

1959 No. 1832

EDUCATION, ENGLAND AND WALES

The Direct Grant Schools Regulations, 1959

Made - - - - - 29th October, 1959

Laid before Parliament 5th November, 1959

Coming into Operation 6th November, 1959

The Minister of Education in exercise of the powers conferred upon him by Section 100 of the Education Act, 1944(a), hereby makes the following regulations—

PART I

GENERAL

1. These regulations may be cited as the Direct Grant Schools Regulations, 1959, and shall come into operation on the 6th day of November, 1959.

2. These regulations make provision for payment by the Minister of direct grant in respect of schools (other than special schools) not maintained by local education authorities, and prescribe the conditions relating to grant.

3.—(1) In these regulations, unless the context otherwise requires—

“ authority ” means the local education authority, or, where there is more than one such authority, the local education authorities, for the area served by the school ;

“ educational year ” means the year beginning on the 1st August ;

“ school ” does not include a school maintained by an authority, or any special school ;

“ upper school ” means such of the forms in a school as are accepted by the Minister as providing education mainly for senior pupils.

(2) The Interpretation Act, 1889(b), shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Grant to Grammar Schools

4.—(1) The Minister may recognise a grammar school for the purpose of receiving grant under this regulation and may pay to the proprietors of the school, for the period for which it is so recognised, yearly grant as follows :—

(a) capitation grant at a rate not exceeding £39 in respect of every pupil in the upper school on the 1st March in any year, who on or before the 31st July in that year will have attained the age of eleven but will not have attained the age of twenty ;

(b) sixth-form grant at a rate not exceeding £66 in respect of every pupil in the sixth form on the 1st March in any year who on or before the 31st July in that year will not have attained the age of twenty, and who either will have attained the age of seventeen on or before the date last-mentioned, or intends to take at least two subjects in the examination for the General Certificate of Education at Advanced Level during either that or the following educational year ;

(a) 7 & 8 Geo. 6. c. 31.

(b) 52 & 53 Vict. c. 63.

- (c) grant equal to the amount of fees and charges remitted to the parents of pupils in accordance with regulation 18 of these regulations ;
 - (d) grant in respect of any special or experimental work at the school involving extraordinary expenditure, and approved by the Minister.
- (2) Grant shall be paid under this regulation in respect of the educational year.
- (3) A school in respect of which grant is paid under this regulation shall fulfil the conditions contained in Part II of these regulations, and if in the opinion of the Minister any condition is not fulfilled he may withhold or make a deduction from grant.

Grant to Schools not Grammar Schools

5.—(1) The Minister may recognise for the purpose of receiving grant under this regulation—

- (a) any nursery school ;
 - (b) any other school which was at the time of the coming into operation of these regulations in receipt of grant under regulation 51 or regulation 52 of the Schools Grant Regulations, 1951(a),
- and he may pay to the proprietors of any such school, for the period for which it is recognised for grant, yearly grant as follows :—

- (a) in respect of a nursery school, grant not exceeding one half of the net cost of maintaining the school as approved by the Minister, excluding any sums received from an authority and payments made on behalf of pupils ;
- (b) in respect of a school in receipt of grant under the said regulation 51, grant in respect of each pupil at the school at such rate, and in respect of a school in receipt of grant under the said regulation 52, grant of such an amount, as the Minister shall determine, having regard to the rate or amount, as the case may be, paid in respect of the school for the year which ended on the 31st March, 1959.

(2) Grant shall be paid under this regulation in respect of the financial year.

(3) A school in respect of which grant is paid under this regulation shall fulfil the conditions contained in or applicable under Part III of these regulations, and if in the opinion of the Minister any such condition is not fulfilled he may withhold or make a deduction from grant.

Revocation

6.—(1) Parts I, IV, V and VI of the Schools Grant Regulations, 1951, the Schools Grant Amending Regulations No. 3, 1952(b), the Schools Grant Amending Regulations No. 5, 1954(c), the Schools Grant Amending Regulations No. 9, 1959(d), and the Schools Grant Amending Regulations No. 10, 1959(e) are hereby revoked.

(2) Any approval given, or requirement imposed, by the Minister under any regulation hereby revoked shall have effect as if given or imposed under the corresponding regulation contained in these regulations.

(a) S.I. 1951/1743 (1951 I, p. 529).
 (c) S.I. 1954/361 (1954 I, p. 724).
 (e) S.I. 1959/713.

(b) S.I. 1952/1815 (1952 I, p. 822).
 (d) S.I. 1959/397.

PART II

CONDITIONS APPLICABLE TO GRAMMAR SCHOOLS

Governors

7.—(1) A grammar school shall be conducted by a body of governors, and—

(a) either one-third of the governors shall be appointed by the authority (if more than one authority, in such proportions as the Minister shall approve); or

(b) if the proprietors of the school so prefer, the majority of the governors shall be representative governors as defined in paragraph (2) of this regulation.

(2) A representative governor shall be a person who is—

(a) a Member of Parliament, a Mayor, a chairman or vice-chairman or member of a local authority as defined in the Local Government Act, 1933(a), or a chairman or vice-chairman of an education committee of an authority, or of a parish meeting; or

(b) appointed by a local authority as above defined or by members of such an authority elected for part of the area of the authority, by an education committee, or by a parish meeting.

8. Except in such special circumstances as the Minister may approve a governor shall not have any interest, otherwise than as a trustee, in property belonging to the school, or any interest in the doing of work for or the supply of goods to the school, or receive any remuneration from the school.

Premises

9.—(1) The premises shall be kept in a proper state of repair, cleanliness and hygiene, and adequate arrangements shall be made for the safety of the pupils and staff in the case of fire.

(2) The premises shall be convenient for teaching purposes, adapted to the circumstances of the school, and provided with equipment adequate for the curriculum; and the rooms shall not be overcrowded.

(3) Before new premises are provided or alterations made to existing premises the approval of the Minister shall be obtained, and any application to the Minister for such approval shall be accompanied by plans, and an estimate of cost, of the work proposed.

General conduct of the school

10. The school shall be kept on a level of efficiency satisfactory to the Minister, and shall not be conducted for profit.

11. The number of pupils on the register of a class shall not exceed thirty unless, owing to unavoidable circumstances, it is not possible to comply with this regulation, in which case the number of pupils shall be such as is reasonable.

12.—(1) A pupil shall not be entered for any external examination unless either—

(a) he will have attained the age of sixteen on or before the 1st September in the year in which the examination is held; or

(b) if the examination is the General Certificate Examination, the head teacher certifies that it is desirable on educational grounds to enter him

(a) 23 & 24, Geo. 5. c. 51.

earlier, and that he has pursued a course of study with such competence that it is probable he will pass the examination in the subjects in which it is proposed to enter him.

(2) The examination fee in respect of any pupil entered for the General Certificate Examination in accordance with this regulation shall be paid by the governors.

13.—(1) Adequate provision shall be made, either by arrangement with the authority under section 78 (2) of the Education Act, 1944, or otherwise, for—

(a) the medical inspection of all pupils and the medical care of boarders ;
and

(b) for the supply to day-pupils of milk to drink and mid-day meals.

(2) No charge shall be made for medical inspection, or for the milk supplied to day-pupils.

(3) The charges for mid-day meals to day-pupils shall be such as the Minister shall approve, and shall be wholly or partly remitted to parents unable to pay them in accordance with arrangements approved by the Minister.

14. Such records shall be kept (in addition to the register required by section 80 of the Education Act, 1944), and such information and returns furnished to him, as the Minister shall require.

15. Whenever a pupil ceases to attend the school and becomes a pupil at any other school or place of education or training, such educational and medical information concerning him as is reasonable shall be supplied to the person conducting the other school or place, if so requested by that person.

Admission

16. Places in the upper school shall, in respect of each educational year, be allocated in accordance with the following provisions :

(a) a number of free places, equal at least to one quarter of the total number of pupils admitted to the upper school during the preceding educational year, shall be allotted by the governors either directly, or by putting them at the disposal of the authority, to pupils who have attended for at least two years a primary school which was either maintained by a local authority or in receipt of grant out of Government funds ;

(b) such further number of places, called reserved places, shall be put at the disposal of the authority as it may need for pupils who are suitably qualified whether or not they have attended a primary school as aforesaid, so long as the authority specifies the number of reserved places it requires at least six months before the beginning of the educational year ;

(c) the total number of free and reserved places shall not, unless the governors otherwise agree, exceed one half of the total number of pupils admitted to the upper school during the preceding educational year ;

(d) the whole of the fees payable in respect of the education provided for pupils given free places directly by the governors shall be remitted in full, or met out of the funds of an endowed foundation, for the whole period the pupils remain in the upper school ; and in respect of places

put at the disposal of the authority, the fees shall be paid by the authority as provided by s. 6 of the Education (Miscellaneous Provisions) Act, 1953(a) ;

(e) for the residuary places, that is places other than free and reserved places, fees shall be payable in accordance with regulation 18.

17.—(1) A pupil shall not be admitted to a school, or retained in it, unless he is capable of profiting from the education there ; and, so far as is compatible with the provisions of regulation 16, with any scheme or other instrument relating to the conduct of the school, and with any arrangements made by the governors with the authority, preference shall be given to pupils who by reason of their ability and aptitude are most likely to profit from being at the school.

(2) The minimum educational standard qualifying a pupil for admission to or retention in a school shall be the same for all pupils of similar age.

(3) Subject to the provisions of regulation 16 and of paragraph (1) of this regulation, a pupil shall not be refused admission to or excluded from a school on other than reasonable grounds.

Fees

18.—(1) The fees payable in respect of the education provided at a school, and any boarding or other charges, shall be such as the Minister shall approve.

(2) Fees and charges payable in respect of day pupils in the upper school shall be wholly or partly remitted to parents unable to pay them in accordance with arrangements approved by the Minister.

Religious worship and instruction

19.—(1) On every school day there shall, subject to the next following regulation, be collective worship on the part of all pupils at the school.

(2) Religious instruction shall be given in accordance with the provisions of the trust deed, or, if there are no provisions relating to religious instruction, in accordance with the practice already observed in the school.

(3) No pupil shall be required to attend or abstain from attending any Sunday school or place of religious worship elsewhere than on the school premises.

20.—(1) A pupil shall, if his parent so requests, be excused from attendance at religious worship or religious instruction at the school, or both, and be allowed to attend elsewhere for the purpose of receiving religious instruction of a kind not provided in the school, so long as this will not interfere unreasonably with his work at the school.

(2) A pupil who is a boarder shall, if his parent so requests, be given reasonable facilities to attend religious worship on Sundays and other days exclusively set apart for religious observance by the religious body to which the parent belongs, and to receive religious instruction outside school hours in accordance with the tenets of a particular denomination ; and such worship or instruction may be on the school premises or elsewhere, but the governors shall not be required to incur expense in connection therewith.

Teachers

21.—(1) The teachers shall be sufficient in number and have the qualifications necessary for providing adequate instruction in each subject of the school curriculum.

(2) The teachers shall be paid salaries which are adequate and reasonable.

(3) A teacher shall not receive any less emolument or be deprived of or disqualified for promotion or other advantage on the ground that he does or does not give religious instruction, or by reason of his religious opinions or of his attending or omitting to attend religious worship.

(4) A teacher shall not be dismissed without an opportunity of appearing in person before the governors accompanied, if he so desires, by a friend.

22. A teacher, other than an occasional teacher, shall be employed under a written agreement, which shall define the conditions of service and indicate whether the teacher is employed in full-time service exclusively in the capacity of a teacher, or in part-time service in the capacity of a teacher, or partly in the capacity of a teacher and partly in another capacity.

23. If a teacher's engagement is terminated, whether by dismissal or resignation, on account of misconduct, grave professional default or conviction of a criminal offence, the facts shall be reported to the Minister.

24.—(1) A person who on grounds of misconduct or grave professional default has been determined by the Minister (or previously by the Board of Education) to be unsuitable for employment as a teacher, shall not be employed in a school, or if he has been determined to be suitable for employment to a limited extent only, shall be employed only to that extent.

(2) Before making any such determination the Minister shall use every available means of informing the teacher of the charges against him and giving him an opportunity for explanation.

PART III

CONDITIONS APPLICABLE TO SCHOOLS NOT GRAMMAR SCHOOLS

25. A school that is not a grammar school shall fulfil the conditions contained in regulations 8, 9, 10, 13, 14, 15, 18 (except paragraph (2)) and 21 (except paragraph (1)), and (except in the case of a nursery school) regulations 12, 19 and 20 of these regulations, and shall comply with the requirements contained in regulation 6 (relating to the size of classes), regulation 7 (relating to admission) and regulations 16, 17 and 18 and Schedules I and II (relating to teachers) of the Schools Regulations, 1959(a).

26. A school that is not a grammar school shall fulfil the following further conditions—

(a) the number of pupils on the register shall not exceed such number as the Minister shall approve ;

(b) it shall, if a primary school, be conducted by a body of managers, and if a secondary school by a body of governors, to which shall be appointed, so far as the Minister so requires, representatives of an authority, not however exceeding one-third of the total number of managers or governors unless the proprietors of the school otherwise agree ; and

(c) there shall be reserved for pupils from the area in which the school is situated, and from any other area normally served by the school, such

(a) S.I. 1959/364.

number of places as may be agreed between the managers or governors and the authorities for those areas, or, failing agreement, as may be determined by the Minister.

Given under the Official Seal of the Minister of Education this 29th day of October, 1959.

(L.S.)

David Eccles,
Minister of Education.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations (relating to schools receiving direct grant from the Minister) revoke and replace all provisions of the Schools Grant Regulations, 1951, and amending regulations, which were left unrevoked by the Schools Regulations, 1959. The provisions of the old regulations have been much simplified; but the only substantial change is an increase in the rate of sixth-form grant payable to grammar schools from £50 to £66 in respect of each pupil.

STATUTORY INSTRUMENTS

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