

From: [redacted]  
Sent: 05 January 2016 10:47:51  
To: Ministerial Correspondence Unit  
Cc: Cabinet Secretary for Education and Lifelong Learning  
Subject: FW: Message from Scottish Parliament website

Good morning,

Can this be added to MACCS for an OR please?

Many thanks,

[redacted]

Correspondence Secretary - Cabinet Secretary for Education & Lifelong Learning

The Scottish Government  
4N.08 St Andrews House, Edinburgh, EH1 3DG  
Tel. 0131 244[redacted]  
E-mail: CabSecELL@gov.scot

-----Original Message-----

From: Michael.Russell.MSP@scottish.parliament.uk  
[mailto:Michael.Russell.MSP@scottish.parliament.uk]  
Sent: 05 January 2016 10:45  
To: noreply@scottish.parliament.uk  
Cc: Cabinet Secretary for Education and Lifelong Learning  
Subject: Re: Message from Scottish Parliament website

As I am no longer Education Secretary so this would be a matter for my successor. I am copying the email to her office.

Regards

Michael

Sent from my iPad

> On 5 Jan 2016, at 10:43, "noreply@scottish.parliament.uk"  
<noreply@scottish.parliament.uk> wrote:

>  
> name:  
> [redacted] >

> address:  
> [redacted]  
>

> postcode:  
> [redacted]  
>  
> email:  
> [redacted]  
>

> telephone:  
> [redacted] >

> message:  
> Is there any policy decision regarding charity status of public schools or giving all state schools charity status, as it seems at present public schools are at an unfair advantage with regard to vat and council tax.  
> I may live in Wales but this is due to circumstances.  
> Also have the snp Westminster mps looked into this issue with regard to how much state funding public schools get opposed to state schools.  
> Am very interested in this field and would appreciate any feedback.  
> [redacted]  
>

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Buidheann-Stiùiridh an Ionnsachaidh  
Learning Directorate



F/T: 0131-244[redacted]  
E: [redacted]@gov.scot

[redacted]  
[redacted]

**Sent by e-mail: [redacted]**

Ar faidhle/Our ref: 2016/0000305  
1 February 2016

Dear [redacted]

Thank you for your e-mail of 5 January to the former Cabinet Secretary for Education and Lifelong Learning, Michael Russell, about the charitable status of independent schools in Scotland. I have been asked to reply as this falls within the policy responsibility of the Learning Directorate.

Like all charities, independent schools have to meet the Office of the Scottish Charity Regulator (OSCR) requirements, including the public benefit test. The public benefit test is the main determinant of charitable status. The test seeks to establish whether an organisation has charitable purposes and whether it provides public benefit. Within that, there is consideration of undue restriction, disbenefit and private benefit. Whether individual schools meet the test is a matter for OSCR. So long as the public benefit test commands public confidence, qualifying independent schools will maintain charitable status.

With regard to your comments on funding of the education system, local government receives funding from the Scottish Government in the form of a block grant. It is for individual local authorities to determine how, and how much, of these funds are to be directed towards the delivery of education, taking account of local circumstances. The Scottish Government is not responsible for the funding of independent schools. Over a third of independent schools do, however, receive public funding from the local authorities to provide specialist support to children with complex or additional support needs.

Yours sincerely

[redacted]



From: [redacted]  
Sent: 08 June 2016 22:17:50  
To: scottish.ministers@gov.scot  
Subject: FAO Mr John Swinney, Cabinet Secretary for Education and Skills.

Attachments: Ending Private Education.docx

Sent from Mail for Windows 10

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Dear Mr Swinnie,

Ending Selective Schools in Scotland.

As a retired teacher with experience of a number of areas of education over more than thirty years, I am writing to ask you to review your Government's current policy of support for selective, fee paying schools. While I fully support the Scottish Government's decision to place education at the heart of its commitment to establish "equality of opportunity", your commitment to "equity and excellence" in education and your aspiration to end the "attainment gap" in Scottish education will not be realised unless you are willing to challenge the status of private, fee paying schools. The existence of these schools undermines comprehensive education and precludes equality of opportunity for all of Scotland's school pupils.

Private schools undermine equality of opportunity by selecting pupils who would otherwise attend comprehensive schools. The effect of this is to reduce the educational attainment and educational potential of the comprehensive sector which serves the vast majority of the nation's children.

Your predecessors, Mr Russell and Ms Constance, justified their government's support for private education by asserting that parents have "the freedom" to send their children to a school of their choice. This is a statement of fact and describes your government's current policy but it is not a justification for that policy. I am unaware of any fundamental human right that allows a small group of parents to send their children to selective, fee paying schools. Democratically elected governments can choose to concede this "right" or not. This is a political decision: not a human right. In Finland, for example-which is often cited as possessing an excellent education system characterised by equality of opportunity and the highest standards, there is no such "right".

Parents pay for a private school education in order to gain an advantage for their own children over children who attend schools in the state sector. This is the *raison d'être* of private schools. The advantages to privately educated children are directly at the expense of the rest of our pupils. This policy is not compatible with your government's declared commitment to "fairness and greater equality". Recent studies have shown the disproportionate entry to university education by pupils attending private schools, and the continuing domination by independent school pupils of the legal, military and medical professions (among others). Even the representation of privately educated MSP's at Holyrood is completely disproportionate!

I urge you to establish a review of the role of the independent sector in Scottish education with a view to the long term integration of private schools into a genuinely inclusive comprehensive system.

More immediately, the Scottish government needs to remove the charitable status currently enjoyed by the fee paying sector and audit the real level of subsidy enjoyed by private schools. The private sector often justifies its position by suggesting that their clients already contribute to the state sector (through their taxes) for a service they do not use. In fact, the share of the tax take from parents who send their children to private schools is a tiny fraction of the taxes paid by millions of Scottish tax payers who contribute to the financing of the university system which produces the graduates who teach in private schools.

The function of the current two tier school education system is to allow a small number of parents access to a superior education. Only a fundamental change in this system will afford all parents equal access to the best possible education for their children.

Yours sincerely,

[redacted]

[redacted]

[redacted]

[redacted]

Learning Directorate  
People and Infrastructure Division



T: 0131-244 [redacted] F: 0131-244  
E: [redacted]@gov.scot

[redacted]

Sent by e-mail: [redacted]

Our ref: 2016/0019295  
5 July 2016

Dear [redacted]

Thank you for your e-mail of 8 June to the Deputy First Minister and Cabinet Secretary for Education and Skills, John Swinney, about the role of the independent sector in Scottish education and the removal of charitable status from independent schools.

As previously indicated in my response of 17 August 2015, Scottish Ministers recognise that, although small, the independent sector is a well-established part of the Scottish education system that promotes choice for parents.

Like all charities, independent schools have to meet the Office of the Scottish Charity Regulator (OSCR) requirements, including the public benefit test. This means they have to demonstrate educational benefit as well as a wider benefit. The responsibility for awarding charitable status rests with OSCR.

With regard to your comments on equity and excellence in education and the attainment gap, I would like to assure you that the top priority of this Government is ensuring educational excellence for all and closing the gap in attainment between young people from our most and least deprived communities. We will continue to seek out and listen to new ideas about innovative approaches that work. Almost £5 billion is invested annually in delivering education in Scotland and PISA shows we have halted the decline in Scotland's relative position in Maths and Reading and since 2009 we have seen improvements against other OECD countries.



The Scottish Attainment Challenge, backed by the Attainment Scotland Fund, prioritises the key issues of literacy, numeracy, health and well-being. We will allocate £750m during the course of this Parliament through the Attainment Scotland Fund to tackle the attainment gap, targeting resources at the children, schools and communities which most need them. The Attainment Fund is already supporting more than 300 primary schools which collectively serve 54,399 primary aged children who live in the most deprived 20% areas in Scotland. On 9 June Deputy First Minister and Cabinet Secretary for Education and Skills John Swinney announced the funding for the second year of the Challenge Authority primary programme, with up to £20m allocated to the seven existing Challenge Authorities. He also confirmed that the reach of the Challenge will be expanded by the inclusion of a further 2 Challenge Authorities and that the scope of the Challenge will be extended to secondary schools.

Yours sincerely



**[redacted]**

[redacted]

**From:** [redacted]  
**Sent:** 02 February 2017 13:47  
**To:** [redacted]; [redacted]  
**Cc:** [redacted]  
**Subject:** FW: Charitable Status of Independent Schools in Scotland  
**Attachments:** Independent schools with charitable status.xlsx

Hi [redacted]

I have been sent a PQ for answer on the charitable status of independent schools which required me to contact the Office of the Scottish Charity Regulator for some information pertaining to schools that currently have charitable status. You may already have this information but please see the attached spreadsheet indicating that 75 of the 99 have charitable status.

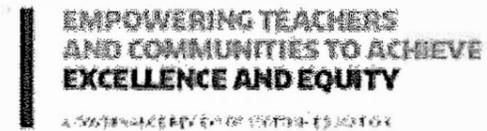
[redacted]

Many thanks

[redacted]

[redacted] | Policy Officer – Empowering Schools Unit | Scottish Government

Area 2A (South) | Victoria Quay | Edinburgh | EH6 6QQ | ☎0131-244-[redacted]



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**From:** [redacted]@oscr.org.uk [mailto:[redacted]@oscr.org.uk]  
**Sent:** 02 February 2017 13:12  
**To:** [redacted]  
**Subject:** RE: Charitable Status of Independent Schools in Scotland

Hi [redacted]

I've attached a revised version of your list to which I've added a couple of columns to indicate if the school has charitable status and, if so, what the name of the charity is as this sometimes differs from the name of the school or the proprietor.

There are 75 on your list that have charitable status. However, it wouldn't be true to say there are 75 charities which are independent schools because, as you'll know, some run more than one school – i.e. The Merchant Company Education Board.

[redacted]

I hope this is helpful but please let me know if I can be of any further help.

[redacted]

[redacted] | Casework Policy Manager | Tel [redacted] | Fax 01382 220314 | [\[redacted\]@oscr.org.uk](mailto:[redacted]@oscr.org.uk) |

Office of the **Scottish Charity Regulator** (OSCR) 2nd Floor, Quadrant House, 9 Riverside Drive, Dundee, DD1 4NY | [www.oscr.org.uk](http://www.oscr.org.uk) | *Charities you can trust and that provide public benefit*



**Sign up to OSCR Reporter** and follow us on Twitter [@ScotCharityReg](https://twitter.com/ScotCharityReg) and **Facebook**

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**From:** [\[redacted\]@gov.scot](mailto:[redacted]@gov.scot) [ mail to: [\[redacted\]@gov.scot](mailto:[redacted]@gov.scot) ]  
**Sent:** 02 February 2017 09:19  
**To:** [redacted]  
**Subject:** Charitable Status of Independent Schools in Scotland  
**Importance:** High

Dear [redacted]

I am preparing an answer to a Parliamentary question and I was hoping that you would be able to provide me with an up to date picture of which independent schools in Scotland have charitable status.

Attached is a copy of the register from the Scottish Government website – can you tell me which schools from here have charitable status? If you were able to get this information to me by 2pm today that would be much appreciated.

Apologies for the short notice and I am of course happy to discuss.

Many thanks

[redacted]

[redacted] **Policy Officer – Empowering Schools Unit | Scottish Government**

Area 2A (South) | Victoria Quay | Edinburgh | EH6 6QQ | ☎ 0131-244-[redacted]

From: [redacted]  
Sent: 27 March 2017 14:54:04  
To: scottish.ministers@gov.scot  
Subject: Cabinet Secretary for Education and Skills - John Swinney

Dear Cabinet Secretary,

I am writing to you on behalf of Newington Southside SNP, I have previously sent two written letter, but I have received no reply.

As you will know our branch proposed at the SNP annual conference in 2016 that states schools should be given the same tax exemptions that are given to private and charitable educational institutions, such as VAT and water rates. Given the increasing pressure on budgets, and the Scottish Governments commitment to closing the attainment gap, this policy would appear to offer a great way to level the playing field as it were.

Can I ask what plans you and the Scottish Government have to bring forward this proposal and make it part of Scottish Government policy, what action has been taken by the government and if any alternative has been found that would offer the same result.

Kind Regards

[redacted]

Newington Southside SNP

[redacted]

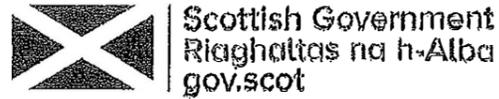
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Deputy First Minister and Cabinet Secretary for  
Education and Skills  
John Swinney MSP



F/T: 0300 244 4000  
E: dfmcse@gov.scot

[redacted]

Sent by email: [redacted]

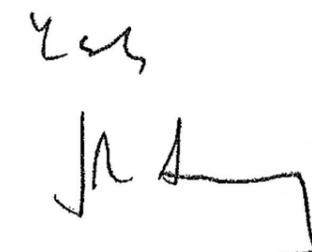
Our ref: 2017/0011996  
17 May 2017

[redacted]

Thank you for your email regarding extending charitable status to state schools.

The number one priority of this Government is education and our focus is on raising attainment and closing the equity gap. We want to ensure that every child has an equal chance to fulfil his or her potential, deliver the best outcomes for all children while taking every opportunity to interrupt the cycle of deprivation and poverty which attacks the life chances of far too many children and young people in Scotland. The education system has many strengths and we need to build on them by reforming our approach to get the whole system pulling in the same direction. We need an integrated framework that meets the needs of all young people at every stage of their journey through life which can be achieved by building on our Getting it Right for Every Child (GIRFEC), Curriculum for Excellence and Developing Scotland's Young Workforce policies.

The education landscape is complex. We regularly reflect on current practice and explore and listen to ideas for change. Any ideas, such as extending charitable status to state schools, are given full consideration as to the implications they would have and the benefits they would bring to the children of Scotland. Our public services need to focus on delivering improved outcomes for children and any changes to organisational arrangements will only be taken forward where they contribute to this aim.

  
JOHN SWINNEY



[redacted]

**From:** [redacted]  
**Sent:** 27 April 2017 11:22  
**To:** [redacted]; [redacted]; [redacted]; [redacted]  
McAllister C (Colin); Communications DFM & Education; [redacted]  
**Cc:** Re: PQ  
**Subject:**

[redacted]

Yes. We have no plans priority is with raising attainment and closing the gap as per the answer.

Give me a call if you want to discuss.

[redacted]

Sent from my BlackBerry 10 smartphone.

**From:** [redacted]  
**Sent:** Thursday, 27 April 2017 10:35  
**To:** [redacted]; [redacted]; [redacted]; [redacted]  
**Cc:** McAllister C (Colin); Communications DFM & Education; [redacted]  
**Subject:** FW: PQ

Hi team,

[redacted] of the Times is looking for a steer on the below PQ answer in relation to charitable status of state schools. He wants to know if the answer is basically saying we have no plans to take this forward.

Is this correct, or will we consider this in the future? Grateful for a steer if I can get one. I am at my desk if a discussion would be more helpful.

Thanks.

[redacted]  
**Head of Communications Smarter**  
Scottish Government, St Andrew's House  
e: [redacted]@gov.scot  
t: 0131 244[redacted] m: [redacted]

**From:** [redacted] [mailto:[redacted]]  
**Sent:** 27 April 2017 09:58  
**To:** [redacted]  
**Subject:** PQ

Hi [redacted],

PQ below.

I'm taking the bit in the last par where the DFM says "our public services need to focus on delivering improved outcomes for children rather than organisational arrangements", and that there's no detail of any meetings or discussions, means you're not going ahead with this.

For background, is that fair?

Cheers,

[redacted].

**Question SEW-08699: Monica Lennon, Central Scotland, Scottish Labour, Date Lodged: 05/04/2017**

To ask the Scottish Government whether it is planning to extend the charitable status to state schools, in light of the resolution that was passed at the October 2016 SNP conference calling for this, and, if so, what (a) meetings and (b) discussions have taken place or are scheduled.

**Answered by John Swinney (25/04/2017):**

The number one priority of this Government is education and our focus is on raising attainment and closing the equity gap. We want to ensure that every child has an equal chance to fulfil his or her potential, deliver the best outcomes for all children while taking every opportunity to interrupt the cycle of deprivation and poverty which attacks the life chances of far too many children and young people in Scotland. The education system has many strengths and we need to build on them by reforming our approach to get the whole system pulling in the same direction. We need an integrated framework that meets the needs of all young people at every stage of their journey through life which can be achieved by building on our Getting it Right for Every Child (GIRFEC), Curriculum for Excellence and Developing Scotland's Young Workforce policies.

The education landscape is complex. We regularly reflect on current practice and explore and listen to ideas for change. Any such ideas are given full consideration as to the implications they would have and the benefits they would bring to the children of Scotland. Our public services need to focus on delivering improved outcomes for children rather than organisational arrangements.

**Current Status:** Answered by John Swinney on 25/04/2017

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[redacted]

**The Times**

[redacted]@thetimes.co.uk

[redacted]

[redacted]

@ [redacted]

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