**PE1531/K**

Scottish Council of Independent Schools Letter of 24 February 2015

Public Petitions Committee
The Scottish Parliament
Edinburgh
EH99 1SP

24 February 2015

Dear Committee Members

**Public Petition 1531**

Further to the Petitioner's "consolidated response" dated 16 February, please find herewith responses to the issues addressed directly to the Scottish Council of Independent Schools.

We note that the issues raised have moved on from the stated aim of the Petition, addressing charitable status, to a wider debate on social and economic benefit. As part of this, full consideration must be given of the range of activities schools undertake as a direct and integral part of their charitable status. A very short example of these activities was given in the SCIS response of 8 December 2014. Far more detail is contained in the individual OSCR reports on each school[1] – which serve as a reminder that the independent sector has already undergone the most rigorous and focused testing of any bodies in Scotland under the terms of the Act and subsequent updated guidance, placing it ahead of the vast majority of Scottish registered charities, including those that also charge fees.

In the "Additional Notes" of 6 January, the Petitioner raises a wide range of additional opinions. We will limit our response to those addressed directly to us or that are inaccurate.

In **3.2** the Petitioner repeats an earlier assertion that only a "few" children benefit from bursaries. As our earlier correspondence made clear, in excess of 600 pupils, at both day and boarding rates, currently receive maximum 100% means-tested financial assistance alone. Families of those pupils will have been judged unable to pay any of the fee costs, therefore amongst those most financially disadvantaged in the country. Further means-tested assistance below that percentage, from 95%-20%, is currently given to more than 2,300 additional pupils. In addition to this, a further 4,000 pupils receive non-tested assistance such as scholarships, sibling and staff discounts.

It should be noted that, by definition, provision of these bursaries follows the express request of the thousands of families concerned.

In **4**, a reference is made to independent education as an "*expensive ticket to a top university regardless of the genuine ability or motivation of pupils*". Quite aside from the aspersions cast over universities themselves and the UCAS entrance process, there is no evidence whatsoever to suggest the entry criteria for universities is differentiated. In addition, the statement also brings into question the personal qualities and intentions of

[1] http://www.oscr.org.uk/charities/managing-your-charity/reviews-of-charitable-status/charitable-status-reviews-schools

thousands of hard-working Scottish pupils and families, pupils in schools that the Petitioner stated in oral evidence as having no direct communication with nor experience of.

SCIS has never, nor would never, seek to draw any comparison between the intelligence and capability of pupils across different Scottish schools – and would strongly discourage anyone from doing so.

The Petitioner, in the response of 16 February, directs SCIS to sections **5.1-5.3** concerning financial benefit.

The issue of the economic impact of the sector (not financial benefit, "alleged" or otherwise) was one raised specifically by the Committee itself. The report[2] forwarded to the Committee in response, which the Petitioner considers "*questionable*", was not compiled by SCIS but researched and authored by BiGGAR Economics, an independent economic consultancy providing similar services to central and local government in Scotland, economic development agencies, other government agencies, universities, colleges, social economy organisations and private sector firms across Europe.

It is unclear, given the evidence contained in that report, how the Petitioner arrives at the assertion that such schools "*stagnate the economy and inhibit growth*" despite clear impartial evidence to the contrary (see also Oxford Economics "UK Independent Schools Economic Impact Report".[3] It is a statement of fact that schools contribute to the economic and social capital of Scotland, and do not receive a single penny (aside from MOD allowances or local/central government ASN placements) from the state.

Equally, no justification is given for the opinion that schools, rather than educating individual pupils to the best of their ability, "*exacerbate and perpetuate*" inequalities in health, education, housing and employment, and high levels of crime and poverty. Finally, it would not be the view of SCIS that charitable status confers any moral standing, positive or negative, on any of the 23,762 charities registered in Scotland.

The statement in **6.2** on access to schools, that the main criterion to admission is ability to pay, is in direct contradiction to the published admission policies of schools as tested in detail by the OSCR charity test on facilitated access.

The Petitioner's personal views on Public Benefit can be balanced with those of the charity regulator itself:

> *"On disbenefit, we noted that there were arguments current in society that:*
> - *the existence of an independent school has a negative impact on state schools in the same area*
> - *that independent schools have a divisive influence in society.*

We could not find any strong evidence to support these views in the context of the charity test, which requires us to look at any disbenefit resulting from the activities of the charity itself."[4]

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[2] http://www.scis.org.uk/assets/Uploads/Facts-and-Statistics/BiGGAR-Economics-Report-to-SCIS-on-Economic-impact-of-SCIS-Members-final.pdf

[3] http://www.isc.co.uk/Resources/Independent%20Schools%20Council/Research%20Archive/Publications/ISC_ECONOMICS_REPORT.pdf

[4] "Fee-charging schools, public benefit and charitable status", p.3 - http://www.oscr.org.uk/media/1749/2014-12-08-schools-report-final-for-publication.pdf

We support a robust debate on the nature of school education in Scotland, its strengths, diversities and variances. However it is appropriate that the views of a sector containing more than 31,000 pupils and their families are part of that debate. That sector has met, at every turn, the regulatory and legislative demands requested of it.

We would be happy to answer any further questions the Committee may have, not least about the education that the range of independent schools actually provide. In addition, schools would be happy to meet the Committee - in session or on site - to explain more about the work they undertake.

John Edward
Director