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THE STATE OF INDEPENDENCE:

A COMMENTARY ON SCOTLAND'S

INDEPENDENT SCHOOLS IN 2014

AND ONWARDS

“Scotland’s aspirations should know no bounds. Everyone involved with schools should be aiming to make Scottish education the best in the world. Nothing short of this should be regarded as good enough.”

The Commission on School Reform, 2013

The Scottish Council of Independent Schools (SCIS) was established in 1978 to represent independent schools in Scotland. It represents over 70 mainstream and additional support needs member schools in Scotland, which educate more than 31,000 children of mixed abilities from diverse backgrounds. The key aims of the Scottish Council of Independent Schools (SCIS) are:

- to provide information, advice and guidance to parents;*
- to advance education via curriculum development and the training of teachers;*
- to advise member schools and their governing bodies about educational developments and legislation affecting independent schools (e.g. education, taxation, welfare, health and safety);*
- to communicate and negotiate with the Scottish Parliament, the Government, public and private bodies on behalf of the independent sector.*

“Across the world, governments are reforming their education systems in quite radical ways as they try to address challenges arising from globalisation, societal change and technological development and to address their own specific national needs and aspirations. Scotland is no different.”

Teaching Scotland’s Future, 2010

Introduction

The change that Scottish school-age education has undergone in the last decade, while not unprecedented, is all-encompassing. In part, this is the natural result of the devolution of parliamentary power to Scotland in 1997, but it is also an indication of the pace of change in education world-wide. Some of those developments in teaching and learning, as well as in pastoral and additional support frameworks, are listed in Annex 1.

While autonomous in their teaching, learning and governance, independent schools have felt the impact of all of these developments. Some, like the review and design of the new National Qualifications, have been met with engagement well beyond the proportionate size of the sector.¹ However, schools have also had to deal with additional developments specific to them, including:

- The creation of the Office of the Scottish Charity Regulator (OSCR) and its specific testing of public benefit in independent schools;
- GTCS requirements for the registration of teachers qualified outside Scotland;
- The disbanding of the General Teaching Council for England;
- Ongoing reform of GCSE and A/AS-levels;
- The introduction of a points-based “tiered” immigration system which affects both boarding school pupils (Tier 4) and teachers and other school staff from outside of the EU.
- Changes to the Ministry of Defence’s Continuity of Education Allowance, which helps to ensure the continuous education of children of Service personnel posted away from home.

Independent schools have been influenced by the changes in Scottish education as much as any institution, irrespective of their autonomy. Their contribution during that time has been considerable. As a period of intense political activity approaches, the time is right for the sector to outline its own expectations and priorities.

Political perspective

The three-year period from 2014 will see an unprecedented level of political activity in Scotland and the UK – some of which will depend on the votes that go before (*in italics*):

2014	22 May	European Parliamentary Elections
	18 September	Referendum on Scottish independence
2015	7 May	UK Parliamentary Elections
2016	<i>24 March</i>	<i>Scottish Government proposed date for independence</i>
	5 May	Scottish Parliamentary Elections
2017	4 May	Scottish Local Government Elections
	<i>By end</i>	<i>UK Conservative Party proposal for EU Referendum</i>

¹ SCIS schools provided 3rd most nominations for SQA Qualifications Design out of 50 groups; 7th most Curriculum Area Review nominations out of 40; plus high numbers of numbers of markers, verifiers, assessors, setters etc.

All of the above events will have a significant and lasting impact on the independent sector in Scotland. There is the potential for further qualification and curriculum reform, particularly after a UK general election. There are a range of potential implications for staff recruitment, remuneration, retention and development, as well as teacher registration and training.

On a broader scale, business taxation, pension provision and the overall economic climate will feature; along with changes to the funding, commissioning and provision of additional and special support needs. Above all of this, there are the key constitutional questions over Scotland's place in the UK, after further devolution or pre-independence, and a possible referendum on a renegotiated membership of the EU that would raise issues for schools, families and teachers, both domestic and international.

Impact of the independent school sector

This month SCIS publishes an independent economic impact study of the sector,² which looks at the impacts and assets of the sector as part of the Scottish economy and wider society. In headline terms, the report demonstrates an impact not only of the operational benefits associated with individual schools – estimated at £446 million Gross Value Added and almost 11,240 jobs – but also a wider contribution to the competitiveness of the Scottish economy. This wider contribution includes exports worth almost £28 million per year and a contribution of more than £263 million a year to public finances. It should be borne in mind that independent schools are funded almost entirely by parental fee income.

In addition, the report has found that the sector generates a number of wider economic benefits that cannot be fully quantified. These wider benefits include supporting the Scottish university sector; developing and attracting a high calibre workforce; encouraging inward investment; enhancing the capacity of the state education system; enhancing the capacity of the third sector; and contributing to the communities in which they operate.

This comes in tandem with a wider project by the Independent Schools Council looking at the UK as a whole. The ISC Report details that independent schools support a £9.5 billion gross value added contribution to the UK's GDP, support 227,000 jobs, and generate £3.6 billion in tax revenues.³

The political and regulatory framework is fully devolved for independent schools in Scotland – although it should be remembered that Northern Ireland and, increasingly Wales, are as discrete from each other as they all are from England (see Annex 2). While the autonomy schools hold dear is common to all parts, the context can be very different. It is an appropriate moment to provide an insight to, and supporting data on, the role of the sector in Scotland that moves away from narrowly-focused and policy-light arguments based on preconceptions – often outdated – of the diversity and profile of the sector and the people within it.

Distracting and intrusive debates about the educational background of political and other public figures make for lively politics and good copy,⁴ but fail to recognise that most independent school pupils and staff live in and around their local communities. They are not a distinct group seeking to be set apart by the way they are educated any more than they are in the way they think as individuals. It is a striking characteristic of the debate on charitable status, for example, and widening of access through means-tested bursaries, that old and unrevised assumptions about the socio-economic background of pupils remain.

² <http://www.scis.org.uk/facts-and-statistics/economic-impact/>

³ <http://www.isc.co.uk/research/Publications/independent-schools-economic-impact-report>

⁴ <http://www.newstatesman.com/2014/01/education-private-schools-berlin-wall>

Charitable status

Charitable status of independent schools has attracted, and still attracts, a great deal of public scrutiny and rightly so. It is incumbent upon all of the 23,819 registered charities in Scotland to demonstrate that they uphold and extend their charitable purposes. What is beyond question is that the independent school sector has undergone the most rigorous scrutiny since the Office of the Scottish Charity Regulator (OSCR) started work. The robust debate in the Scottish Parliament, which led to the 2005 Act,⁵ created the toughest test of charitable status anywhere in the UK and, in reality, anywhere in the world.

Since the introduction of the charity test in November 2006, 41 of the 98 charities reviewed in Scotland have been independent schools, some of which include more than 1 school.⁶ As a priority group, the entire mainstream independent school sector has now been reviewed, along with 1 grant-aided school. This has been an in-depth, complex and exhaustive process; describing a considerable learning curve for both sides, and the decisions bear close reading. For instance, OSCR shows that over 400 pupils in Scotland receive a full 100% remission on their school fees.

No group in Scotland is better able to demonstrate their compliance with the requirements to meet charitable purpose(s) and the conditions of the 2005 Act. The review process, completed in January 2014, has produced a considerable amount of detail on the activities of the schools, both in terms of means-tested fee relief and other non-charged benefits to the community. Many schools have embraced the opportunity to audit and update their relationships with local communities, schools and individuals and many examples of best practice are now to be found in the charity reports on many school websites. In addition, the policies of those schools that operate academic selection have been fully examined.

Schools are now well aware of the requirements placed upon them by the 2005 Act and the requirements of the Act have been met. As independent schools are some of the oldest charities in Scotland, this should come as little surprise. Independent schools are charities because they fulfil purposes for the public benefit. They are no different to other educational charities, such as further education colleges or universities, and enjoy no treatment which is different or special when compared to other charities.⁷ Whether state-funded schools should also receive similar charitable status is for others to argue.⁸

Popular perceptions of what charity means are often well removed from broader legal definitions in the 2005 Act and preceding law. However, there should be no doubt where independent schools and their governing trustees stand – every school's founding philosophy or ethos is based on education of the child, not on regulatory compliance or legal definition. The same could be said for any of the other 23,000 charities in Scotland – none are more focussed on their status than on their chosen purpose.

Means-tested financial assistance now far outstrips any taxation rates that follow from charitable status⁹ and, combined with further non-means tested assistance, has taken the place of state funded Assisted Places assistance that ended in the 1990's. Scottish schools and families have met the challenge presented to them, a policy outcome that should be a matter of note for legislators and of recognition of the efforts made.

⁵ <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/25928.aspx>

⁶ <http://www.oscr.org.uk/publications-and-guidance/decisions-on-charitable-status-reviews/>

⁷ See also the Charity Tax Map - http://www.ctrg.org.uk/tax_map

⁸ <http://www.dailyrecord.co.uk/news/politics/snp-veteran-jim-sillars-insists-3054202>

⁹ <http://www.scis.org.uk/public-affairs/public-benefit/>

The independence referendum

Set apart from all the likely or unknown challenges that lie ahead in Scottish education or “permanent revolution” in education further afield,¹⁰ the referendum on Scottish independence in September 2014 is clearly a seminal moment. Indeed, given the global reach of Scottish schools in terms of pupils, the constitutional status of the country will be of particular interest. Independent research has found that in 2013 a total of 901 international boarding pupils and 388 international day pupils attended SCIS schools,¹¹ which implies that Scottish independent schools generated £27.8 million in export earnings in that year.

For individual schools, teachers, families and pupils - as for any other part of Scottish society - the result will have repercussions. It is therefore surprising that some might presume that those in independent schools would think, or vote, in any one particular way on 18 September. Nevertheless, some commentators have speculated that an individual’s choice of educational institution still says as much about their identity and preferences than any other personal attribute.^{12 13} The more than 30,000 independent school pupils and more than 6,000 school staff in Scotland are no less susceptible to “group-think” than any other section of society.

Schools are playing an active role in the referendum debate. They are seeking out external speakers for debate, maximising the learning potential of the referendum process and highlighting the new opportunity that the extension of the electoral franchise creates – not least for pupils from elsewhere in the UK, the European Union (including Ireland) and the Commonwealth.¹⁴ Governing Boards and trustees are considering all possible outcomes. Beyond that, schools rightly leave the matters of heart, head and habit to the conscience of each voter.

In terms of the wider policy debate, there is no explicit reference to independent education in the White Paper “Scotland’s Future”, nor in any other paper produced by the Scotland Office, other UK Government Departments or political parties. SCIS did receive a response via the White Paper Q&A process, asking about the approach to the sector post-independence and the impact on international boarding:

“All independent schools in Scotland are registered with Scottish Ministers in accordance with the Education (Scotland) Act 1980. They are part of the education system in Scotland providing choice for parents when selecting their children’s education and the intention is for this to continue following independence. With regard to International pupils’ attendance at independent schools this will also continue to be openly encouraged.”

It is worth noting that the value of independent pupils to the national economy, although not appreciated to the same extent as that of students in higher education, has been recognised by both the Scottish and UK Governments.^{15 16}

¹⁰ <http://news.tes.co.uk/b/news/2014/04/14/bring-an-end-to-quot-permanent-revolution-quot-in-schools-says-laws.aspx>

¹¹ BiGGAR Economics, “Economic Impact of SCIS Member Schools in Scotland”, section 8.1.

¹² <http://www.spectator.co.uk/columnists/hugo-rifkind/9141162/its-time-scotlands-cowardly-posh-folk-spoke-out/>

¹³ <http://blogs.spectator.co.uk/alex-massie/2014/02/whatever-happened-to-scotlands-timid-posh-folk/>

¹⁴ http://www.aboutmyvote.co.uk/the_independence_referendum/faqs_for_young_voters.aspx

¹⁵ See 5.28 - <http://www.scotland.gov.uk/Publications/2010/12/09094114/7>

¹⁶ <https://www.gov.uk/government/news/new-push-to-grow-uks-175-billion-education-exports-industry>

Challenges for, and from, the sector

Scotland's independent schools are here to stay; they are part of the rich tapestry¹⁷ of the education system. Some schools can trace their origins to the early centuries of the Scottish kingdom. Others are the products of mercantile philanthropy in the 17th and 18th centuries, some of the classical and progressive thinking of the enlightenment and Victorian times. Yet more are the products of post-World War II changes in education. All retain the same commitment to excellence, diversity and choice; whether single-sex or mixed, day or boarding, all-through or preparatory, urban or rural, comprehensive or selective.

As the country considers its own next steps, the sector has much to offer and demonstrate:

- A diverse range of education with individual curricula, ICT, careers guidance and a range of qualifications – including a long-standing commitment to modern languages in tandem with Scottish Government and EU targets;¹⁸
- Models of autonomy, devolved school management and independent governance;
- Commitment to all-round education encompassing sport, expressive arts and individual personal development;
- A national reputation for learning support and provision for complex additional support needs;
- The potential for partnership with individual local authority schools;
- Demonstrable core commitment to child protection;
- The ability to take part in specialist hubs for subject learning as well as teacher education;
- Exemplars of widening access policies in education;
- A school-level commitment to independent professional review and development;
- Case studies in all-through education from early years to senior phase;
- Physical education and activity provision well in excess of Scottish Government targets;¹⁹
- A custom-built programme of continuing professional development for all school staff.²⁰

In return, independent schools ask for nothing more or less than to be recognised as an integral, established and diverse element of Scottish education. This would be demonstrated by:

- Respect for the autonomy in governance and philosophy of independent schools;
- Recognition of diversity in teaching paths and careers;
- Open participation in national education resources and ICT, in keeping with the Scottish Open Education Declaration;²¹
- Support for a wide range of independent Additional Supports Needs provision that is provided on an equitable basis across local authorities and independent bodies;
- The ability to attract and retain students, irrespective of background, from Scotland, the UK, the EU and beyond;
- Recognition of diversity and autonomy in curriculum, qualification choice and subject teaching;
- Consistency in the application of regulatory standards applying to charities, registered care bodies, etc.;
- A visa regime that attracts and retains school-age pupils from across the world and recognises the low-risk, highly regulated security of the independent boarding sector;

¹⁷ Cabinet Secretary Michael Russell - <http://www.scotland.gov.uk/News/Releases/2010/04/23095724>

¹⁸ In 2012-13 independent school Higher French entries rose by 12.3% compared with a 9.6% decline nationally.

¹⁹ At least two hours per week of physical education - <http://www.scotland.gov.uk/Topics/Education/Schools/HLivi/PE>

²⁰ <http://www.scis.org.uk/cpd/>

²¹ <http://declaration.openscot.net/>

- Opposition to any measures which may threaten or disrupt the teaching, learning and pastoral care in independent schools;
- Proportionality in the general application of public policy as regards independent schools.

Conclusion

The independent sector will not shrink from the policy questions and challenges that lie in the months and years ahead, nor will it be a silent presence in any discussion about children and young people in Scotland. Just as for the country itself, the relative size of the sector does not make it any less diverse, opinionated or multiform. Such is a state of independence.

John Edward
Director, Scottish Council of Independent Schools
April 2014

“Education is not merely by and for the sake of thought, it is in a still higher degree by and for the sake of action. Just as the man of science must think and experiment alternately, so too must artist, author and scholar alternate creation or study with participation in the life around them. For it is only by thinking things out as one lives them, and living things out as one thinks them, that a man or society can really be said to think or even live at all.”

Sir Patrick Geddes, 1895

Annex 1:

In recent years, Scottish education has undergone the:

- design and implementation of a 3-18 Curriculum for Excellence, with cross-party support;
- design and introduction of new National Qualifications, replacing or amending Scottish Qualifications Authority (SQA) qualifications from Access 1 to Advanced Higher;
- operational independence of the General Teaching Council of Scotland (GTCS) and introduction of teacher re-accreditation, i.e. Professional Update;
- Donaldson review of teacher education and new national programme to improve professional learning for teachers;
- McCormac review of teacher employment and conditions, and successive SNCT amendments;
- 3 years' of employee contribution increases to the Scottish Teachers Superannuation Scheme (STSS), followed by negotiations on a new Scottish Teacher Pension Scheme to start in 2015 (following Lord Hutton's review of public pensions);
- introduction of the Scottish Baccalaureate;
- publication by HM Inspectors of "Improving Scottish Education" followed by the introduction of a new school inspection framework;
- introduction, and review, of Glow and other changes in school ICT;
- introduction of the Scottish Survey of Literacy and Numeracy (SSLN) and the development of the Senior Phase Benchmarking Tool "Insight".

In addition, additional support and pastoral care aspects of school-age education have seen the:

- introduction of the Equality Act 2010, replacing previous legislation on discrimination;
- Protection of Vulnerable Groups (Scotland) Act 2007 and the introduction of the PVG Scheme of registration for all those who work - whether paid or unpaid - with children;
- the Education (Additional Support for Learning) (Scotland) Act 2004 which established the Additional Support Needs Tribunals for Scotland (ASNTS), and the Education (Additional Support for Learning) (Scotland) Act 2009;
- establishment of the Care Inspectorate as a single regulatory body for social work and social care services, including child protection and the integration of children's services;
- development of Getting It Right For Every Child (GIRFEC) approach to single-agency, multi-agency and inter-agency working across children's services, with further measures due to follow through the Children and Young Peoples Bill;
- Education (Disability Strategies and Pupil's Education Records) (Scotland) (Act) 2002 adding a legal requirement to prepare and implement an accessibility strategy for schools;
- Doran review into learning provision for children and young people with complex additional support needs and proposals for a national commissioning approach for education services;
- establishment of the Scottish Social Services Council (SSSC), to register Scotland's social service workers including those working in residential and boarding schools and early years nurseries or school clubs.

Annex 2: REGISTRATION, REGULATION AND INSPECTION OF INDEPENDENT EDUCATION IN THE UNITED KINGDOM

Nation	Government Department	Minister	Registration	Inspectorate	Care body - boarding	Teacher Registration	Pensions	Charities	Disclosure
ENGLAND	Department for Education (DfE), HM Government	Secretary of State for Education (<i>Conservative</i>)	Department for Education (following Ofsted examination)	Independent Schools Inspectorate (for ISC schools)*	Office for Standards in Education, Children's Services and Skills (Ofsted)	None. Some functions now with National College for Teaching and Leadership (NCTL)	Teacher Pension Scheme (TPS)	Charity Commission for England and Wales	Disclosure and Barring Service (DBS)
SCOTLAND	Learning Directorate, Learning & Justice, Scottish Government	Cabinet Secretary for Education and Lifelong Learning (<i>SNP</i>)	Registrar of Independent Schools (following HMIE inspection)	Education Scotland (incorporating Her Majesty's Inspectorate of Education from 07.2011)	The Care Inspectorate	General Teaching Council for Scotland	Scottish Teachers' Super-annuation Scheme (STSS) – until 2015	Office of the Scottish Charity Regulator (OSCR)	Protecting Vulnerable Groups – Disclosure Scotland
WALES	Department for Children, Education, Lifelong Learning and Skills (DCELLS)	Minister for Education and Skills (<i>Labour</i>)	Schools Management Division (following Estyn inspection)	Estyn (Office of Her Majesty's Chief Inspector of Education and Training in Wales)	Care & Social Services Inspectorate Wales (CSSIW)	General Teaching Council for Wales	Teacher Pension Scheme (TPS)	Charity Commission for England and Wales	Disclosure and Barring Service (DBS)
NORTHERN IRELAND	Department of Education (DENI), Northern Ireland Executive	Minister of Education (<i>Sinn Féin</i>)	DENI (following inspection by Education and Training Inspectorate)	Education and Training Inspectorate (ETI)	ETI with Health and Social Services (H&SS)	General Teaching Council for Northern Ireland	Northern Ireland Teachers' Pension Scheme (NITPS)	Charity Commission for Northern Ireland	Safeguarding Vulnerable Groups, also DBS - AccessNI

* Some independent schools in England also inspected by Ofsted, the Schools Inspection Service (Focus Learning Trust and the Steiner Waldorf Schools' Fellowship) the Bridge Schools' Inspectorate (Christian Schools Trust and the Association of Muslim Schools).

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