New world of risk: a turning tide?
Perspectives on risk for Independent Schools
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On 3 December 2014, Zurich Municipal hosted a focus group where participants from some of Britain’s leading independent schools assessed key risks facing their organisations and the sector as a whole. The risks were then prioritised in terms of likelihood and impact.

In discussing these risks, Zurich Municipal has also drawn upon publicly available information as well as our extensive experience and knowledge of the independent schools sector.
The independent schools sector makes a vital contribution to the education of UK PLC. Given the changing political climate, increased competition and ongoing austerity measures becoming the norm, independent schools are facing a worryingly increasing risk profile.

Why produce a risk ranking report?
In compiling this report I would like to sincerely thank the schools that helped compile the risk assessment through attending our focus group. What was evident was that many of the attendees thought the risks they faced were unique to their school. A quick comparison with colleagues soon proved they were not alone in those risk challenges.

The purpose of this report is not only to stimulate debate within the sector but to act as a catalyst to consider how to mitigate these risks and share best practice. Zurich Municipal has a long term ambition to support the independent school sector in managing these risks every step of the way.

What are the key messages within the report?
The risk profile of the sector is increasing, and is likely to continue to increase over the next few years.

The UK independent schools sector prides itself on its excellent worldwide reputation. With this in mind, it is not surprising that reputation management features highly within the risk ranking report.

Finance also features highly. The real concern is that this drives short term thinking, which in turn increases the risk profile and potential for reputationally damaging incidents to occur.

However, a positive future is clear - that the sector does have the skills, knowledge and capability to manage most of the risks. The question is: how can it protect and maintain those skills in light of the market challenges?

What should independent schools do with this report?
The first step to managing risk is schools recognising and challenging their own risk view of the world. The first stage of using this report is to ask: do these risks affect us?

The second stage is to challenge the mitigation measures in place.

And finally...
Risk management can be a powerful tool for independent schools. It can increase external confidence, improve risk taking and act as a call to arms to manage key risks.

As Head of Education for Zurich Municipal, I have one simple mission: to truly enable the sector to thrive through robust management of risk. This document represents just a small step in that journey to a resilient sector.
Independent schools risk ranking

Harnessing the expertise of the focus group attendees, both insurable and non-insurable risks were assessed for the independent schools sector.

A best practice total risk profiling (TRP) methodology led to an evidence-based prioritisation. The end result is not meant to reflect the specific risk profile of any one school.

Risks ranked by impact

- Suggested tolerance line – the risks above the line should receive more focus as a matter of priority.

A best practice total risk profiling (TRP) methodology led to an evidence-based prioritisation. The end result is not meant to reflect the specific risk profile of any one school.
Clearly both likelihood and impact reflect the sector’s ability to deal with the risks concerned. Thus participants saw the greatest vulnerability in dealing with cash flow challenges. This reflected the likely reduction of cash flow which could result from some of the other major risks cited, illustrating that many risks are linked as well as having their specific potential consequences.

Also high in terms of both likelihood (high) and impact (critical) is political changes, particularly in view of the 2015 General Election and possible policy changes indicated by the different parties.

It was particularly interesting to note that some risks, while not high or critical in a three to five year period, could emerge as being quite devastating over the longer term. The group agreed that it would be short sighted to adhere too closely to a short term view and ignore the attritional effects of these risks which, if not identified and managed, would chip away at the long term viability of independent schools.

It was apparent that some of the key risks that could have an impact on the viability of the sector and as a whole would therefore need to be addressed by a ‘joined up’ response. Individual independent schools will not be able to tackle and mitigate these in isolation. A coordinated response has a far better chance of dealing with the issues.

There are no right or wrong answers, simply people’s perception of risks and the sector’s capacity to address these issues.”

David Forster, Head of Zurich Municipal Risk Proposition
Independent schools’ major risks

Risk 1 - Cash flow challenges
Independent schools operate at the coalface – they are not bankrolled but have to manage finances and cash flow closely. Loss of pupils due to high fees, the possible loss of Tier 4 licences (Highly Trusted Sponsor status for foreign students), diversion of funds for combined cadet forces to the state sector, bursaries and fee assistance are among the factors putting pressure on independent schools today. In a sector where income tends to be seasonal but costs are ongoing throughout the year, good cash management is essential.

Failure to manage cash flow well is a critical risk for independent schools. Our focus group identified some particular issues.

- Receipt of income tends to be concentrated at particular times of the year with any fee increases agreed at the start
- Outgoings for running expenses are much more spread out and may be less predictable with, for example, rising energy costs
- Significant repairs and improvements have to be scheduled so that they take place during school holidays reducing flexibility in timing spend
- Investing poorly or borrowing may affect cash flow adversely.

With these factors in mind, independent schools should monitor cash flow continuously to ensure that what appears to be a small variation does not have significant impact over time. For example, reduced demand from paying pupils might be countered by a cut in bursaries.

Failure to manage cash flow well may reduce money available for repairs and improvements, leading to failure to meet parents’ expectations and a gradual reduction in demand, driving pupil numbers down.

“Schools have a very seasonal cash flow coupled with a limited time in which they can improve or change facilities without disrupting service. Timing has to be right.”
Focus group member

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“If an independent school takes its eye off the ball it could suffer very quickly. For example, a slight change in boarder numbers can make a huge difference.”
Focus group member
Risk 2 - Policy and political change

In the run-up to the 2015 general election, the different political parties have indicated that they are considering changes which would have an effect on independent schools. Prominent among such changes is the suggestion of greater scrutiny of the justification for claiming charitable status. There is also the possibility of removal of business tax relief for private schools unless they contribute to the state sector.

Our focus group regarded political change as a critical if not potentially catastrophic risk, not least because the sector is largely powerless to take direct preventative action.

Specifically mentioned as potentially creating a major loss was removal of business use tax relief. This would create an additional cost pressure and independent schools would have to decide whether to absorb this internally by cutting costs or pass it on externally by raising fees. The former strategy would increase pressure on staff to do more; the latter would exacerbate the affordability issues referred to in this report.

Any increased drive to have closer links with academies, some of which may be failing, could result in reputational risk.

“The sector’s ability to manage forthcoming political issues is nil apart from some lobbying power.”

David Forster, Head of Risk Proposition
Risk 3 - Regulatory and Compliance Failure

Since the early 1990s there has been an unprecedented increase in the number and specificity of regulations relating to education generally. According to Christine Ryan, Chief Inspector of the Independent Schools Inspectorate (ISI), there has been a move from “around five or so loose requirements” in 1990 to somewhere in the region of 400 now. Speaking at the Future of Independent Schools Inside Government conference in November 2014, she said, “Compliance failure is time consuming. You have to spend time to avoid it and even more time to resolve it”.

Against this background, it is not surprising that regulatory compliance is a risk that ranked high for the participants of our focus group. It embraces a wide range – failing to meet inspection, legislation and regulatory standards.

- Failure to meet ISI regulatory requirements could result in school closure
- In addition, there are penalties associated with breach of regulations including those relating to health and safety, data protection and, for those schools with an international intake, border control
- Serious breaches may necessitate the school involved paying compensation
- Dealing with the outcome of breaches can also significantly increase the workload of staff.

The complexity of applicable regulations and frequent changes to requirements pose the danger that they may not be fully understood. Furthermore, parents are increasingly prepared to threaten – and possibly take – legal action for compensation where they feel their children have suffered as a result of regulatory breach.

In addition to penalties imposed by regulators, compensation claims and increased pressure on staff, consequent reputational damage could mean that parents’ expectations are not fulfilled, leading to loss of income.

While the consequences of non-compliance are potentially severe, in many cases the regulator will give a school time to resolve problems so they need not be catastrophic. Focus group participants also believed that independent schools were managing non-compliance risks well with the notable exception of breach of data protection.

For example, staff generally have mobile telephones which may contain sensitive data and could potentially fall into the wrong hands.

“Regulation is a major cause of concern for schools because for many it seems a virtually impenetrable mass of legislation, statutory guidance, non-statutory guidance, advice and ‘best practice.”

Christine Ryan, Chief Inspector, ISI

Parents are more ready to sue you, or threaten to.”

Focus group member

Compliance failure is time consuming. You have to spend time to avoid it and even more time to resolve it.”

Focus group member
Risk 4 - Medium term affordability

In July 2014, the Telegraph reported that private education is becoming “increasingly unaffordable” for the middle classes following a four-fold rise in school fees in little over 20 years, according to a major study commissioned by stockbroker Killik & Co². The report said that even parents in traditionally well-paid careers such as accountancy, law, finance and academia are now less likely to afford an independent education and that private schools are increasingly becoming the preserve of wealthy foreigners.

In response, the Independent Schools Council said that fee rises had slowed in recent years and record sums - £320m - were being spent on means-tested bursaries. In 2013, annual fee rises were the lowest for almost 20 years and the number of pupils in 2014 had increased compared to the previous year.

However, there is a clear risk that independent schools could price themselves out of the market, entering a spiral of diminishing pupils and diminishing returns.

Focus group participants were generally concerned that independent schools are delivering a product which is becoming increasingly unaffordable for UK parents. A number of preparatory schools have become insolvent, to some extent affecting the intake of secondary establishments. Both types of schools can experience problems in obtaining sufficient numbers of pupils and getting the optimum balance between UK and overseas pupils.

Independent schools generally have experienced substantial increases in their costs.

• Incremental pay systems mean that staff salaries go up automatically without reflecting external cost pressures
• The costs of supplies such as energy and food have also grown

• Meeting parents’ expectations puts greater pressure on independent schools to maintain and improve facilities and match those provided by their competitors.

It was also suggested that there has been greater polarisation of wealth. As a result, some parents who traditionally sent their children to private schools, often because they had attended them themselves, have seen a considerable reduction in disposable income. They are reluctant or unable to make the long-term commitment to private education for their children, particularly in view of higher university fees. This is likely to be a continuing risk as some of the next generation of parents will not have built up the equity in property achieved by their predecessors.

Over the next three to five years, the schools that will suffer most are those whose results and reputations make them least attractive. In the longer term, greater competition for a dwindling pool of potential pupils could prove critical for many in this sector.

² telegraph.co.uk/education/educationnews/10947098/Middle-classes-forced-out-of-private-schools-as-fees-soar.html
Risk 5 - Poor performance and reputational damage

Parents usually have high expectations of the independent schools that their children attend. If results are poor they may regard this as a failure to educate. In areas such as IT where development is rapid this may be a particular problem. For example, a survey from MyKindaCrowd reported in Computer Weekly that almost three quarters of ICT teachers admitted they did not have the right skills to deliver the curriculum introduced in September 2014.

A low rating on any league table makes a school less desirable with an obvious impact on pupil numbers. Any associated reputational damage has a similar effect. Performance, reputation and fulfilment of parents’ expectations are crucial in attracting pupils - you are as good as your teaching or your exam results, as one participant commented. As parents’ expectations become increasingly high, over time those schools that cannot demonstrate top results will be driven out. Our participants suggested that parents’ expectations of the education that their children should receive in the private sector have increased over recent years. They are intolerant of any perceived failure to perform and educate.

In addition to the detrimental effects on income associated with reputational damage, disaffected parents may take legal action, claiming for damages. Dealing with claims puts a heavy burden on staff in terms of time and increased workload. The problem is exacerbated by the fact that some academies and other state schools demonstrate significant success in terms of educational standards. Tatler’s guide to the best state schools published at the end of 2014, advised readers to ‘put your wallet away’ as the right choice might not be the most expensive one.

“ You are as good as your teaching or your exam results.”
Focus group member

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3 computerweekly.com/news/2240207786/Teachers-unprepared-for-2014-computing-curriculum
4 theguardian.com/education/2015/jan/01/tatler-guide-best-state-schools
Risk 6 - Changing leadership and governance failure

It is widely accepted that the culture of any organisation is established and led from the top. The ethos of a particular independent school is often a crucial factor in attracting parents to send their children there, with the head regarded as epitomising the standards and values that parents are buying into.

“Getting good and adequate governors is an increasingly onerous task because of the expectations placed upon them from a compliance point of view.”

Focus group member

A change in leadership may have a significant impact in the way that both parents and staff feel about that particular school, creating uncertainty and, at the worst, antipathy if the new head is disliked or considered inadequate. The result once more could be the spiral of diminishing pupils/diminishing returns.

Recruiting an inappropriate replacement to head a school can produce the situation where staff become unhappy, undermining morale and possibly resulting in claims for compensation for stress. Parents may not like the new approach with a possible impact on reputation, particularly as today’s social media provide a wide audience for any criticisms. Problems can also arise where the former head takes staff with them when they move to their new school. Members of the board of governors who dislike the change in leadership style can react by adopting a more active approach, effectively trying to ‘take over’ the school.

It is not only replacing the head of a school that can present problems. Finding good people with the appropriate skills to become governors is getting more difficult, particularly because of the responsibilities associated with the role. A decline in educational results and/or league table standing, even where not associated with a change in leadership, can produce a similar adverse reaction from parents and staff.
Risk 7 - Major incident risks

Any major incident that affects the safety or wellbeing of pupils and staff has the potential for significant reputational damage. Widespread use of social media means that parents very quickly learn about and discuss any crisis event – sometimes even before the school itself is aware. Good public relations and media strategies are essential to minimise the impact. As a recent article from Funding for Independent Schools points out, “In the event of a crisis, schools must be quick to manage the inevitable media intrusion. Unless handled carefully and actively, you risk allowing your school’s exposure to turn into a media disaster”\(^5\).

A major incident such as a large fire, a highly contagious infection, or even a cyber attack that affects systems and steals or contaminates data is clearly a risk that independent schools need to consider. There are a number of potential causes. Lack of compliance, poor maintenance and inadequate planning can lead or contribute to the loss of physical assets. Infection may be a particular consideration in boarding houses which have a high intake of children from overseas and where diseases can be transmitted relatively easily. Cyber attack can be the result of inadequate security protections.

Any major incident will disrupt school life and quite possibly attract adverse publicity. In a situation where fatalities and/or serious injuries occur, staff may be traumatised and morale almost certainly affected. If the school’s own actions (or lack of actions) have caused or contributed to the disaster, there are likely to be claims for compensation and possible regulatory penalties.

“A major fire could be a particular problem where there are historic buildings which cannot be replaced.”

Focus group member

\(^{5}\)fismagazine.co.uk/strategic/risk_articles/media_relations.html
In recent years, attitudes in the UK towards private schooling appear to be changing. For example, there is a trend now for society to view boarding in preparatory schools as undesirable; sending children away from home at a young age can be seen as bad parenting. In addition UK parents may not want their children to mix with those whose parents they regard as ‘foreign oligarchs’.

If independent schools make up for any shortfall in UK children by increasing their numbers of pupils from overseas they risk losing the support of the latter’s parents who want an essentially British education.

Our focus group discussions also suggested that there may be a bias against some independent schools from universities.

According to one participant, there are “continual drips of adverse comment”.

“Risk 8 - Poor desirability and societal factors
In today’s politically correct environment, inequality has become a key issue. For example, the former Education Secretary Michael Gove was quoted in a Telegraph report as saying that the “sheer scale” of the dominance exercised by former private schoolboys pointed to a “deep problem” in British society. According to The Guardian, a study published in 2014 by the Social Mobility and Child Poverty Commission claimed that elitism was so embedded in Britain that it could be called “social engineering”.

“There is the risk of losing the ideal balance between people who are au fait with boarding school culture and those who join it from outside. Having an overly large number of pupils who are not au fait with the culture can upset parents because they feel they are not getting what they are paying for.”

Focus group member

“In recent years, attitudes in the UK towards private schooling appear to be changing. For example, there is a trend now for society to view boarding in preparatory schools as undesirable; sending children away from home at a young age can be seen as bad parenting. In addition UK parents may not want their children to mix with those whose parents they regard as ‘foreign oligarchs’.

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According to one participant, there are “continual drips of adverse comment”.

“If the market gradually reduces, a lot of schools potentially will be at risk. There may be a marginal impact in three to five years but it is a major consideration in the long-term.”

Focus group member

1 telegraph.co.uk/education/secondaryeducation/9257439/Private-school-pupils-increasingly-dominating-British-life-says-Michael-Gove.html
2 theguardian.com/society/2014/aug/28/closed-shop-deeply-elitist-britain
Risk 9 - Safeguarding

An incident that arises from failure to safeguard the wellbeing of students or to take complaints seriously can have devastating effects for a school and even potentially result in prosecution for the school or individual staff involved.

‘Attitudes to Risk in Independent Schools’, a report from insurance broker Lucas Fettes & Partners in association with Baker Tilly published in September 2014, said that 44% of independent schools surveyed did not believe that they were adequately prepared to deal with risks relating to cyber security and cyber bullying. A 2014 article in the London Evening Standard also claimed that anxiety-related disorders in independent schools are on the rise.

Although failure to safeguard is presented as a risk in its own right, a significant failure will also result in a major incident which will need specific risk mitigation strategies.

There are a number of factors that might cause safeguarding failures or concerns. They include:

- Inadequate recruitment checks and staff training protocols
- External pressures and influences on staff
- Poor or inadequate welfare arrangements or management of pupils
- Poor or inadequate management of IT systems unequipped to handle cyber bullying challenges
- A generally weak ethos in a particular school.

Our focus group ranked safeguarding, for example preventing moral welfare issues and abuse, as the least important of the major risks faced by independent schools. Participants considered that they deal with this by good team management and speedy action, for example expelling offending pupils. However, they agreed that any failing could result in a reputational crisis, potential claims for damages and adverse effects on staff morale, with any crisis distracting staff from their day to day tasks.

“Failure to effectively manage safeguarding issues can have a devastating effect on an independent school - one incident can spiral out of control and create a series of knock-on events.”

Tilden Watson, Head of Education

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1trpportal.com/articles/2014/09/18/cyber-risks-threaten-44-of-private-schools/
Risk 10 - Recruitment and retention

In September 2014, The Telegraph reported that the Headmasters’ and Headmistresses’ Conference (HMC) will train Oxbridge graduates as teachers at Britain’s top private schools in order to address a “woeful national shortfall” of recruits. The initiative highlights the problems that independent schools have in finding and retaining high quality staff 10.

Providing a good education is vital but our focus group agreed that academic abilities are not the only issue. Extracurricular activities are important but many of today’s generation of staff are reluctant to participate in these. Reflecting the change that has taken place in societal thinking, these staff are more concerned to achieve the optimum work-life balance for them.

This trend places an added administrative and cost burden on independent schools. Without staff participation, they must recruit volunteers or pay for coaches in order to provide the extracurricular activities necessary to meet parents’ expectations.

Getting the right work-life balance means that society has moved away from the kind of lifestyle that used to be prevalent in independent schools.”

Focus group member

“The old style masters and mistresses - prepared to contribute every day in every way - are becoming a thing of the past. Without them the cost of running extracurricular activities increases.”

Focus group member

10telegraph.co.uk/education/educationnews/11123930/Britains-top-private-schools-to-train-their-own-teachers.html
Risk 11 - Competition

Some independent schools have been forced to close in recent years due to falling pupil numbers. Economic and societal pressures may well continue to erode demand from British parents.

Competition is a double-edged sword for independent schools, depending on their size and reputation.

- For those schools which are already struggling with issues of reduced demand, the establishment in their vicinity of new strong competitors will pose considerable risks as these competitors seek to erode their customer base. Such competition may come not just from other independent schools but from the state sector.

- Financially and reputationally stronger schools may view competition as an opportunity rather than a risk, using their resources to take over others and strengthen their own competitive edge.

Like some other risks referred to in this report, participants considered that competition could be ranked as marginal in the three to five years timeframe but could be critical in the longer term.

“More schools chasing the same number of pupils might result in losing the desired balance between boys and girls.”

Focus group member
Risk 12 - Poor management of intellectual capital

What’s in a name? Well, quite a lot for a prestigious UK independent school which discovers that its name is being used by an overseas establishment to suggest links that are totally non-existent. With many independent schools relying upon their intake of foreign students to help balance their books, safeguarding intellectual property may be key.

Brand protection is an issue most widely associated with major manufacturers of consumer goods. However, many British independent schools have established a strong international reputation and are concerned to protect their intellectual property.

There have been cases of people overseas setting up schools using the name of an established British independent school to suggest association and attract pupils. They are unlikely to apply the same high educational standards. If unchecked, this could lead to the British school suffering an adverse impact through reputational damage.

“Some schools have strong and international brands. Reputational damage by brand infringement could result in loss of their customer base.”

Focus group member
Meeting the challenges

These are challenging times for independent schools. The research evidence points to both short term issues and longer term trends which, if not managed effectively, could jeopardise the future of individual schools.

Many of these challenges can be addressed in a positive way. Some on an individual school basis and some will require collective action by the sector. The following checklist may assist.

- **Developing financial risk acumen.** A challenge to cash flow is seen as the number one risk to an independent school, certainly in the short term. Where once risk management was viewed as a physical discipline, looking at issues such as Health and Safety, in the current climate there is a much greater emphasis on financial risk management. Have you completed a risk assessment against your business plan, identifying the barriers to success and the vulnerabilities in the plan? Stress testing your plan is becoming increasingly common and is a highly effective way to be forewarned.

- **Horizon scanning.** The report identifies a number of risks which, whilst of marginal impact in the short term, have the potential to be damaging over a longer time frame. When assessing risk, what sort of time horizon do you use? Are you looking one year into the future, or a decade? How can your school maintain its reputation of being socially beneficial, not just to your pupils and their parents, but also to the wider community, within which you reside? Corporate Social Responsibility is a growing theme within many organisations and its principles may be of benefit to your school.

- **Co-ordinated action of the risks identified can be managed at an individual school level, but there are a number which also require co-ordinated action across the independent school sector. Societal attitude is one of these, but also the increasing cost of an independent school education. The traditional market for independent schools, the professional middle classes, are slowly being driven out of the sector by affordability issues and this cannot be good for the long term viability of independent schools. Is there a need for a new business model to help support these loyal users? Is there a way of providing a basic quality education, without many of the additional services which so frequently rack up the costs? The nature of independent school patronage is changing and this can only be to the long term detriment if it is not addressed in a collective way.

- **Regulation and governance.** The growth of regulation is referenced in this report and this is not unique to the independent school sector. In all walks of life, we see increased control and management of risk through statutory imposition. It will grow, not decline in the future. Within your organisation do you have expertise within this area, a champion who is thoroughly grounded in all the governance your school might face, across the many different dimensions? If not, is it worth considering? To expect colleagues to be wise in all aspects of governance on a piecemeal basis is a risky strategy.

- **Workforce planning.** At both the leadership level and in the day to day running of the school, the criticality of recruitment and retention is recognised.

“
A challenge to cash flow is seen as the number one risk to an independent school, certainly in the short term.”

*Focus group member*
again and again. Are you happy with your succession planning and talent management within your school? Do you know who your next generation leaders are, and also how to address mediocre performance? There have been serious advancements in workforce planning in the last ten years and it is worth reviewing your strategy.

• **Major incident planning.** These take many forms, but have the capacity to be damaging to reputation and financially crippling. Whilst often given a low priority by many organisations, contingency planning and disaster recovery management can make the difference between failure and the survival of a business in times of crisis. When were your plans last reviewed, and do they really cover off the major events that could impact on your school?

• **Data and technology.** National events like the phone hacking scandal demonstrate just how profound failure in this area can be. What is clear is that addressing this risk is only partly about the technology and the responsibility of the IT manager. The biggest cause of problems and vulnerability is human behaviour. There’s a need to create a transparent environment where issues and near misses can be understood and where lessons can be learned. There is also a need to recognise and understand the powerful nature of the data held within your school, as well as the need to manage the behaviour of staff and pupils with their data.

• **Safeguarding.** One of the key issues of our time is the safeguarding of children. More than any other subject, this is the one which has the potential to destroy the reputation of a school or educational institute. Our panel placed safeguarding lower down their list of priorities, comfortable in the extensive procedures and practices which they have in place to manage this subject. However, it is important to review and be confident about your own.

• **The role of the school as a charity.** This risk was recognised as significant and again is one where schools must work co-operatively together. If there is a danger that independent schools become more elite and do not meet the needs of a broader swath of the population then they must find other ways to demonstrate social value and support the common good. Partnership working with the wider community and social institutions may be the way forward.

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“Corporate Social Responsibility is a growing theme within many organisations and its principles may be of benefit to your school.”

Tilden Watson, Head of Education
How can we help you?

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