm having a great time and now the focus is to build a real virtual school. At the moment the breakdown of people accessing is about 60 per cent from North America and 40 per cent from the rest of the world, but I expect that will shift once we translate into the top 10 languages. Some people in the education sector have some reservations but I think they are people who haven't really taken a look at what I do. But some teachers are now assigning them as homework - students can pause, repeat, revise with someone talking them through it so they are not alone. And any school can access them in the world if they can access YouTube"*

Adapted from: A MacGibbon (26.04.2011), "Education 2.0: the global university with just one lecturer" from <http://www.smh.com.au/technology/technology-news/education-20-the-global-university-with-just-one-lecturer-20110426-1duio.html>

ATA In The Press

The ATA has this year had unprecedented Press coverage. Since late April there have been articles in the Valley Times, 2 articles in the Inner West Courier and one in the Daily Telegraph.

Valley Times article:

This was an extension of the warning given by the NSW Office of Fair Trading to issues arising with respect to tuition.

Inner West Courier articles:

Journalist Shireen Khalil looked at both the consumer protection aspects of tuition and then, separately, looked at the issue of private tuition-mainstream education partnerships.

The benefit of coverage in local papers is that it gets to the parents who are making decisions in regards to tuition and their children. Thus, local coverage of local issues is always welcomed.

Daily Telegraph Article:

Jenny Dillon, the Education Editor of the Telegraph compiled a short piece prior to the NAPLAN tests looking at the role of tuition in respect to preparation by students for these tests. In the article Prof McGaw (ACARA) was quoted as being dismissive of tuition. The ATA response to Prof McGaw is detailed in the section titled 'Tuition World news' (see page 4,5).

Expansion Of ATA Into Other Categories Of Tuition/Coaching

The ATA Board is currently beginning to identify possibilities for a new phase of expansion. Preliminary discussions are looking to embrace tutors and coaches in each of the following industry sectors:

- Music teachers
- Singing teachers
- Art tuition
- Photography tuition
- ESL/language tuition
- Computer tuition
- Writing tuition
- Speech and elocution
- Speech therapy

Of course, in expanding to embrace these other areas of tuition the ATA Code may need to be extended to cover matters particular to these industry sectors. The option of expanding into these other areas would mean a greater capacity to lobby and a greater capacity to boost corporate partnerships.

New Dymocks Deal

Dymocks Sydney has agreed to make a very generous offer for ATA members. The details of the offer are included on the flier within this newsletter. It is important for members to take advantage of the deals offered by our corporate partners. The corporate deals offered are assessed annually. In order to ensure that members get on-going access to savings then members should where possible support our partners.

Apart from the excellent Dymocks deal, SKS Printing offers major discounts on printing costs. Members should get their printing quotes and then approach SKS Printing to see what can be done. These deals complement the huge benefit offered by AAMI with their discounted insurance product.

Due to ongoing difficulty in communicating with Westpac, this deal has now been abandoned and a new banking deal is currently being negotiated with a more reliable and supportive financial institution.

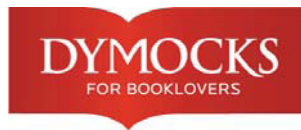
As with all our corporate partnerships, in order to gain discounts it is essential to start by quoting your ATA member number.

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From now to the end of June 2011.*

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***Conditions:**

- Minimum order of \$250 to receive a 20% discount
- Items already discounted, software, DVD & CD's not included.
- Quote ATA membership number with purchase as offer can only be redeemed once by each ATA member

“ Truth In Reporting ”

All ATA members must abide by the ATA Code of Conduct. For most members the Code is an obvious extension of the normal ethical principles they apply in their business conduct on a daily basis. Occasionally an ATA Board member is approached by a consumer, or a tutor, who makes a complaint about an aspect of the Code that is not being adhered to. The complained-about behavior may relate to a member or a non-member.

Recently the following issue was raised by a concerned tutor. The tutor had been working at a tuition centre when various assessments and tests were given to the students. Across several classes, the students as a cohort did quite well. In response, management at the centre raised the pass mark and lowered the group mean (average) in order to make it appear as though the students did quite badly and were not up to requisite year-level standard. The management then issued recommendations to parents based on the misleading reporting to the effect that their child required more tutoring. The tutor resigned upon hearing what had happened as did a tutor in charge of another class. The truth-in-reporting clause of the Code of Conduct reads as follows:

Clause 15

All feedback, written or verbal, given to clients should be clear and unambiguous and should not be intended to either mislead clients or create future enrolments or business.

Source: ATA Code of Conduct

The alleged behaviour is clearly a blatant breach of the ATA Code of Conduct and may well constitute ‘deceptive and misleading conduct’ under the Australian Competition and Consumer Act.

Within Tuition Editor

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Contacting Us

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Fax 02 9744 0519



This matter is currently under investigation by the ATA Code Administration Committee (CAC).

The behaviour described creates uncertainty in students. They lose confidence in their own ability and can become quite distressed. Moreover, parents can be misled into making decisions about additional tuition that may not be needed. The commercial greed in the scenario has totally subverted the educational needs of the students.

It would be better if the business in question was honest about the standard of its testing and the results obtained by the students. If a business wants to set a higher standard then this would need to be communicated to parents. Disclosure is an appropriate approach as then parents can make informed decisions **prior** to making financial decisions about the tuition.

All tutors should remember: the best tutors and teachers are those who aim to make themselves redundant.

Lucky AAMI now insures ATA members.

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13 22 44

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