

Consolidated response to the Scottish Government, SCIS, COSLA, EIS and OSCR on PE1531: Remove Charitable Status from Private Schools

6th January 2015

All of the points made in the responses of the Scottish Government, SCIS, COSLA, EIS and OSCR have already been addressed through the original petition and my appearance before the Public Petitions Committee on 28th October 2014. Many of the most important points made by my petition, however, were not addressed in the responses.

To my great disappointment and frustration it is clear that neither the petition nor the meeting can have been thoroughly assimilated and it is with regret that this response must be quite repetitive.

The distinction between different types of private school was clearly made in the original petition where it was stated that 'a private, fee-paying school is understood to be a school where one pays to receive general compulsory education'.

It is crucial that the role of mainstream private schools in entrenching and perpetuating profound social inequality is debated without deflection or distraction.

This most negative and insidious role of private schools was completely ignored in every single response.

As an example of the lack of respect for the petition and the issues it raised, the Scottish Government response states that:

'we understand that the petitioner is seeking to remove the charitable status of independent schools as the fees which they charge unduly restrict the access of potential pupils to the educational benefit the charity provides'

Whilst unduly restrictive access is a central argument against the charitable status of these schools, reducing the petition to this single issue is disingenuous. The response omits to acknowledge the most worrying aspect of private schools which is their clear role in perpetuating and entrenching profound social inequality.

Similarly, whilst the OSCR response acknowledges that the 'disbenefit likely to be incurred by the public from the charity's activities' must be taken into account, it does not in fact engage in any way with the staggering disbenefit of private schools to society.

Allow me to stress again: this is not my personal opinion. Extensive objective academic research continues to expose the dismaying reality of the role of mainstream private schools in society.

The top universities are dominated by the privately-educated elite. Although only 4% of pupils in Scotland receive their education at a private institution, at the University of St Andrews, over 40% of Scottish students have been privately educated. In the UK as a whole, a mere 7% of pupils receive their education at a private institution, yet in the academic year 2011-12, Oxford, Cambridge, Durham and Bristol all admitted a student population of over 40% privately educated students.

17% of Holyrood parliamentarians were privately educated. At Westminster, over one third of MPs have been privately educated, a figure which has increased since 1997, with 13 schools providing 10% of all MPs. The current Prime Minister, Deputy Prime Minister, Chancellor, Chief Whip, Mayor of London and 59% of the current overall Cabinet have been privately educated. One school has provided 19 Prime Ministers. Over 60% of members of the House of Lords have been privately educated, with nearly half coming from 12 private schools. 15 of the 17 Supreme Court judges and heads of division, 83 of the 114 High Court judges, over two thirds of judges, barristers and leading journalists, and over half of doctors and leading chief executives have been privately educated.

The Sutton Trust (2007) discovered that background plays a bigger role in determining educational outcomes in Britain than is the case in most other countries and that social mobility is poor. Iannelli and Paterson (2007), in their Scottish study, revealed that education has not increased social mobility and that the gap between social classes in the chances of entering top level occupations is still determined by parental class. Not only do children from different social classes not mix at school, they rarely meet outside of school either as neighbourhoods are increasingly segregated by wealth (Dorling et al, 2007).

The picture is very clear. In allowing for the education of children according to the social status of their family, private schools are at the very heart of a society divided by inherited wealth and privilege. They preclude equal opportunities in education, entrenching and perpetuating social inequality. They afford unearned and inherited privilege, creating and maintaining a tiny elite which dominates and rules wider society. This is a privilege far outwith the reach of the vast majority of the population, a fact altered not in the slightest by the provision of bursaries. These are a symptom of, not a solution to, the issue that access is granted by the ability to pay - shifting the privilege slightly does not get rid of it. **The entire current justification for the charitable status of private schools is based on a chimera, on the spurious notion that bursaries do in fact mitigate unduly restrictive access. Short of abolishing fees completely, this is impossible. The reality is that no amount of bursaries can cease to make access to these schools unduly restrictive for the vast and overwhelming majority of the Scottish population.**

Even more importantly, no amount of mitigatory measures excuses the overwhelmingly negative role of these schools in our society. Nothing can be allowed to compensate for the perpetuation of a Scotland divided by inherited wealth and privilege. To put all of this into the terms of OSCR, the **disbenefit** of private schools to society far outweighs any **benefit**.

As I write, tens of thousands of working Scots are reliant on food banks to feed themselves and their families, brutal austerity and cuts to public services are ruining lives, and the gulf between the richest and the poorest in society is increasing at an unprecedented rate. The recently published report of the Social Mobility and Child Poverty Commission stated that child poverty is set to rise and warned that the UK is at risk of becoming a 'permanently divided' society. 20% of children in Scotland already live in absolute poverty.

Current socio-political dynamics do not afford faith or trust in institutions or authorities to protect the weakest and the most vulnerable. The Scottish Government has pledged to tackle the unacceptable social inequality in Scottish life.

How does the Scottish Government reconcile its commitment to greater equality with its moral approval and financial support of private schools through charitable status?

I am encouraged by, and in awe of, the government's bravery in addressing the profound inequalities in land ownership in Scotland, doing what is right for the common weal in the face of the hostile protest of the minority who may lose some of their archaic privilege. The abolition of NDR tax exemption for hunting estates is just one element of this programme for radical reform.

What prevents the Scottish Government demonstrating the same admirable bravery and integrity regards education, removing charitable status and taxpayer subsidy from institutions of private education?

It is noteworthy that those who defend the charitable status of private schools tend to be those with strong vested interests: alumni and attendees of private schools and their families, SCIS and Conservative politicians. On the other hand, my experience in pursuing this petition has found that the vast majority of the public are simply unaware that private schools have charitable status, so unthinkable and absurd is the notion. When they are made aware that these schools do in fact enjoy charitable status and the benefits this accrues, they are invariably disbelieving and question its morality.

The Scottish Government response states that 'as long as this test commands public confidence, qualifying independent schools will maintain charitable status'.

How does the Scottish Government measure public confidence? I wonder whether a public petition backed by several hundred signatures and a broad coalition of politicians and academics, and with sustained national media coverage and support, could perhaps be understood as signalling a lack of public confidence, requiring government action.

A very welcome aspect of the Scottish Government response was its clarification that a change in legislation is required in order to rectify the current injustice of mainstream private schools' charitable status. As you may anticipate, I wish to pursue the acceptable procedure for ensuring this. I seek your advice on how to proceed?

By necessity, this response is addressed primarily to the Scottish Government, however, the extended views of OSCR, COSLA, EIS and SCIS would be much appreciated. In particular:

Could you please explain how, by your reasoning, the benefit gained compares with the disbenefit incurred by society through mainstream private schools?

I look forward to more thorough responses from the Scottish Government, OSCR, SCIS, COSLA and EIS.

Yours sincerely

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Please note: in order to avoid further confusion or repetition, may I politely ask that all parties fully read the additional notes before responding.