



Circular 51/2011

To The Chief Executive Officer of the National Educational Welfare Board

Home Tuition Scheme for Reasons Other Than Those Related to Pregnancy, Medical Condition or Special Educational Needs

1. Introduction

This circular applies to children other than those who are pregnant, have a medical condition or special educational need. Criteria for Home Tuition for children with medical or special educational needs are dealt with by circular, Circular 50/2011 "*Home Tuition Scheme 2011/2012*". Criteria for Home Tuition for schoolgirls who become pregnant is dealt with by Circular 52/2011 "*Home Tuition Scheme for schoolgirls who become pregnant*". Both of these circulars are available on the Department's website under www.education.ie.

It is the responsibility of a parent/guardian to access a school place for their child in either a recognised¹ school or non-recognised/private school if the latter is their choice. Where a parent/guardian is experiencing difficulty obtaining a school place in a recognised school for a child and the child is not attending a private school they should first contact the Educational Welfare Officer who is the local officer of the National Educational Welfare Board (NEWB). The NEWB is the statutory agency responsible for school attendance. They offer a support service to parents to ensure that every child can attend school regularly. Contact details for the NEWB including Educational Welfare Officers can be accessed at www.newb.ie

Where a child² is temporarily without a school place; is without an offer of a school place and is actively seeking a school placement in a recognised school (or has lodged a Section 29

¹ A **recognised** school is a school recognised by the Minister for Education and Skills in accordance with section 10 of the Education Act 1998.

² "**child**" means a person resident in the State who has reached the age of 6 years and who (a) has not reached the age of 16 years, or (b) has not completed 3 years of post-primary education, whichever occurs later, but shall not include a person who has reached the age of 18 years. section 2 of the Education (Welfare) Act, 2000

appeal in respect of an expulsion or refusal to enrol), the Department of Education and Skills may approve a grant to their parent/ guardian to engage a suitably qualified tutor to provide up to 9 hours home tuition per week for that child. The upper limit of the maximum numbers of hours of tuition per week may be subject to review by the Department of Education and Skills from time to time.

This Circular contains information on:

- Eligibility Criteria
- Application procedure
- Child Protection
- Approval procedures
- Engagement of tutors by parents
- Payment Procedures

2. Eligibility Criteria

A child is eligible for Home Tuition under this scheme where he or she is a child who:

- does not have a school place, and
- is without the offer of a school place in a recognised school, and
- for whom a school place is being actively sought in a recognised school, or on whose behalf an appeal has been lodged and where a determination is awaited in respect of an expulsion or refusal to enrol taken under section 29 of the Education Act, 1998.

Note:

A child is not eligible for home tuition under this scheme, where the child has received the offer of a school place in a recognised school and the parent/guardian decides not to avail of this school place.

3. Application Procedure.

An application for home tuition under this scheme can only be made by a parent, guardian or a person in whose care the child is at the time of the application, hereafter this person is called the applicant. The application form – *Application for Home Tuition for reasons other than those related to pregnancy, medical condition or special educational needs – HT4* may be obtained from your local office of the National Educational Welfare Board details at www.newb.ie

The application procedure is:

- (a) The applicant may apply for home tuition through their local Educational Welfare Officer. The applicant should
- complete Section 1 and the declaration of the application form available from your local EWO
 - should provide details of **each proposed tutor**. As part of the applicant's application EACH TUTOR must forward
 - i. a Statutory Declaration witnessed by a Commissioner for Oaths or a Peace Commissioner³
 - ii. details of their current Garda Vetting where available, or an application for Garda Vetting, and
 - iii. details of their registration with the Teaching Council or if not registered with the Teaching Council a copy of their qualification must be enclosed.
- (b) The application form together with enclosures relating to the tutor should then be forwarded to the Educational Welfare Officer (EWO). Contact details for your local EWO can be obtained at www.newb.ie
- (c) The Educational Welfare Officer (EWO) will provide supporting information for the application and will confirm that the child's circumstances meet the eligibility criteria for this scheme. The EWO will forward the application form with any relevant enclosures to the Department of Education and Skills. It is the Department who will decide whether or not to approve an application for a home tuition grant.

Where an application is being made for a number of children in a family, or other group, full details must be submitted to the Department by the EWO giving particulars on the ages of the children and the level at which they are to receive tuition e.g. primary, junior certificate examination, leaving certificate examination.

4. Approval of Tutor and Child Protection Safeguards

As part of the application and therefore before tuition can be sanctioned by the Department, a tutor has to satisfy the following two requirements:

- **All proposed tutors must** make a statutory declaration before a Commissioner for Oaths or a Peace Commissioner that there is nothing from a child protection perspective, in relation to the conduct of the proposed tutor, his/her character or

³ A Commissioner for Oaths may be available at your local Court Office or many solicitors may also be Commissioners. If you choose to use a Peace Commissioner your local Garda station may be able to provide contact details. Further information is available on www.citizensinformation.ie

personal background of any nature that would adversely affect the position of trust in which he/her would be placed in relation to children by virtue of his/her engagement by a parent/guardian to deliver home tuition. **See Appendix 2 of Section 3 of the Application Form**

- **All proposed home tutors must already have been appropriately vetted or alternatively apply for garda vetting** prior to commencing the delivery of tuition to a child. **See Appendix 1 of Section 3 of the Application Form.**

A tutor is regarded as having been appropriately vetted if he/she has a letter to that effect dated within the current calendar year⁴ or the previous calendar year which he/she obtained when registering with the Teaching Council. The original copy of the proposed tutor's current garda vetting letter must be produced by the tutor to the parent/guardian and a copy of the letter certified by either a Commissioner for Oaths or a Peace Commissioner **must be** enclosed as part of the application for home tuition.

For tutors without a current Garda Vetting they must complete a Garda Vetting Application Form, at Appendix 1 of Section 3 of the *Home Tuition Application Form – HT4*. The Department will submit the tutor's garda vetting application form to the Garda Vetting Unit.

The applicant will be informed by the Department if tuition may commence where the garda vetting process has not been completed (this will happen provided the tutor has submitted a completed Statutory Declaration form, as above and an application for garda vetting). In such cases the parent/guardian will be informed that the Department's sanction is subject to the satisfactory outcome of the garda vetting process. The tutor will have confirmed in writing, his/her acceptance of this condition prior to commencing the contract for service to provide tuition to the applicant's child by signing Section 3 of the Application Form.

Subsequently, the Garda Vetting Unit will provide the Department with a statement giving details of any or all of the tutor's convictions and/or prosecutions, successful or not, or completed in relation to the tutor.

The Department may make this information available to the parent/guardian to inform their decision on whether to engage their proposed tutor. If, on receipt of the outcome of the vetting application and having followed due process, the Department considers that the person concerned is not suitable for engagement as a home tutor, then the sanction provided by the Department to the applicant to contract for the services of the named tutor will be withdrawn on notification by the Department to the applicant and/or tutor and no further

⁴ calendar year refers to the twelve-month period commencing January 1st and ending on December 31st.

payment will be made where the named tutor is involved in providing home tuition after this date of notification.

The Department in its consideration of any outcome of the vetting application will have regard to the guidelines maintained by the Teaching Council for assessing disclosures that have convictions and/or prosecutions pending and which is available at www.teachingcouncil.ie/garda_vetting/default.asp?NCID=552

5. Approval Procedure

- (a) The Department will consider the application and may request additional information from the applicant, the tutor and/or the Educational Welfare Officer, prior to making its decision.
- (b) The Department will notify the applicant directly of its decision in writing. Where the Department refuses an application it will set out its reasons for refusal. The Department will copy its decision to the local EWO.
- (c) The Department approves a grant for up to 9 hours of home tuition per child per week. The Department may review this upper limit from time to time. This approval is for a named tutor/s to provide tuition for a specific number of weeks or period of time as set out in the Department's letter of approval or until such time as the child for whom the application is made is offered a school place. Home Tuition is not provided during school vacations and is not available for Saturdays or Sundays or Bank Holidays.

Change of tutor

- (d) If the tutor who is named in the letter of approval is no longer available to provide tuition during the approved period then tuition must be suspended until such time as a new tutor has been approved by the Department. To arrange the approval of a new tutor an application form *Application for Home Tuition for reasons other than pregnancy, medical condition or special educational need - HT 4* should be obtained from the applicant's local EWO. This application form should be completed including the details of the new proposed tutor and forwarded together with supporting documentation and the Home Tuition Reference Number (see the first letter of approval) to the Department's Home Tutions Approval Unit in Mullingar, full address at end of circular. The envelope should be marked "*Change of Tutor*".

If the circumstances for which home tuition was granted change the parents/guardians should immediately notify these changes to Department's Home Tuition Approvals Unit in Mullingar, full contact details are provided at the end of this circular.

6. Period/s for which Hours Tuition is approved.

As the scheme is for children who are temporarily out of school, the Department approves individual applications for home tuition under this scheme for or until the end of a specified period. There are three specified periods during the school year:

- September to Christmas
- Christmas to Easter
- Easter to Summer break

Where an initial application is made during the last three weeks of any specified period, the Department may approve such applications to either the end of the following specified period or the school year, whichever comes first.

Any approval by the Department for an application for home tuition under this scheme will cease at:

- the end of the specified period, set out in the letter from the Department; or
- the date when the child is offered a school place in a recognised school (if the parents/guardian refuse to avail of this placement); or
- the date a child is enrolled in a school,

whichever comes first.

In the case of children when an appeal under Section 29 is upheld, the home tuition grant will cease on the day the school has made the arrangements for the child to (re)enter the school.

7. Application and Approval for Home Tuition for Second or Subsequent Specified Periods

Where it is anticipated that an extension to the initial period approved may be required applications for extensions should be made to the Department by or through the Educational Welfare Officer and sent to the Department's Home Tuition Approvals Unit in Mullingar, (see end of circular for full contact details) **at least three weeks** before the date on which the currently approved tuition is due to expire.

The applicant does not have to complete a new application form unless there is a change of tutor. If there is change to the tutor see section 5(d) above see for how the new tutor may be

approved. Home tuition will only be approved for a second or subsequent period following a review by the Department of an update from the Educational Welfare Officer regarding

- the educational status of the child, and
- evidence of attempts made by parents/guardians to obtain a school placement in a recognised school i.e. letters of application to schools and letters from schools refusing enrolment,
- evidence of attempts by the parents/guardians to engage a qualified tutor, where one could not previously be engaged.

In relation to an upheld Section 29 appeal where a school place is to be made available, the EWO should provide an update of the current position in relation to this.

The Department will consider the material from the EWO and determine if approval for a second or subsequent period should be granted having regard to the eligibility criteria for the scheme. As with the initial application, the Department will write directly to the initial applicant on the Department's decision on whether to approve a further period of home tuition for their child. The date of approval of a second or subsequent period will be set out in this letter, or the reasons for refusal as applicable.

The same terms and conditions in relation to payment of the grant apply to second and subsequent periods of home tuition as the initial period. This includes that the Department **will not** make payment of a grant for home tuition outside of the dates set out in the Department's letter of approval. Hence the Department **will not backdate payment** for tuition that 'roll over' without prior approval, in accordance with the terms of this scheme.

8. Amount of Grant to Parents

Where eligible, the Department will approve a parent/guardian a grant which is currently up to 9 hours per week for each eligible child for a specific period of time. The upper maximum hourly limit may be reviewed by the Department from time to time. This grant will meet the cost of the tutor providing tuition to the child.

The amount of the grant paid by the Department will be based on the letter of approval. It will be calculated on the number of approved hours of tuition **provided** per week by the number of weeks the tuition is provided within the approved specified period by the rate applicable having regard to the qualifications and registration status of the tutor.

The costs of travel or subsistence or educational materials are not covered by this grant or this scheme.

9. Engagement of Tutors

Parents/guardians who have been approved the home tuition grant under this scheme are responsible for making the arrangements to engage a suitably qualified tutor and appropriately vetted tutor to provide tuition to their child(ren). Neither the Department of Education and Skills or the National Educational Welfare Board provide lists of tutors. Please note that no tuition may commence until the qualifications and garda vetting status of the nominated tutor have been established by the Department, which forms part of the Department's approval process.

As the tuition takes place outside of school supervision there is a need to ensure that every effort is made to engage a tutor(s) who is a qualified registered teacher with qualifications appropriate to the sector of the child (i.e. primary or post-primary) and suitable to provide tuition. A qualified registered teacher is a person who is currently registered with the Teaching Council of Ireland and recognised by them as qualified at the educational level at which the child is to receive tuition.

A weekly record of tuition provided should be maintained by the parent/guardian and tutor using the "*Claim Form for the Payment of Grants under Home Tuition Scheme – Form HT 3*" enclosed with the Department's approval letter. This form should be available for inspection by the Department, if requested.

The level of grants paid by the Department to approved applicants will in part be determined by the qualification and registration status of the tutor engaged by a parent/guardian. There are two rates (details of current applicable rates are at **Appendix A**) of payment for home tuition:-

A **standard rate** where the tutor engaged by the parent/guardian to provide tuition for their child is:

- I. Registered with the Teaching Council in accordance with Section 31 of the Teaching Council Act, 2001, and
- II. Has qualifications appropriate to the sector of the student (i.e. primary or post - primary) and suitable to provide tuition, and
- III. Not in receipt of a Public Service pension.

A **modified rate** applies to the following exceptions

- I. Where a parent/guardian can satisfactorily demonstrate that every reasonable effort has been made to engage an appropriately qualified and registered teacher without

success, an unqualified and/or unregistered person may be engaged. A tutor being engaged in such circumstances must have an alternative appropriate recognised qualification please see **Appendix B** for further details. In these cases the parent/guardian must retain evidence of attempts made to source a registered and qualified teacher as tutor. Tutors not registered with the Teaching Council must submit a full copy of their relevant qualifications at the time of application for tuition.

- II. All retired public servants in receipt of a pension who provide tuition under this Scheme.
- III. In the case of a tutor who has applied to the Teaching Council, the grant payment will be at the rate to cover the engagement of tutor at the modified rate pending the decision of the Teaching Council. When registration for the sector and recognition of qualifications for the purpose of the post is achieved during the approved specified period the grant payment will be amended to a standard rate from the date of registration.
- IV. Where registration with the Teaching Councils lapses during a period during which tuition is being provided the modified rate will be applied to tuition on or after the date on which registration ceased.

Prior to the engagement of the tutor, parents/guardians should refer to the Department's circular on Teacher Recruitment Registration and Qualifications (Circular 0031/2011) which may provide assistance. This circular can be viewed at www.education.ie.

Where a tutor is not registered with the Teaching Council, detailed information regarding their qualifications should be submitted together with the application form to the Department through the EWO.

Queries in relation to teacher qualifications should be forwarded to the Teaching Council of Ireland at : The Teaching Council, Block A, Maynooth Business Campus, Maynooth, Co. Kildare Telephone: LoCall 1890 224 224 or (01) 6517900 Fax: (01) 6517901 or E-mail: info@teachingcouncil.ie

Under the Department guidelines teachers who opt for a career break (circular 10/03), choose to job-share (circular 11/03) or take unpaid leave (circular 35/10) are not permitted to engage in the delivery of Home Tuition under this scheme.

10. Payment Procedures

The cost to approved applicants of engaging a tutor is covered in full by a grant from the Department of Education and Skills, in accordance with the terms of this circular.

Home Tuition grant payment is only available on completion of the full application process which includes the issue on an approval letter confirming the date of commencement and the duration of the tuition. Payment will be made by the Department from the date of commencement/approval outlined in the Department's letter of approval or from the date on which tuition commenced if this is later than the date of approval. Parents/Guardians are advised that under **no circumstances** will a grant be paid for any home tuition outside of the dates of approval as per the Department's letter of approval.

Once approval has been granted for the provision of Home Tuition, the approval letter is copied to the Home Tuition Payment Section of the Department in Athlone, address at end of circular. All further dealings will be with the Payment Section. However, **if the circumstances for which home tuition was granted change including the named tutor then the Home Tuition Approvals Unit in Mullingar (contact details can be found at the end of this Circular) should be informed immediately**. See section 5(d) above for the procedures for a change of tutor.

Payment for tuition cannot be made where there is a change of tutor without the details of the new tutor being first forwarded to the Department's Home Tuition Approval Unit in Mullingar and the new tutor being approved. See section 5(d) above for the procedures for a change of tutor. This is required as part of the Child Protection process.

10.1 How to claim an approved grant.

Payment may be claimed for the duration of the approved specified period by the approved applicant from the Department of Education and Skills on a monthly basis, in arrears; when the named tutor is no longer available to provide tuition or when eligibility for tuition in accordance with this scheme ceases, whichever occurs first.

To claim an approved home tuition grant parent/guardians must return *Claim Form for the Payment of Grants under Home Tuition Scheme – Form HT 3* to Department's Home Tuition Payments Unit in Athlone, (full contact details are provided at the end of this circular), ensuring that the following sections of the claim form are fully completed:

- Section A – details of child, parent/guardian and tutor
- Section B – weekly record of home tuition hours provided.

- Section C – certification of claim completed by BOTH parent/guardian and named tutor
- Section D – identify payment details for use in the payment of the grant.

Claims forms are enclosed with the letter of approval. Additional claim forms, if required, may be obtained from the contact address at the end of this circular and at www.education.ie.

Only original fully completed claim forms signed and dated by the parent/guardians and the tutor can be accepted for payment. Faxed, scanned or photocopied versions of the claim form will be rejected and returned to the parent/guardians.

Teachers registered with the Teaching Council must grant permission to the Teaching Council for their details to be displayed on the website of the Teaching Council in order for this Department to verify that teachers have current registration. This is done by sending notification to the Teaching Council. Further information is available from www.teachingcouncil.ie

10.2. How is the grant paid?

Parents/guardian are responsible for paying the full cost of tuition to the tutor they engage. The grant from the Department will cover the full costs of the tuition provided by the tutor, in accordance with the terms set out in this circular. While the Department has no contractual relationship with the tutor(s) engaged by a parent/guardian, the Department provides the following method of payment of the home tuition grant to approved applicants to facilitate the payment by the parent/guardian to their child's tutor:

The Department will arrange for the payment of the home tuition grant directly to the tutor(s) by Electronic Funds Transfer with the agreement of both the parent/guardian and the tutor. However, where the child is in the care of the Health Service Executive payment will issue directly to the Health Service Executive or to a facility/agency nominated by the Health Service Executive at the time of application and they in turn will pay the tutor. Payment by Electronic Funds Transfer requires the tutor/Health Service Executive or nominated facility/agency to provide details of their bank account.

10.3. When will payment issue?

Payment should issue within six weeks of receipt by the Department of a valid claim form. However, at certain times of the year it may take up to 12 weeks for payment to issue.

10.4. Tax Implications of Home Tuition Grants.

To comply with existing legislation, parents/guardians who receive grant payments under this Scheme must provide a current tax clearance certificate in their name where accumulated payments are likely to exceed €10,000 in any one year. Payments cannot issue until this tax certificate is submitted. Information on tax clearance certificates can be obtained by accessing www.revenue.ie. Parents/guardians can apply for a tax clearance certificate from the Revenue Commissioners by accessing: <http://www.revenue.ie/en/tax/it/forms/webtc1.pdf>

Travel or subsistence allowances do not apply to this Home Tuition Scheme.

Payments to tutors are subject to tax regulations and contact should be made with your local Revenue Commissioners office for advice on an individual basis. The Department of Education and Skills is not currently responsible for the deduction and or payment of tax, PRSI or the universal social charge in this regard. **Tutors and parents should note that the Department of Education and Skills is required to provide details of parent/guardian and tutor including PPSN of both for Home Tuition payments and the amounts paid to the Revenue Commissioners.**

11. Contact Details

Queries in relation to the home tuition scheme should be addressed to:

Department of Education and Skills
Home Tuition Approvals Unit
Parents, Learners and Database Section
Friar Mill Road
Mullingar
Co. Westmeath
Tel: 044 9337008 - also on www.education.ie

An application form may only be obtained through your local Educational Welfare Officer, contact details on www.newb.ie

Queries in respect of payments or requests for claims forms should be addressed to:

Department of Education & Skills
Home Tuition Payments Unit
Parents, Learners and Database Section
Cornamaddy
Athlone
Co. Westmeath.

Telephone no: 090 6483600 also on www.education.ie

Brian Brogan
Principal Officer
Schools Division

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Circular 51/2011

Appendix A

**Home Tuition Scheme for Reasons Other Than Those Related
to Medical Condition or Special Educational Needs**

There are two rates of payment available to tutors engaged in the provision of Home Tuition, the standard rate and the modified rate, (see section 9 of Circular 51/2011 for more information).

Payment rates may be subject to change. The rates applicable are as follows:

Standard rate:

Where registered with the Teaching Council and a

qualified Primary School Teacher
and tutoring a primary student: € 36.60 per hour work.

qualified Post-Primary School Teacher
and tutoring a post-primary student: € 40.10 per hour worked.

Modified rate:

Where the tutor is not registered with the Teaching Council and/or not qualified to teach in the sector for which tuition is being provided then the modified rate applies.

The modified rate also applies to retired public servants in receipt of a pension who provide tuition under this Scheme.

Modified rate: € 26.07 per hour worked

Circular 51/2011

APPENDIX B

The Home Tuition Scheme

As the tuition takes place outside of school supervision there is a need to ensure that the tuition provider is a fully qualified teacher who is registered with the Teaching Council of Ireland.

However if it is not possible to recruit a tuition provider who is a qualified and registered teacher then alternative qualifications may be acceptable as appropriate including the following :

- **Bachelor Education, H.Dip in Education, Montessori Qualification National Diploma/Degree in Humanities in Montessori in St. Nicholas College, Dun Laoghaire**
- **Qualified Teacher Status from UK**
- **Third level qualification B.A., B.Sc., Psychology, RNMH etc. (depending on circumstances)**
- **Successfully completed the 3 year full-time course at Montessori College in Milltown**