

Public Petitions Committee
The Scottish Parliament
Edinburgh
EH99 1SP

22 April 2015

Dear Committee Members

Public Petition 1531

Further to the Committee's meeting of 17 March I am writing to respond to questions raised during the session. As the Petitioner makes clear in the letter of 21 April that, despite the Petition's original wording, no level of activity by the schools or any level of scrutiny by the independent charity regulator - however substantial - would be acceptable, this letter does not address that.

As mentioned previously, detailed reports by OSCR have now been produced on each individual independent school. The scrutiny looked both at means-tested fee assistance and all aspects of other community and academic collaboration. These, combined with the requirements of the Charities and Trustee Investment (Scotland) Act 2005 as passed by the Scottish Parliament, constitute the most rigorous test of public benefit and public purpose for any group of schools anywhere in the world.

At the Committee meeting of 17 March the question was raised whether grant-aid or other government financial support for additional support needs forms part of the calculation of means-tested assistance. For the avoidance of doubt, none of the fees or figures from independent complex additional support needs schools in membership of SCIS form part of that calculation. The figures provided to the Committee of overall, and means-tested, financial assistance are drawn solely from parental fee income and other school fund-raising and legacies – none is from local or central government.

The Committee also discussed a potential difference in definition between "private" and "independent" schools¹. "Private" holds no particular definition or specification, which is why the sector uses the term "independent" instead. Independence is signified by not being under local authority control and refers to the autonomy of the individual schools. "Independent" does not imply that schools are distant from their community or the national bodies they work alongside. Autonomy allows schools to develop their own curriculum and choice of qualifications, it implies independent management of the school (under both company and charity law) and empowers schools to develop their own individual ethos, philosophy, subject choice and extra-curricular programme. The lack of clarity in use of terms often leads to misunderstandings about schools either being profit-making or private businesses, which they are not.

Within the body of independent schools in Scotland there are a substantial number of independent Complex Additional Support Needs schools, as mentioned above. Some of these schools are Grant-Aided, others are operated by larger national charities. All define themselves as independent however, for the same reasons as listed above, whether pupils are placed with them by families or through referral by local or central government. Naturally, all mainstream independent schools cater for a range of physical, behavioural, emotional and social needs as well, and learning support within the independent sector is a particular focus.

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, Scottish Council of Independent Schools

¹ "Public school" is a term traditionally used to describe certain independent fee-paying or endowed secondary schools in England and Wales. It has no relevance in Scotland and is not used by SCIS.