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CENTRAL AND LOCAL AUTHORITY IN ENGLISH EDUCATION

J. Roger Carter
British Embassy
Washington, D.C.

I AM COMMONLY asked, in the United States, whether we do not have in Britain a centralized educational system headed by the Minister of Education. To this question the answer is "no." However, since the existence of a Minister suggests centralism, further explanations are necessary, and at this point I have always run into difficulties. The reason is that the distribution of authority among those concerned with education is not only hard to explain but often obscure, as the sequel will show. This obscurity has two principal causes, the wide disparity between the apparent effects of the law and the actual mode of execution, and the influence of particular people or groups of people. This first is a matter which calls not merely for interpretation of the law but also for knowledge of the administrative habits and political principles of the British people. But whatever the law and however it may be interpreted, there will always be persons of limited legal authority who, like Matthew Arnold, exert an extraordinary influence upon our educational destinies. While in all government the distribution of power is affected by the force of particular personalities, this is peculiarly the case in Britain, where there is a long-standing habit of discussion and compromise in the handling of public affairs, and in British education, owing especially to the part played by that important body of advisers, His Majesty's Inspectors of Schools.

In this article an attempt is made to explain the nature and extent of the powers and responsibilities of those concerned with education at three different levels - central government, local government and the school itself. The question, as is widely realized in the United States, is not merely one of administrative convenience but of principle, and in discovering how the British mind has reacted to the question of school administration light is shed upon the scales of value which prevail both in government as a whole and in education in particular. In Britain, the distribution of authority is not influenced by and fixed points in political

philosophy, such as in the United States are provided by the American Constitution. Both the management of schools and the schools themselves have been free to change according to prevailing social beliefs, and consequently the primary school of 1950 is a very different institution from the school of the 1870's, just as the Oxford University of 1950 is in many essential respects different from the Oxford of the early Victorians, when Pusey was still able to remark on the conferring of an honorary degree on Faraday, "We have truckled sadly with the spirit of the age." Thus continual change is perhaps the one abiding feature of our educational arrangements, both as to the purposes which they are intended to fulfil and as to their response to changes in the social structure.

In discussing matters of authority it is first necessary to contemplate the state of the law of education. Strictly speaking, we would have to consider not one body of laws, but three, for the jurisdiction of the Minister of Education is confined to England and Wales, while north of the Tweed the Secretary of State for Scotland is answerable to Parliament for education, and in Northern Ireland there is another Minister who gives account of his stewardship to the parliament of that country in Belfast. The Scots and Irish will not, I hope, take it amiss if, to achieve simplicity in a complicated subject, I confine myself to the countries south of the Border.

The Basic law of education in England and Wales is the Education Act, 1944. According to this law, the duty of the Minister is "to promote the education of the people of England and Wales and the progressive development of institutions devoted to that purpose, and to secure the effective execution by local authorities, under his control and direction, of the national policy for providing a varied and comprehensive educational service in every area"¹. Instead of being "charged with the superintendence of matters relating to education in England and Wales,"² as was the former Board of Education under the Education Act, 1921, he has now to promulgate a national policy for education of all kinds (except university, which remains in the hands of the universities, being private institutions), whose execution he is to promote; that is, he must see to

1. Education Act. 1944, Section 1 (1).

2. Education Act, 1921, Section 1

it that it is carried out. However, the Minister is not responsible for the establishment or management of any schools or colleges, which, under the Act, falls to the Local Education Authorities, that is, to the elected councils of counties and the larger cities (county boroughs).³ It is the duty of the Local Education Authority in each area to provide primary, secondary and further education in order to "contribute towards the spiritual, moral, mental and physical development of the community."⁴ To this end, Local Education Authorities are required to prepare development plans⁵ setting forth the needs of their areas and the manner in which they propose to reorganize and enlarge their school systems so as to provide primary (elementary) and secondary education in accordance with the needs of the population, and similarly schemes of further education.⁶ Development plans and schemes must receive the approval of the Minister.

The Minister aids the Local Education Authorities with grants⁷ amounting to about 60 percent of their expenditure which are voted annually by parliament from central government funds. The residue is provided by the Local Education Authorities out of local taxes on property. The Minister's grants are paid in accordance with Statutory Instruments known as grant regulations, which are laid on the table of the House of Commons and come into effect unless challenged within forty days. The Minister can enforce his will upon a recalcitrant Local Education Authority by withdrawal of grant or, in the final resort, on application to the courts, by mandamus, that is, by order in default of which the members of the Local Education Authority may become liable to attachment.⁸

Thus the Education Act, 1944, gives the impression of a strongly centralized system of education directed by the Minister with powers of compulsion fortified by all the sanctions of the law. Closer inspection of the system shows, however, that this is

3. Education Act, 1944, Section 6 (1),

4. Ibid., Section 6 (7).

5. Ibid., Section 11.

6. Ibid., Section 42.

7. Ibid., Section 100.

8. Ibid., Section 99.

an illusion; that Local Education Authorities preserve partly de jure and partly de facto a considerable measure of autonomy; and that the school and their teachers possess very great freedom in academic matters. So far as the parents are concerned, it is laid down in section 76 of the Act that the Minister and the Local Education Authorities are to "have regard to the general principle that, as far as is compatible with the provision of efficient instruction and training and the avoidance of unreasonable expenditure, pupils are to be educated in accordance with the wishes of their parents."⁹ The qualifications are significant, since section 76 does not permit parents to insist upon their children receiving, at the public expense, a type of education which, in the judgment of the Local Education Authority, is unsuitable for them, a limitation which is extremely important in a selective or multilateral system of secondary education. A provision of this kind might indeed be open to grave abuse in a totalitarian country, but in Britain it is inconceivable that a Local Education Authority would exercise its judgment on grounds which are not purely educational and any attempt to do so would at once arouse the most emphatic protests in parliament and elsewhere. Despite this limitation, the parents' liberty of choice is of considerable importance from the standpoint of the location or denominational affiliation of the school and even of the choice of type of school, where possible, so long as educational considerations are duly safeguarded, and in certain circumstances the Local Authority will even respect the preferences of the parents to the extent of paying fees to permit a child to attend an independent school.¹⁰

In considering the extent of the Minister's powers under the Act, it is necessary to examine both the terms of the Act and the Regulations which are made under it, for instance, the Primary and Secondary Schools grant regulations¹¹ and amendments 1 to 9. The Act requires Local Education Authorities to prepare development plans for primary and secondary education, lays down provisions for the appointment of local managers or governors to each school, provides for compulsory school attendance and the enforcement

9. Ibid., Section 76

10. Manual of Guidance: Schools Nº 1. August 23, 1950

11. Statutory Rules and Orders, 1945, Nº 636.

thereof, and establishes a system of grants, accompanied by varying measures of control by Local Education Authorities, for voluntary (mainly denominational) schools. The regulations deal with a number of matters, such as the maximum size of classes, the minimum qualifications of teachers, the minimum annual number of days of instruction (200 days), holidays, length of school day, admission, and other similar matters. The powers of the Minister may thus be summarized as having two purposes, to dispense grants voted annually by parliament towards the maintenance of schools and other educational purposes, and to establish minimum standards, so far as school building, the qualifications of teachers and general administrative arrangements are concerned. There his authority ends, and it is noteworthy that, except in the matter of religious instruction,¹² the Minister has no powers over curriculum, teaching methods or choice of textbooks apart from the general responsibility of ensuring that all children, whether in publicly maintained or independent schools, are receiving at least a certain minimum education, in the discharge of which he would seek other remedies than that of prescription in the educational process. In fact standards in publicly maintained schools are seldom if ever directly affected by the Minister's powers of compulsion, largely on account of the activities of His Majesty's Inspectors, to which reference will be made below.

As to development plans, which must receive the approval of the Minister, no fixed pattern is enjoined upon Local Education Authorities, partly out of a healthy belief that, since the Local Education Authorities are required to run the educational system, it is desirable that they should decide upon its shape. If, on careful consideration, the Minister has reasons for believing that a development plan is defective, perhaps because it provides unequally for children in different areas, perhaps because it does not have due regard to the opinions or desires of some part of the community, it is returned to the Authority with the Minister's comments and objections. The agreement both of the Authority and of the Minister to a particular plan is eventually reached by a process of discussion in the course of which the Authority is obliged to defend as congenitly as possible any unusual features of a controversial character. The Minister, for his part, has said

12. Education Act, 1944, Sections 25 to 30

that he wished "to make it perfectly clear that he welcomes a variety of approach to the new problem of secondary education for all;... and he is only concerned to ensure that all such plans are consistent with sound educational principles and practice and that the best existing standards will be maintained and indeed raised."¹³

The wide latitude allowed by the Minister, within the limits of the Act, is shown very clearly by the great variety of arrangements embodied in development plans already approved, particularly at the stage of secondary education, in which multilateral high schools, appear as well as tripartite systems of unilateral schools, bilateral schools, "campus" schools embracing separate unilateral schools on the same site sharing certain facilities and other variants. This variety has been positively encouraged by the Minister, which, as H.C. Dent rightly points out, "is as it should be, for no one yet knows how best to organize secondary education for all; and such a situation clearly demands experiment on the widest and most varied scale."¹⁴

While the Minister may criticize and advise and must ultimately approve, the Local Education Authorities must formulate and later execute the development plans. The Authorities are in fact the bodies immediately responsible for school management. It is they that hire the teachers, though the managers or governors of particular schools have a large concern with actual choice. It is they that design, build, alter and maintain school buildings, provide equipment and supply school books and teaching aids. They also furnish, with the cooperation of the teachers and others, educational and vocational guidance of the pupils. Some of their powers are devolved upon local managers or governors, attached to each separate school or to groups of schools, who are appointed by the Authorities or, in the case of a grant-aided private school, jointly by the Authorities and the trustees of the private foundation. In this manner local persons are brought in to share in the immediate management of the schools and to create a living link between them and the surrounding community.

Thus the hierarchy of authorities concerned with education—the Ministry, the Local Education Authorities and the school managers or governors—between them provide the means of education, that is, the buildings, the teachers and the administration. As to

13. Ministry of Education Circular nº 1144 to Local Education Authorities.

14. H.C. Dent, Secondary Education for All (London: Ruthledge and Kegan Paul, Ltd., 1949).

the content and manner of teaching, this, in accordance with an English tradition which is probably unique, rests with the teachers alone, within the limits of the Local Education Authorities' responsibility to provide "efficient" education. While admittedly a few Authorities provide suggestive schemes of work in some subjects, in the great majority of cases the teachers themselves are entirely free to prepare their own syllabuses, choose their own textbooks and develop the teaching methods that they consider most appropriate for their pupils, having in mind the particular resources of the district. Further, the principal of the school is free to draw up in consultation with his staff the time-table of the school as a whole and, within reason, to determine the "subjects" taught. When a Member of Parliament urged the Minister to encourage the teaching of Spanish in secondary schools, he made this significant reply: "I have been attempting, as well as I can, to influence them in this connection, but I would point out that it is not the duty of the Minister of Education to lay down the curricula."¹⁵ In academic and technical secondary schools the freedom of the teacher is limited by the requirements of external examining bodies, but in framing syllabuses the good teacher does not allow his plans to be dominated by examination requirements, which are provided for without necessarily becoming the main principle of organization.

The freedom of the teacher in educational matters is widely cherished and stoutly defended. It may appear to bring in the danger of too much variety, and even of crankiness, but this danger is more apparent than real. In the first place the force of tradition, gradually unfolding over many centuries, has imparted a common body of ideas and a proneness to conformity. Consequently, within the natural restraints of tradition, extreme individualism and even oddity can be tolerated without fear. In the second place, the teacher-training colleges have necessarily a normalizing influence upon their students, not because they are themselves uniform, but because at any given time they tend to go about their work in a similar fashion. Finally, the influence of His Majesty's Inspectors, though not by any means in the direction of uniformity, is likely to discourage extreme eccentricity. Thus, freedom is preserved by the limitation of freedom, not indeed for the most part as a result of premeditation, but mainly out of a happy conjugation of circumstances.

15. Hansard, House of Commons Debate, December 1, 1949.

No view of the educational structure would be complete without some reference to the work of His Majesty's Inspectors of Schools. This corps of advisers and experts is not strictly speaking part of the main structure at all, since Inspectors, like judges, receive their appointments from the King. Administratively, this means little, since for the most part they act on behalf of the Minister, but psychologically it has perhaps some importance, since it removes them from too close identification with any one of the partners in education and encourages the utmost impartiality in the judgments that they from time to time pronounce. An important function of the Inspectors is to act as advisers to the teachers and to distribute among them the benefit of their wider experience and knowledge. Inspectors also visit schools individually and in teams in order to pronounce and report upon their efficiency, educational standards, relations with the community, buildings and equipment. While an Inspector may advise or suggest, "it is no part of" his "function to tell any teacher what to do or how to do it,"¹⁶ and any such dictation would be a breach of correct professional conduct.

From the administrative point of view, the work of the Inspector as an intermediary or interpreter between the Ministry and a Local Education Authority greatly contributes to the reconciliation of differing opinions and the achievement of agreed solutions reflecting local preferences and needs. "His Majesty's Inspectors have been ... described as the "eyes and ears" of the Ministry ... They are familiar with the educational climate in which local proposals are initiated and they can often represent of the Ministry the background that may make them specially appropriate. The Inspector's local knowledge is of use to the Ministry in many ways."¹⁷ Thus the Inspectorate acts as a lubricant in an educational system which, despite its stark legal setting, is intended to work as a partnership in which the responsibility for teaching rests squarely on the shoulders of the teachers, while in general questions of policy reliance is placed on all the inventiveness, ingenuity and initiative that the Local Education Authorities can command. It is not surprising that the extreme sanctions of the law,

16. Education in 1949, Report of the Ministry of Education, p.91.

17. Ibid., pp. 90-91.

which have been available to the Minister to compel the obedience of Local Education Authorities since 1902,¹⁸ have never been used.

Undoubtedly the Act of 1944 casts the Minister in a more vigorous and responsible role than any previous Education Act. Inevitably these responsibilities have been taken up at a time when material and financial shortages have compelled him to exercise additional controls which, happily, are being steadily relinquished. If it is true that power corrupts, then there are not wanting those that are ready, on the least sign of danger, to challenge the accumulation of power at the centre. Professor Lester Smith, one of the most distinguished watchdogs, himself once a notable Director of Education for Manchester, speaks of "a gentlemanly sort of etatisme," but he admits that "applied in an English way" by a Ministry of Education "which still practices Matthew Arnold's sweet reasonableness, this regimentation from a central switchboard allows room for local initiative and some pleasant diversity."¹⁹ The facts are, I believe, still more reassuring, and some notion of the extent of central bureaucracy can be gained by considering the cost of the Ministry itself in relation to all that has been said. Expressed as a percentage of total educational expenditure from Exchequer funds, the money used by the Ministry for administration (including inspection) shows a steady decline from 3.11% in 1914-15 to 1.06% in 1948-49, 0.97% in 1949-50 and 0.90% (estimated) in 1950-51²⁰. This continuing trend does not suggest bureaucratic encroachment upon the lower levels of the system.

Thus the English educational system, though certainly not centralized in any recognizable meaning of the word, does have provision for central guidance and stimulation in matters of educational policy and machinery for giving the schools, both public and private, financial support out of the central Treasury through the agency of the Local Education Authorities, who are the real controllers. At the same time, there is the most complete decentralization possible in the teaching process. Thus cooperation and a sufficient uniformity is secured in general matters, while the

18. Education Act, 1902, Section 16.

19. W. O. Lester Smith, To Whom Do Schools Belong? (Oxford: Basil Blackwell, 1946).

20. Memorandum on the Ministry of Education Estimates, 1950-51 (cmd. 7908).

actual business of education rests squarely in the hands of those who take part in it. Perhaps the best short description of the administration of English education would be the mediaeval motto: in necessariis unitas, in variis libertas, in omnibus caritas.
