

**Circular 5**  
(15th September, 1944)

MINISTRY OF EDUCATION

# Local Administration of Education

## Schemes of Divisional Administration

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## LOCAL ADMINISTRATION OF EDUCATION SCHEMES OF DIVISIONAL ADMINISTRATION

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15th September, 1944.

## MINISTRY OF EDUCATION,

Belgrave Square,  
LONDON, S.W.1.All communications should be  
addressed to "THE SECRETARY,"**LOCAL ADMINISTRATION OF EDUCATION  
SCHEMES OF DIVISIONAL ADMINISTRATION****I.—INTRODUCTION**

1. Section 6 and Part III of the First Schedule to the Education Act, 1944, provide for the setting up of a new machinery for the local administration of the public system of education in county areas. The object of these provisions is to secure that while, within the framework of national policy, the education service in county areas shall be administered under the general control and supervision of the Local Education Authority, it shall not lose the inspiration to be derived from more immediate local interest and local initiative.

2. The functions of Local Education Authorities which may be delegated to divisional executives by schemes of divisional administration are those relating to primary and secondary education. The extension of schemes of divisional administration to cover functions relating to further education is permissible at the discretion of the Minister on the application of the Local Education Authority or of the council of an excepted district.

3. The adjustments that will be necessary to establish a satisfactory scheme of divisional administration will call for a large measure of good will. The Minister is confident that all the local authorities concerned will be anxious to work out in a spirit of the fullest co-operation the administrative organisation best adapted to the varying needs of their areas, and thus establish a sound foundation for the many developments for which the new Education Act provides.

4. As was made clear in the course of debate during the passage of the Bill, it would be neither desirable nor practicable to attempt to lay down any hard and fast model scheme to which Authorities should be expected to conform. Such uniformity would be irreconcilable with the wide differences in the circumstances and requirements of different areas.

5. At the same time the Minister believes that a statement of general principles and some guidance as to the considerations to which regard should be had in framing schemes of divisional administration will be welcomed both by county Local Education Authorities and by the councils of excepted districts who under paragraph 5\* will be responsible for drawing up their own schemes.

6. Under Part III of the First Schedule schemes of divisional administration will need to be prepared by county Local Education Authorities (except where the Local Education Authority for a county is a joint education board), by joint education boards and by the councils of excepted districts. It is not yet known in every case for which areas joint education boards will be established nor which districts will be excepted. In the meantime copies of this memorandum are being sent to all county Local Education Authorities

\* Unless otherwise indicated, references to paragraphs are references to paragraphs of Part III of the First Schedule to the Education Act, 1944.

and to the London County Council and the councils of county boroughs, boroughs and urban districts for information. The memorandum relates primarily to schemes of divisional administration prepared by county Local Education Authorities and joint education boards, but the general principles which it enunciates should be borne in mind by the councils of excepted districts when they prepare their schemes.

## II.—Establishment of Divisional Executives

### *Partitioning of Local Education Authorities' areas*

7. The Schedule does not contemplate that every county area must necessarily have a scheme of divisional administration (see proviso to paragraph 2). Any partitioning of the area may be inappropriate where the total population of the county is small or thinly spread. It will be for the Minister to consider, on the application of the Local Education Authority or otherwise, whether the circumstances of an area are such as to render a scheme unnecessary and to make the requisite order.

8. Nor is it contemplated that where divisional executives are established they need necessarily cover the whole county. Only in those divisions specified for the purpose in the scheme will divisional executives be constituted, the remainder of the area being administered directly by the Local Education Authority.

### *Selection of divisional areas*

9. The areas selected for the establishment of divisional executives must have a sufficient population to constitute a reasonable educational unit for the purposes of primary and secondary education. They should also possess sufficient community of interest, or should offer prospects of developing before long such community of interest, and they should possess some conveniently accessible administrative centre within the area or adjacent to it. On the other hand, the area of a divisional executive should not be so large as to prejudice the possibility of securing the values that the scheme is designed to secure—the bringing to bear on local administration of local knowledge and interest. While the population criterion of 60,000 which entitles a borough or urban district to be an excepted district is not necessarily appropriate in determining what is a suitable minimum population for a divisional executive, any area with a population substantially lower than this figure—though there may be cases where geographical considerations justify special treatment—will not usually constitute a satisfactory educational unit, particularly for secondary education.

### *Excepted districts and larger units*

10. Cases will arise where a borough or an urban district which, under the provisions of sub-paragraphs (a) or (b) of paragraph 4, has a prescriptive right to be an excepted district, may elect, in order to secure a better unit of administration, to forego its right and to be combined with adjoining districts to form a divisional executive for a wider area.

11. The effect of this would be that the borough or urban district would relinquish its right to draw up its own scheme of delegation in respect of primary and secondary education, which might be varied subsequently on its application, or to apply for the delegation of further education functions. Moreover, membership of the executive would not be confined to members of the borough or urban district council.

12. Where a borough or urban district is willing in the larger interest to forego these rights, it would clearly be proper that its interests should be

safeguarded. This might be secured by agreement that the scheme of delegation should be drawn up by the borough or urban district council and the Local Education Authority in consultation, and that at the same time it should be agreed what proposals, if any, for the delegation of further education functions should be submitted for the Minister's approval. The Local Education Authority might undertake to consider, if occasion arose, an application from the borough or urban district council for the variation of the scheme, and to assure to the council representation on the executive appropriate to its position.

### III.—The Constitution of Divisional Executives

#### *Composition of divisional executives*

13. In excepted districts the borough or urban district council will be the divisional executive. The Local Education Authority's scheme may also provide for the functions delegated to a divisional executive of a borough or urban district which is not excepted to be exercised by the council of that district.

14. In all other cases the divisional executives will have to be specially constituted under the scheme (paragraph 8 (a)), and it is suggested that they should consist of:—

- (a) representatives of the Local Education Authority,
- (b) persons nominated by the county district councils (or combinations of such councils) whose districts are situated wholly or partly within the divisional area,
- (c) other persons of experience in education and persons acquainted with the needs of the divisional area including, where appropriate, representatives of local industry and agriculture.

The importance of including women on divisional executives needs no emphasis.

15. As one of the objects of establishing divisional executives is to secure that due regard is had to local circumstances and to make full use of local knowledge, it would be appropriate that the members nominated by the county district councils should be in a majority.

16. The number of persons to be nominated by the several county district councils (or combinations of such councils) might most suitably be determined on a population basis.

#### *The size of executives*

17. The size of executives will necessarily vary according to circumstances, but it is suggested that, if they are not to be unwieldy bodies, their membership should ordinarily number between 20 and 30.

#### *Members' term of office and other points of detail*

18. There are various matters of detail connected with the constitution of the executives for which it will be necessary to make provision in the scheme, such as the election of a chairman and vice-chairman, the term of office and retirement of members, resignation, vacation of office by failure to attend meetings and the filling of casual vacancies. It is unnecessary to discuss these points in detail in this memorandum since the relevant provisions of the Local Government Act, 1933, afford ample guidance for dealing with them.

#### *Disqualifications for office*

19. There is another provision in the Local Government Act, 1933, to which attention may be called. Section 59 deals with disqualifications for office as members of a local authority, and provision on the lines of that Section should be made in every scheme of divisional administration.

*The position of employees of local authorities*

20. It may be noted here that any employee of a local authority, including a teacher, is eligible for appointment to a divisional executive by the Local Education Authority or a county district council or other body with the right to nominate members, save that where a borough or urban district council is the executive, membership of the executive is necessarily confined to persons elected to the council.

**IV.—Appointment of Committees and Sub-Committees**

21. Where the executive is a borough or urban district council, it should appoint a committee consisting both of members of the council and of persons co-opted for their experience in education and knowledge of local conditions to advise the executive on the discharge of its functions. The desirability of including on the committee some representative members of the Local Education Authority should be borne in mind. There is no need for such a committee where the divisional executive is itself a specially constituted body.

22. Otherwise divisional executives generally might be empowered to appoint such committees and sub-committees as they think fit.

**V.—The Proceedings of Divisional Executives**

23. It will be necessary to make provision in schemes of divisional administration with regard to the meetings and proceedings of executives. Here again it will be found that many of the provisions of the Local Government Act, 1933, e.g. Section 75 and the Third Schedule, can be suitably adapted for the purpose either by incorporation in the scheme or by reference. The following are some of the more important subjects to be considered in this connection :—

*Meetings*

(1) Provision should be made for annual and other meetings, and it will facilitate administration generally if the meetings of divisional executives are so arranged as to fit in with the series of committee meetings which normally precede the meeting of the Local Education Authority.

*Election of chairman and vice-chairman*

(2) The chairman and vice-chairman should be elected at the annual meeting.

*Standing orders*

(3) Subject to the provisions of the scheme, divisional executives should be empowered to make standing orders for the regulation of their proceedings and business. There should be a specific power for the chairman or a specified number of members to call or request a meeting of the executive at any time.

*Interest in contracts*

(4) The provisions of Section 76 of the Local Government Act, 1933, relating to the disability of members of authorities for voting on account of interest in contracts, should be applied to the members of every divisional executive.

*Minutes*

(5) Every executive should be required to keep minutes of its proceedings and of any committee or sub-committee, and these minutes should be available for inspection by the Local Education Authority, who should be supplied with such number of copies as they may require.

Under paragraph 13, the minutes of the proceedings of a divisional executive are required to be open to the inspection of any local government elector for the area of the Local Education Authority on payment of a fee of not more than 1s. and any such local government elector is entitled to make a copy thereof or an extract therefrom. Similar provision should be made with regard to the minutes of the proceedings of any committee set up in accordance with the recommendations made in paragraph 21 of this Memorandum.

#### *Admission of the press*

(6) The Local Authorities (Admission of the Press to Meetings) Act, 1908, does not apply to divisional executives, but the proceedings of the executives will be of close concern to the public. For that reason, and in order also to stimulate a proper interest in educational affairs generally, it is suggested that provision should be made in the schemes whereby the press are admitted to meetings of divisional executives and of the committees referred to in paragraph 21 of this Memorandum except when, in view of the special nature of the business to be dealt with, they are excluded by specific resolution.

### **VI.—Division of Functions between Local Education Authority and Divisional Executives**

#### *Functions of the Local Education Authority*

24. The essence of every scheme of divisional administration is to define the functions of divisional executives and their relationship to the Local Education Authority. Certain duties and powers are reserved by statute to managers and governors, and others may be delegated to them under rules of management or articles or government varying with the type of school concerned. Some considerations affecting the drawing up of instruments and articles of government for secondary schools have been set out in the White Paper published last May (Command 6523). At the other end of the scale certain powers and duties must always remain with the Local Education Authority, e.g., the power to borrow money or to raise a rate and, therefore, by implication, the ultimate approval of expenditure, the responsibility for the development plan for the area as a whole, and, generally, the responsibility for formulating the educational policy of the area within the national framework. The Authority cannot divest itself of its statutory responsibility for finance, or for ensuring that an adequate standard of educational provision is maintained throughout its area.

25. It follows from this that, while some degree of delegation, no doubt varying in different cases, may be found appropriate for dealing with proposals for new schools or major alterations to school accommodation, the Local Education Authority must retain the ultimate right to approve such proposals and to secure, in co-operation with the divisional executive, that the educational provision of the district is in accord with the Authority's general policy.

26. Further, there will be a number of matters, e.g., arrangements for conveyance, or arrangements for school meals, which may appropriately be delegated but with regard to which it may be necessary for the Authority to issue regulations in order to secure a reasonable uniformity of practice throughout their area. Such regulations will, of course, be of a general character.

#### *Instruments of management and government*

27. Instruments of management and government for county primary and secondary schools should be made by the Local Education Authority in consultation with the divisional executives, having regard to the considerations indicated in paragraph 61 of this Memorandum. Model rules of management

and articles of government for all such schools in the area should be prepared by the Local Education Authority, though before settling them they should consult with representatives of the county districts and other interests concerned.

*Functions of divisional executives*

28. It is within the considerable field of administration which remains after these reservations have been made that the decision must be taken as to the degree of delegation to divisional executives that may be desirable. The nature and extent of the functions to be delegated to the executives, whether in different counties or in one and the same county, will naturally vary according to local circumstances.

These functions will broadly be of two kinds, executive and advisory. A divisional executive differs from a district committee in that on many matters its decisions will not be subject to confirmation by the Local Education Authority.

29. Subject to the foregoing observations and also to the rights of managers and governors as indicated in the following sub-paragraphs, it is suggested that the following functions relating to primary and secondary education might appropriately be delegated to divisional executives. (The appointment and dismissal of administrative, professional, technical and teaching staffs are dealt with later.)

(1) *Assessment and review of educational needs of the divisional area.*

To survey the existing provision and to assess the immediate and prospective needs of the divisional area and to submit proposals for meeting those needs for the consideration of the Authority. Thereafter, to keep the needs of the area under review and to take such action in connection therewith as may be appropriate. In particular, to establish administrative machinery to ensure that the planning and housing authorities for the divisional area are consulted from the earliest stages on proposals for educational developments and that these authorities similarly consult the divisional executive from the earliest stages in connection with proposals for housing, industrial and similar developments.

To advise the Local Education Authority in regard to the provision of new schools, extensions and improvements to schools, and discontinuance of schools in the divisional area.

(2) *The care and use of school premises.*

To arrange for repairs and re-decorations to school premises (except where this is a matter for managers or governors) within the annual estimates approved by the Authority, subject to any limits on particular items as may be agreed.

To deal with the letting of schools, subject to any general regulations made by the Authority.

(3) *School supplies.*

To deal with requisitions for supplies to schools under arrangements agreed with the Authority.

(4) *The work of the schools.*

To consider reports of His Majesty's Inspectors and of inspectors of the Local Education Authority and to take such action as may be appropriate.

To co-ordinate in consultation with governing bodies the various types of secondary education and to secure an effective distribution of facilities for advanced work.



To make arrangements for the secular instruction of pupils elsewhere than on the school premises, e.g., visits to swimming baths, parks and museums.

(5) *School attendance.*

To enforce the provisions of the Education Act, 1944, regarding school attendance and the employment of children and young persons (Section 59) and to institute legal proceedings in connection therewith, after any necessary consultation with the Authority.

To secure an effective distribution of facilities for primary education and, where necessary, to delimit catchment areas for particular schools.

Subject to the provisions of any rules of management or articles of government, and to any general regulations made by the Authority, to fix the school holidays in the divisional area and to authorise occasional closures.

To deal with the cases of children suspended by managers or governors from attendance at school for misconduct, to arrange interviews with parents and, if necessary, the transfer of the pupils to other schools.

Subject to any general directions by the Authority and to the functions of managers and governors, to arrange for the admission and transfer of pupils.

Subject to any general regulations made by the Authority, to arrange for the transport of pupils to and from school.

(6) *Welfare of Pupils*

To discharge such duties and responsibilities relating to medical inspection and treatment as may be assigned under the Local Education Authority's arrangements.

Subject to any general regulations made by the Local Education Authority, to administer on behalf of the Local Education Authority the arrangements for the supply of school meals and milk.

To arrange, where necessary, for the supply of clothing and footwear for children attending school and for the recovery of the cost, in whole or part, from those parents who can afford to pay, within the general regulations of the Authority.

To award allowances for travelling, maintenance, etc., in accordance with scales laid down by the Authority, and to make recommendations to the Authority in respect of allowances in excess of the approved scales.

To report to the Authority all cases of handicapped children coming to its notice and to fix and collect, in accordance with the general regulations of the Authority, parents' contributions towards the expenses of making provision for such children in residential special schools or boarding them out.

### VII.—Functions under other Acts

30. It would not be legitimate to include in a scheme made under the Education Act, 1944, provision for the delegation of functions conferred upon Local Education Authorities by other Acts such as the Children and Young Persons Act, 1933, and the Unemployment Insurance Act, 1935.

### VIII.—Administrative Co-operation

31. Whatever the division of functions between the Local Education Authority and divisional executives, the success of the new arrangements will depend upon the co-operation between the two bodies. Such co-operation will be fostered, it is suggested, by providing ample opportunities for friendly and thorough consultation before decisions are taken. There are many matters

within the province of either the Authority or the divisional executive on which the views of the other body would be of value, and without arrangements for the exchange of such views there can be neither proper co-ordination of the educational provision in the different divisional areas on the one hand nor, on the other, due consideration of local variations by the Local Education Authority.

32. Accordingly it is suggested that—

(a) the divisional executive should have the right to make representations and recommendations to the Local Education Authority with regard to any matter not delegated to it but affecting the education and welfare of pupils in its area;

(b) the divisional executive should have the duty of considering inquiries, representations and recommendations made to it by the Local Education Authority with regard to any function, whether delegated to it or not, and to furnish the Local Education Authority with such statistics and records in connection with the administration of the functions delegated to the executive as the Local Education Authority may require.

33. It is of vital importance that the fullest contact should be maintained between the chief education officer and the divisional education officer in order to promote the co-ordination of educational provision in all the divisional areas of the county. The divisional executive should be enabled to obtain, through the chief education officer, the advice of all departments of the county council upon any matter within the functions of the divisional executive upon which such advice is sought. The executive should also be enabled, as need arises, to obtain the services of expert staff under the direct control of the Local Education Authority.

## IX.—Appointment and Dismissal of Staff

### (i) ADMINISTRATIVE AND OTHER NON-TEACHING STAFF

#### (A) *General considerations.*

34. The staff of the divisional executive will be legally in the employment of the Local Education Authority. Further, it would be unfortunate if the establishment of a system of divisional administration led to the creation of a number of units with their own isolated, independent and self-contained staffs. On the contrary, it is clearly desirable, both in the interests of the staffs themselves and of the education service generally, that there should be opportunities of promotion and transfer to the service either of other divisional executives in the Local Education Authority's area or of the Local Education Authority itself and vice versa. There will also be a number of matters under the direct control of the Authority on which they would reasonably wish to utilise the services of the divisional education officer and his staff.

35. For all these reasons it will be necessary for the Local Education Authority to exercise some measure of control over the movement of staff and the filling of vacancies. This need not, however, be inconsistent with the control by the executive of the staff working for it.

#### (B) *The Divisional Education Officer.*

36. Every divisional executive should have the services of a suitable education officer, though in appropriate cases such services might be combined with other duties or, in some cases, with service for another divisional executive. A special degree of importance attaches to the post of divisional education officer, since it is upon his tact and good sense, no less than upon

his ability and efficiency, that the success of the new system will depend to an appreciable degree. His immediate obligations will be to the divisional executive, but he will also discharge certain duties for the Local Education Authority in respect of matters coming under their direct control.

37. It follows from this, and from what has been said in paragraph 34 of this memorandum, that the Local Education Authority as well as the divisional executive should be jointly associated in the appointment of the divisional education officer. This could be secured in various ways. Thus, following the analogy of Section 88 of the Education Act, 1944, the appointment might be made by the divisional executive from a short list submitted to and approved by the Local Education Authority. Alternatively, the appointment might be made on the recommendation of a joint committee of the divisional executive and the Authority.

38. The qualifications, salaries and terms of office of divisional education officers should be settled by the Local Education Authority after consultation with the divisional executive.

39. In view of the importance of the post, the dismissal of a divisional education officer must rest with the Local Education Authority, no doubt after consultation with the divisional executive, but a divisional executive should have the right to recommend his dismissal.

40. The functions of the divisional education officer should include the following:—

(i) to act as the chief executive officer and clerk of the divisional executive and generally to give it such advice as it may require;

(ii) to carry out the instructions of the divisional executive on matters which lie within its delegated or referred responsibilities;

(iii) to carry out on behalf of the Local Education Authority such duties as may be arranged on any matters coming under their direct control;

(iv) to prepare and submit such information and returns as the Local Education Authority may require;

(v) to summon and prepare agenda for the meetings of the divisional executive, its committees and sub-committees and send copies thereof to the chief education officer at the same time as they are sent to members of the divisional executive;

(vi) to prepare the minutes of the meetings of the divisional executive, its committees and sub-committees and send copies thereof to the chief education officer;

(vii) to act, where so required, as the clerk to the managers or governors of any maintained school in the divisional area.

*(C) School, medical, dental and nursing staff.*

41. The county school medical officer will be appointed by the Local Education Authority, and the officer holding this appointment should, as is now the case, also be the medical officer of health employed by the county council as public health authority. As the school medical officer will be responsible to the Authority for all matters pertaining to the health and physical well-being of children and young persons attending educational institutions maintained by the Authority, it is essential that the medical, dental and nursing staff employed throughout the county should be under his general control. At the same time, the divisional executive, in the exercise of its delegated powers, will be concerned in these matters within its own area. It follows from this that both the Local Education Authority and the divisional executive should be associated in the appointment of any assistant county

medical officers, school dentists and nurses, who may be appointed for service in the area of the executive. It will, no doubt, be considered desirable that the medical officers of health and the other medical, dental, and nursing staff employed by the county districts should be appointed to the county staff for school medical service purposes.

42. The dismissal of school medical, dental and nursing staff will rest with the Local Education Authority.

*(D) Other Administrative Staff.*

43. Subject to the observations in paragraph 34 of this Memorandum and also to the establishment and the conditions and terms of service being approved by the Authority, the appointment and dismissal of staff might be delegated to the divisional executive, with a right of appeal to the Local Education Authority against dismissal.

*(E) Staff other than Administrative.*

44. Similarly, with the same safeguards, the divisional executive might well appoint and dismiss, and supervise and direct the duties of school attendance and inquiry officers and also of school secretaries and clerical assistants employed in schools, school keepers, cleaners, canteen staffs, groundsmen and the like, in so far as the appointment and supervision of such staff is not a matter for managers or governors.

(ii) TEACHING STAFF

*The statutory position*

45. In view of their importance the appointment and dismissal of teachers require to be dealt with in some detail and it may be convenient at the outset to set out the statutory position.

46. The appointment of teachers in county, controlled and special agreement schools is, with certain reservations in the case of the last two, placed under the control of the Local Education Authority. The rules of management or articles of government may provide for the power of appointment to be delegated to the managers or governors; the dismissal of teachers in all three types of school rests with the Local Education Authority.

47. In controlled schools the Authority are obliged, before making an appointment of head master or head mistress, to inform the managers or governors as to the person proposed to be appointed and to consider any representations made by them. The Authority must also consult the foundation managers or foundation governors with regard to the appointment in controlled or special agreement schools of reserved teachers to give the denominational religious instruction, and the foundation managers or foundation governors have the right to satisfy themselves as to their fitness and competence for this purpose and to require the Local Education Authority to dismiss reserved teachers for failing to give the denominational religious instruction efficiently and suitably.

48. In aided schools, where the respective functions of the Authority and the managers or governors in regard to the appointment and dismissal of teachers are to be regulated by rules of management or articles of government, the appointment of teachers rests with the managers or governors; the number of teachers to be employed must be determined by the authority. The Authority also have the right, except on grounds connected with the giving of denominational religious instruction, to prohibit the dismissal of a teacher without their consent or to require the dismissal of a teacher. Teachers appointed to give denominational religious instruction in an aided school

may be dismissed by the managers or governors without the consent of the Local Education Authority if they fail to give such instruction efficiently and suitably.

Certain questions are left in the case of aided schools to be settled by agreement between the Local Education Authority and the managers or governors or, failing such agreement, to be determined by the Minister, namely:—

- (i) whether the appointment of teachers of secular instruction should be subject to the consent of the Authority;
- (ii) whether the Authority are to give directions as to the educational qualifications of teachers of secular instruction.

#### *Other general considerations*

49. Apart from the statutory requirements, there are certain other considerations which should be borne in mind. In the first place, all appointments, except those in aided schools, must be made to the service of the Local Education Authority and the Authority must, therefore, be in a position to prescribe the conditions of service. Further, the Authority must be in a position to determine the staffing establishment appropriate to the needs of the divisional area in consultation with the divisional executive and, where necessary, with managers or governors. In the second place, the observations in paragraph 34 of this memorandum about the need for wider opportunities for promotion and transfer for administrative staff apply with even greater force to the teaching staff. It is eminently desirable that the teachers in a Local Education Authority's area should, so far as possible, be regarded as one body to be used, where circumstances allow, as may best serve the requirements of the area as a whole. In particular, the Authority should be able to effect the transfer of redundant teachers from one divisional area to another and should be in a position to facilitate, in co-operation with Managers and Governors, the transfer of teachers so as to use their qualifications to the best advantage and widen their experience by service in different parts of the area. In this way, something effective might be done to overcome the difficulties which at present tend to render teachers immobile. Finally, the Local Education Authorities may have duties imposed upon them under section 62 of the Act in connection with the training of teachers, a function which they must retain in their own hands. They will, therefore, have a special responsibility towards new entrants to the profession, and should be able, with the co-operation of divisional executives, to secure their appropriate placing.

50. In the light of these considerations and having regard to the suggestions made in the White Paper on the Principles of Government in Maintained Secondary Schools, it is suggested that the appointment and dismissal of teachers should be dealt with on the following lines.

#### APPOINTMENT OF TEACHERS.

- (1) *County and voluntary schools—primary.*
- (a) *Assistant masters and assistant mistresses.*

51. In the case of county and controlled schools, notice of a vacancy requiring to be filled should be sent by the managers to the divisional executive, who, if it does not propose that the vacancy should be filled by transferring a teacher from another school in the divisional area, will notify the Local Education Authority. The Authority will consider whether there is any teacher in their employ elsewhere who might suitably be transferred and, if there is not, will advertise the vacancy or request the divisional executive to do so. Applications for the vacancy should be sent to the divisional executive,

whether through the Authority or otherwise, who would make the appointment in consultation with the managers and the head master or head mistress. In the case of reserved teachers the foundation managers have the right to withhold consent to the proposed appointment on religious grounds.

52. In aided schools the appointment will be made by the managers subject to confirmation by the Local Education Authority if, as is contemplated will normally be the case, the rules of management provide for such confirmation. The same procedure for the notification of vacancies and their advertisement where necessary might be followed as in the case of county and controlled schools, but confirmation of the appointment should be delegated to the divisional executive, subject to the Local Education Authority's being consulted in any case where it is proposed to withhold confirmation.

(b) *Head masters and head mistresses.*

53. In county and controlled schools the vacancy should be notified by the managers through the divisional executive to the Local Education Authority who should, where necessary, advertise the post and send the applications to the managers through the divisional executive. A short list should be drawn up and the candidates interviewed by the managers at meetings attended by one or more representatives of the divisional executive, and a recommendation submitted to the Authority through the divisional executive, who might add its observations, as to the candidate it is proposed should be appointed.

54. A similar procedure might be adopted in the case of aided schools because, though the power of appointment rests with the managers, the Authority and the divisional executive are concerned in the appointment, particularly if, as is contemplated will normally be the case, the rules of management provide for confirmation by the Authority. It is accordingly desirable—and will avoid possible difficulties later—that the Authority and the divisional executive should be associated in the selection at as early a stage as possible.

(2) *County and voluntary schools—secondary.*

(a) *Assistant masters and assistant mistresses.*

55. Under the recommendations made in the White Paper, the usual practice in all types of school will be for the appointment to be made, within the financial limits of the approved estimates, by the governors in full consultation with the head master or head mistress, subject to confirmation by the Local Education Authority. As in the case of primary schools, vacancies should generally be notified in the first instance to the Local Education Authority through the divisional executive, before any advertisement is issued. Confirmation of the appointment should be delegated to the divisional executive, subject to the Local Education Authority's being consulted in any case where it is proposed to withhold confirmation.

(b) *Head masters and head mistresses.*

56. In the case of county, controlled and special agreement schools, it is suggested that one or other of the following methods should be adopted.

(i) Applications might be considered by the governors at a meeting attended by a representative of the divisional executive and by a representative of the Authority and a short list of three names drawn up. The final selection for appointment might be made by a joint committee of the divisional executive and the Local Education Authority under the chairmanship of a nominee of the Local Education Authority; a member of the governing body should be present at the meeting.

(ii) A joint committee might be set up composed as to one half of members of the governing body and as to the other consisting of representatives of the divisional executive and the Local Education Authority, under the chairmanship of a person nominated by the Local Education Authority, to draw up the short list and, at a second meeting, to make the final selection for appointment.

Either method might be adopted with modifications in the case of aided schools. If, as would be more usual, a joint committee were set up, the proportion of members on the joint committee would no doubt be varied, and the nomination of chairman given to the governors at one or both stages of the appointment.

#### THE DISMISSAL OF TEACHERS.

##### *County and voluntary schools—primary and secondary.*

57. Any proposal to dismiss a teacher should be considered in the first instance by the managers or governors, in the case of head masters or head mistresses at two meetings held at intervals of not less than 14 days. In all cases the teacher should have the right to appear before the managers or governors accompanied by a friend and, in the event of a resolution to dismiss him being passed, to appeal to the Local Education Authority who should consult the divisional executive before reaching a decision.

58. No dismissal should take effect in the case of teachers in county, controlled and special agreement schools until it has been submitted through the divisional executive to the Local Education Authority for confirmation or, in the case of aided schools, for the consent of the Authority, except where the teacher is being dismissed for failing to give the denominational religious instruction efficiently and suitably.

59. While dismissals would ordinarily be recommended by the managers or governors, the Authority should retain the power to dismiss, either on their own motion or on the recommendation of the divisional executive, in the case of county, controlled and special agreement schools and to require dismissal in aided schools.

#### APPOINTMENT AND DISMISSAL OF TEACHERS IN DAY SPECIAL SCHOOLS AND NURSERY SCHOOLS MAINTAINED BY LOCAL EDUCATION AUTHORITIES.

60. While the appointment and dismissal of teachers in day special schools and nursery schools are not subject to statutory requirements nor regulated by rules of management or articles of government, the general considerations referred to in the foregoing paragraphs apply to these schools also. The teachers will be appointed to the service of the Local Education Authority, who will prescribe the conditions of employment; but it is suggested that the divisional executives, the managers, if any, and the head master or head mistress or superintendent should have a voice in their selection. The precise methods to be adopted would be settled by agreement between the Authority and the divisional executive. The dismissal of teachers in day special schools and nursery schools should rest with the Local Education Authority.

#### X.—Appointment of Managers and Governors

61. An agreed proportion of the Local Education Authority's representatives on the managing and governing bodies of county and voluntary primary and secondary schools should be nominated by divisional executives.

(Where a borough or urban district council is the executive it will in any case be responsible, either solely or jointly with other bodies, for the appointment of those managers of county and voluntary primary schools whose appointment, under the Act, rests with the minor authority.)

### XI.—Further Education

62. Provision is made in paragraph 9 whereby, on the application of a Local Education Authority or of the council of an excepted district, functions relating to further education may be delegated to a divisional executive. The Minister has to be satisfied, after consultation with the Local Education Authority where the application is made by the council of an excepted district, that such a course would be expedient and in general, it may be assumed—though there may be exceptions—that the delegation of an Authority's responsibilities in respect of major technical and similar institutions will not be appropriate in view of the wide area and varied interests normally served by such institutions. On the other hand, it may well be both possible and desirable in a number of cases to delegate to divisional executives appropriate functions relating to further education, for example in respect of Youth Service, local evening institutes and, when they come into being, county colleges.

### XII.—Finance

63. Subject to the over-riding consideration that ultimate financial responsibility must rest with the Local Education Authority, to whom the power to borrow money or to raise a rate is specifically reserved, schemes may provide for the delegation of financial responsibility in varying degrees.

64. It should be made clear that paragraph 8 (g) does not imply that in all cases the actual disbursement of money in respect of divisional services must necessarily be delegated to divisional executives. The paragraph in question applies only to those cases where such delegation is actually made. Such delegation may be considered appropriate more particularly in the case of divisional executives which are excepted districts.

65. Where a scheme provides for a divisional executive to undertake the disbursement of money on behalf of the Local Education Authority, it will be the duty of the divisional executive under paragraph 8 (g) to keep accounts of money so disbursed and to submit the accounts to the Local Education Authority. The accounts so rendered will be incorporated in the education account of the Authority and for this reason it will obviously be desirable that the financial arrangements of the divisional executive should readily conform to those of the Authority. Where the delegation of disbursement is not proposed in the scheme the Local Education Authority will remain directly responsible for the making of payments and the keeping of accounts.

66. Whichever arrangement may be adopted in any particular case, the scheme should provide for the submission of estimates to the Local Education Authority by divisional executives, by such date as may be prescribed, of the cost of administering their delegated functions within the divisional area for the ensuing year. When such estimates have been approved, the divisional executive should have power to incur expenditure within the several limits of the amounts determined under each main head of the approved estimate. Provision should also be made for the submission and approval, as may be necessary, of supplementary estimates.

67. Where the divisional executive is not made responsible for the actual disbursement of money from sums placed at its disposal by the Local Education Authority, it may nevertheless be found convenient in some instances that the divisional executive should assist the Authority in the placing of orders and should certify certain of the accounts; and it might also be authorised to undertake the collection of small cash payments due to the Authority.

68. Where the divisional executive is responsible for the estimates but is not directly responsible for making payments, it may still be necessary for it to keep some form of running account and for the Local Education Authority



to furnish the executive with periodic returns of receipts and payments so that it may be kept informed how expenditure under the approved estimates is going.

### XIII.—Determination of Disputes.

69. Under paragraph 8 (f) every scheme has to provide for the determination by the Minister of any disputes between the Local Education Authority and divisional executive. Either party should have the right to refer the dispute to the Minister, whose decision will be final.

### XIV.—Publication of Schemes.

70. Draft Statutory Rules and Orders relating to the notices to be issued about schemes of divisional administration are in course of preparation.

*M. S. Hoynes*

## APPENDIX.

### COMMUNICATIONS WITH THE MINISTRY.

There is one matter which is cognate to the delegation of functions to divisional executives which calls for consideration, viz., the question of the access of divisional executives to the Ministry. This is a matter which must be determined by the Minister since it affects the administration of his Department.

In general, the Minister takes the view that correspondence must be conducted between the Ministry and the Local Education Authority as the body statutorily responsible for the provision and conduct of education in their area. To this general rule the Minister will allow one exception. In the case of an excepted district, or of a divisional executive which includes a borough or urban district which has waived its right to be an excepted district, the Minister would be prepared, on the application of the excepted district or of the divisional executive as the case may be, to allow direct access to the Ministry on matters which, under the scheme of divisional administration as approved by him, are delegated functions.

It will be appreciated that on matters of policy, as distinct from day-to-day administration and detailed application of policy, correspondence will need to be conducted with the Local Education Authority. The line of demarcation between the two may, at this stage, not be easy to define, and the Minister may, therefore, in the light of experience, find it desirable at a future date to issue detailed instructions indicating more precisely those matters which are the proper subject for direct communication with his Department. In the meantime, in cases of doubt, the Local Education Authority should be consulted before any approach is made to the Ministry.

In order that the Local Education Authority may be kept properly informed, copies of all communications that may be addressed by the divisional executives concerned to the Ministry should simultaneously be sent to the Authority; the Ministry will similarly send to the Authority copies of its communications with such divisional executives.

LONDON

PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:

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