

S. Anselm's School Trust Ltd
A public benefit assessment report by the Charity Commission



The Charity Commission

The Charity Commission is the independent regulator of charities in England and Wales. Its aim is to provide the best possible regulation of charities in England and Wales in order to increase charities' effectiveness and public trust and confidence. Most charities must register with the Commission, although some special types of charity do not have to register. There are some 190,000 registered charities in England and Wales. In Scotland the framework is different, and the Commission does not regulate Scottish charities.

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More information about the Commission together with a range of guidance for charities can be found on our website www.charitycommission.gov.uk, or by contacting Charity Commission Direct:

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The Charity Commission is the independent regulator of charities in England and Wales. In October 2008 we started a public benefit assessment in relation to S. Anselm's School Trust Ltd. This is a report of our findings.

Section A: The purpose of this report

This report sets out the Charity Commission's findings from its public benefit assessment for S. Anselm's School Trust Ltd ('the charity'), registered charity number 527179. You can find further information about what public benefit assessments are, how we carry them out, a glossary of terms and other details on the public benefit pages of our website.

Section B: Key details about the charity

Charity registration details

S. Anselm's School was founded in 1888 as a preparatory school. S. Anselm's School Trust Ltd was incorporated as a charitable company in 1967 to take over and carry on the school. It was registered as a charity in 1968.

Location and operation

The school of the charity is near Bakewell in Derbyshire. It operates as a preparatory school for day pupils and boarders.

Pupils

The school has 239 pupils on its roll aged 3 - 13. It includes a nursery. 80 pupils are full boarders, and 159 are day pupils.

Admissions policy

Some children join at nursery age. Where children join at a later stage, the school's admissions policy is not academically selective and there is a wide cross-section of academic ability.

The school has a Learning Support Department and 20% of pupils receive support for dyslexia and other learning difficulties.

Curriculum

The charity described the school's curriculum as providing a broad holistic education ranging from academic subjects (some of which are not provided by other schools locally such as Latin and Greek) to art and music.

Yearly fees (2008/09)

Nursery (ages 3 - 4)

- £6,600

Day fees range from

- £7,500 (pre-prep for ages 4 - 7) to
- £14,580 (ages 11 - 13)

Boarding

- £17,310

Opportunities to benefit for those unable to afford the fees

Means-tested assistance (More details are in Annex A, section 1)

Bursaries

- Advertised value of bursaries: up to 90% of fees
- Tenure of awards: from year 1 through to leaving
- Number of bursaries currently awarded: 2 (0.8% of pupils)
- Number of 100% bursaries currently awarded: 0
- Total value awarded in 2008/09: *Figures supplied to the Charity Commission but not published to preserve confidentiality about value of individual awards.*
- Value of means-tested bursaries awarded in 2008/09 as a percentage of gross fee income in 2007/08: < 1%

Hardship Awards

- Total value awarded in 2008/09: £20,000

Value of bursaries and hardship awards in 2008/09 as a percentage of total income in 2007/08: 1%

Non means-tested assistance (Annex A, section 2)

- **Continuity of Education Allowance:** qualifying armed forces families pay 10% of boarding fees as a result of MOD grant and 20% fee reduction by school.
 - Value of assistance: £30,800 (0.8% total income 2007/08)
 - Number of pupils helped: 9 (4% of pupils)
- **Scholarships:** 10% discount on fees
 - Value of assistance: £11,600 (0.3% total income 2007/08)
 - Number of pupils helped: 7 (3% of pupils)

Other opportunities to benefit provided by the school (Annex A, section 3)

The opportunities provided fall within the following categories:

- use of facilities by children who live locally;
- hosting events with other schools;
- formalised ways of sharing knowledge, skills and experience with other educational providers.

Financial position: year ending 31 July 2008

	Unrestricted funds	Restricted funds	Endowed funds	Total
Income	£3,618,419	£179,301	Nil	£3,797,720
Expenditure	£3,435,116	£10,136	Nil	£3,445,252
Incoming/ (outgoing) resources	£183,303	£169,165	Nil	£352,468
Net assets	£3,356,461	£147,843	Nil	£3,504,304

The school established the S. Anselm's Foundation in 2004. This is a restricted fund of the charity and raises money for the Bursary Fund and capital development projects.

Section C: Is the charity's aim capable of being charitable?

In this section, we report on the charity's aim and whether it fits within the list of descriptions of purposes within section 2 (2) of the Charities Act 2006 that are capable of being charitable purposes.

The charity's objects* are as follows:

- “(A) To acquire and take over as a going concern S. Anselm's School, heretofore carried on by St Anselm's School Limited at Bakewell in the County of Derby, upon such terms as the Governing Body think fit, and thereafter to carry on the same.
- (B) To acquire and carry on in the United Kingdom any boarding or day school or schools for the education of children of either sex or both sexes.”

The charity's aim is therefore to provide a school or schools for the advancement of education and our assessment found that the charity's operation was fully within this aim.

We concluded that the charity's aim does fall within s2(2)(b) of the descriptions of purposes in the Charities Act 2006 - the advancement of education - and is capable of being charitable, subject to meeting the public benefit requirement.

* set out in its memorandum and articles of association, incorporated on 16 March 1967

Section D: Is the charity's aim for the public benefit?

To meet the public benefit requirement, the organisation must meet the two public benefit principles. These are:

Principle 1: There must be an identifiable benefit or benefits

Principle 2: Benefit must be to the public, or section of the public

We looked at the sub-principles within each of these.

- Sections D1 and D2 set out our findings for those relating to principle 1.
- Sections D3 – D6 set out our findings for those relating to principle 2.
- Section D7 sets out our conclusions on whether the organisation meets the public benefit requirement.

Section D1

We looked at the first two sub-principles together:

- **sub-principle 1a - it must be clear what the benefits are**
- **sub-principle 1b - the benefits must be related to the aims**

Relevant benefits

The charity's primary benefit is the provision of education to the pupils at the school ('pupils'). Beyond the curriculum offered by the school, benefits to the pupils also flow from the following activities which the charity described during the assessment:

- fundraising activities carried out by the pupils for the benefit of local charities;
- performance by pupils of musical productions at local centres including a residential care home;
- placements for gap year students;
- work placements relating to teaching, nursery care and sports coaching.

In addition, educational benefits for pupils and other children arise from the following examples given by the charity and which are described in more detail in section 2 of Annex A:

- sporting tournaments for the local community which local primary schools participate in, together with pupils at the school;
- participation by a combined choir from S. Anselm's and a local school in a concert at the local church;
- an adventure activity trip organised by a teacher includes children with special learning needs from another school;
- music grading examinations at the school for local children;
- use of the school theatre hall, dining room, sports hall and swimming pool by the local church youth group at nil or nominal charge.

These benefits all relate to the aim and are relevant to these sub-principles.

Benefits which are not relevant

There were some benefits which were identified by the charity but were not relevant to the aim – see section 4 of Annex A.

We concluded that the clear benefits that are related to the charity’s aim are primarily those that arise for the pupils at the school and, in addition but secondary to that, for other children who are not pupils at the school. The benefits are sufficient to enable us to conclude that the charity does meet sub-principles 1a and 1b.

Section D2

Sub-principle 1c: Benefits must be balanced against any detriment or harm

We explain in *Charities and Public Benefit* our approach to assessing this sub-principle.

Based on this, we found no evidence or indication of detriment or harm in relation to this charity.

We concluded that there was nothing under sub-principle 1c that would affect the assessment of public benefit in this case.

Section D3

Sub-principle 2a: The beneficiaries must be appropriate to the aims

The beneficiaries are children. Although the objects do not specify an age range, in practice children at the school are aged between 3 - 13. The pupils attending the school and nursery are primarily the beneficiaries of the charity, but beneficiaries also include other children who are not pupils at the school but who have the opportunity to benefit from educational activities undertaken at, or by, the school.

We concluded that the beneficiaries are appropriate to the aim and that this sub-principle is met.

Section D4

Sub-principle 2b: Where benefit is to a section of the public, the opportunity to benefit must not be unreasonably restricted

In this section we consider geographical and other restrictions. In section D5 we consider restrictions arising as a result of the fees charged.

Geographical restrictions

There is no express geographical restriction in the stated objects applied to the opportunity to benefit. The objects limit the charity to carrying on schools in the UK, as well as at a particular school in Bakewell, Derbyshire. In practice there is no geographical restriction on who may attend the school, although day pupils will be drawn from the local area.

Age restrictions

There are no age restrictions specified in the stated objects, but currently, in practice, the opportunity to benefit is limited to children aged 3 - 13, which is the age range catered for at the school.

Academic restrictions

There is no requirement in the governing document for children to meet specific academic standards as a condition of entry. The school accepts children from a wide range of academic ability and provides specialist support for children with dyslexia and other special learning needs.

Religious restrictions

The governing document does not contain any religious restrictions on who may be admitted. Although the school's assemblies and prayers are "firmly grounded in Christian values", the school welcomes children from all backgrounds.

These restrictions on who has the opportunity to benefit are rational and justifiable and **we concluded that** the opportunity to benefit is not unreasonably restricted by geographical or other factors outlined above and that the charity does meet sub-principle 2b in relation to restrictions other than fees.

Section D5

We considered the following related sub-principles together:

- **sub-principle 2b (the opportunity to benefit must not be unreasonably restricted by ability to pay any fees charged); and**
- **sub-principle 2c (people in poverty must not be excluded from the opportunity to benefit)**

Taken together, these sub-principles mean that the charity must be able to show that there is sufficient opportunity to benefit in a material way that is related to the charity's aim for those who cannot afford the fees, including those in poverty.

We describe in section C of *Public Benefit and Fee-charging* the principal factors derived from case law which we use to assess this.

We set out below how these factors apply to the circumstances of the school.

D5(i) *Does the level at which fees are set have the effect of preventing people who are unable to pay the fees from benefiting from the services or facilities?*

The charity primarily carries out its aim by providing a school. The school's fees are detailed in section B and range from £7,500 a year for children in the pre-prep school (aged 4 - 7) to £17,130 a year for a child in the boarding school. The fees for the nursery are £6,600 a year. The governors told us that fees are set so as to ensure that all operating costs are covered and that a surplus is generated to meet the capital investment needs of the school, and the costs associated with its Bursary Fund Scheme.

The level of fees charged fits within the definition of 'high fees' in our guidance on *Public Benefit and Fee-charging* because they are unaffordable to many people.

D5(ii) *In relation to those who cannot afford to access the services because of the charges made, to what extent are those charges moderated (in whole or in part) in order to:*

- *permit access to the services charged for*
- *give other access to the benefits of the charity?*

There is a mix of opportunities in relation to this sub-principle. We therefore looked at the totality of benefits provided by these, which include:

- means-tested fee reductions to provide access to an education at the school which those paying fees receive;
- non means-tested fee reductions to provide access to an education at the school which those paying fees receive; and
- other measures to provide access to some of the benefits provided by the school.

The charity provided details of opportunities which fall within each of these categories and we have set these out at Annex A. In the following paragraphs we explain how we looked at these categories.

- The means-tested bursary scheme has been available for the last two academic years. In setting 90% as the maximum level of assistance, the scheme is capable of helping those who are unable to afford the fees (principle 2b) but may exclude those in poverty because the possibility of full bursaries is not made clear. The number of awards (two) and the overall value of assistance (below 1% of the school's income) are minimal and so on their own would not be regarded as sufficient.

The school has links with the Joint Educational Trust ('JET'), a charity which provides support (including means-tested help with fees) for children who have suffered seriously at home or at school, or are at risk in some way. This type of help would count towards meeting these sub-principles, although the level of referrals from JET has been low.

- There are some measures which are not means-tested but which give access to education at the school. The absence of means-testing means that these have less impact than measures designed specifically to assist those unable to afford the fees (including people in poverty) and on their own would not be regarded as sufficient. The Continuity of Education Allowance (CEA) funded by the MOD potentially provides opportunities to benefit for those unable to afford the fees (principle 2b), although it is limited to qualifying families in the armed forces. Where families qualify for support, the charity provides a further 20% fee reduction to them, which means that parents pay 10% of the boarding fee. This potentially provides opportunities to benefit for qualifying families who cannot afford the fees (principle 2b).
- The measures described in section 3 of Annex A all provide some opportunity to benefit and add to the totality of benefits offered. Hosting sports tournaments with state schools and making facilities available to youth groups provide potential opportunities to benefit for those unable to afford the fees in ways that are relevant to the aim of the school. Where facilities such as the swimming pool are hired out generally, we can take into account any usage by children in relation to this sub-principle. Overall, the charity provides some good opportunities to benefit to those unable to afford the fees, including those in poverty, but in the context of the core service provided by the charity they could not on their own be regarded as sufficient.

Sub-principles 2b and 2c - conclusion

The charity charges high fees which require some mitigation in order to show that the opportunity to benefit is not unreasonably restricted. We recognise that the extent to which the charity is able to mitigate the fees is heavily influenced by factors such as size of the school, location and financial situation. It is also clear that the charity is addressing the requirements of these sub-principles. It is taking a number of steps to provide opportunities to benefit in a material way that are related to the charity's aim for those who cannot afford the fees, including those in poverty. At this stage, however, our assessment is that the organisation needs to do more and, in particular, needs to:

- make accessibility to its benefits more extensive and targeted at those unable to afford the fees; and
- take further action to ensure that people in poverty are not excluded from the opportunity to benefit.

We concluded that, taking into account what is reasonable and appropriate in the circumstances of this charity, it does not provide sufficient opportunity to benefit in a material way for those who cannot afford the fees, including people in poverty, and that the charity does not fully meet sub-principles 2b (in relation to fees) and 2c.

Section D6

Principle 2d: Any private benefits must be incidental

The charity provides a discount of fees for staff who choose to educate their children at the school. This is a part of the employment terms offered to staff on appointment.

We concluded that private benefits are incidental and that this sub-principle is met.

Section D7

Conclusion: Is the public benefit requirement met?

In this case, **we concluded that** the charity does not meet sub-principles 2b (in relation to fees) and 2c (people in poverty not to be excluded from the opportunity to benefit) and does not therefore meet the public benefit requirement. Although it is clear that the charity is taking a number of steps to address these sub-principles 2b and 2c, our findings described at section D5 show that it needs to:

- make accessibility to its benefits more extensive and targeted at those unable to afford the fees; and
- take action to ensure that people in poverty are not excluded from the opportunity to benefit.

Section E: Overall conclusions and required or recommended actions

We concluded that S. Anselm's School Trust Ltd is a charity but is not currently operating for the public benefit. This is because:

- the aim of S. Anselm's School Trust Ltd is capable of being charitable, subject to meeting the public benefit requirement;
- although the governors are taking steps to address sub-principles 2b and 2c, they have not adequately demonstrated that the charity is currently operating for the public benefit.

The governors must produce a revised plan showing that the totality of benefits can be described as providing a sufficient opportunity to benefit in a material way for those who cannot afford the fees, including people in poverty. The governors must confirm their intention to do this within three months of the date of publication of this report and provide a plan for agreement with the Charity Commission within a further nine months.

S. ANSELM'S SCHOOL TRUST LTD

OPPORTUNITIES TO BENEFIT FOR THOSE WHO ARE UNABLE TO AFFORD THE FEES, INCLUDING PEOPLE IN POVERTY

This annex uses information provided by the charity to show which activities we assessed in relation to the element of sub-principle 2b relating to fee-charging and sub-principle 2c:

- **Principle 2b** Where benefit is to a section of the public, the opportunity to benefit must not be unreasonably restricted by ability to pay any fees charged
- **Principle 2c** People in poverty must not be excluded from the opportunity to benefit

We have categorised the information as follows:

- means-tested opportunities which provide access to an education at the school to children whose families are unable to afford the fees, including those in poverty (see section 1 below);
- non means-tested opportunities which may provide access to an education at the school to children whose families are unable to afford the fees, including those in poverty (see section 2 below);
- measures which provide opportunities to benefit in ways related to the aim for other children whose families may not be able to afford the fees including those in poverty (see section 3 below).

At section 4, we have listed examples of activities and opportunities identified by the charity which are not related to the charity's aim.

The main body of the public benefit assessment report sets out our analysis of how these opportunities relate to the public benefit requirement.

Section 1

Means-tested opportunities which provide access to an education at the school to children whose families are unable to afford the fees, including those in poverty

- **Means-tested bursaries for prospective pupils**

The charity's bursary scheme was set up in 2007 and is therefore in its early stages. The aim is for one bursary of up to 90% of fees to be awarded each year to a child entering year 1. Each bursary award lasts until the child leaves the school and is modelled on the usual pattern of attendance – that is, as a day pupil for the first three years and as a boarder for the remaining two years.

From 2011, it is planned that the number of such bursaries awarded will rise to two each year.

The level of support provided by a bursary extends to help with 90% of the cost of any learning support that may be required. In addition, assistance with 50% of the cost of compulsory extras is given to each child supported by a bursary.

The trustees have arranged for pupils who are funded by bursaries to have the option of continuing their education at a choice of six independent senior schools on the same bursary terms as provided by S. Anselm's.

Bursaries are funded on a 50:50 basis from an appeal fund set up by the charity and from the charity's existing income.

The application process for those seeking bursary support involves a formal selection process. Awards are made by the Bursary committee which includes one independent member. In making an award, the committee takes account of whether the child is likely to thrive at the school as well as financial need.

The availability of bursaries and how to apply for them is publicised on the charity's website and advertised widely in local newspapers.

The percentage of means-tested bursary provision currently amounts to less than 1% of fee income and the number of pupils benefiting is also less than 1%.

- **Joint Education Trust (JET)**

The school has links with JET, a charity which seeks to support children who are between the ages of 7 - 13, who are at risk in some way (for example, they have suffered recent tragedy or trauma) and whose families cannot meet the full costs of education at a fee-charging day or boarding school. The purpose is to provide the children with a fresh start.

JET is responsible for making referrals and over the past 10 years it has placed and either partly or fully funded two children with the school.

- **Hardship payments**

The school offers financial assistance where parents of a pupil suffer unforeseen financial hardship. Awards are available for all years in the school and all offers are based on an independent financial assessment. The provision has been at a cost of between £20,000 - £35,000 per year during the preceding five year period.

Section 2

Non means-tested opportunities which may provide access to an education at the school to children whose families are unable to afford the fees, including those in poverty (see section 2 below).

- **Continuity of Education Allowance for children of armed forces families – not means-tested but available to all ranks.**

In 2007/08 nine pupils (3.7%) were funded through the Continuity of Education Allowance (CEA).

Where families qualify, the CEA covers some 70% of the boarding fees. In these cases, the school reduces the fees by a further 20% on a non means-tested basis. This means that the families' contributions amount to 10% of the total fees, which qualifying families are required to pay under the CEA scheme.

The value of the school's support in 2007/08 was £30.8k (less than 1% of the charity's income). For those who cannot afford the 10% payable by them under the scheme, the school will consider requests for bursary assistance to meet the shortfall.

- **Scholarships**

The charity provides a non means-tested scholarship of 10% towards fees for children entering the Junior School from the Pre-prep School. Seven pupils currently have scholarships.

Section 3

Measures which provide opportunities to benefit in ways related to the aim for other children whose families may not be able to afford the fees, including those in poverty.

- **Use of facilities by state and independent schools and groups for young people**

- The school sports hall and swimming pool are hired out at cost. During term time use in the evening is shared 50: 50 between the school and external users – not all of whom will involve children. The users include (out of term also) local clubs/groups/individuals who receive a discount of 25% if the group is from the local community or for the benefit of children. In hiring out its pool, the charity publicises its availability to local state schools and other users such as mother and toddler groups. When the local municipal pool was closed for two months, the charity took particular steps to offer its pool as an alternative.
- The school hires out (at cost) its sports hall throughout the year to local clubs, groups and individuals. Where the group is for the benefit of children, the fee is reduced by 25%.
- The school offers its music block as a venue for music grading examinations for local children.
- The school offers the use of its facilities to local schools, clubs and youth and church groups who regularly use the school's swimming pool, sports hall, theatre hall, music block and dining room.

- **Hosting events with other schools**

- The school regularly organises and hosts sporting festivals and tournaments (eg annual U11 Football Festival each Spring) for the local community which local primary schools participate in, together with pupils at the school.
- The school music department has instigated and organised a concert for the local community at Bakewell Church with the joint choirs of S. Anselm's and a local school, with S. Anselm's music staff together with other local singers.
- The school's climbing instructor has organised a joint outdoor adventure activity trip in the summer with a school for children with learning difficulties. The school provides the equipment.

- **Provision of formalised ways of sharing knowledge, skills and experience with other educational providers**

The school offers work placements for student/trainee teachers across the full range of school activities. The students/trainee teachers are given any necessary training and guidance.

Section 4

Examples of activities and opportunities identified by the school which are not related to the charity's aim.

- Placements for gap year students are offered every year where the school provides accommodation, training, and mentoring for the period of their placement.
- The school's catering department uses local suppliers in order to support the local community.
- The charity supports the armed forces.
- The charity contributes to the preservation of the landscape by ensuring all new buildings are designed and built in sympathy with the landscape.
- The charity employs local people.
- The charity has planted more than 1,000 trees as part of its measures to improve the environment.

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