

THE CHARITY COMMISSION'S DRAFT CONSULTATION ON PUBLIC BENEFIT: TONBRIDGE SCHOOL

PREAMBLE

1. Thank you for the opportunity to comment on two of your current consultations, namely the Consultation on Draft Supplementary Guidance on Public Benefit and Fee-charging and Consultation on Draft Supplementary Guidance on Public Benefit and the Advancement of Education. It is hoped that what follows will be informative of the role Tonbridge School plays in the furtherance of education within its charitable status. Moreover, that this has been achieved of the school's own choosing, *and without the need for the requirement to be specifically expressed in its formal objects set out in the Memorandum and Articles of Association.*

TONBRIDGE SCHOOL

2. Tonbridge School (Charity No. 1097977) was founded in 1553 by Sir Andrew Judd under Letters Patent of King Edward VI. The Charter ordained that the Governors of the school after the death of the Founder were to be the Worshipful Company of Skinners, one of the oldest City Livery Companies. Sir Andrew, himself a distinguished member of this Company, left property in the City of London and in the parish of St Pancras as an endowment for the school. The income is largely at the disposal of the Governors for the general benefit of the School. The school occupies an extensive site of about 150 acres (607,000 m²) on the northern edge of the town of Tonbridge, Kent, and is largely self-contained within that site. Since the foundation the school has been rebuilt twice on the original site. There are currently approximately 770 boys in the school, aged between 13 and 18, with around 440 boarders and 330 day pupils in seven boarding and five day houses. The Headmaster, who has been in post since 2005, is Mr Tim Haynes Esq BA.

THE SCHOOL'S ETHOS

3. Tonbridge School aims to provide a caring and enlightened environment in which the talents of each individual flourish. We encourage boys to be creative, tolerant and to strive for academic, sporting and cultural excellence. Respect for tradition and openness to innovation are equally valued. A well-established house system at the heart of the school fosters a strong sense of belonging. Tonbridge seeks to celebrate its distinctive mixture of boarders and day boys; this helps to create a unique broadening and deepening of opportunity. We want boys to enjoy their time here, but also to be made aware of their social and moral responsibilities. Tonbridgians should enter into the adult world with the knowledge and self-belief to fulfil their own potential and, in many cases, to become leaders in their chosen field. Equally, we hope to foster a life-long empathy for the needs and views of others: in the words of the great novelist and Old Tonbridgian, E.M. Forster: 'Only Connect'.

PUBLIC BENEFIT – A RECORD OF TANGIBLE ATTAINMENT

4. Tonbridge has long been known as a scholarship school. Over the centuries, thanks to the financial help of the Skinners' Company and the Sir Andrew Judd Foundation, Tonbridge has provided a first class, subsidised education to thousands of boys. Now the financial help is directed in a more focused way. Costs dictate that those who can must pay full fees, while the school subsidises talented boys who could not possibly enjoy a Tonbridge education without this help. Help is provided in two ways:
 - a. Tonbridge foregoes about £1.6m each year in fee remission to support scholarships and bursaries, representing over 10% of its annual budget. While the “standard' scholarship” award is now set at 10%, fee-remission of up to 100% is available where a scholar has clear (means-tested) financial need.
 - b. The above is complemented by a separate scheme – the Foundation Awards – a programme of purely means-tested awards funded through philanthropy. Fee remission for Foundation Awards is up to 100%, though the school will look to award slightly less than this in most cases, on the basis that parents of a Foundationer will take greater ownership of their son's education if they are contributing to the fees at some level within their means.

5. The two schemes are linked because the school currently matches the money given by Old Tonbridgians and parents towards Foundation Awards. In addition to its duties as a charity, the school takes the view that widening access is a two-way benefit. Tonbridge would become socially narrow if assistance cannot be given to middle and lower income families. A Tonbridge education will be a richer experience if boys come from a broad spectrum of society. Foundationers win places because the school has identified their passion and potential. As such, they bring extra vigour to the school, inspiring those who teach them and those who learn alongside them. In the case of Foundation boarding places, our main aim is to support boys from disadvantaged backgrounds for whom an independent school will be beneficial.

Tonbridge aims to offer full fee remission to at least 10% of its pupils by 2026. Currently there are 21 boys in the school on full fee remission. *It follows that the Governors' view is that the school exists as a charity for the advancement of education and does not operate in a discriminatory manner so to exclude sections of the public from the benefits of a Tonbridge education.*

6. Tonbridge continues to explore and create opportunities to share its facilities and expertise with the local community, not only to support the test of public benefit *but because the school believes such actions are appropriate and proper in their own right.*

7. Sponsorship and active involvement in the continued development of the Marsh Academy in New Romney.

8. From April 2008 - Independent School State School Partnership with four local state maintained schools to foster Gifted and Talented provision initially in the locality, *and subsequently in East Kent as well. As well as continuing our partnership with the Marsh Academy, we will be working with Hugh Christie College and two local Primary Schools, Slade and Hildenborough. Tonbridge School is the only Independent School in the hub of five schools driving this initiative, the others schools involved being Tonbridge Grammar School, Skinners, Judd and Hillview.*

9. Below is a summary of the other many and diverse ways in which Tonbridge School participates in and works with the community:
 - a. **Structure and Management.** A Community Action Coordinator has been appointed, a former Director of Drama who is now a member of the ISC Community Action Working Party with responsibility for the South East area. In addition to facilitating the school's current community involvement, he is encouraging new ventures in order to involve boys in as wide and exciting a range of activities as possible, as a positive way of expressing their awareness of the needs of others.

 - b. **Education.**
 - i. Sharing of academic facilities, expertise and teaching material with local schools in an increasing variety of disciplines.
 - ii. The school has recently worked with a consortium of other local schools organising a major project to raise awareness about climate change that came to fruition in late March 2008. In the run-up to the main event 340 primary pupils and 200 secondary pupils from maintained schools came to a talk Tonbridge School by Polar explorer Ben Saunders. Free transport was provided. Subsequently 60 boys helped a Footpainting project at a local primary school to raise awareness about the concept of a carbon footprint.. The project culminated in 6 events over two days.
 - iii. Assisting a trainee teacher from Hillview School for Girls by organising two days of lesson observation and some teaching.
 - iv. Various and expanding outreach programmes for local schools: English, Maths, Music, Design and Technology, Art, Classics, Drama, ICT and help with Special Education Needs (SEN) issues and reading.
 - v. Local schools are invited to Oxbridge classes and University interview practise. Schools are also welcomed to the school's Gap Fair and various career and specialist university events such as the American Universities evening.
 - vi. The school arranges visits and exchanges of an academic, sporting, cultural and /or charitable nature for both students and staff in order to share experiences with schools and communities across the world. This year South Africa and South America are both being visited.

- vii. ICT facilities were made available to the local fire brigade to allow them to train for and sit the European Computer Driving Licence (ECDL) examination.
 - viii. Each year the school takes 8-10 pupils from local schools for work experience placements.
 - ix. Pupils (autistic spectrum) from a local primary school come to edit their video projects here with boys from the Video group and the AVA technician.
 - x. Ten Drama pupils from local schools attended the Callum Coates History of Theatre Lecture free of charge. Many other performances and workshops are free for the local community
 - xi. The school is a member of the councils of both the Mathematical Association and the UK Mathematics Trust.
 - xii. The Headmaster is a member of the West Kent Learning Federation.
 - xiii. Members of staff serve as governors of local schools.
- c. **Community Involvement.** Tonbridge School provides free accommodation in The Groves Centre for VSU Youth in Action who use it both as an office base for volunteer training and for youth committee meetings. The school also provides VSU with a project grant and covers the cost of its phone bills together with secure parking for their minibus. As VSU is a registered charity, this is vital to its continuity, as the money saved on accommodation can be used to provide services to local young people in the Tonbridge community. In addition:
- i. There is continuing involvement in the local administration of the Duke of Edinburgh Award Scheme.
 - ii. A senior member of staff serves as a JP.
 - iii. The Tunnel, the school's art display area, is made available to local artists and schools for their exhibitions.
 - iv. We provide use of the garden and facilities of a day House for a local play group's annual summer festival.
 - v. There is extensive use of the school Chapel by local independent and state schools as well as Community groups for annual carol services.
 - vi. Two members of staffs and one governor are trustees of the Tonbridge CAB. Provision of ICT facilities was given for the training of local CAB volunteers and the school has hosted regular meetings of the Trustees. In the last twelve months, a member of staff negotiated on-going sponsorship funding for the local CAB from some of the school's suppliers, while another secured grants of £9,000 to assist the CAB to move to new and larger premises. The Clerk of Works acted as the Project Manager for the move, and assistance in the form of skilled labour was given by the Works Department in fitting out the new premises.
 - vii. One of the aims of the Parents' Arts Society is to welcome the local community to attend the lectures, concerts and theatre productions which are part of their extensive programme of arts events..
 - viii. A recent fashion show organised by the boys in conjunction with girls from The Weald of Kent Grammar School raised almost £2,000 for the local hospice. Over 50 boys and girls took part.

d. Charitable Involvement.

- i. One of the Day Houses raises sufficient funds to place four children in various parts of the world in full time education
- ii. The Lower Sixth post-exam community action day involves 140 boys helping with a wide variety of projects off-site, such as clearing churchyards, painting village halls, supporting the elderly with gardening, etc.
- iii. On Wednesday afternoons, around ten Tonbridge boys work for local conservation projects such as The Kent Wildlife Trust and the Hildenborough Conservation Group, providing approximately 200 hours of labour over a year. Additionally, boys in the Community Services Group (CSG) visit local residential and day care centres for the elderly where they take an active role. There has been a 20% increase in the number of boys participating in CSG over the last year.
- iv. Weekly Chapel collections support a number of national and local charities
- v. The School Gifts redundant ICT hardware to third world charities.
- vi. Boys were involved in a house-building programme for Habitat for Humanity in Northern Ireland.
- vii. The Headmaster is a Patron of the Bridge Trust, a local charity for the homeless.
- viii. Every five years the whole school works together to devote a day to raising money for various charities. In July 2008 by undertaking an 18 mile walk we, as a community, raised over £25,000 equally divided between four charities.

- e. Sport.** Sport plays a significant role in defining our community involvement, including sharing the school's sports facilities with a number of local schools, clubs and other groups: for example a £750k water-based Astro, the athletics track, a newly-commissioned £11m Sports Centre/swimming pool, fives and squash courts. In addition, the England Hockey squad uses our facilities and runs training courses at the school.

10. The Arts. Initiatives include:

- a. Increasing participation from all areas of the local community in the Schools' Arts programme.
- b. Working with Pepenbury (a local centre for adults with learning disabilities) and, in particular, staging an exhibition of their art in the Tunnel, the school's art display centre.
- c. The E.M. Forster theatre is the only school theatre that is used as a performance and workshop base by the nationally active Schools Shakespeare Project,
- d. The Community Service group puts on an annual concert for local senior citizens.

- e. Recently, four primary school children were invited to be in the cast of the school's Junior Play. A charity performance of this musical raised money for a local charity (The Bridge Trust).
- f. Recently the school hosted the Peter Maxwell Davies (Master of the Queen's Music) Children's Opera performed by a significant number of children from local primary schools.
- g. The Head of Drama sat on the steering committee of a recent Community Play that used the school's facilities for meetings and rehearsals. Out of this event emerged the LittleBridge Theatre Company which now performs regularly at Tonbridge School.
- h. A National Poetry Competition has now been run successfully for two years attracting over 1000 entries; prizes for adults and school children were awarded by the Poet Laureate, Andrew Motion, who has agreed to be patron.
- i. Opera by Definition intend using the theatre as their base for future performances and workshops. The National Youth Music Theatre was supported by the Parents' Arts Society with a donation of over £30,000 for shows here and in London, enabling them to revitalise their financial position.

OTHER CONSIDERATIONS

11. The Charity Commission has rightly restated that proportionality is a legitimate factor in assessing public benefit as independent schools will vary considerably in size. Furthermore, some will benefit from generous endowments. However, elsewhere in the consultation documents, the Charity Commission asserts that a charity which charges high fees needs to do more to demonstrate public benefit than a charity that charges lower fees. It is not clear on what basis this assertion is made as much will turn on the existence, or otherwise, of an endowment.
12. The draft guidance seems to focus on affordability as the benchmark for public benefit but this seems to be the wrong criteria on which to judge accessibility. For example, how does one reconcile the difficulties faced by large families compared to those with just one child?
13. The draft guidance suggests schools find external sources of funding for bursaries. Clearly such financial resources are not always replicated year on year as they are often dependant on many other economic factors. If the number of bursaries awarded varies year-on-year does the Charity Commission believe that the effect of this is for a school's public benefit to change on an annual basis and thus a school might be regarded as fulfilling its public benefit one year but not the next.
14. The draft guidance suggests schools might consider increasing the fees in order to support its scholarship programme, in effect making a surcharge. Thus, it would seem illogical to increase the burden on often hard-pressed fee-paying parents rather than seeking to decrease fees to bring the benefits of an independent education within the reach of more children. Moreover, how does the Charity Commission reconcile its requirement for school governors to make "material benefits" available to those who cannot afford to pay fees as their primary duty, namely to act in the best interest of the beneficiaries of the charity, the present and future pupils?

15. We are concerned at the suggestion in the draft guidance that a school's purposes will be subject to a very narrow interpretation namely '*a school is not a community resource for general community purposes*'. We believe that a school's aims should be construed more broadly and that the place a school occupies within its community should inform the vision of what a school like Tonbridge was established to do. This would be in keeping with the Government's policy as regards Building Schools for the Future, namely: '*... the modern vision of extended schools sees schools as assets at the heart of the community, which everyone can use and benefit from.*'

16. Finally, we provide education to over 750 boys at no cost to the State with fees paid by parents from taxed income. The saving to the State – allowing many to benefit directly from a substantial reduction in the requirement to provide alternative, local education facilities – amounts to significantly more than the school receives by virtue of its charitable status.

POINT OF CONTACT

17. The Point of Contact at Tonbridge School is the Headmaster, THP Haynes BA Esq.