

**Notice of decision on individual review of charitable status  
SC007118 Belhaven Hill School Trust Ltd**

**1. Decision**

Following an inquiry under section 28 of the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act), we confirm that Belhaven Hill School Trust Ltd 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**

Belhaven Hill School's purposes are set out in Clause Three of the Memorandum and Articles of Association (dated 28 September 1964) 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 Belhaven Hill 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**

Belhaven Hill School is a co-educational junior school for children aged seven to 13 years, offering education to both day and boarding pupils. 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 119 pupils and is therefore one of the smallest schools in the sector. The majority of the school's roll (87%) were regular boarders. The school's gross unrestricted income during the year was £2,155,418; we have used this figure for the purposes of our assessment.

In 2011-12, the school's annual fees ranged from £13,065 (day fee) to £18,825 (boarding fee). The school's day fee is notably higher than the average fees for

Scottish Council of Independent Schools (SCIS) boarding schools in 2011-12<sup>1</sup> (£1,788 higher) but the boarding fee was only marginally higher (£132 higher). 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.

Belhaven Hill School provides benefit to its pupils which is charged for. In terms of educational benefit, the school's curriculum reflects mainstream Scottish education with special strengths in languages, science, art and music. The school has a Learning Support Department which assists pupils who require academic support or who have a specific learning difficulty. Additionally, Belhaven Hill School offers a number of extra-curricular activities including 'eco club', bagpiping, Scottish country dancing, golf, and gardening.

#### **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 its building and sports facilities to a range of other organisations.
- Hosts sporting events involving children from other local schools, including ad hoc football and netball fixtures, an annual swimming gala and an annual Cross-Country Championship.
- Permits a local primary school to use its school minibuses free of charge as required; in practice, this offer is taken up once every two to three weeks.
- Arranges for its pupils to assist with a local nursery's sports day.

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 *ad hoc* or relatively infrequent. However, there is certainly some evidence of benefit to a number of beneficiaries, largely arising from the frequent use of the school's minibus by a local state school.

In assessing the benefit offered by the school which is not charged for, we have had particular regard to the very small size of the school and the fact that its resources will consequently be limited. Additionally, we are aware that the opportunities for junior schools to provide benefit which is not charged for may be more limited than for secondary or all through schools. For example, junior schools typically have fewer facilities (particularly sporting facilities) and fewer opportunities to offer educational benefit (for example, in subjects not taught by state schools) than the majority of secondary schools.

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<sup>1</sup> *Indicative average fees for SCIS schools analysis at August 2011*, [www.scis.org.uk](http://www.scis.org.uk)

(Note: comparison has been made with average day and boarding fees charged by boarding schools, as Bellhaven Hill School's roll are predominantly regular boarders)

We also recognise that the age of the school's pupils means that they are vulnerable and that this may well be a consideration for the school when allowing access to any of its facilities to outside groups.

Although the benefit for which there is little or no charge is relatively limited, we conclude that it is nevertheless of a level which it is reasonable to expect of a school which operates in this particular context. 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 5.3% of its gross income in 2011-12 on means-tested bursary provision. We consider that, taking into account the individual circumstances of Bellhaven Hill School (including the level of its fees and the impact of the benefit for which there is little or no charge), this sum represents the minimum level of spend on means-tested bursary provision which is sufficient to mitigate the restrictive conditions on accessing the benefit the school provides.

In total, 12 pupils, or 10.1% of the school's roll, were in receipt of a means-tested bursary award from the school which is a moderate proportion of its beneficiaries. The bursaries awarded by the school were of varying values, with the main focus being on lower-value bursaries of 60% or less. Means-tested bursaries offered by the school are available up to 100% of fee remission and, in the year reviewed, one pupil was in receipt of a full award (equating to 0.8% of the school roll). The school confirmed that no pupils currently receive assistance from external educational trusts.

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 5.5% of its gross income on non means-tested discounts which were awarded to 23.5% of the school's roll. This type of fee remission included sibling discounts and armed forces discounts.

### **d) Conclusion**

On balance, we conclude that Bellhaven Hill School has provided evidence that the steps it has taken to open up access to the benefit it provides are of a level which just

suffices to mitigate the fees it charges. In particular, we conclude that the fees are mitigated by the cumulative impact of the provision of means-tested facilitated access and benefit for which there is little or no charge.

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. Belhaven Hill School continues to meet the charity test.

10 January 2013