EDUCATION COMMITTEES.
Their Powers and Duties.

By H. SAMUELS, M.A., Barrister-at-Law.

1. INTRODUCTORY.

The Local Councillor who is called to serve upon his Education Committee is bound to keep constantly in his mind certain broad distinctions. He has first to realise that the special Committee of which he is a member has not been set up out of some particular kindness his Council feel towards education or because of a desire to devote extra attention to that branch of its activities; it has been established because the Council had no option to do otherwise. In other words the Committee is a statutory Committee, as distinguished from a non-statutory Committee, or one which the Council may form on its own initiative, constitute in whatever way it pleases, and terminate when it feels so disposed. The existence of the Education Committee is no less necessary than that of the Council itself, and its constitution and formation are especially provided for by the law of the land in such a way as not to be dependent on the desires or opinions of the Council or its members. Secondly, he has to remember that there are some things which the Committee may do or refrain from doing as it thinks fit, while there are others on which no such option may be exercised. This is the distinction between obligatory and permissive functions. Now, where the function is one which is expressly referred to in a statute, little difficulty arises. The Local Authority is told exactly what it may or must do and how. But there are many cases where the statute simply empowers a Government Department to make regulations which shall be binding upon the Local Authorities, and recent years have seen an appreciable extension of this practice. Here we have a third distinction worthy of our councillor's close attention—that between the statute on the one hand and the administrative regulations based upon the statute on the other. And although a statutory provision may appear to be quite definite in its intention, it is found in practice that the regulations issued on its authority from time to time by the Board of Education differ widely according to the general educational policy of the Government then in power. It is therefore essential that a jealous watch should be kept on the Board's regulations, since it is not unlikely that a Government may read into a statute something that is not there, or in its unthinking desire to carry through its own party's policy, may issue a regulation wholly repugnant to the intention of the
Parliament which passed the measure. Further, although it is quite true that the power over Local Authorities which the system of grants-in-aid gives to the Board of Education is very considerable, and that the sphere of central supervision is probably larger than in any other branch of Local Government, with the possible exception of Poor Relief, yet there are even within these limits substantial powers available for Local Authorities which many a member of our Education Committees either does not know about or does not trouble to see put into operation. For how many are there who profess to know something about education, and how few by contrast are there to whom many of the provisions in the great consolidating Education Act of 1921 would not come as a complete surprise?

Hence the need of an outline of at least the more important clauses of the Education Act, for an elementary acquaintance with these is indispensable to anyone who would undertake the grave responsibility of administering the educational needs of his or her area. It is therefore proposed in the first place to outline the Act; then an attempt will be made to show how the system works in some respects and to point out where practice is either not in agreement with the Act or being in agreement does not use the methods best calculated to effect the great object contemplated by Parliament when it had the measure under consideration.

That object is stated in the Act (Section 11) to be "the establishment of a national system of education available for all persons capable of profiting thereby." And this phrase "persons capable of profiting thereby" receives further definition as follows (Section 13, subs. 4): "In schemes (to be made by every County Council and County Borough for providing for the progressive development and comprehensive organisation of education in respect of their area) adequate provision shall be made in order to secure that children and young persons shall not be debarred from receiving the benefits of any form of education by which they are capable of profiting through inability to pay fees." Truly a high sounding purpose with which the most ardent educationist will find it hard to quarrel. Whether the provisions of the Act or the administrative regulations made under it are adequate to carry out this purpose is a question which we have to answer in the course of this tract.

II. THE EDUCATION ACT, 1921.

The Act deals with the various subjects in the following order:—

Part I. (Sections 1-10).—Central and Local Education Authorities.

Part II. (Sections 11-16).—Schemes as to powers and duties.

Part III. (Sections 17-41).—Elementary Schools.
Part IV. (Sections 42-50).—School Attendance.
Part V. (Sections 51-69).—Blind, Deaf, Defective and Epileptic Children.
Part VI. (Sections 70-79).—Higher Education.
Part VII. (Sections 80-89).—Provision for Health and well-being of scholars.
Part VIII. (Sections 90-108).—Employment of children and young persons.
Part IX. (Sections 109-173).—Finance, Officers and other administrative points.

Central and Local Education Authorities.

The Board of Education is made the Central Authority, and has to form a Consultative Committee, two-thirds of whom are to be representatives of universities and other bodies interested in education.

The following are constituted Local Educational Authorities (usually referred to as L.E.A.'s):—

(a) For elementary education: County Councils, County Borough Councils, Councils of Boroughs which had a population exceeding 10,000 at the 1901 census, Urban District Councils with a population exceeding 20,000 at the 1901 census (*).

(b) For higher education: County Councils, County Borough Councils, and to a limited extent as later defined, Borough Councils and Urban District Councils.

In London the London County Council is the authority both for higher and elementary education. The Metropolitan Boroughs are not educational authorities; they have certain minor powers which will be referred to.

The Education Committee.

Every L.E.A. which is carrying out a scheme of elementary education must form an Education Committee. The scheme for the Committee has first to be submitted to the Board for approval, and this will not be given unless the scheme provides: (1) for the majority of members to be appointed by the L.E.A.; (2) for the nomination or recommendation by outside bodies of educational experts and of those acquainted with the needs of the schools in the area; (3) for the inclusion of women; (4) (where the L.E.A. is not a County Council) for the L.E.A.'s nominees to be selected only from members of the Council; (5) for the general co-ordination of all forms of education.

*The 1901 census is conclusive. Any growth in population since cannot be taken into account. Where the increased figure is due to extension of boundaries, however, there is reasonable ground for going beyond the 1901 census.
To the Education Committee are to stand referred all educational matters with the sole exception of raising rates or loans for education. Before taking any action the L.E.A. has to await and consider the Education Committee's report on the matter in question unless it is of an urgent nature. The L.E.A. can also delegate to the Committee any of its powers relating to education, subject to the same exception as to raising rates or loans. A separate Committee can be formed for any area within a county.

Co-operation between L.E.A.'s.

Various provisions are made to ensure that authorities should co-operate wherever desirable. Joint Education Committees may be formed for a combination of areas. On the application of two L.E.A.'s to the Board of Education, a federation of L.E.A.'s may be formed for purposes which must, or can more conveniently, be considered in relation to a larger area than those of the individual authorities. An L.E.A. may arrange with any local authority for the latter to manage a school within the latter's area, e.g., in London such an arrangement may be made as to a school in, say, Westminster, between the L.C.C. and the Westminster City Council. Lastly, any authority for elementary education is bound to co-operate with the authority for higher education in the matter of preparing elementary school pupils for secondary and higher education and the supply and training of teachers.

Education Schemes.

"With a view to the establishment of a national system of education available for all persons capable of profiting thereby every County Council and County Borough Council must provide for the progressive development and comprehensive organisation of education within its area" (Section 11.) All Education Authorities may, and when required by the Board of Education must, submit schemes; schemes for higher education should include arrangements for University Extension Classes. A County Council must consult other L.E.A.'s in its area when drawing up its scheme; in all cases steps must be taken to ascertain the views of parents and other interested persons; lastly and most important of all to those who wish to see equality of opportunity in education, we have the condition already referred to, viz.: that schemes must make adequate provision "to secure that children shall not be debarred from receiving the benefits of any form of education by which they are capable of profiting through inability to pay fees" (Section 13).

If the Board refuses to approve a scheme the L.E.A. may demand a public enquiry, and if after this the scheme still fails to obtain the Board's sanction, a report has to be presented to Parliament, giving the grounds for the refusal.
Elementary Education.

The L.E.A. is bound to maintain and keep efficient as many public elementary schools within its area as are necessary. It has also to provide sufficient additional accommodation in public elementary schools for all children in its area not otherwise provided for.

This rule is the cardinal principle of our system of elementary education, and a few definitions are necessary. "Maintain and keep efficient." These words refer both to the state of the school premises and to the curriculum and education given in them. If there are dangerous holes in the pavement of the playground or if the spring of a door is too powerful for young children to manage, the L.E.A. is answerable for any injuries that might ensue, and the same obligation "to keep efficient" is broken by an L.E.A. which restricts, say, the secular instruction in a non-provided school to certain standards only.

"Necessary." The Board of Education is the final arbiter as to whether a particular school is necessary or not. In deciding the point the Board has to take into consideration both the interests of education, the wishes of the parents, and economy, but a school is not unnecessary if its attendance roll numbers 30 or more.

Before a new public elementary school can be established, public notice has to be given and any objections that there may be to the proposal may be directed to the Board of Education. In the London area the London County Council, before proceeding to erect such a school (unless it is of a non-local character, like schools for defectives), has to consult the Council of the Borough in question; if there is a question of compulsory purchase of land and the latter objects, the purchase cannot be made without order of the Board of Education.

The L.E.A. is bound to furnish practical and advanced instruction for the older pupils in elementary schools. This has to be done either by including suitable courses of this kind in the curriculum or by instituting special classes or central schools.

Then follow a number of powers which the L.E.A. may exercise. The first of these relates to the period before the normal beginning of school life. The L.E.A. has power to supply or subsidise Nursery Schools or Kindergartens. The scope of the L.E.A.'s activity here is wide enough; it may attend to the children's health, nourishment and physical welfare. Secondly, power is given to provide elementary school children with holiday schools, holiday classes and play centres, and the L.E.A. may co-operate with voluntary agencies working in this sphere. Thirdly, the L.E.A. may arrange for the boarding out of any child whose home is too far distant from the school or whose home environment is of a kind that prevents the child getting the full benefit of the education provided. Fourthly, the authority may give scholarships, bursaries or maintenance allowances
to children from the age of 12 to aid their education in public elementary schools up till the time they reach the normal school leaving age. This latter age is 14 or 15, according to the L.E.A.'s decision, but on the application of the L.E.A. the Board of Education may authorise the instruction of children till the age of 16 provided that the L.E.A. has made adequate arrangements for advanced instruction and the transfer of the pupils to a real post-elementary stage of education.

The conditions under which public elementary schools are managed and conducted are partly of general application and partly differ according to the character of the school. In all there must be full religious freedom; if any prayers are said or religious instruction given, these must take place at the beginning of the day or at its close, so that pupils may be able to stay away from them without detriment to their other studies. Again, these schools must be open to inspection at all times by H.M. Inspectors, and they must comply with the qualifying conditions for the grant as laid down by the Board of Education.

In provided schools (we are still dealing with public elementary education) there is an absolute prohibition against teaching any denominational creed, that is to say, any catechism or set of tenets which mark a particular religion or sect.

In non-provided schools, the L.E.A. is in control of the secular education only. It appoints those who are to teach any subject which is not a religious subject. As regards the other teachers, their appointment needs the consent of the L.E.A., but the latter may withhold its consent only on some educational ground. Similarly, if any teacher of a religious subject is to be dismissed, the Council's consent has to be obtained unless the dismissal is connected with the religious instruction given in the school.

An illustration or two will show how these rules are carried out in practice. If an L.E.A. in the exercise of its power to control the secular instruction in a non-provided school orders secular instruction to begin, say, at 9.45 and continue throughout the day so as to prevent the practice of interrupting the secular studies on Saints' days by the children being brought to church at 11, this is a lawful order. If, on the other hand, an L.E.A. orders its secular instruction to be confined only to standards 1—3, say, this is not a proper direction for secular instruction, because it conflicts with the L.E.A.'s obligation to keep the school efficient. Again, where an L.E.A. dismissed all teachers over 60 ostensibly "on educational grounds," and it was found that no complaints of inefficiency had been made against any, but on the contrary that this class of teacher was most efficient and experienced, and that the real reason was a desire for economy, the dismissal was held invalid, the Court holding that economy was not an educational ground, and that if the discretion given to an L.E.A. was to be well exercised, no other than educational grounds must be taken into consideration. Similarly,
where the managers of a non-provided school dismissed a teacher on the ground of a report that she had ceased to belong to the Church of England, the Court revoked the decision on the ground that it was not enough for the managers to think a religious ground existed, but such a ground must in fact exist.

Again, the rules governing the appointment and qualifications of school managers differ according to whether an elementary school is provided or non-provided. In the case of provided schools outside the London area an L.E.A. which is a County Council appoints up to 4 managers, while the minor education authority (i.e., the Council of the Borough, Urban District or parish served by the school) appoints 2; if the L.E.A. is a Borough Council or Urban District Council on the other hand, it may appoint any number of managers it pleases. Within the London area it is a matter for the Metropolitan Borough Council in whose borough a provided school is situated to decide the number of managers and other questions of management in consultation with the L.C.C., and subject to the approval of the Board of Education; two-thirds of the managers have to be appointed by the Metropolitan Borough Council, and the rest by the London County Council, at least a third of the total being women. (These powers of Metropolitan Boroughs are, however, not exercisable (a) in schools of a non-local character like schools for defectives, (b) in schools where the teaching is confined to advanced instruction to older children, (c) in schools for practical or advanced instruction for pupils coming from different elementary schools.) In the case of non-provided schools there may be up to 4 foundation managers, while the L.E.A. appoints 2, unless the L.E.A. is a County Council, when it appoints one, and the other is appointed by the minor education authority. The L.E.A. has full power in all cases to increase a body of managers, notwithstanding the above rules, as long as the same proportions between the different classes are kept. Further, it may group schools under one body of managers. The powers of managers of provided schools are strictly confined to those delegated to them by the L.E.A.

It is then laid down without qualification or proviso that no fees or other charges of any kind are to be made in any public elementary school. This rule can be illustrated by the case of a number of children under the care of a Board of Guardians which boarded them out. They attended an elementary school in the area in which they were living, and the L.E.A. promptly sent a bill for the cost of their education to the Board of Guardians in question. The Guardians refused to pay a penny. The Courts ruled against the L.E.A.

School Attendance.

Each parent has a duty before the law of seeing that each of his children between the ages of 5 and 14 receives efficient ele-
mentary instruction in reading, writing and arithmetic. The L.E.A. has the duty of enforcing this liability of parents by taking legal proceedings in all cases of habitual neglect or where children are found to be continually without proper control or in the company of disreputable persons. The attendance of children at elementary schools must be enforced and regulated by the L.E.A.’s bye-laws, which need the Board of Education’s approval. These may, inter alia, vary the commencing age from 5 to 6 and the leaving age from 14 to 15, but in the case of a bye-law raising the commencing age from 5 to 6 the Board before granting approval must consider whether there are enough nursery schools in the area and must on the request of ten parents of elementary schoolchildren in the area hold a public enquiry. Bye-laws may not, however, be made to compel a child to be present during any religious observance or religious instruction or to attend on any day set apart as a holiday by those of his persuasion. All bye-laws need the approval of the Board of Education before they can be put into operation.

The Act lays down the following as reasonable excuses for non-attendance at school:—

1) Sickness or any unavoidable cause.
2) If there is no school within a distance prescribed by the bye-laws.
3) If other efficient instruction is given.

With regard to (2) the bye-laws may not prescribe a distance over three miles for this purpose, but the excuse does not hold good in the area of an L.E.A. which provides children with the means of conveyance to school.

With regard to excuse (1) the meaning of “unavoidable cause” has been brought out by decisions of the Courts. A boy who was sent from home to school daily, and who played truant daily, was not considered to be absenting himself from an unavoidable cause. Similarly liable was the parent of a child who came to school in a verminous condition, and was consequently refused admittance, or the parent who kept his eldest child home to look after the others, so as to enable his wife to go out charing. Even if the child is not living with the parent, but is in the custody of a relation or friend, that does not make the parent any the less liable.

Blind, Deaf, Defective and Epileptic Children.

From the definition of these classes of children there are expressly excluded children under the care of a Board of Guardians, and the provisions relating to blind and deaf children in particular do not apply to those who have the added misfortune of being idiots or imbeciles as well.

The duty is laid upon the parent of a blind or deaf child to provide efficient elementary instruction suited to the child’s con-
dition, while the L.E.A. must give facilities for such instruction to be given to all blind and deaf children within its area who are not otherwise provided for. This means the provision of certified schools, that is to say, schools furnished with the Board of Education's certificate that they are properly equipped and staffed for the teaching of the blind and deaf. The statutory excuse of there being no school within a particular distance (referred to above) is not to be admitted in these cases, but as regards deaf children the commencing school age is raised to 7.

Defective and epileptic children are the subject of a special investigation which the L.E.A. has to carry out from time to time with the object of ascertaining their number. Facilities for medical examination must be provided in the course of this enquiry, and the L.E.A. may compel the attendance of any child for examination. Before a child can be classed as defective or epileptic a certificate from a qualified medical practitioner approved by the Board of Education is required to that effect; and the practitioner must consult the head teacher or some other person approved by the L.E.A., if the L.E.A. or the parent so wish, a copy of the report of the person so consulted being forwarded to the L.E.A. From the age of 7 the parents of such children have to make suitable provision for their elementary education; the L.E.A. must establish certified schools or classes or else board the children out at places where they can attend certified places of instruction. The control of the Board of Education is somewhat more rigid here than in other cases. Thus an L.E.A. can only board out children of the epileptic and defective class if the Board is satisfied of its necessity, and it can only establish a boarding school if the Board find that there are 45 children who would otherwise go unprovided.

The leaving age in all cases of blind, deaf, epileptic and defective children is 16. Parents are liable to be charged for expenses incurred by the L.E.A. under these special provisions relating to these particular classes of children, it being understood that the L.E.A. has the elemental obligation to provide sufficient public school accommodation free. These charges are to be either agreed on between the parties or else settled by the court.

Higher Education.

As has already been explained, it is not all L.E.A.'s who have functions to perform with regard to the provision of Higher Education, but only County Councils and County Borough Councils. These latter are therefore termed L.E.A.’s for higher education. They have the duty of supplying and aiding the supply of higher education and promoting the general co-ordination of all forms of education. In detail these powers include the training of teachers, the supplying or subsidising of education other than elementary, and the granting of scholarships and maintenance allowances, and the payment of students' fees at schools, colleges or hostels. The schools or classes which the
L.E.A. provides or aids for these purposes need not necessarily be within its own area. A Borough Council or an Urban District Council may assist higher education within the limits of a penny rate. No conditions may be laid down as to religious instruction; in the case of a school or college provided by the L.E.A., no pupil may be excluded or penalised on the ground of his belief; nor may any denominational catechism be taught; in the latter respect, however, the L.E.A. has a discretion, which it may not exercise unfairly, to allow a catechism if the parents so request and if it is without expense to the L.E.A. The L.E.A. may take over Science and Art schools, and may aid research.

It is unnecessary to do more than mention the scheme (still inoperative for the most part) for continuation schools drawn up in the Education Act, 1918 (Fisher Act), and reproduced in the Act of 1921 for the purposes of consolidation. Only a few places which applied before 1921 for an appointed day for the commencement of the scheme, as provided by the Acts, have the scheme in operation; in that year the Board of Education postponed all further action as a result of the economy demand.

Since the war period it has become an accepted feature of educational policy that L.E.A.'s should take a prominent part and a proper share of responsibility in the organisation of non-vocational courses of instruction for adults in their areas, the legal foundation for these functions being those provisions of the Act which we are at present outlining. As things stand at present, it cannot be said that all L.E.A.'s take an equally broad view of their functions in this sphere. Some are inclined to take up a wooden attitude towards other adult education agencies working in their respective areas, and to regard them as competitors rather than as collaborators helping to raise the common educational level. Thus too often they refuse financial assistance except on the condition that they obtain complete control of the classes. Many facts are left out of account when this position is taken up. For example, there are sound educational advantages to be obtained if a group of persons already combined by some common interest can be formed into a study class, and this is very often the case with classes organised by bodies other than the L.E.A. Much closer co-operation between the L.E.A.'s and the other bodies is needed in many areas, e.g., by means of the formation of Joint Adult Education Committees. A good illustration of the kind of co-operation to be aimed at is that which exists in the Kent area between the Kent C.C. and the W.E.A. On this question generally it is worth while to refer to the studies of adult education in various districts now being published by the Board of Education.*

Health and Well-being of Scholars.

The L.E.A. for elementary education must attend to medical

* See Education Pamphlet No. 59 "Adult Education in Yorkshire."
inspection and treatment in elementary schools, while an L.E.A. for higher education must arrange inspection for and may treat pupils in secondary and other schools of that character provided by it. Co-operation with voluntary agencies is permitted, but a general domiciliary service of medical treatment of children is prohibited and L.E.A.'s have to consider means of using the services of private practitioners. The parents of children who are medically treated are liable for the cost of treatment, unless the L.E.A. is satisfied that this is beyond their means. And it is made clear that though these facilities have to be made available by the L.E.A., no one can be compelled to make use of them.

Of great importance are the powers possessed by all L.E.A.'s to provide social and physical training. While the elementary education authority may look after the children, the higher education authority can provide for young persons and adults attending educational institutions. The powers include the supply or subsidising of holiday camps, gymnasiums, playing fields, school baths, and school swimming baths.

Another function of the elementary education authority relates to verminous children. The L.E.A. may direct an examination of any child and, after the examination, order the parent to cleanse him; failing this the child may be removed from school and cleansed. Girls may only be dealt with under this heading by a qualified doctor or a woman authorised by the school medical officer. The latter must, however, be satisfied if the defect is adequately remedied, without insisting on any particular method. Thus where a child was excluded from school suffering from ringworm, the School Medical Officer was not allowed to continue to insist on her attending a particular dermatologist at a particular place, and had to re-admit her although the ailment had been cured by other means.

Arrangements may be made by any L.E.A. for elementary education to feed the children attending elementary schools both on school days and at other times, co-operating with outside agencies like School Canteen Committees, and assisting them with accommodation, equipment and staff. While the cost of the food supplied falls on the parent, the L.E.A. has discretion to provide meals free in cases where it is satisfied that a child would be otherwise underfed and no other funds are available. No member of the teaching staff may be required to undertake duties in connection with this service.

Any L.E.A. may in suitable cases pay the fares of teachers or scholars to and from schools, while an elementary education authority may provide those children who are through physical or mental defect in need of such assistance with guides or conveyances. But an L.E.A. which undertakes this work is bound to make adequate arrangements to suit the kind of passenger it is conveying. A case in point was the failure of an L.E.A. to
provide a second attendant in addition to the driver; the authority was held liable for injuries to a child who fell when trying to descend from the vehicle unaided.

Employment of Children and Young Persons.

The elementary education authority has power to regulate by bye-laws the minimum age and the maximum hours of child employment, and may select particular occupations for total or part prohibition of child employment. With regard to the general legal restrictions on child employment one has to bear in mind the total prohibition against employment in an industrial undertaking made in the Employment of Women and Young Persons and Children Act, 1920. The Education Act moreover empowers the elementary education authority to prohibit or restrict the employment of a child if it thinks the child's health or education is thereby prejudiced. For this purpose the L.E.A. may require a parent or an employer to give information as needed by the authority, while the L.E.A.'s officer can obtain a magistrate's order to inspect a place of employment. On the other hand, the L.E.A. may permit by bye-laws the employment of children of 12 or more for an hour before 9 a.m. on school days, and also the employment of children by their own parents. It may grant licences to children to take part in public entertainments and places of amusements, and may vary the hours during which children under 16 may be employed in such occupations, the general rule being that no child may be so employed between 9 p.m. and 6 a.m. Every person obtaining a licence for the training of children as acrobats or circus performers must send a copy to the L.E.A. Lastly, an L.E.A. for higher education may administer unemployment benefit in accordance with a scheme approved under section 6 of the Unemployment Insurance Act, 1923, and if it does so it may assist boys and girls under 18 with advice on the choice of a vocation; in this it may have the cooperation of any Borough or District Council which is itself an L.E.A.

Finance and General.

After enumerating the various powers that an L.E.A. may exercise for the purpose of acquiring land, the Act goes on to lay down the financial basis of the educational system. Each L.E.A. is, subject to the Board of Education’s regulations, to receive an annual grant equal to half its net expenditure on education. The provision is important because it enables the Board to insist on the L.E.A.’s work coming up to the standard prescribed in the Board’s regulations. Under the Economy (Miscellaneous Provisions) Act, 1926 (section 12), the Board can refuse to recognise expenditure which it thinks excessive having regard to the circumstances of the area and the expenditure on
corresponding services in other areas, or which it thinks to exceed the L.E.A.'s estimate unreasonably: the same enactment also provides for the reduction of the grant by a sum up to £70,000 in any year to an L.E.A. for higher education which does not provide training colleges (other than mere domestic training institutions). And generally (under the Education Act itself) the Board can make a deduction from the grants, but where a deduction is made exceeding either £500 or the amount which a halfpenny rate would produce, the reasons must be reported by the Board to Parliament. Kindergartens are also eligible for the grant if they are open to inspection by the L.E.A. and if the latter has the right of appointing one-third of the managers. Before recognising a kinder-garten for the purpose of grant the Board of Education must consult the L.E.A.

The expenses of a County Council on education are paid out of the County Fund; where, however, an institution (outside the London area for higher education) serves a particular parish, the latter may be charged with the expenses in question after consultation with the Council of the Borough or Urban district if that body is also an L.E.A. Three-quarters of the following can also be similarly charged on a particular parish:—Capital expenditure or rent of a public elementary school and expense of conveying to it children or teachers. But no part of the County Council's expenditure on elementary education may be raised within a borough or urban district, if the council of that borough or district is the elementary education authority.

The education expenses of a Borough Council come out of the Borough Fund, those of a District Council from a fund to be raised out of the poor rate.

Although, as has been pointed out, Boards of Guardians are not liable for the costs of educating their children in public elementary schools, they may contribute to these and to certified schools in proportion to the number of their children who are in attendance there. But an L.E.A. may be compelled to contribute to the expenses of another L.E.A. if children residing in the former's area are receiving elementary education in an institution belonging to the latter.

Any L.E.A. may pay the cost of educational conferences, travelling expenses of its delegates, and so on. The Board of Education's approval is necessary, however, if it is desired to pay the expenses of more than three delegates, or if the conference is held outside the United Kingdom. The payments have to be in accordance with a scale drawn up by the Council.

L.E.A.'s have powers of contracting loans, and the amounts so borrowed by an L.E.A. are not to be reckoned as part of the total debt of the Council for the purpose of the statutory limitations on its borrowing powers. An educational institution which is not liable to inspection by the Board of Education may apply for such inspection, and the Board can carry this out free of cost.
In the case of secondary schools the terms are to be fixed by the Board with the Treasury’s consent; while in the case of schools established by scheme under the Welsh Intermediate Education Act, 1889, the Central Welsh Board of Intermediate Education is the proper inspecting body. A County Council or County Borough Council may pay the expense of inspecting any such secondary school in its area.

With regard to the L.E.A.’s power of appointing teachers and other officers, it is clearly laid down that these hold their office during the pleasure of the authority, and the authority may pay them at such rates as they think fit and dismiss them if it so desires. E.g., an L.E.A. may dismiss a master if he lives at a longer distance from the school than has been prescribed in the L.E.A.’s regulations, or if it thinks that the employment of married women as teachers is undesirable it cannot be prevented from terminating their engagement, unless, of course, it exercises the power unreasonably or in bad faith.

III. PROBLEMS OF THE PRESENT SYSTEM.

Having completed this general survey of the powers and duties of L.E.A.’s as laid down by statute, we have now to turn our attention to some of the important problems that confront the L.E.A. in the course of carrying them out. What follows naturally into two parts. The first main problem is how L.E.A.’s can best use the powers they have over children during the period they are compelled to attend school: the second is how children after that period can best be enabled to continue their education.

Nursery Schools.

Before dealing with the subject of elementary education we must say a word or two about the very important power of providing nursery schools or kindergartens (referred to above). The Ministry of Health has stated that the provision of these schools is “a public health and educational problem of great urgency.” The experience of those authorities who have put their powers in this respect into operation, notably London, Manchester and Bradford, is that they provide the most effective and at the same time the most inexpensive means of ensuring the proper care of children in humble spheres during those crucial years between 2—5 when the foundations of their future physical development are being laid. Where these nursery schools are set up, they assist the mother who is trying to feed her family by going out to work; at the same time they provide a healthier environment to the children than the poor and crowded homes from which they come, or the streets with their traffic dangers.

Teachers and Curriculum.

It is generally agreed that, in education, the question, “Who is to teach?” is still more important than the question, “What
are we to teach?" A good teacher will turn even a bad curriculum to some useful purpose, but a good curriculum cannot perform the same service for a bad teacher. Although the number of uncertificated teachers in public elementary schools has diminished during recent years, the rate of reduction is still far from adequate, as is shown by the latest official returns. The latter gives no less than 32,000 uncertificated out of a total of 160,000 teachers in public elementary schools in England and Wales.*

The curriculum taught in public elementary schools has undergone changes in recent years with the object of making the subjects more interesting and bridging the gulf between school and the actualities of life. It is perhaps too early to judge as yet how far, if at all, the elementary school child of to-day is mentally superior to his predecessor of 15 years ago, but this much is clear—there is still room for improvement in the manner of teaching the ordinary elementary subjects, and this is a consideration likely to have far greater import to the child’s mental development than a mechanical enlargement of the range of subjects. Let us take the teaching of English, for example. There are few countries where the spoken language is spoken so imperfectly as in ours. Many an adult person capable of writing a letter or article in fair literary style is wholly unable to speak articulately and with effective balance. This is in very many cases due to the emphasis laid upon written exercises in their early education to the detriment of practice in the spoken language. The variety of sounds, their value, the best methods of articulating them in turn—these form essential groundwork of the educational fabric of which elementary instruction has in the past shown almost complete disregard. One often hears the history lesson criticised on the ground of it being of too insular a character, too much absorbed in the little world of England instead of the great world outside. If this criticism simply means that English history should be replaced by world history, one has to accept it with some caution. For it is possible to teach world history from a narrow and insular standpoint, while on the other hand English history can be taught without any distortion or cramping of the child’s naturally broad sympathies. The main question is not what ground is covered by the history course, but how the ground is covered. Subject to this, the natural starting point for the child will be the lives of great men of different ages and races, and in the selection far less prominence should be given to the soldier and sailor classes than is given at present; in the next stage, the child will be given glimpses into social history at various stages of civilisation. This will be followed by the history of some particular community, an effort being made to present the period dealt with as falling into

eras which are seen to follow upon one another in some kind of natural and self-explanatory sequence instead of parcelling it out between centuries or sovereigns. At the latest stage the economic background should be filled in and at the same time the important changes in the machinery of government or the constitution should be explained.

**Elementary Education in Country Districts.**

The curriculum in rural schools is far from satisfactory, and little seems to be done towards an improvement. While country life should be able to give the child just that physical stimulus necessary to his deriving full benefit from his education, economic causes more than outweigh this and leave the child at a disadvantage in comparison with the urban child. This is probably the root cause why rural areas remain "backward areas" in the sphere of education, and little attention seems to be paid to the need of concentrating on its improvement at each point. Country life offers unique opportunities for the study of nature and for developing the taste for beauty; progress lies in this direction rather than in substituting for the usual elementary subjects from an early age training in outdoor work and preparation for the life of a farm worker. The lot of the latter under present conditions is not so happy that we should seek to yoke the country-born child to it for ever and to rob him of the opportunities open to the young folk of our cities and towns.

**The Health of the School Child.**

Of the elementary school pupils examined in 1923-4 as many as 19.9 per cent. were found to be in need of medical treatment. When we read in conjunction with this the statement that only 25 per cent. of L.E.A.'s are making use of their powers in this respect, it is not hard to see where the fault lies. Medical service in elementary schools is comparatively cheap, as the number of ailments is confined within a limited and easily ascertainable range.

Especially valuable is the school dental service. We are becoming daily more convinced of the effects of tooth decay in general physique. In his Annual Report for 1919 the Chief Medical Officer of the Board of Education gave an authoritative summary of the ailments traceable to this cause, including toxic neurasthenia, anaemia, skin and eye affections. Although much has already been done, one still hears of numerous complaints from those in charge of the Employment Departments of our large factories that applicants for employment have less healthy mouths than might be expected from the opportunities for treatment provided in the schools. It is worth while noting here that

---


*Annual Report of the Chief Medical Officer of the Board of Education for 1919 (Cmd. 995) p. 86.
no machinery exists whereby a local education authority can hand over the dental record of a past pupil to his new employer. Most authorities consider they have no power to do this, although in isolated cases it is done as a matter of grace. The matter is one which appears to be in need of regulation from above. Again, more use should be made of skilled nurses in the school dental service. They can relieve the dentist of much routine work, while in many cases they have been found to be even more effective in that essential adjunct of dental treatment—the imparting of instruction in mouth hygiene.

The School Medical Officer.

The county or borough medical officer has as part of his ordinary functions responsibility with regard to infectious diseases, closing of schools, and sanitary condition of the schools; at the same time his sphere extends to the homes of the pupils. It is therefore highly desirable that the greatest possible amount of co-ordination should exist between that authority and the school medical officer. The best method appears to be to make the county or borough officer responsible to the Council for both services, the work in the schools being carried on by full-time officers working under his direction.

Meals.

Another necessary feature of any scheme of care for the health of the school child is the provision of meals. It matters little whether the need arises from the fact that the children live too far from their homes or that they cannot get a decent dinner in their homes if within reach: school children no less than adults at work need a proper midday meal. Just as in industry the tommy box and the meal brought from home in a red handkerchief have been replaced by the industrial canteen, so the "glass of milk and a bun" has to be condemned outright and a hot dinner provided for the growing child. The policy of economy has had disastrous results in this sphere too. In 1924-5 there was a decrease of 738,502 in the number of meals provided for needy children.* Especially alarming is the position in the country districts. Here it is a regular thing for the school-child to have dinner away from home, and the closing of small schools, consequent upon reorganisation, is not improving the position in this respect. It is of little use to aim at efficiency in teaching by methods of centralisation on the one hand and to lessen the efficiency of the pupil on the other by depriving him of facilities for meals. There is hardly a County Medical Officer who does not bear out the complaint as to the inadequacy of the country school-child’s midday meal under present conditions. When this is taken into account, as well as the miserable wages and the

unsatisfactory housing conditions prevalent in the villages it is hardly to be wondered at that, despite all the advantages of country life, the country child is far below the average physical standard of the town child.*

Medical opinion agrees that during epidemics careful exclusion of individual children from school is better calculated to prevent the spread of infection than the closing of whole schools or departments. The latter method, apart from the educational loss, leaves children free to run about the streets associating with whom they will. It is well, therefore, that the arrangements for the State grants have recently been revised and that the grant will in future not be lost by any school which remains open with a low attendance under such circumstances.

**Physical Training and Instruction.**

Even greater than in the treatment of actual ailments is the value of the school as a medium for physical training and instruction in hygiene. And common sense would include in the definition of the latter instruction in questions relating to sex. Looking at the nation from a general point of view, if we regard the unmistakable proofs which the stage and the Press afford of the responsiveness of large numbers of our young and old to prurience, we have little to lose by a change in method. Whether sex instruction is best taught to a class as a whole, or given rather by way of individual tuition, is a question which experience will have to resolve. The experience in works' schools goes to show that the latter is to be preferred, but it would be unwise without actual test to apply this conclusion to younger persons and children.

**Size of Classes.**

The size of the class is a matter which materially affects both the physical development of the pupils and the quality of the education. The Board of Education claims to be trying to make 50 pupils per class as the maximum where the age is less than 11, 40 for those above 11,—a standard far from satisfactory. There is the closely related question of the size of class-rooms. Where there is no progressive building programme, the old large class-room is still retained, with the resultant difficulty in reducing the size of the individual classes. Rural schools are, as usual, the worst off in this respect. The most recent Board of Education reports show there are still many schools where more than one class is taught in the same room at the same time. Far too low is the average space officially allotted per child, viz. 10 square feet for children under 11, 12 square feet for others,—(even this standard is in abeyance). When we compare the

*See "The Health of the School Child," Report for 1925 of the Chief Medical Officer to the Ministry of Health passim.*
standard in France (15 square feet), Belgium, Norway and Denmark (16 square feet)—in parts of the United States it is even as high as 20 square feet—it does not seem unreasonable to urge local authorities to work on a basis of 15 square feet, and to obtain official sanction for this basis in their schemes.

Building and Equipment.

A watchful eye should be kept on school buildings and their equipment. Of course, there are the Board of Education requirements, but as usual they fall far short of what should be aimed at. Many schools still exist that should from a structural point of view be condemned outright, and here again rural districts are the worst off. Apart from the allowance of the appropriate space per pupil as mentioned above, essential conditions of good school premises are a central hall for general assembly, an adequate playground with a portion covered for use in wet weather, cloak-rooms with facilities for drying clothes, a sufficient number of exits, with doors opening outwards, lavatories with a sufficient number of basins, sanitary offices and a good supply of drinking water. The best and most up-to-date advice should be obtained as to lighting, heating and ventilation.

Equipment is of equal importance. Economy “stunts” should not prevent the scrapping of furniture which any doctor would condemn as harmful to the child’s physical development. Attention should be paid to the substitution of low tables and small chairs for desks in the case of the children under 6, and for the rest the replacing of the unhygienic double desks or long benches by single sloping desks. Books should be printed suitably to the age of the child. Children are still too persistently given Bibles and hymn books in the smallest print, for example. It is surely not essential to the metaphorical opening of the child’s eyes to eternal truths that his everyday vision should be spoilt in the process. And perhaps one might be permitted—although it is a little beyond the range of this tract—to suggest to some future Government that rather than busy itself with the nature of the tenets taught in some Sunday Schools, it might devise some machinery applicable to all Sunday Schools to ensure that they shall not fall below an adequate hygienic standard.

The Problem of the Adolescent.

By far the greatest of present day educational problems and that which demands both the most prudent and the most speedy solution is undoubtedly that of the adolescent and the post-elementary stage of public education.

One starts from the complaint generally levelled against the use—or rather abuse—of the last three educational years, i.e., the period 11-14. In these three years elementary education “marks time,” “tapers off into vacancy”—these and similar charges are not unjustly made. To quote the words of the
Hadow Report (*): "At the present day the years between 11 and 14-15 form the opening phase of secondary education for a small minority of children, and the closing phase of elementary education for the great majority. Is it possible so to organise education that the first stage may lead naturally and generally to the second, to ensure that all normal children may pursue some kind of post-primary course for a period of not less than three and preferably four years from the age of 11; and to devise curricula calculated to develop more fully than is always the case at present the powers not merely of children of exceptional capacity, but of the great mass of boys and girls, whose character and intelligence will determine the quality of national life during the coming quarter of a century?"

What are the solutions proposed? There is the scheme of compulsory continuation classes. As has already been pointed out, such a scheme has been contemplated as practicable and is actually on the statute book (the Education Act, 1918 (the "Fisher Act"), and the Education Act, 1921, ss 75-79), but it is a dead letter. So may it remain! It should be borne in mind that study is no less a full time job for the student than teaching is for the teacher. If we desire to have an educated community, it is intolerable that a favoured 10 per cent. should be able to acquire their education in easy and natural stages, devoting their minds to it exclusively, while the rest should be compelled to do this at the same time as they have to concentrate on the business of earning a living.

Another solution is the extension of the system of central schools so as to provide a continuous and progressive stage of education after the elementary stage is finished. For a detailed survey of the various kinds of central schools now existing in this country it would be well to refer to the Hadow Report (pp. 50-64). They are mostly of a selective kind, and leave untouched the problem of those who are not selected. Two facts seem clear: (1) that all normal children between 11 and 14 need some kind of education, following upon the elementary stage, which is not at present being provided for them in the elementary school as a general rule; (2) that the kind of education needed in that second stage is secondary education. The phrase "post-primary," of which the Hadow Report so often makes use, is, to put it colloquially, "neither here nor there." It seems to be an attempt to wriggle out of the mathematical axiom that the second stage follows the first and to escape the consequences of too open a support of the "secondary education for all" principle. Post-primary education is secondary education, so why not call it so? The dividing line is the age 11-12. It is clear that only when a real curriculum is drawn up for the years 12 to 15 is there use in raising the compulsory leaving age beyond 14. It will be

---

remembered that L.E.A.'s have power to raise the age to 15 in their districts; up to the present that power has been exercised in two cases.

**Entry into Secondary Schools.**

Hand in hand with the introduction of a universal system of secondary education from the age 11-12 should go the removal of the financial barriers to entry into the existing secondary schools.

If the trouble about present day elementary education is that it is a "staircase without a landing," what is wrong with our present secondary education is that it is a "landing without a staircase."* We are apt to point with pride to examples of those who beginning from nowhere and having climbed the "educational ladder," have distinguished themselves in politics, the arts, the professions. But we ignore the too large number of those to whom the "educational ladder" has meant lifelong disappointment, failure and even ruin. Far too great a strain is placed on the child of poor parents if he wishes to attain to the university and has to do so by dint of his own efforts. He has to enter into the scramble for scholarships at the age of 11, at an age when others, more comfortably placed, are able to develop their minds more easily and naturally and to pay due attention to the development of their bodies, secure of their educational future. The scramble continues till the age of 17 or 18, when the boy, having fought for a place at each successive stage, is ready to enter the university. Very often he is by this time so much exhausted that he wholly belies the promise of his earlier years and disappoints those who not unreasonably expected great achievements. So that not even to the extent of those who have successfully climbed the "educational ladder" can it be said that "equality of opportunity" is anything but a meaningless fiction, in our present educational system. We have to realise the true facts of the case. On the one hand, 90 per cent. of the young people between the ages of 14-18 are receiving no kind of education whatever; on the other, according to the most authoritative source,† not less than 75 per cent. of our elementary school children are intellectually capable of profiting from full time education up to 16. If secondary education can be provided free of charge in Continental countries, or in the Dominions, why not here? If fees cannot be abolished at one stroke the number of free places available should at any rate be doubled. Otherwise how can they on whom our law itself has imposed the duty of securing "that children and young persons shall not be debarred from receiving the benefits of any form of education by which they are capable of profiting through inability to pay fees" pretend that they have even attempted in any serious sense to carry it out?

SELECTION OF FABIAN PUBLICATIONS.

Complete list sent on application.

THE BRITISH CIVIL SERVICE. By H. Fink. 2s. paper, postage 3d.
Cloth 3½, postage 4d.

THE DECAY OF CAPITALIST CIVILISATION. By Sidney and Beatrice Webb. Cloth, 4/6; paper, 2/6; postage 4d.


FABIAN ESSAYS. (1920 Edition). 2/6, postage 3d.

Karl Marx. By Harold J. Laski. 1/-; post free, 1½.

WHAT TO READ on Social and Economic Subjects. 2s. n. postage 1½d.
MORE BOOKS TO READ. (1920-1926). 6d.

TOWARDS SOCIAL DEMOCRACY? By Sidney Webb. 1s. n., post, 1d.

MISERY OF BOOTS. By H. G. Wells. 6d., post free 7d.

FABIAN TRACTS and LEAFLETS.

Tracts, each 16 to 33 pp., price 1d., or 9d. per dozen, unless otherwise stated. Leaflets, 4 pp. each, price 1d. for three copies, 2½, post 100, or 20/- post 100/.
The Set, 10/-; post free 15/-; bound in buckram, 15/-; post free 15/-

I.—General Socialism in its various aspects.


II.—Applications of Socialism to Particular Problems.


III.—Local Government Powers: How to use them.


IV.—On the Co-operative Movement.


V.—Biographical Series. In portrait covers, 3d.
