

Summary of decision updated (17 May 2013) following advice from the charity that its objects (purposes) were amended in 1988, when the reference to providing education for 'boys' was removed. Report now updated by removing this reference, in line with the charity's amended objects clause.

1. Decision

Following an inquiry under section 28 of the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act), we are pleased to confirm that Robert Gordon's College meets the charity test and therefore continues to be eligible to be registered as a charity in Scotland.

2. Summary of assessment against the charity test

Robert Gordon's College's purposes as set out in Clause 51 of its governing document, the City of Aberdeen Educational Endowments Scheme 1985 (as amended by 1988 and 1991 amendment schemes), are:

- (1) From and after the date of this Scheme, the College Governors shall, in continuation and development of Robert Gordon's College, provide, maintain, furnish, equip, administer and conduct a school in which the curriculum shall include courses of primary and secondary education. They shall provide, lay out, maintain, equip and administer playing fields and other accommodation for sports and recreation for use in connection with the School.

We are satisfied that:

- these purposes are charitable;
- the charity's activities provide public benefit in furtherance of those purposes;
- there is no evidence of any significant private benefit or disbenefit arising in consequence of the charity exercising its functions; and
- the conditions on accessing the benefit are not, on balance, unduly restrictive.

In assessing Robert Gordon's College against the charity test, we have had particular regard to the benefit it provides in furtherance of its purposes (both that which is charged for and that which is not) and the conditions on accessing that benefit, primarily the fees it charges its beneficiaries.

a) Benefit which is charged for

Robert Gordon's College is an all-through, co-educational day school for pupils aged five to 18 years. It also has a nursery for boys and girls aged three to four years. During the financial year 2011-12 (which formed the basis of our assessment, as it was

the most recent financial year for which complete financial information was available), it had a school roll of 1,567 pupils with a further 40 nursery pupils. The school's income available for bursary provision during the year is £14,541,000; we have used this figure for the purposes of our assessment.

In 2011-12, the school's annual nursery session fees were £7,470 (full-time) and its annual school fees ranged from £8,242 (average junior fee) to £10,215 (senior fee). The school's average junior fees and its senior fees were marginally higher than the average fees for Scottish Council of Independent Schools (SCIS) day schools in 2011-12¹ (£214 and £261 higher respectively). Nevertheless, these fees are substantial and represent a restrictive condition on accessing the benefit provided by the school. In order for public benefit to be provided, there must therefore be significant mitigation of these fees in place.

Robert Gordon's College provides benefit to its pupils which is charged for. In terms of educational benefit, the nursery follows the Curriculum for Excellence - Early Level. Pupils in the junior school follow a broad curriculum again based on the Curriculum for Excellence principals. In the senior school, pupils initially follow a broad curriculum, with specialist subjects being chosen in third year, working towards qualifications in Standard Grade, Intermediate 1 & 2, National 4 and 5, Highers and Advanced Highers. Additionally, pupils may take part in co-curricular activities including sporting, arts and outdoor activities, as well as the Combined Cadet Force and The Duke of Edinburgh Award.

b) Benefit which is not charged for

In addition, the school has provided evidence of a notable level of benefit for which it makes little or no charge. These activities provide benefit to the wider public in furtherance of the school's purposes by providing access to its services and facilities. For example, the school:

- Provides support to external pupils sitting Intermediate, Higher and Advanced Higher courses. Whilst these pupils do not attend classes at the school, teachers provide pupils with guidance on the course including course details, suggested texts, supplementary materials and administer and mark end of unit assessments. Approximately ten pupils have benefitted from this type of support from the school in the last four years.
- Allows state school pupils applying to high tariff universities to participate in the school's preparation programme which runs from August to October each year. Approximately five external pupils take part each year.
- Invites external pupils (largely from other local independent schools) to careers events and its annual Oxbridge entrance presentation.

¹ *Indicative average fees for SCIS schools analysis at August 2011*, www.scis.org.uk
(Note that comparison has been made with average fees charged by day schools).

- Provides its facilities and administrative support to external pupils as testing centres for Scottish Qualifications Authority (SQA) examinations, the BioMedical Admissions Test (BMAT), Sixth Term Examination Paper (STEP) and the English Literature Admissions Test (ELAT). Approximately ten pupils each year benefit from this activity.
- Contributes to national educational improvement and development by encouraging staff to participate in national examination marking and development, curriculum development and to contribute to educational boards and committees.
- Shares resources and good practice with other schools and takes part in a variety of educational committees. For example, a staff member contributes to a working party with other local schools and nurseries to improve the transfer into primary school and the Geography Department is part of a project with other local schools to develop teaching resources for use in Nigeria.
- Contributes to the professional development of teachers, probationary teachers and early years' practitioners by delivering training events and conferences as well as providing placements for and mentoring student and probationary teachers. This has included regularly delivering various CPD sessions for other science and history teachers.
- Transported a large number of external sixth year pupils from Aberdeen to Glasgow for an Advanced Higher Art exhibition.
- Hosts a range of events open to the public or to other schools including the Institute of Physics Schools and Colleges lecture, a science open day as part of the British Science Festival, music workshops and debating competitions.
- Allows local hockey and cricket clubs to use its sporting facilities. In the winter months, the hockey club does so on a weekly basis with a large number of beneficiaries participating. The cricket club uses the facilities on a regular basis throughout the year although only a small number of beneficiaries participate.
- Allows commercial soccer, hockey and multi-sport camps to use its facilities during school holidays; these camps are attended by large numbers of pupils from local schools.
- Allows National Programme sports coaches to use the school's facilities on a regular basis in winter with a small number of beneficiaries participating.
- Hosts and organises an annual cross country event for schools in Grampian involving very large numbers of participants (approximately 2,000) from many local schools.
- Provides PE staff to coach district teams, run sports courses and organise tournaments and events across a range of sports. These events involve a large number of pupils from outwith the school.
- Makes the school's dance facilities available to a local school on a weekly basis.

It is clear that these activities are regular and, in general, benefit a high number of beneficiaries. These types of activities mitigate to an extent the restrictive nature of the fees charged by the charity for part of the benefit it provides.

c) Facilitated access to benefit

In addition to the benefit provided for which there is little or no charge, the school mitigates the impact of the fees it charges by offering both means-tested and non means-tested fee remissions to its pupils. Means-tested access arrangements have the most significant impact on opening up access that is restricted due to the fees charged, as these awards are primarily focussed on addressing financial need. However, our assessment has also had regard to the impact of non means-tested awards and discounts offered by the school.

The school spent a relatively high sum in 2011-12 on means-tested bursary provision; this amounted to 8% of its available income. In total, 158 pupils, or 10.1% of the school's roll (excluding the nursery pupils), were in receipt of a means-tested bursary award from the school which again is a moderate figure.

The bursaries awarded by the school were of varying values, with the main focus being on bursaries of 100%; in total, 5.3% of the school's roll (again excluding the nursery pupils) were in receipt of this level of award which is a notably high proportion.

This focus on full fee remission awards is a result of the school's approach to prioritising bursary applications. The school has advised us that bursary applications are in the first instance assessed by the applicants' results in the standard entrance test and the level of financial need. Two rank orders are then drawn up on the basis of these two criteria and a combined rank order is then produced giving equal weighting to each criterion.

Because of the importance the school attaches to financial need, the first 10 to 12 allocations approximately of bursaries are made to those who would qualify for 100% bursaries. Other bursaries, amounting to either 100% or less, are then allocated by the school from the combined rank order until the funds are exhausted.

Additionally, the school facilitates the access to the benefit it provides by offering non means-tested fee remissions to its pupils. In 2011-12, the school spent 5.8% of its available income on non means-tested discounts which were awarded to 29.2% of the school's roll (again, excluding the nursery pupils). This type of fee remission included sibling discounts, staff discounts and scholarship awards.

The school is also a nursery partner provider, meaning that children who are eligible will receive part of their nursery fee from the local authority (up to a maximum of 15 hours per week). The majority of the children in the nursery during the assessment year (35 of the 40 children) benefitted from this type of funding to the total value of £52,080.

The school is not aware of any pupils who are in receipt of any other sources of funding from external bodies or trusts for assistance with the payment of school fees.

d) Conclusion

On balance, we conclude that Robert Gordon's College has provided sufficient evidence that the impact of the fees charged by the school is mitigated by the provision of means-tested facilitated access and benefit for which there is little or no charge.

In reaching our conclusion, we have had particular regard to the level of its income spent by the school on means-tested assistance and the significant number of children who are in receipt of high value bursaries which have the greatest impact on facilitating access to benefit for those on low incomes.

We note that the applications for bursary awards are assessed on the combined basis of performance in the standard entrance exam and on the basis of financial need. However, it is clear that the school attaches significant weight to facilitating access for those potential beneficiaries who are in most financial need; this is reflected in its focus on providing a high level of 100% bursaries.

In coming to our decision, we have also had regard to the level and impact of the benefit for which there is little or no charge; whilst much of the benefit is of low to medium impact, we consider the quantity of these additionally serves to open up access to benefit for a range of beneficiaries outwith the school. The school has provided us with numerous examples of this type of benefit and the cumulative impact it has on children who are not part of its own school roll.

Cumulatively, we consider that these measures serve to mitigate the impact of the fees charged by the school. We therefore do not consider that there are any unduly restrictive conditions on accessing the benefit provided by the school and public benefit is provided. Robert Gordon's College continues to meet the charity test.

1 May 2013