

Tuition HR Factsheet

I want to employ a tutor – how do I start?

1. A tutor employed to provide one to one tuition must:
 - have qualified teacher status (QTS) (although they do not have to be currently employed as a teacher); or,
 - be a non-QTS in the summer before gaining QTS; or,
 - be an overseas trained teacher qualified to teach in schools in England (those who do not currently hold QTS, but who have been teaching in England for fewer than 4 years and for whom one to one tuition falls within the definition of ‘supplementary employment’); or
 - be an FE or HE trained teacher with appropriate subject qualifications.

2. All tutors must also hold the appropriate level of disclosure – a current and enhanced Criminal Record Bureau Check. The Department for Children Schools and Families (DCSF) has produced guidance on this, *Safeguarding Children and Safer Recruitment in Education*, which can be downloaded from the publications page of teachernet www.teachernet.gov.uk/publications.

3. Local authorities in the Making Good Progress pilot have employed tutors from a variety of backgrounds. Many have been full or part- time teachers currently working in schools and some have been retired or supply teachers. Several local authorities have negotiated a contract with a local private tuition, or supply teacher provider. Local authorities and schools have found that offering private tuition suits teachers who have taken a break from teaching or who find it difficult to work usual school hours. Many of these tutors have been found through local marketing both within the LA and beyond.

I’ve found someone who I would like to employ – what contract should I use?

4. Currently anyone who is employed directly by a governing body or local authority as a tutor is acting as a teacher under section 122 of the Education Act 2002. Consequently this employment is covered by the terms of the School Teachers’ Pay and Conditions Document (“the Document”) <http://www.teachernet.gov.uk/docbank/index.cfm?id=12833>). This applies regardless of whether the tutor is already currently employed as a teacher by a local authority or governing body, or whether they are not and tuition is their main or only job.

5. The one situation where the Document does not apply is when tutors are supplied by an intermediary agency, such as a supply or private tuition agency. Local authorities are able to specify what they will require of tutors employed by an agency when arranging to contract with the agency. But, if local authorities are using tutors supplied by an agency, it is the agency and not the local authority who will determine the tutor’s contract (including their pay).

Do tutors need to be paid in accordance with the teachers’ pay scale?

6. Tutors operating during the school day and employed by the Local Authority or Governing Body should be employed according to the pay-scales and conditions set out in the Document. This should be either as a person with QTS or as a person who does not have QTS - known as an ‘unqualified teacher’, as appropriate.

7. Where tutors are contracted to offer tuition outside of the school day, in addition to any existing contracted hours, tutors do not have to be paid according to their usual pay arrangements in respect of those extra hours. Instead, Paragraph 52(c)

of the Document provides for local authorities and governing bodies to pay an additional amount to teachers who participate in an out of school hours learning activity. This is provided that it is agreed by both the teacher and the head, or (if it is the head who is acting as a tutor), the head and the governing body or local authority.

8. In calculating an appropriate net hourly wage for tutors operating outside of the school day, the DCSF has considered the rates at the top of the main pay scale for teachers, and has calculated a suggested hourly rate in line with this, of at least £25 per hour outside of London, £28 in outer London and £29 in inner London.

Is employment as a tutor pensionable?

9. Employment as a tutor by a local authority or in a school maintained by a local authority falls within the scope of the Teachers' Pension Scheme (TPS). Whether the employment is (i) solely as a part-time tutor or (ii) concurrent with other employment within the local authority or (iii) multiple employment (where a person has contracts with more than one TPS employer), it is pensionable, unless:

(a) the tutor has formally opted out of the TPS (NB an opt-out would apply to all employment that falls within the TPS - a person cannot make a partial opt-out only in relation to employment as a tutor); or,

(b) the tutor is already in full-time pensionable employment with another TPS employer.

10. The local authority should contact Teachers' Pensions (TP) to find out whether a person has already opted-out. TP may also be able to confirm whether a person is already in full-time employment with another TPS employer (which could be another local authority, an FE college, a new university, or an independent school that participates in the TPS). As a precaution, in case TP's records have not been updated by the relevant employer, the local authority should ask each tutor about other employment.

11. The suggested gross hourly rate of £33 in inner London, £32 in outer London and £29 for the rest of England has been calculated according to feedback from Making Good Progress pilot LAs which suggested an average deduction of £4 of employers' 'on costs'.

12. Employment by a tutor who is supplied by an agency and paid by the agency falls outside of the TPS and is not pensionable.

Once the agreement is made what happens next?

13. We suggest that once you have agreed to employ a tutor you should set out the terms of the agreement in a written document, such as a letter. This should include details of the number of children to be tutored, any arrangements made about timing, and the agreed hourly rate. If any of these details change, because, for example, a tutor agrees to take on an additional tutee, the letter should be updated, or a new letter issued.

14. Local authorities may want to draft the agreement to make clear that payment will only be made in respect of actual hours worked.

For more information please contact individualtuition.enquires@dcsf.gsi.gov.uk