

John

It was good chatting to you earlier. Have reviewed diaries at my end and the earliest I can get everyone in the same room at the same time would be 6 June (3-4pm).

Is that date/time any good for you?

Best

[REDACTED]

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**From:** John Edward [mailto:john.edward@scis.org.uk]  
**Sent:** 02 May 2017 20:10  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: SCIS Governing Board

[REDACTED]

No problem at all.

Thanks

John

John Edward  
Director  
[www.scis.org.uk](http://www.scis.org.uk)

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**From:** [REDACTED]  
**Sent:** 02 May 2017 20:05:46  
**To:** John Edward  
**Cc:** [REDACTED]  
**Subject:** RE: SCIS Governing Board

John

Apologies for the delay in coming back to you. I have unfortunately been absent from work since 18 April due to ill health. I will pick up the issues you raise with colleagues over the course of this week and will contact you again early next to discuss and agree next steps.

Kind regards

[REDACTED]

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**From:** John Edward [mailto:john.edward@scis.org.uk]  
**Sent:** 03 April 2017 18:10  
**To:** [REDACTED]  
**Subject:** RE: SCIS Governing Board

[REDACTED]

Many thanks. I will be in radio silence in the Outer Hebrides from this Friday until the 15<sup>th</sup>, so no rush!

Kind regards

John

John Edward  
Director

<image002.png>

<image003.png> [www.scis.org.uk](http://www.scis.org.uk)

<image004.png> @ SCISschools

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<image001.jpg>

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**From:** [REDACTED]  
**Sent:** 03 April 2017 16:56  
**To:** John Edward  
**Subject:** RE: SCIS Governing Board

John

Thanks for coming back to me. Let me discuss this request with colleagues and I will come back to you. I think a meeting to explore how the work we already do on benchmarking of senior phase attainment as well as how we are proposing to use standardised assessment to inform teacher professional judgement on the achievement of CfE levels might be a good start point.

I will be back in touch no later than early next week.

Kind regards

[REDACTED]

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**From:** John Edward [<mailto:john.edward@scis.org.uk>]  
**Sent:** 30 March 2017 17:09  
**To:** [REDACTED]  
**Subject:** RE: SCIS Governing Board

[REDACTED]

Many thanks for the message.

Many of the schools contributed to STACS, even after the Government ended the census they did of independent school data.

SCIS now compiles qualification data from a set sent to us directly by SQA.

But most schools are keen to be benchmarked in their local areas and regions, and 9/10 of our young people will follow the CfE to some extent and sit N4, N5, H and/or AH. Likewise,

schools are keen to follow progress as well as wider developments as they contribute to the design and marking of the qualifications.

Most of our schools already undertake some form of regular standardised testing from early junior years as well.

Indeed, some of our schools in the West have been dealing with Tony Flisch who has been able to provide statistical data on their SQA results. This includes relative and progression values for each subject and level plus analysis of component marks and comparisons between schools. This has been helpful in helping to monitor performance.

In short, the main interest is to be included in a way that shows relative and progression value statistics for SQA results at least, with possible extension into BGE where possible.

There are individuals in schools who would be willing to give more detail if that would be useful.

Kind regards

John

<Image001.jpg>

John Edward  
Director

<Image002.png>

<Image003.png> [www.scis.org.uk](http://www.scis.org.uk)

<Image004.png> @ SCISschools

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**From:** [REDACTED]  
**Sent:** 30 March 2017 15:52  
**To:** John Edward  
**Subject:** SCIS Governing Board

John

I understand you recently met with my Director, Fiona Robertson, and confirmed to her that SCIS members would be keen to discuss whether they should be part of the dataset for Insight, including wider developments in the BGE. In order to ensure I fully understand the specific issues from your perspective, and importantly to identify the key people at my end who would be best placed to meaningfully contribute to and inform such a discussion, it would help to have a bit more detail on the SCIS perspective.

If easier, happy to discuss by phone in the first instance or alternatively I look forward to hearing from you via email.

Kind regards

[REDACTED]  
[REDACTED] Scottish Government | Directorate for Learning | Strategy & Performance Division |  
National Improvement Framework Unit | Improvement Team | Area 2B South | Scottish  
Government | Victoria Quay | Commercial Street | Edinburgh | EH6 6QQ | [REDACTED]  
[REDACTED]

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.  
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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](mailto:dfmcse@gov.scot)

Mr John Edward  
Scottish Council of Independent Schools  
61 Dublin Street  
EDINBURGH  
EH3 6NL

Our ref: 2016/0022018

4 August 2016

Thank you for your email of 17 June 2016 in response to my request for ideas on reducing workload for teachers and young people and to de-clutter and streamline approaches.

Thank you for your proposals, and the appended letter sent to Dr Janet Brown by Mr Gray, the Principal of ESMS. I am clear that reducing teacher workload is an absolute priority going forward. As indicated in the Delivery Plan ideas contributed by teacher associations and other partners in education will help formulate a more intense new programme of reducing workload in schools. These programmes will be directly overseen by me. Prior to agreement and implementation, the programme will be tested with a new panel of class teachers to ensure it has the potential to be effective.

**JOHN SWINNEY**

27

[redacted]

**From:** [redacted] on behalf of National Improvement Framework  
**Sent:** 24 August 2017 14:13  
**To:** john.edward@scis.org.uk  
**Subject:** Scottish National Standardised Assessments - Letter from Donna Bell to John Edward (SCIS) - 24 August 2017

**Sent on behalf of Donna Bell**

Good afternoon

Please see attached letter on the Scottish National Standardised Assessments.

Regards,

Donna Bell  
Deputy Director  
Learning Directorate  
Scottish Government



Letter to SCIS -  
launch of SNS...

Buidheann-Stiùiridh an Ionnsachaidh  
Learning Directorate



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

F/T: 0131-244 0742  
E: Donna.Bell@gov.scot

24 August 2017

Scottish Council of Independent Schools

Dear John

**Scottish National Standardised Assessments (SNSA)**

I wrote to you on 11 August 2017 to advise you that as part of the ongoing implementation of the National Improvement Framework (NIF), the Scottish National Standardised Assessments (SNSA) would launch this week.

I am delighted to confirm that the SNSA go live today. As you know, we carried out an extensive programme of development, engagement and trialling of these assessments. The constructive and positive feedback, which we incorporated into the final product, has resulted in a bespoke, high quality standardised assessment product aligned to Curriculum for Excellence. General information about the SNSA can be found at : [standardisedassessment.gov.scot](http://standardisedassessment.gov.scot)

The *Assessment of Children's Progress* driver of improvement captures a range of evidence about what children learn and achieve throughout their education. It emphasises that the effective use of data for improvement is essential for delivering our shared ambition of raising attainment, improving health and wellbeing and closing the poverty related attainment.

I am grateful for your ongoing interest in the NIF and the SNSA project and I look forward to our continued partnership working on these key issues.

Yours sincerely

Donna Bell  
Deputy Director  
Learning Directorate

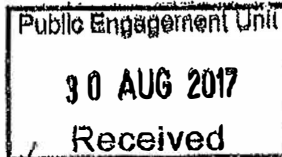


25 August 2017

Derek Mackay MSP  
 Cabinet Secretary for Finance and Constitution  
 The Scottish Government  
 St. Andrew's House, Regent Road  
 Edinburgh  
 EH1 3DG



RECEIVED 30 AUG 2017



*Dear Cabinet Secretary,*  
**Barclay Review of Business Rates**

In advance of the Scottish Government forming its response to the recent Review of Business Rates, the schools and staff in the independent sector are very concerned that the Report contains some fundamental misunderstandings and discrepancies. We would welcome the opportunity to address these with you and your staff at the first opportunity, as they form the premise for proposals which would – through unintended consequences - have a significant detrimental effect on the sector and the educational profile of Scotland as a whole. On this issue, as in all others facing Scotland's schools, teachers and young people, the independent sector is determined to work together to be part of any solution, alongside partners in government, parliament, education bodies, regulators and beyond.

Ours is a sector that has sought to compete nationally and globally throughout a period of recession, the pressures on public and private sector employment, curriculum and qualification reform, and still faces the uncertainties of the UK's departure from the European Union. We are well aware that the Review contains mixed news for a range of sectors. SCIS had the opportunity to give evidence in person to the Review Group, on 6 March and provide additional written detail in support, but it does appear that independent schools have been singled out with no supporting justification (schools constitute 0.7% of the bodies awarded rates relief in Scotland.).

### Review findings

In his introduction to the Report, Mr Barclay states that the proposals "...are not about penalising particular sectors. They are about removing anomalies, creating a level playing field and reducing avoidance." However, the Report goes on to treat one group of educational registered charities differently from all others, create a new anomaly in charity law interpretation, and to tilt the playing field away from Scotland's schools. Further still, they will have the opposite effect for our world-leading sector from that stated as providing "competitive advantage in growing existing businesses and attracting new business".

61 Dublin Street, Edinburgh, EH3 6NL, Scotland

### Charitable status and public benefit

Section 4.120 states that independent schools will *“still retain charitable status and other benefits will continue to flow to them from that status.”* Any of our schools would emphasise that the importance of charitable status is that it reflects the historic ethos and purpose of the institutions and, in some cases, the legacy of their founder. However, as mandatory non-domestic rates relief constitutes the most significant impact on school costs, the integrity of that status would be questioned – especially when the stringent public benefit test is considered.

Relief to charities is currently based on registration with the independent Office of the Scottish Charity Regulator (OSCR), under the terms of the Charities and Trustee Investment (Scotland) Act 2005. All schools registered as charities and in membership of SCIS have undertaken the rigorous charity test required by OSCR which ensures schools match the sole purpose of “the advancement of education” and provide public benefit in achieving those purposes. That test was a specific requirement of the 2005 Act, placed upon independent schools by the Scottish Parliament, and there is no equivalent test in statute for independent schools elsewhere in the United Kingdom or further afield. The test has been applied rigorously and has seen means-tested fee assistance, primarily in 60-100% bursaries, more than triple in value since its introduction.

Out of 24,230 registered charities in Scotland, independent schools in membership of SCIS number fewer than 60, or c.0.3% of the charity sector in Scotland. No other group has been subject to such intense scrutiny by OSCR. On this basis, recognising that relief is offered to the private, public or third sector and given the substantial range of other fee-charging charities in Scotland, schools see no reason for them to be treated separately from any of the other charities registered with OSCR. The Report recognises in 4.126 that *“the vast majority of OSCR registered charities will see no change from this reform”* and yet creates a clear anomaly both within Scotland, and in the competitive world of independent education, including boarding, beyond.

**We would be grateful for the Scottish Government’s view on that change, in light of the repeated view, most recently to the Scottish Parliaments Petitions Committee in 2015, that:**

*“The charity test, in particular the public interest test, sets a relatively high threshold that charities must meet. In particular, regard must be to the benefit or dis-benefit incurred or likely to be incurred by the public and whether any condition on obtaining that benefit (including any charge or fee) is unduly restrictive. As long as this test commands public confidence, qualifying independent schools will maintain charitable status.”<sup>1</sup>*

### Independent schools and other educational charities

As the papers of the Review itself make clear, schools are by no means the major recipient of mandatory non-domestic rates relief among registered charities, even those whose charitable purpose is to “advance education”. Unlike the independent sector, which operates at no cost to

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<sup>1</sup> <http://www.parliament.scot/GettingInvolved/Petitions/charitablestatus>

the taxpayer, colleges and universities receive the majority or entirety of their funding from government. Section 4.121 states that *"The core functions of universities including education and research and development should continue to be eligible for charitable relief to reflect their key role in supporting economic growth through education of the workforce and supporting innovation"*. As Universities are fee-charging, limited access charitable bodies advancing education, by comparison our schools would be grateful to know **if it is the view of the Scottish Government that independent schools and their staff do not have the core function of education nor support economic growth through education of the workforce?**

#### "State" school and independent schools

The anomaly that only state schools do not qualify for some form of charitable status, to assist with fundraising and other activities, is for others to make and is not pursued in the Report. However, the most troubling basis for the Review's findings on independent schools comes in 4.120.

*"Independent (private) schools that are charities also benefit from reduced or zero rates bills, whereas council (state) schools do not qualify and generally will pay rates. This is unfair and that inequality should end by removing eligibility for charity relief from all independent schools."*

This is a curious interpretation of the reality of local and central government funding for local authority schools. It would be informative and timely for the Government to demonstrate that for the very wide range of bodies which receive partial rates relief, in the case of the private and third sectors the remaining rates obligation is met from other sources.

This is clearly distinct from bodies that do not receive relief, including state-maintained schools, where the entirety of the funding – including rates payments - is derived from national and local taxation levied upon the whole population irrespective of their individual use or demand. Unlike the independent sector, no state-maintained school would be required to alter its staffing levels, or expenditure on equipment, based upon a variation of their notional and entirely paper-based, rates valuation. When asked about extending charitable status to state-maintained schools, it should be noted that The Scottish Government stated in writing to the Scottish Parliament's Petitions Committee on 4 August 2015 that:

*"Such a scenario may render schools eligible for non-domestic rates relief based on charitable status, but this would not necessarily confer an overall financial benefit under local government finance arrangements."<sup>2</sup>*

Independent schools paying 20% of rates as a result of a mandatory relief demonstrates that schools do pay rates and in the case of independent schools, this can only come from parental fee income. The percentage of parents paying full fees has reduced, rightly, as the means-testing aspects of the charity test have taken effect. Schools are, by definition not-for-profit, and budgeting is done many years in advance, given the fixed and rising costs of staff salaries, utilities and school estate management. The Report's recommendation would increase the non-domestic rates bill within three years by 80%.

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<sup>2</sup> <http://www.parliament.scot/GettingInvolved/Petitions/charitablestatus>

**Is it the Scottish Government's view that state schools "pay rates" in reality, and that it is anomalous that independent schools, along with other education bodies such as universities, receive partial, mandatory rates relief?**

#### Complex additional support needs schools

In Scotland, there has been a growth in independent centres of excellence that meet a range of behavioural, emotional, social and/or physical support needs. Those schools, along with mainstream schools which play a substantial role in integrating pupils with support needs, are an important aspect in provision Scotland-wide and the sector has recently been attracting interest from overseas investors and educators. The Review makes only a passing comment relating to disability relief about these schools, many of which are, or are part of, a registered charity. The margins on which the schools operate are extremely narrow, and in many places take pressure off local government provision. A lack of clarity over their financial status is extremely unwelcome.

#### **Public debate**

It would be naïve of the independent school sector not to recognise an ever-present debate suggesting that the removal of rates relief from independent schools would in some way both help fund aspects of school education elsewhere, and satisfy those who are not supportive of the existence of independent school education. That is an argument for the political arena, as it has been in the Scottish Parliament and elsewhere on several occasions, but not best suited to a review of business rates. It is not, in our view, accurate, appropriate or impartial for the Review to state that relief to independent schools is "*unfair*" and an "*inequality*".

The removal of mandatory rates relief would impact schools' ability to provide means-tested bursaries and other forms of financial or non-charged-for assistance. This includes extensive provision of facilities and resources as well as public-sector partnership with bodies such as Education Scotland and the Scottish Qualifications Authority. A further implication of any resulting rise in school fees that the end of rates relief would bring about would be, in part, to place added burden on the Government to provide additional places in local authority maintained schools.

#### **Economic contribution**

The previous Scottish Government's Council of Economic Advisors recognised the economic value of independent schools, including boarding schools, to Scotland. In what is a highly, and increasingly, competitive global market, it would be extremely counter-productive to add any barrier to Scotland's ability to attract school-age students from the rest of the United Kingdom, the European Union or beyond. This would apply to the boarding sector which is estimated to

generate £29.8 million in export earnings, as well as to families attracted by day school education choices as part of individual relocation plans.

Given the Report's stated aim of seeking revenue for the Scottish economy, it should be noted that an independent economic impact report<sup>3</sup> (enclosed) found that that independent schools:

- generated £455.7 million Gross Value Added for the Scottish economy
- made a direct contribution to the Scottish economy of £ 301 million
- supported around 10,600 jobs in 2015
- generated £246.6 million for the public exchequer – equivalent to £102 per household in Scotland.

A common misconception is that the independent sector in some way costs the state money or receives financial support – neither of which is accurate. The same study noted that by applying government cost estimates to the number of pupils who would otherwise be educated in state schools, it was possible to estimate that in 2015 SCIS members generated a total cost saving to the Scottish education system of £156 million.

In the case of independent schools in Scotland, the advancement of education is palpably and demonstrably being delivered, while they are rightly tested for their public benefit provisions. The Review singles the schools out for differential treatment on questionable grounds, open to legal interpretation and contrary to the promotion of growth in Scotland. The independent sector is willing to work with the Government, state-maintained schools and public bodies to advance Scottish education as a whole – and we look forward to hearing from you.

[redacted]

John Edward  
Director, Scottish Council of Independent Schools  
[john@scis.org.uk](mailto:john@scis.org.uk)

cc: John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education & Skills

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<sup>3</sup> <http://www.scis.org.uk/facts-and-figures/economic-impact-report/>

**From:** [redacted] [mailto:[redacted]@scis.org.uk]  
**Sent:** 20 September 2017 17:20 0  
**To:** [redacted]@gov.scot  
**Cc:** [redacted]; [redacted]; [redacted]@uhi.ac.uk  
**Subject:** Teaching Qualification (SCIS/UHI)

Dear [redacted]

Thank you for taking the time to read and respond. I can answer the first question easily, I think. Any support would be welcomed. In particular, I remain mindful of colleagues in small schools, grant-maintained and ASN who may not be in a position to have the financial support of the school or the personal means to fund the qualification. If appropriate, [redacted] may respond on the issue surrounding development funds: this is not within my realm.

Regarding question two .. We have talked about a number of phases and floated the idea that in due course the Programme could be tailored for new entrants - not a TeachFirst model, but a dedicated Scottish option. I will leave [redacted] to respond to the question of beyond the sector. All I would say is that 3 colleagues from SCIS (myself plus 2 teachers) will have no problem in the work being shared/developed as [redacted] and her colleagues deem appropriate.

Hope this is helpful.

Best wishes

[redacted]

Sent from my iPad

On 20 Sep 2017, at 12:41 pm, "[redacted]@gov.scot" <[redacted]@gov.scot> wrote:

Look forward to hearing from you

[redacted]

[redacted]

Scottish Government

Learning Directorate: People and Leadership

Tel: 0131 244[redacted]

[www.engageforeducation.org](http://www.engageforeducation.org)

**From:** [redacted][mailto:[redacted]@scis.org.uk]

**Sent:** 15 September 2017 16:52

**To:** Roy D (David)

**Subject:** Fwd: Teaching Qualification

Dear [redacted]

Briefing paper attached.

Best wishes

[redacted]