



Education Act 1944

1944 CHAPTER 31

PART II

THE STATUTORY SYSTEM OF EDUCATION.

SUPPLEMENTARY PROVISIONS AS TO PRIMARY, SECONDARY AND FURTHER EDUCATION.

Ancillary Services.

48 Medical inspection and treatment of pupils.

- (1) It shall be the duty of every local education authority to provide for the medical inspection, at appropriate intervals, of pupils in attendance at any school or county college maintained by them, and every local education authority shall have power to provide for such inspection of senior pupils in attendance at any other educational establishment maintained by them.
- (2) For the purpose of securing the proper medical inspection of the pupils in attendance at any such school, college or other educational establishment, any officer of a local education authority authorised in that behalf by the authority may require the parent of any , pupil in attendance at any such school to submit the pupil for medical inspection in accordance with arrangements made by the authority, and may require any pupil in attendance at a county college or other educational establishment maintained by the authority to submit to such medical inspection; and any person who fails without reasonable excuse to comply with any such requirement shall be liable on summary conviction to a fine not exceeding five pounds.
- (3) It shall be the duty of every local education authority to make such arrangements for securing the provision of free medical treatment for pupils in attendance at any school or county college maintained by them as are necessary for securing that comprehensive facilities for free medical treatment are available to them either under this Act or otherwise, and every local education authority shall have power to make

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such arrangements as aforesaid with respect to senior pupils in attendance at any other educational establishment maintained by them.

- (4) It shall be the duty of every local education authority to make arrangements for encouraging and assisting pupils to take advantage of such facilities as aforesaid :

Provided that if the parent of any pupil gives to the authority notice that he objects to the pupil availing himself of any medical treatment provided under this section, the pupil shall not be encouraged or assisted so to do.

- (5) A local education authority may give directions to the managers or governors of any voluntary school requiring them to provide such reasonable facilities as may be specified in the directions for the purpose of enabling the authority to carry out their functions under this section so, however, that the managers or governors of a voluntary school shall not be required by any such directions to incur expenditure.

49 Provision of milk and meals.

Regulations made by the Minister shall impose upon local education authorities the duty of providing milk, meals and other refreshment for pupils in attendance at schools and county colleges maintained by them ; and such regulations shall make provision as to the manner in which and the persons by whom the expense of providing such milk, meals or refreshment is to be defrayed, as to the facilities to be afforded (including any buildings or equipment to be provided) and as to the services to be rendered by managers governors and teachers with respect to the provision of such milk, meals or refreshment, and as to such other consequential matters as the Minister considers expedient, so, however, that such regulations shall not impose upon teachers at any school or college duties upon days on which the school or college is not open for instruction, or duties in respect of meals other than the supervision of pupils, and shall not require the managers or governors of a voluntary school to incur expenditure.

50 Provision of board and lodging otherwise than at boarding schools or colleges.

- (1) Where the local education authority are satisfied with respect to any child that primary or secondary education suitable to his age ability and aptitude can best be provided by them for him at any particular county school, voluntary school, or special school, or are satisfied with respect to any young person that further education should in his case be provided by requiring his continuous attendance at a county college, but that such education cannot be so provided unless boarding accommodation is provided for him otherwise than at the school or college, the authority may provide such board and lodging for him under such arrangements as they think fit.
- (2) In making any arrangements under this section for any child or young person, a local education authority shall, so far as practicable, give effect to the wishes of the parent of the child or to the wishes of the young person, as the case may be, with respect to the religious denomination of the person with whom he will reside.

51 Provision of clothing at schools maintained by local education authorities.

Where it appears to a local education authority that a registered pupil at any school maintained by them is unable by reason of the inadequacy of his clothing to take full advantage of the education provided at the school, the authority may provide him with such clothing as, in the opinion of the authority, is necessary for the purpose of ensuring that he is sufficiently clad while he remains a pupil at the school.

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52 Recovery of cost of boarding accommodation and of clothing.

- (1) Where a local education authority have, under the powers conferred by the foregoing provisions of this Act, provided a pupil with board and lodging otherwise than at a boarding school or college, or with clothing, the authority shall require the parent to pay to the authority in respect thereof such sums, if any, as in the opinion of the authority he is able without financial hardship to pay :

Provided that—

- (a) where the board and lodging provided for the pupil were so provided under arrangements made by the local education authority on the ground that in their opinion education suitable to his age ability and aptitude could not otherwise be provided by the authority for him, no sum shall be recoverable in respect thereof under this section ; and
- (b) where the board and lodging have been so provided for a pupil in attendance at a county college, the authority, if satisfied that the pupil is in a financial position to pay the whole or any part of a sum recoverable from the parent under this section, may recover that sum or that part thereof from the pupil instead of from the parent.
- (2) The sums recoverable under this section shall not exceed the cost to the local education authority of providing the board and lodging, or the cost of the clothing provided, as the case may be.
- (3) Any sums payable by virtue of this section may be recovered summarily as a civil debt

53 Provision of facilities for recreation and social and physical training.

- (1) It shall be the duty of every local education authority to secure that the facilities for primary secondary and further education provided for their area include adequate facilities for recreation and social and physical training, and for that purpose a local education authority, with the approval of the Minister, may establish maintain and manage, or assist the establishment, maintenance, and management of camps, holiday classes, playing fields, play centres, and other places (including playgrounds, gymnasiums, and swimming baths not appropriated to any school or college), at which facilities for recreation and for such training as aforesaid are available for persons for whom primary secondary or further education is provided by the authority, and may organise games, expeditions and other activities for such persons, and may defray or contribute towards the expenses thereof.
- (2) A local education authority, in making arrangements for the provision of facilities or the organisation of activities under the powers conferred on them by the last foregoing subsection shall, in particular, have regard to the expediency of co-operating with any voluntary societies or bodies whose objects include the provision of facilities or the organisation of activities of a similar character.
- (3) The Minister may make regulations empowering local education authorities to provide for pupils in attendance at any school or county college maintained by them such articles of clothing suitable for the physical training provided at the school or college as may be prescribed.
- (4) Sections one and two of the Physical Training and Recreation Act, 1937 (which relate to National Advisory Councils and local committees and sub-committees for the promotion of physical training), and so much of section three of that Act as relates

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to the grants committee, to recommendations of that committee, and to consultation with such Councils as aforesaid, shall cease to have effect.

54 Power to ensure cleanliness.

- (1) A local education authority may, by directions in writing issued with respect to all schools maintained by them or with respect to any of such schools named in the directions, authorise a medical officer of the authority to cause examinations of the persons and clothing of pupils in attendance at such schools to be made whenever in his opinion such examinations are necessary in the interests of cleanliness ; and if a medical officer of a local education authority has reasonable cause to suspect that the person or clothing of a pupil in attendance at any county college is infested with vermin or in a foul condition, he may cause an examination thereof to be made.
- (2) Any such examination as aforesaid shall be made by a person authorised by the local education authority to make such examinations, and if the person or clothing of any pupil is found upon such an examination to be infested with vermin or in a foul condition, any officer of the authority may serve upon the parent of the pupil, or in the case of a pupil in attendance at a county college upon the pupil, a notice requiring him to cause the person and clothing of the pupil to be cleansed.
- (3) A notice served under the last foregoing subsection shall inform the person upon whom it is served that unless within the period limited by the notice, not being less than twenty-four hours after the service thereof, the person and clothing of the pupil to whom the notice relates are cleansed to the satisfaction of such person as may be specified in the notice the cleansing thereof will be carried out under arrangements made by the local education authority; and if, upon a report being made to him by that person at the expiration of that period, a medical officer of the authority is not satisfied that the person and clothing of the pupil, have been properly cleansed, the medical officer may issue an order directing that the person and clothing of the pupil be cleansed under such arrangements.
- (4) It shall be the duty of the local education authority to make arrangements for securing that any person or clothing required under this section to be cleansed may be cleansed (whether at the request of a parent or pupil or in pursuance of an order issued under this section) at suitable premises by suitable persons and with suitable appliances; and where the council of any county district in the area of the authority are entitled to the use of any premises or appliances for cleansing the person or clothing of persons infested with vermin, the authority may require the council to permit the authority to use those premises or appliances for such purposes upon such terms as may be determined by agreement between the authority and the council or, in default of such agreement, by the Minister of Health.
- (5) Where an order has been issued by a medical officer under this section directing that the person and clothing of a pupil be cleansed under arrangements made by a local education authority, the order shall be sufficient to authorise any officer of the authority to cause the person and clothing of the pupil named in the order to be cleansed in accordance with arrangements made under the last foregoing subsection, and for that purpose to convey him to, and detain him at, any premises provided in accordance with such arrangements.
- (6) If, after the cleansing of the person or clothing of any pupil has been carried out under this section, his person or clothing is again found to be infested with vermin or in a foul condition at any time while he is in attendance at a school maintained by a local

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education authority or at a county college, and it is proved that the condition of his person or clothing is due to neglect on the part of his parent, or in the case of a pupil in attendance at a county college to his own neglect, the parent or the pupil, as the case may be, shall be liable on summary conviction to a fine not exceeding twenty shillings.

- (7) Where a medical officer of a local education authority suspects that the person or clothing of any pupil in attendance at a school maintained by the authority or at any county college is infested with vermin or in a foul condition, but action for the examination or cleansing thereof cannot immediately be taken, he may, if he considers it necessary so to do either in the interest of the pupil or of other pupils in attendance at the school or college, direct that the pupil be excluded from the school or college until such action has been taken ; and such a direction shall be a defence to any proceedings under this Act in respect of the failure of the pupil to attend school or to comply with the requirements of a college attendance notice, as the case may be, on any day on which he is excluded in pursuance of the direction, unless it is proved that the issue of the direction was necessitated by the wilful default of the pupil or his parent,
- (8) No girl shall be examined or cleansed under the powers conferred by this section except by a duly qualified medical practitioner or by a woman authorised for that purpose by a local education authority.

55 Provision of transport and other facilities.

- (1) A local education authority shall make such arrangements for the provision of transport and otherwise as they consider necessary or as the Minister may direct for the purpose of facilitating the attendance of pupils at schools or county colleges or at any course or class provided in pursuance of a scheme of further education in force for their area, and any transport provided in pursuance of such arrangements shall be provided free of charge.
- (2) A local education authority may pay the reasonable travelling expenses of any pupil in attendance at any school or county college or at any such course or class as aforesaid for whose transport no arrangements are made under this section.

56 Power to provide primary and secondary education otherwise than at school.

If a local education authority are satisfied that by reason of any extraordinary circumstances a child or young person is unable to attend a suitable school for the purpose of receiving primary or secondary education, they shall have power with the approval of the Minister to make special arrangements for him to receive such education otherwise than at school.

57 Duty of local education authorities to report to local authorities under 3 and 4 Geo. 5. c. 28 in certain cases.

- (1) If it appears to the local education authority that any child in their area who has attained the age of two years is suffering from a disability of mind of such a nature or to such an extent as to make him incapable of receiving education at school, it shall be the duty of the authority by notice in writing served upon the parent of the child to require the parent to submit him for examination by a medical officer of the authority; and if a parent upon whom such a notice is served fails without reasonable excuse to comply with the requirements thereof, he shall be liable on summary conviction to a fine not exceeding five pounds.

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- (2) Before any child is so medically examined as aforesaid, the authority shall cause notice to be given to the parent of the time and place at which the examination will be held, and the parent shall be entitled to be present at the examination if he so desires.
- (3) If, after considering the advice given with respect to any child by a medical officer in consequence of any such medical examination as aforesaid and any reports or information which the local education authority are able to obtain from teachers or other persons with respect to the ability and aptitude of the child, the authority decide that the child is suffering from a disability of mind of such a nature or to such an extent as to make him incapable of receiving education at school, it shall be the duty of the authority to issue to the local authority for the purposes of the Mental Deficiency Act, 1913, a report that the child has been found incapable of receiving education at school:
- Provided that, before issuing such a report with respect to any child, the local education authority shall give to the parent of the child not less than fourteen days' notice in writing of their intention to do so, and if within that period the parent refers to the Minister the question whether such a report should be issued, the report shall not be issued except by direction of the Minister.
- (4) For the purposes of this section, a child shall be deemed to be suffering from a disability of mind of such a nature and extent as to make him incapable of receiving education at school not only if the nature and extent of his disability are such as to make him incapable of receiving education, but also if they are such as to make it inexpedient that he should be educated in association with other children either in his own interests or in theirs.
- (5) If the local education authority are satisfied that any child in attendance at a school maintained by them or at any special school not so maintained is suffering from a disability of mind of such a nature or to such an extent that he will, in their opinion, require supervision after leaving school, the authority shall before the child ceases to be of compulsory school age issue to the local authority for the purposes of the Mental Deficiency Act, 1913, and to the parent of the child, a report that by reason of a disability of mind the child may require supervision after leaving school.
- (6) Any report with respect to a child issued under this section to a local authority for the purposes of the Mental Deficiency Act, 1913, shall be accompanied by such records and other information relating to the child as may be prescribed; and upon receiving such a report it shall be the duty of that authority to consider whether the person in respect of whom the report was issued ought to be dealt with under that Act.