

**NEW ZEALAND TUTORING ASSOCIATION
LIMITED (“NZTA”)
Code of Conduct**



PART I INTRODUCTION

Objectives

1. The objectives of the NZTA Code of Conduct are:
 - 1.1. To ensure clients are provided with the best possible service by ethical tutoring organisations and practitioners;
 - 1.2. To create and maintain a national benchmark for educational tutoring services; and
 - 1.3. To provide guidance for the implementation of best practice.

Application of Code

2. This Code applies to members of the NZTA, who by becoming Members, agree to be bound by the Code.

Interpretation

3. In this Code, unless stated otherwise:
 - “Code” means this Code of Conduct;
 - “client” means a student or student’s parent or guardian who is paying for tutoring services;
 - “dispute” means an expression of discontent from a client where the client perceives the Member has not followed the Code of Conduct;
 - “Member” means a member of the NZTA including Tutoring Organisations (including the Foundation Members described in the NZTA Constitution, Teachers and Associate Members);
 - “Plagiarism” means the act of appropriating the work of another and passing it off as one’s own work. It is form of cheating that draws on the work of another (written, electronic, verbal or artistic) without giving due acknowledgement to the author or originator;
 - “Tutor” means a person who provides educational tutoring services;
 - “tutoring” may be used interchangeably with the terms “teaching” or “coaching”;
 - “Tutoring Centre” means an establishment where commercial teaching or tutoring are provided. The term may be used interchangeably with the term “Education Centre”;

“Tutoring Organisation” means an organisation which exists to provide educational tutoring services.

PART II – TUTORING ORGANISATIONS’ OBLIGATIONS – THE CODE OF CONDUCT

NZTA Member Obligations

4. Tutoring Organisations will use their resources for the best educational outcomes for students.
5. Individual Members will use their educational skills to the best of their ability to teach students so that they improve in the subject/s in which they are being tutored.
6. Members will use their teaching and learning practices and resources to enhance students’ self-esteem and confidence to learn.
7. All NZTA Members must ensure that a copy of this Code of Conduct is available for clients to peruse on request.

Qualifications

8. All Tutoring Organisations must ensure that all their tutors have been trained in the organisation’s curriculum and methods of teaching are assessed annually in order to maintain educational standards.
9. A member shall ensure that staff training and staff professional development is an on-going commitment. Training may take the form of curriculum and program development, in-servicing on educational issues related to child development, assessment, child protection and so on.

Duty of Disclosure

10. A Member must ensure that clients have sufficient information to make informed decisions about the need for tutoring services. In particular, Members must:
 - (a) Assess or determine whether students need tutoring and if so inform prospective clients of the outcome of the assessment;
 - (b) upon request, enable prospective clients to inspect the relevant programs and curriculum;
 - (c) inform prospective clients of the qualifications and experiences of the relevant tutors.

Pre tests, post tests, other assessments and reporting

11. The type and use of assessment and testing instruments must be fully disclosed prior to any assessment. The marking of assessments must be conducted in an accurate, professional and honest manner.
12. The results of any formal assessing or testing of students must be made available to clients.
13. 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.

14. 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.
15. Reports may be written or verbal. Reporting must be done at least once per term, when the length of tutoring is for a least one academic term.

Advertising

16. 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, or false or misleading representations concerning the need for tutoring.
17. Any claims made by Members in the course of advertising or marketing in any media are to be honest, accurate and verifiable. The compilation and use of statistics should not intend to or be presented in such a way as to mislead clients.
18. A Member must ensure that promotional material does not encourage unrealistic expectations about the outcomes attainable from tutoring.
19. A Member must not make misleading or false comparisons with programs offered by competitors.
20. A Member is entitled to use the letters M.N.Z.T.A whereas an Associate Member may only use the letters A.N.Z.T.A to signify membership of the NZTA.
21. A Full Member may use the NZTA logo on any or all advertising media provided he/she/it is in compliance with this Code. An Affiliate Member may not use the logo.

Standards of Tutoring Centres and Coaching Colleges

22. All Tutoring Organisation members must ensure compliance with OSH regulations. All Tutoring Organisation are expected to maintain a high standard of cleanliness.

Curriculum and Programming

23. Where relevant, and if applicable, all Tutoring Association Members should state the relationship of programs with Ministry of Education curricula and syllabuses.
24. Individual tutors (who are not employees of Tutoring 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.
25. Any relevant curriculum or written programs must be available upon request for perusal by clients.

Plagiarism

26. A Member shall not engage in any form of plagiarism or cheating. The creation of dependencies is not to be encouraged at any level (Tutors are not to undertake work on students behalf or complete work that is the students responsibility). Members must apply practices consistent with the NZTA Plagiarism Policy, which may be updated from time to time.

Business Operation

27. All Tutoring Organisation Members must manage their business in an ethical and professional manner, including complying with relevant legislation, (e.g. child protection, trade practices, taxation, superannuation, accident compensation, occupational health and safety and anti-discrimination).
28. All Tutoring Organisation Members must provide an appropriately equipped first aid kit located in a prominent, easily accessible position, and ensure that all staff members know of its location. First aid kits are to be checked at least once per term to ensure they are appropriately stocked.
29. Where child protection legislation exists, Members must ensure that all tutors have completed the necessary forms and that these have been submitted to the relevant agencies prior to any face to face tutoring being conducted.
30. Where child protection legislation does not yet exist, Members must require all tutors to sign a statement that they have no prior or pending charges or convictions from any jurisdiction relating to, or involving, children in any capacity.
31. Members must ensure that interviews with tutors are conducted face to face and may involve the prospective tutors doing practice questions and answering question related to child protection and education.
32. Members must ensure that employees and agents act in an ethical and professional manner and do not use unreasonable sales methods to sell tutoring or educational services (e.g. threats, fear or coercion).
33. A Member must not describe a period of tuition, or part of a period of tuition, as free or discounted if the tutoring is increased in price, decreased in quality or is restricted in any manner as a result of the offer.
34. Members must ensure that all employees are conversant with this Code of Conduct.

Written Tutoring Agreements or Contracts (where they exist)

35. The Members shall ensure that the tutoring agreement:
 - (a) states the full legal name and address of the parties to the agreement;
 - (b) sets out clearly and unambiguously the rights and responsibilities of the Member and the client; and
 - (c) discloses the full price of the tutoring being offered, including (where

applicable):

- i. the joining fee, application fee or any other upfront fee;
 - ii. the fee for each session of tutoring;
 - iii. the amount payable, frequency of payments and minimum term applicable to the agreement;
 - iv. the total fee for the tuition program;
 - v. any other fees payable, or that may be payable, under the tutoring agreement; and
 - vi. any cancellation fee and the circumstances under which those fees are payable.
36. A Member must give a copy of the proposed tutoring agreement to any prospective client, if requested and a copy to the client of the signed agreement upon enrolment.

Refunds

37. A client has the right to discontinue tutoring services for any reason whatsoever.
38. All NZTA Members must have a written Refund Policy which must be available for clients.
39. The Member's Refund Policy must be consistent with relevant legislation.
40. Members must not display a sign saying "No Refunds" as this is misleading. Consumers do usually have the right to a refund if there has been a breach of statutory conditions.

Confidentiality

41. A Member shall comply with the Privacy Act by adhering to the Privacy Principles set out in the Act.
42. Information in client files including that relating to assessment, attendance, behavioural observations, billing, reports and personal details shall be made available for the client's perusal upon request.

Complaints Resolution Procedure

43. A Member will make every reasonable effort fairly and quickly to resolve any complaint made by a client.

44. Where an oral complaint is made to a Member the person receiving the complaint will:
- (a) identify himself or herself, listen, record details and determine what the complainant wants;
 - (b) confirm the details received;
 - (c) explain the complaints resolution procedure, and advise of alternative courses of action;
 - (d) resolve the complaint immediately if possible or make a commitment to resolve the complaint within a given time frame; and
 - (e) follow up the complaint as appropriate e.g. provide the complainant with feedback regarding the result of any action taken by the Member to resolve the complaint.
45. Where a written complaint is made, the Member will:
- (a) provide the complainant with written feedback within ten (10) days of receiving the complaint regarding the result of action taken by the Member to resolve the complaint; and
 - (b) if it is not possible to resolve the complaint within ten (10) days, provide written acknowledgement of receipt of the complaint within (7) days and specify the time frame within which the complainant will receive feedback regarding the result of action taken by the Member to resolve the complaint.
46. All Tutoring Organisation Members will ensure that all staff are familiar with the Member's complaints resolution policies.
47. Where a complaint cannot be resolved between the Member and the client, the Member must advise the client of the client's right to refer the complaint to the NZTA.
48. Where a complaint is referred to the NZTA, the Board will, as soon as practicable after the referral, hear the complaint and notify the parties in writing of the determination.
49. Where the NZTA determines that a Member has breached the Code, the NZTA will apply sanctions as per the NZTA Constitution.

PART III - ADMINISTRATION

50. This Code of Conduct will be administered by the NZTA: The Board of the NZTA will appoint a complaints committee, consisting of not less than two (2) Board Members.

Promotion of the Code

51. The NZTA is responsible for the promotion of this Code of Conduct.
52. This Code of Conduct shall be included on the website of the NZTA.

Sanctions

53. Where a breach of this Code of Conduct has been established, the NZTA will seek corrective action. That action is may include a requirement for:
 - (a) advertising to be amended or withdrawn;
 - (b) corrective advertising to be placed;
 - (c) corrective mailing to clients concerned;
 - (d) literature or stationery to be amended or withdrawn; and
 - (e) the withdrawal of programs or materials failing to meet the standards of the Code.
54. The NZTA may, at its own discretion, issue warnings or censures to Members who do not comply with this Code of Conduct.
55. If corrective action is not taken within the time allocated in accordance with NZTA directions, the Member's membership to the NZTA may be suspended for a specific time period, or in the event of continued non-compliance, the NZTA may expel the Member.
56. Following expulsion from the NZTA the expelled Member may not claim ongoing membership in any advertising and must immediately desist from any literature and stationery referring to this Code of Conduct.