

**Notice of decision on individual review of charitable status
SC009293 Clifton Hall School Ltd**

1. Decision

Following an inquiry under section 28 of the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act), we confirm that Clifton Hall School 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

Clifton Hall School's purposes are set out in Clause 4.1 of the Articles of Association and 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 Clifton Hall School 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

Clifton Hall School 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 five years. During the financial year 2010-11 (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 246 pupils with a further 40 nursery pupils. The school's gross income during the year was £2,174,006; we have used this figure for the purposes of our assessment.

In 2010-11, the school's annual nursery fees were £7,770 (full time) and its annual school fees ranged from £8,805 (junior fee) to £9,255 (senior fee). The school's junior fees were notably higher than the average fees for Scottish Council of Independent

Schools (SCIS) day schools in 2010-11¹ (£1,134 higher) but the senior fees were marginally lower (£243 lower). 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.

Clifton Hall School provides benefit to its pupils which is charged for. In terms of educational benefit, the nursery children participate in music, dance and PE sessions, as well as also being offered activities in French, language and mathematics. The junior school curriculum focuses on numeracy and literacy with studies in other areas also taking place, such as geography, history, science and drama. Pupils in the senior school follow the Scottish Curricular Guidelines in preparation for SQA National Assessments at Intermediate, Higher and Advanced Higher Levels.

b) Benefit which is not charged for

In addition, the school has provided evidence of a limited level of benefit for which it makes little or no charge. These activities provide some 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 use of the games hall, grounds and swimming pool to local community groups for educational and recreational purposes. Currie Rugby Club uses the games hall and rugby pitches during the season.
- Makes available the swimming pool to the local Scouts (four times to date) and a scuba diving club (one night per week).
- Provides its facilities and teaching staff for educational purposes to a local state primary school (once per week for one hour).
- Participates in placement programmes for student teachers.

Although the school did not provide us with detailed information about the above activities, it is clear that the majority of the benefit it provides for which there is little or no charge is relatively regular rather than ad hoc activity. That with the most impact is likely to be the use of the facilities and staff by a state school for educational purposes, although without more detail it is difficult to fully assess the impact of this activity. The other activities, although unlikely to be targeted exclusively at children, provide public benefit in furtherance of the charity's secondary purpose ("to promote such similar charitable purposes, objects or institutions").

In assessing the benefit offered by the school which is not charged for, we have had particular regard to the relatively small size of the school. While its size means that the school's resources will be limited, we have also considered the fact that Clifton Hall is an all through school and therefore has more opportunity to offer benefit which is not charged for than, for example, a junior school.

¹ *Indicative average fees for SCIS schools analysis at July 2010, www.scis.org.uk*
(Note: comparison has been made with average day fees charged by day schools)

Although the benefit for which there is little or no charge is limited, we conclude that it is nevertheless of an acceptable level, taking into account the context in which this school operates. In particular, we have noted the regular nature of most of the activities which is indicative of a meaningful commitment to facilitating access to the benefit offered by the school. This type and level of activity mitigates 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 considerable proportion of its income in 2010-11 on means-tested bursary provision; this amounted to 9.2% of its gross income. In total, 43 pupils, or 17.5% 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 high proportion. The bursaries awarded by the school were of varying values, with the main focus being on lower-value bursaries of 60% and less and the highest number of awards being in the 41-60% bracket. The means-tested bursaries offered by the school are available up to 100% of fee remission and, in the year reviewed, two pupils (0.8% of the main school roll) were in receipt of a full award. Additionally, one pupil was in receipt of an award of £729 from an external trust.

The school also facilitates the access to the benefit it provides by offering non means-tested fee remissions to its pupils. In 2010-11, the school spent 8.6% of its gross income on non means-tested discounts which were awarded to 44.7% of the school's roll (again, excluding the nursery pupils). This type of fee remission included sibling discounts and services discounts.

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 five sessions per week). Although we do not have details of the cumulative financial value of these grants, we note that the majority of the nursery pupils are likely to benefit to some degree as they fall within the eligible age group. This initiative serves to facilitate access to the benefit provided by the school albeit it is not primarily directed at those in financial need.

d) Conclusion

On balance, we conclude that Clifton Hall School 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 considerable proportion of its income the school dedicates to means-tested support and the high number of pupils in receipt of such support. While we note that the number of activities which are not charged for are relatively limited, they are frequent and of a level which is reasonable to expect, given the relatively small size of the school. Cumulatively, we conclude that these measures mitigate the high 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. Clifton Hall School continues to meet the charity test.

10 January 2013