

PREM 19/2646

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Nursery Education of Children Under Five.

EDUCATION

December 1979

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
15-12-77							
4-12-79							
17-12-79							
31-12-77							
28-1-80							
10-1-80							
29-5-80							
13-4-89							
17-4-89							

PREM 19/2646

TO BE RETAINED AS TOP ENCLOSURE

Cabinet / Cabinet Committee Documents

Reference	Date
H(79) 19 th Meeting, item 3	11/12/1979
H(79) 82	07/12/1979
H(79) 81	06/12/1979

The documents listed above, which were enclosed on this file, have been removed and destroyed. Such documents are the responsibility of the Cabinet Office. When released they are available in the appropriate **CAB** (CABINET OFFICE) CLASSES

Signed B. Walsh

Date 4/8/16

PREM Records Team



DEPARTMENT OF HEALTH AND SOCIAL SECURITY

Richmond House, 79 Whitehall, London SW1A 2NS

Telephone 01-210 3000

From the Secretary of State for ~~Health~~ Health

The Rt Hon John Wakeham MP
 Lord President of the Council and
 Leader of the House of Commons
 Privy Council Office
 Whitehall
 LONDON
 SW1A 2AT

NBM
 REC 6
 18/4
 17 April 1989

Dear John,

I am replying to Kenneth Baker's letter of 23 March about the Government's response to the Education, Science and Arts Select Committee's Report on Educational Provision for Under Fives. I am content with the terms and agree that publication as a memorandum is a suitable way to publish the response.

Copies of this letter go to recipients of yours.

KENNETH CLARKE

ccm



SWYDDFA GYMREIG
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Tel. 01-270 3000 (Switsfwrdd)
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Oddi wrth Ysgrifennydd Gwladol Cymru

From The Secretary of State for Wales

The Rt Hon Peter Walker MBE MP

Ct/3213/89

13 April 1989

NBPM
Rec 6
13/4

Thank you for copying to me your letter of 23 March enclosing your proposed response to the report of the Education, Science and Arts Committee on Educational provision for under-fives.

Although the Committee's remit extends to England only, clearly their recommendations are of relevance also to Wales. I am content with the terms of your response and would offer no objection.

However, I would ask that the Welsh Office should also be associated with the survey of the existing demand for the various forms of provision for the under-fives. I think this would be of value in Wales also and perhaps our officials could discuss in more detail.

Angela Rumbold has, of course, agreed to the Welsh Office having observer status on her new Committee.

/ Copies of this letter to the Prime Minister, Kenneth Clarke, Malcolm Rifkind, other members of 'H' Committee, David Waddington and Sir Robin Butler.

The Rt Hon Kenneth Baker MP
Secretary of State for Education
and Science
Department of Education and Science
Elizabeth House
York Road
LONDON SE1 7PH

Education: Nursery Education for the Under Five

Dec 49





PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

12 April 1989

MB
REC
12/4

See Ken

ESAC: EDUCATIONAL PROVISION FOR THE UNDER-FIVES

Thank you for your letter of 23 March seeking H Committee's agreement to your proposed response to the Education, Science and Arts Committee's report on educational provision for the under-fives.

John Major and Malcolm Rifkind wrote indicating that they were content. No other colleague has commented and you may take it, therefore, that you have H Committee's agreement to the terms of your proposed response.

I am copying this letter to the Prime Minister, members of H Committee, David Waddington and Sir Robin Butler.

John Wakeham
JW

JOHN WAKEHAM

The Rt Hon Kenneth Baker MP
Secretary of State for Education and Science
Department of Education and Science
Elizabeth House
LONDON
SE1 7PH

Education. - Nursery Education of children under 5

Dec '79





SCOTTISH OFFICE
WHITEHALL LONDON SW1A 2AU

The Rt Hon John Wakeham MP
Lord President of the Council and
Leader of the House of Commons
Privy Council Office
Whitehall
London
SW1A 2AT

NBPM

RCG

44

5 April 1989

Dear John,

EDUCATIONAL PROVISION FOR THE UNDER FIVES

Kenneth Baker sent me a copy of his letter of 23 March enclosing a draft response to the ESAC report on provision for the under fives.

ESAC's review did not of course extend to Scotland but my officials are studying the report to ascertain whether the recommendations offer any pointers to the development of policy here.

In the meantime I am content with the terms of the draft response. I am sure that Kenneth is right to propose a low key statement and I was glad to note that no commitment is given to any increase in resources for nursery education.

I am sending copies of this letter to the Prime Minister, Kenneth Baker, Kenneth Clarke and Peter Walker and other members of H Committee and Sir Robin Butler.

as ever,
Malcolm Rifkind

MALCOLM RIFKIND

Education: → for the Under 5's

Dec 79



cepa



NBRm

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4/4

Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon Kenneth Baker MP
Secretary of State for Education and Science
Department of Education and Science
Elizabeth House
York Road
London
SE1 7PH

3rd April 1989

Dear Ken,

ESAC: "EDUCATIONAL PROVISION FOR THE UNDER-FIVES"

will request report

Thank you for sending me a copy of your letter of 23 March to John Wakeham and your proposed response to the report of the Education, Science and Arts Committee "Educational Provision for the Under-fives".

I agree with your intention to seek ways to maximise the contribution which the private and voluntary sectors can make to meeting the demand for high-quality nursery education and I welcome the fact that you have given no commitment to any increase in Central Government resources. As you say, any discussion of the merits of different kinds of provision should wait until the Committee of Inquiry has completed its work.

I am copying this letter to the Prime Minister, Kenneth Clarke, Peter Walker, Malcolm Rifkind, other members of H Committee, David Waddington and Sir Robin Butler.

Your Ever,
John

JOHN MAJOR

Ed - Pchiny





ELIZABETH HOUSE
YORK ROAD
LONDON SE1 7PH
01-934 9000

FA

CGFU

Prime Minister

REC 6

3/3

23 MAR 1989

MS

Rt Hon John Wakeham MP
Lord President of the Council and
Leader of the House of Commons
Privy Council Office
Whitehall
London SW1A 2AT

John Major

The Government is now due to make its response to the report of the Education, Science and Arts Committee "Educational Provision for the Under Fives" which was published on 11 January.

At Annex A is a copy of the response which I propose to make. I should draw attention to two considerations which have informed its preparation. First, no commitment is given to any increase in resources for nursery education. We may come under pressure here; but we shall make it clear that the matter will be considered in the usual way in the course of the Public Expenditure Survey. Secondly, while I believe we should indicate the priority we give to improvement in quality, it seems better to avoid discussion of the merits of different kinds of provision until the Committee of Inquiry on quality questions chaired by Angela Rumbold has done its work.

The response is positive in tone and leaves aside only those recommendations which are not directed to Government (see annex B), but inevitably it is a fairly low-key statement. I therefore propose that it should take the form of a Memorandum rather than a White Paper.

I should be glad if I could have agreement to the terms of this response by 10 April with a view to publication by 17 April. Copies of this letter go to the Prime Minister, to Kenneth Clarke, Peter Walker, Malcolm Rifkind and other members of H Committee, and to David Waddington. A copy also goes to Sir Robin Butler.

John Major
John Major

DRAFT GOVERNMENT RESPONSE TO THE EDUCATION, SCIENCE AND ARTS
COMMITTEE'S REPORT ON EDUCATIONAL PROVISION FOR THE UNDER FIVES

[NOTE: At the end of each recommendation is its number in the list in paragraph 9.5 of the ESAC Report and the relevant paragraph number in the body of the Report.]

1. The Government welcomes the First Report of the Education, Science and Arts Committee on educational provision for the under fives, which it believes is particularly timely given the implications of the work currently in hand on the curriculum for children over the age of five. This Response sets out and comments upon each of the Committee's recommendations which are addressed to, or have implications for, the Government. Although certain parts of the Committee's Report had wider implications, it was primarily concerned with the position in England, to which this response is confined.

Education for under-fives can effectively contribute to the various social, educational and compensatory objectives set out in the 1972 White Paper. It can not only enrich the child's life at the time but can also prepare the child for the whole process of schooling (recommendation 1; paragraph 2.16).

2. The Government agrees that good quality education can make a valuable contribution to young children's development. It believes that parents are the best judges of their children's needs. Some will prefer to make provision for constructive play and early learning activities in the home; others may consider playgroups more appropriate. The Government has established a Committee of Inquiry, chaired by the Minister of State at the DES, to consider the quality and content of the educational experience offered to the under-fives.

The Department of Health and the DES should establish a thorough survey of the existing demand for the various forms of provision for the under fives. This should be undertaken in co-operation with the Department of Employment, because of the importance of labour market effects (2, 3.11).

3. The Government acknowledges that, as currently presented, the data on provision for the under fives give no very clear picture of the numbers seeking, and securing, different types of provision for their children. The Departments concerned are considering how the collection and presentation of data might be improved.

It should be the objective of both central and local government to ensure the steady expansion of nursery education until it is available to all 3- and 4-year-old children whose parents desire it for them (3, 4.14).

Future Public Expenditure White Papers should make higher provision for under-fives (5, 4.20).

4. The Government's expenditure plans allow for a continuation of the steady expansion which has characterised the provision of education for the under-fives since the beginning of the decade. In 1988, 34% of 3-year-olds and 76% of 4-year-olds (excluding rising fives) were in nursery or primary school, giving an overall participation rate of 45%¹. The Government's plans for 1989-90 will permit the further expansion of education for the under-fives not simply to accommodate the rising number of 3- and 4-year-olds but to permit a further real increase in the participation rate.

5. The Government will continue to accord appropriate priority to provision for very young children, while recognising that precedence may have to be given expenditure required to bring about the introduction of the major reforms of education for the compulsory years within the timetable set by the Education Reform Act 1988. The Government also believes that there is scope for substantial private and voluntary sector involvement in this field, and will seek ways of maximising the contribution which such provision can make to the fulfilment of demand for high-quality nursery education.

Until nursery education can become available to all parents who desire it for their children, local authorities will have to continue to target resources to children with a priority need (6, 4.31).

6. The Government does not regard nursery education as primarily compensatory. Nonetheless, in recognition of the part it can play in helping children from areas of disadvantage, it has in the past assisted authorities in such areas to increase their nursery provision, for example by means of the Urban Programme. In addition, the distribution of RSG takes particular account of the number of under-fives in an LEA's area who are likely to have priority needs.

People qualified in early years teaching should be appointed to the various curriculum working groups (8, 5.8).

7. Appointments to subject working groups are made on the basis of personal qualities and experience, rather than to represent special interests. All the groups so far established have had at

¹ The means of calculating participation rates for under fives is explained in paragraph 6 of the explanatory notes and in footnotes to Tables 2 and 3 of DES Statistical Bulletin 7/89, [to be] published in [March] 1989.

least one member with experience in primary education, and this pattern is likely to continue. The statutory consultations on the Secretaries of State's proposals for each subject, and subsequently on draft orders, give an opportunity to all interested parties to contribute to the development of the National Curriculum.

There is a need for DES and LEAs to examine ways of giving stronger emphasis to the value and status of nursery teachers; one way of doing this would be to give more incentive allowances to nursery teachers (9, 5.9).

8. Local Education Authorities have discretion under the School Teachers Pay and Conditions of Service Document to pay incentive allowances to teachers who undertake extra responsibilities, have demonstrated outstanding ability as a classroom teacher, or are employed to teach shortage subjects or in a post which is hard to fill. Nursery teachers are eligible for these allowances in the same way as other teachers and the Government would expect LEAs to make full use of their discretion in the light of local needs and circumstances. The Government has accepted the recommendation of the Interim Advisory Committee on School Teachers' Pay and Conditions that the number of allowances should be increased. As a result there will be an additional 27,500 allowances in the system from September 1989.

The number of places specifically for the initial training of early years teachers should be further increased, and teacher training institutions encouraged to ensure that their students properly cover the whole age-range of the course (10, 5.24).

9. The table below shows recruitment to courses of initial teacher training for early years teachers in the last three years:

	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>% increase 86 to 88</u>
PGCE	292	437	836	+ 186%
BEd	1105	1168	1771	+ 60%
TOTAL	1397	1605	2607	+ 87%

The trend of significant increases in recruitment to early years courses reflects the Government's continuing policy of encouraging the development of early years courses and of enhancing teacher training allocations in the public sector at institutions with a particular strength in early years training. The Government has again enhanced allocations to early years providers for 1989 intakes. In making future decisions on allocations, the Government will take into account demand for early years teachers and advice from Her Majesty's Inspectors (HMI) on the quality of courses and on their suitability for the preparation of early years teachers.

In the current review of the CATE criteria, the question of the content of training courses for early years teachers should be specifically addressed (11, 5.29).

An appropriate input from those with early years expertise must be provided for in any successor arrangements for the accreditation of teacher training courses (12, 5.29).

10. The Government will shortly publish proposals for revised criteria for the accreditation of initial teacher training courses and new arrangements for accreditation. The needs of early years teachers are being taken into account in drawing up these proposals. The Government's aim will continue to be to ensure all teacher training courses provide a sound academic and professional preparation for a teaching career.

Every assistance should be given to the NCVQ to establish a framework for qualifications in the under fives sector (14, 5.35).

11. The Government is fully committed to the objectives of the NCVQ, and will for its part provide whatever assistance may be necessary.

Consideration should be given by all relevant bodies to methods of enabling those nursery nurses who can qualify to progress on to teacher training courses (15, 5.36).

12. The Government's criteria for initial teacher training courses allow specifically for candidates without standard entry qualifications for degree courses to be admitted to teacher training courses as special entrants provided that they have relevant experience and show the intellectual potential to complete a degree course successfully. Some teacher training institutions have developed, or recognise, access courses for those without standard qualifications or actively recruit nursery nurses to their courses. The Government would wish to encourage such arrangements. It is for individual LEAs to decide whether to encourage nursery nurses to train as teachers, having regard to the supply of early years specialists already in the authority.

The DES should change its existing policy on GRIST [sic] in order to allow nursery nurses to be eligible for funding on in-service training courses (16, 5.37).

13. When the Local Education Authority Training Grants Scheme (LEATGS) was introduced the Government made it clear that it intended in the first instance to limit its scope to those groups who were covered by the previous pooling and specific grant arrangements for LEA in-service training. They have regularly reviewed the question of admitting new groups to the scheme but

have reluctantly had to conclude that this would lead to the funds available being too thinly spread. While the direct costs of the training of nursery nurses and other ineligible groups cannot be claimed under LEATGS, it is open to LEAs to include them, at what may be only marginal extra cost, alongside teachers on training events funded under it. The Government will keep the question under review.

The forthcoming HMI document on quality in the area of education of under fives should reflect the points we have outlined in section V of this report (17, 5.38).

The forthcoming HMI document on good practice should also discuss prominently the importance of parents and ways in which parent-school connections can be developed (19, 6.11)

14. It is for HMI to determine the content of its reports. That covering the content of early years education will shortly be published. Many of the examples of good practice to which it will draw attention relate to issues of concern to the Select Committee, including the value of strong parent-school links. The Government is committed to increasing parental involvement with the schools their children attend, and has legislated in the Education (No 2) Act 1986 and the Education Reform Act 1988 to provide means of ensuring that parents are better informed about the aims, priorities and activities of their local schools; have more opportunity to influence the way they are organised and run; and can participate in their management and operation.

Every LEA should have an early years adviser (18, 5.39).

15. The Government shares the Committee's view of the value of the work of LEA advisers in the area of nursery education. While it recognises that smaller LEAs may find it appropriate to associate the early years with another specialism, it agrees with the Committee about the importance of advisory support for nursery teachers.

No further steps should be taken by LEAs towards introducing 3- and 4-year-olds into inappropriate primary school settings. Policies in LEAs of annual (September) entry of 4-year-olds into school should be explicitly subject to the availability of appropriate provision and should normally be for part-time places (22, 7.13).

Further steps should be taken (possibly encouraged by an ESG) by those LEAs with four year olds in their reception classes to bring all their reception classes up to the required standard, in particular to establish an appropriate staffing ratio (24, 7.15).

16. The Government shares the Committee's view that where four-year-olds are receiving education in infant classes, full account must be taken of their needs. The objective of the LEATGS

National Priority Area for those teaching such children is to ensure a wider understanding of those needs. The Committee of Inquiry referred to in paragraph 1 above will take these issues into consideration.

The Department of Health, in its consideration of further central government action on co-ordination, should prepare, together with the DES, guidelines on good practice for the provision of education services to children in day nurseries; these guidelines should indicate the need for the employment of qualified nursery teachers in day nurseries; they should encourage social services inspectors to call on HMI and local authority educational advisers for general advice (25, 7.21).

The Department of Health should compile statistics on the employment of teachers in day nurseries (26, 7.22).

17. The Government intends to consider these recommendations in the light of the report of the Committee of Inquiry.

The Committee strongly supports the place of the playgroup movement as part of the necessary diversity in forms of provision for under fives (28, 7.31).

Steps could and should be taken by all relevant bodies to improve the educational content and quality of playgroups; in particular local education authorities should take do more to help them meet the criteria for quality listed in section V of this Report (29, 7.34).

18. The Government recognises the distinct and valuable role of playgroups alongside the maintained nursery education system. Their contribution to the education of children under five will be taken into account by the Government's Committee of Inquiry.

The principal responsibility for support for playgroups for older children should be transferred to the DES (30, 7.39).

19. It is for the Government to decide how best to allocate particular responsibilities between Departments, taking account - among other factors - of the legislative framework. Where, as here, a single Department is responsible for a matter which concerns others, close and frequent collaboration with them is maintained. The Government intends to consider the issue in the light of the conclusions reached by the Committee of Inquiry. Whatever the eventual decision, however, the Government will ensure that the two Departments concerned continue to work closely together on matters concerned with the care and education of the under-fives.

The DES and the Department of Health should consult with relevant independent organisations to consider whether there would be scope for a suitably tailored voluntary accreditation scheme [for private sector provision] to be established in England (and in other parts of the UK). Such a scheme should have regard to the descriptions of good practice in the forthcoming report from HMI (31, 7.42).

20. The Government will discuss with the relevant organisations the extent of support in the private and voluntary sectors for such a scheme.

Further advice by DES and Department of Health to local authorities should reflect the issues raised and recommendations made in this Report (33, 8.16).

21. The Government will take full account of the Report in framing future advice to local authorities on provision for the under-fives.

RECOMMENDATIONS NOT DEALT WITH IN THE GOVERNMENT RESPONSE

1. Those LEAs which have not already done so should review their existing plans to ensure that under-fives provision is not adversely affected by the rise in pupil numbers (4, 4.19).
2. It is important for local authorities to take steps to bring the attention of parents in their area to what it is that education for the under fives is trying to achieve and the dangers of trying to introduce a formal kind of teaching and learning at too early an age (7, 5.5).
3. We welcome the proposal to include early years as a national priority for in-service training under the GRIST scheme (13, 5.30).
4. All local authorities should publish a description of the various types of provision available within the authority (20, 6.13).
5. Both nursery schools and classes can play an effective role. Where other factors are equal LEAs may be justified if they choose to concentrate resources on classes rather than schools because of cost effectiveness but Committee would not wish to see the number of nursery schools dwindle as a result. Both nursery schools and nursery classes may be used as local centres of excellence (21, 7.5)
6. The forthcoming HMI publication on education for under fives should contain firm guidelines on entry to reception classes (23, 7.14).
7. Where necessary, education and social service departments should agree between them pay and conditions for joint centres which take into account experience, qualifications and also the particular nature of the provision (27, 7.28).
8. Local authorities without joint arrangements between education and social services for the co-ordination of under fives provision should move speedily to develop such arrangements; these arrangements should bring in health authorities and voluntary bodies (32, 8.16).



cc DES *Education* jfh

10 DOWNING STREET

CF to note

Correspondence in G.R.

THE PRIME MINISTER

29 May 1980

Dear Professor Bruner

Thank you very much for letting me see an advance copy of your forthcoming book "Under Five in Britain".

I will see that its publication is brought to the notice of the Secretaries of State for Education and Science and for Social Services, both of whom have responsibility for different aspects of under-fives provision.

For my own part, this is a subject in which I retain deep interest and concern, but until our policies have produced a substantial up-turn in the economy there is no prospect of large-scale developments in this area. Research such as that which has led to your carefully presented findings is nevertheless invaluable as an aid both to future planning and to practice.

Yours sincerely

MT

Professor Jerome Bruner.

jfh

CONFIDENTIAL

Education

MR DOWNEYCharging for Nursery Education

The Prime Minister has considered your minute of 8 April on the above subject. She believes that Mr Carlisle's statement in the debate on the Education No. 2 Bill does rule out charging for nursery education for the foreseeable future. Moreover, she does not see much prospect of the Government being able to pass the necessary legislation even if it were thought that charging were desirable. Accordingly, she has decided that we should not send the minute which you enclosed with your minute.

I am sending a copy of this note to Sir Robert Armstrong.

I. P. LANKESTER

10 April 1980

CONFIDENTIAL

sc

Qc 02423

PRIME MINISTER

To: MR LANKESTER
From: MR DOWNEY

Mr Carlisle's statement

Proposed (flag c) seems to me to rule out charging for nursery education for the foreseeable future. Any proposal would also come ill after the transport row.

CHARGING FOR NURSERY EDUCATION

[A] I attach a copy of a letter of 27 March from the Secretary of State for Education to the Home Secretary (and other H colleagues). *Contact not to send this minute?*

2. We in the CPRS think it would be a pity if the decision not to pursue charging for nursery education as an immediate public expenditure saving, or to legislate in the current Education Bill (neither of which was in part envisaged by H at its discussion in December - H(79)19th meeting) meant that further consideration of the issue in the context of the wider review of charging policies in the area of local authority responsibilities was precluded. It can be argued that some degree of charging could be defended as a means of protecting (or extending) the volume of nursery education in the medium or longer term. And it is difficult to reconcile the existing position on nursery education with DHEC policy of charging for day nursery care for under fives.

MS

The two are very different

[c] 3. Unless the Prime Minister were to feel that the Secretary of State's statement in the debates on the Education (No.2) Bill (Hansard extract attached - his words were qualified by 'in present circumstances') effectively preclude further consideration for the foreseeable future, she might like to consider sending the attached draft note to the Home Secretary. The aim at this stage would be simply to ensure that the issue is not treated as closed in discussion of the wider review, which should be coming to H in the next month or two.

4. I am sending a copy of this minute to Sir Robert Armstrong.

GSD

G S DOWNEY

8 April 1980

CONFIDENTIAL

I cannot see us paying such a premium - and even if we did, the admin. costs would take a good proportion of the income. No need to send the minute

CONFIDENTIAL

DRAFT MINUTE TO HOME SECRETARY'S P.S.

CHARGING FOR NURSERY EDUCATION

The Prime Minister has seen the letter to you of 27 March from the Secretary of State for Education.

The Prime Minister accepts that it was right to exclude charging for nursery education as an immediate option in the context of the recent Public Expenditure survey, and consequently to make it clear that there was no intention in the context of the Education (No.2) Bill to introducing any provision for charging.

She considers however that this should not preclude H Committee from further consideration of the pros and cons of charging in this and other areas in the wider context of the review of local authority statutory duties and related charging policies. In the medium or longer term it is not clear that, given a choice between reduced provision and charging, the former should necessarily be preferred. In addition H Committee in its earlier discussion of the issue noted the apparent inconsistency in current charging policies applicable to nursery education on the one hand and day care for under-5's on the other. The wider review would be a suitable occasion to consider whether policy on charging generally follows consistent principles.

For these reasons, she feels it would still be helpful for H Committee to have an opportunity to discuss charging for nursery education when the general review comes forward.

I am copying this note to Private Secretaries of other members of H and to Sir Robert Armstrong.

CONFIDENTIAL



ELIZABETH HOUSE,
YORK ROAD,
LONDON SE1 7PH
01-928 9222

FROM THE SECRETARY OF STATE

The Rt Hon William Whitelaw MP
Home Secretary
Home Office
50 Queen Anne's Gate
LONDON SW1H 9AT



27 March 1980

Deco Willie,

CHARGING FOR NURSERY EDUCATION

At the meeting of the Home and Social Affairs Committee on 11 December, Nick Edwards and I were invited to give further consideration to the possibility of allowing local education authorities to charge for nursery provision. I should formally report on the outcome of this consideration.

In my letter to you of 16 January I said that John Biffen and I had agreed that there would be no value in my circulating a paper to H Committee on charges for nursery education before the Cabinet had completed their discussion on public expenditure. In the event I proposed and John Biffen agreed that it would be more appropriate if the required savings were met by reduced provision rather than allowing local authorities to charge for nursery education. At our meeting on 29 January with Geoffrey Howe and his colleagues about the education programme, there was general agreement with your view that there were strong political objections to any (further) reductions in this area.

With the concurrence of colleagues immediately concerned, I announced on 12 February during the Report Stage of the Education (No 2) Bill (when speaking on the new clause which places with a power the present duty on local education authorities to make provision for children under five) that there was no intention to introduce charging for nursery education. The reduced provision on which John Biffen and I agreed instead is set out in Cmnd 7841, Part 2, Chapter 10.

Copies of this letter go to all members of H Committee and Sir Robert Armstrong.

James Davis
Mark

MARK CARLISLE

ty programmes, priority has given by the Department in building programme, to such

Government will continue to try education projects in all areas. The allocation from the 1980-81 nursery education programme will be shortly.

provided within the 1980-81 grant settlement for ex-under-fives, including those schools, to remain at roughly level. While I cannot anticipate White Paper for I am confident that we shall maintain a substantial programme under-fives, especially if we can find ways of reducing cost of educating a child.

be done. The House knows of the drop in the number of primary schools, there is a vacant capacity or over-rich schools. If local authorities make use of those closed as a result of falling rolls, it would be a means for the education of the it could be achieved without expensive adaptations. It has me that the Department's the standards for school sit that, and I am asking it to consider whether they should on nursery education

Q: Is not the probability of that desirable end—of places made vacant by the fall of primary school rolls—significantly by the removal of direct responsibility which the learned Gentleman is introducing in the new clause?

A: Matter should be taken into account is a significant difference in which the objectives of provision are not met because of resources—whether Conservative or a Labour and a position in which the learned Gentleman is imposing any obligation being local education authorities provision. Does not the

latter position, which he is now introducing, change the whole nature of the Government's attitude towards the provision of nursery places?

Mr. Carlisle: I do not accept that. The provision that I have described, and the build-up that has taken place, has been at a period when the local education authorities thought that there was no statutory duty on them. It has not been suggested that they have been acting in the belief that there was a statutory duty rather than discretionary powers. We have found that a considerable number of local authorities have already put in bids against the nursery building programme for next year.

As hon. Members will know, I was asked by the Association of County Councils to consider the introduction of charges for nursery education, and my Department has examined carefully the implications of such a measure. While it is possibly true, as some argue, that a modest charge for nursery education could in some cases help to tip the scales against reducing existing provision, I do not believe that it would lead to the opening of new classes or schools or wider provision.

Clearly any scheme for charging for nursery education would have to exempt those in receipt of supplementary benefit and family income supplement. Any State scheme for the provision of education for under-fives would have to be subsidised and any extension of that provision, even with the right to charge, would lead inevitably to increased expenditure.

As I have said, 70 per cent. of the existing nursery provision is made in areas of special social need. I believe that any system of charging—limited as it would have to be in practice to nursery schools and classes rather than reception classes in primary schools—would bring in little income. It would risk depriving of nursery education children who are in the greatest need of its benefits. I have concluded, therefore, that in the present circumstances, it would not be right to introduce charging for nursery education.

The amendment proposed by the hon. Member for Stockport, North (Mr. Bennett) is otiose because under section 61 of the 1944 Act it is clear that no charging could be made unless I provide specifically for it in the Bill.



When you looked at nursery education, you asked about section 8(2)(d) on boarding places. Here is the DES response.

DEPARTMENT OF EDUCATION AND SCIENCE
ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH
TELEPHONE 01-928 9222
FROM THE SECRETARY OF STATE

MA 29/1.

M A Pattison Esq
10 Downing Street
LONDON

That 8(2)(d) is a
"have regard"
provision.

28 January 1980

Dear Mike,

In your letter of 8 January you ask what proportion of local education authorities have paid heed to section 8(2)(d) of the Education Act 1944.

Section 8(2)(d) requires LEAs (in fulfilling their duty to secure the provision of sufficient schools) to have regard to "the expediency of securing the provision of boarding accommodation, either in boarding schools or otherwise, for pupils for whom education as boarders is considered by their parents and by the authority to be desirable."

As this is only a requirement to "have regard" local education authorities are, of course, free to have regard to other matters too, such as the availability of resources, in deciding what action, if any, to take. Equally, they may decide that it is neither necessary nor expedient to "secure the provision of boarding accommodation" if, for example, they prefer to make use as necessary of boarding accommodation available in hostels provided by voluntary bodies, or in local independent schools.

At the time of the 1944 Act there were hopes that boarding education would become an option within the maintained sector that parents would be able to choose, but it soon became clear that day education was going to be the norm and that the provision of boarding education through the maintained system (either in maintained or independent schools) was going to be severely rationed.

The present position is that only 32 local education authorities have boarding provision of their own. All local education authorities but two provide some pupils with assistance with the cost of boarding education at either maintained or independent schools, but the numbers of pupils assisted varied widely from a mere handful to nearly 1,000.

A recent report by a group of officials of this Department and the local authority associations (with which Nick Sanders was briefly associated) noted that "Variations in LEA practice on boarding will mean that some demand for boarding places is not met and that some of these cases will involve children for whom boarding may well be judged to be desirable

by some criteria. We see no easy solution to this so long as LEAs retain full discretion to decide whether or not to grant assistance with or offer a boarding place in any particular case as we believe they should."

Yours ever,
Robert Green

ROBERT GREEN
Private Secretary

Page 5000 from
book 2 of -
MAP 5 PM 41.

EDUCATION ACT 1944

SECTION 8.

PRIMARY AND SECONDARY EDUCATION. *Provision and Maintenance of Primary and Secondary Schools.*

8.—(1) It shall be the duty of every local education authority to secure that there shall be available for their area sufficient schools—

(a) for providing primary education, that is to say, full-time education suitable to the requirements of junior pupils; and

Duty of local education authorities to secure provision of primary and secondary schools.

PART II.
—cont.

(b) for providing secondary education, that is to say, full-time education suitable to the requirements of senior pupils, other than such full-time education as may be provided for senior pupils in pursuance of a scheme made under the provisions of this Act relating to further education;

and the schools available for an area shall not be deemed to be sufficient unless they are sufficient in number, character, and equipment to afford for all pupils opportunities for education offering such variety of instruction and training as may be desirable in view of their different ages, abilities, and aptitudes, and of the different periods for which they may be expected to remain at school, including practical instruction and training appropriate to their respective needs.

(2) In fulfilling their duties under this section, a local education authority shall, in particular, have regard—

- (a) to the need for securing that primary and secondary education are provided in separate schools;
- (b) to the need for securing that provision is made for pupils who have not attained the age of five years by the provision of nursery schools or, where the authority consider the provision of such schools to be inexpedient, by the provision of nursery classes in other schools;
- (c) to the need for securing that provision is made for pupils who suffer from any disability of mind or body by providing, either in special schools or otherwise, special educational treatment, that is to say, education by special methods appropriate for persons suffering from that disability; and
- (d) to the expediency of securing the provision of boarding accommodation, either in boarding schools or otherwise, for pupils for whom education as boarders is considered by their parents and by the authority to be desirable.

Provided that paragraph (a) of this subsection shall not have effect with respect to special schools.

Education

CONFIDENTIAL



21
BF 15/1/80
SS

10 DOWNING STREET

From the Private Secretary

8 January 1980

The Prime Minister was grateful for your Secretary of State's minute of 2 January, about provisions of Section 8 of the 1944 Education Act, other than that dealing with nursery education.

She has also taken another look at Section 8. She would be interested to know what proportion of local authorities have paid heed to Section 8(2)(d) of the Act.

mar

R.J. Green, Esq.,
Department of Education and Science.



10 DOWNING STREET

PRIME MINISTER

Here is Section 8
of the 1944 Act, as
you requested

MA
Have looked at it
As still covered it
with interpretation
M

Make Section 8 attached as
requested.

CONFIDENTIAL

PRIME MINISTER



*Done M.P. 2/1
Let me have a
look at the
section?*

*Content with Mr Carlisle's
response on other Section
8 provisions?*

PRIME MINISTER

NURSERY EDUCATION

Your Private Secretary's letter of 17 December records that you are content for me to proceed in accordance with the Home Secretary's minute of 13 December, but asks me to look at the other provisions of Section 8 of the Education Act, 1944.

Section 8 establishes the duty of local education authorities to secure provision for primary and secondary education. The duty, because of the definition of "junior pupils", extends to children under five, and it is this which it has been agreed I should change for the reasons given in H(79)81.

Under present statute there is no duty to provide nursery schools. The duty in Section 8(1)(a) of the 1944 Act is to provide education for junior pupils: in fulfilling this duty Section 8(2)(b) says that authorities are "to have regard" to the need for securing provision for under-fives in nursery schools. As authorities can legitimately have regard to other things as well they would not therefore be in default if they made their under-fives provision entirely without recourse to nursery schools.

There is no need to change the rest of the Section. The duty remaining with authorities to provide sufficient schools for those over five should not be hard to fulfil in view of the falling rolls situation. Indeed, the real problem is the need for schools to be closed. However, I still intend to make some provision in the building programmes for basic need (roofs over heads), but on a minor scale, to deal with those areas where population is increasing against the national trend or where local housing development creates a need for new schools.

Under the Section the schools have to be sufficient not merely in number and character, but also in equipment. The savings which authorities make on non-teaching costs are unlikely to lay them open to a charge of failing to meet this particular duty and I therefore see no difficulty about confining the amendment to Section 8 to under-fives.

Copies of this minute go to Willie Whitelaw, George Younger, Nick Edwards and Sir Robert Armstrong.

M.C.

MARK CARLISLE

2. January 1980.

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five

Education

10 DOWNING STREET

From the Private Secretary

SIR KENNETH BERRILL

CABINET OFFICE

The Prime Minister has seen your minute (Qd 04389) of 19 December, about the education of children under five.

She has noted your reservations about the conclusion of H Committee that closure of a nursery school should be made subject to the approval of the Secretary of State. She is particularly aware of the risk that this will be seen as one more example of central government taking additional powers over local authorities.

Nevertheless, the Prime Minister has noted that the H Committee minutes record that the point was raised in discussion. In the circumstances, the Prime Minister does not wish to reopen a decision taken by a Cabinet Committee. She is nevertheless grateful to you for bringing the point to her attention.

I am sending a copy of this minute to Martin Vile (Cabinet Office).

M. A. PATTISON

31 December 1979

JCR

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PRIME MINISTER

As you saw, H Committee accepted the Attorney General's advice that legal provisions for the education of children under five needed revision.

There was considerable unease about the proposal that the closure of a nursery school should be made subject to the approval of a Secretary of State. Sir Kenneth Berrill returns to this subject in the minute below.

There is a considerable risk here, in two ways. First, this is one more example of moving in the wrong direction in central/local relationships. Secondly, whenever a local education authority chooses to close a nursery school, it will have the opportunity to pass the odium for the decision on to the shoulders of the Secretary of State.

Nevertheless, this point was explored in some depth in H, because Sir Kenneth Berrill had raised the matter with members of the Committee beforehand. Despite this, the Committee agreed to go for approval by the Secretary of State, as was set out in the Home Secretary's report of the discussion - Flag A below.

Given the view you have taken about the general dangers of re-opening Cabinet or Cabinet committee decisions, I think that you will have to let this go now. In this particular case, the issue was already clearly signposted before the discussion and Ministers were well aware of the implications of what they were doing. But if you are uneasy about it, I will pursue it further with the Secretary of State for Education.

21 December 1979

MAP

We will not
re-open the decision.
ms

CONFIDENTIAL

Qa 04389

To: MR LANKESTER
From: SIR KENNETH BERRILL

Education of Children under Five

1. In his minute to the Prime Minister of 17 December the Home Secretary reports the conclusion of H Committee that the present statutory duty on local authorities to provide nursery education should be replaced by a discretionary power - thus restoring the legal position to what it was thought to be until the Attorney General recently advised otherwise.

2. The CPRS agrees that this is necessary. If the law is not amended, failure to make provision for all children aged 2-5 could be challenged and enforced in the Courts. This would be very expensive. The Prime Minister has now endorsed this line, subject to further consideration of the amendments required.

3. The CPRS does, however, have some reservations about the further conclusion of H Committee that closure of a nursery school should be made subject to the approval of the Secretary of State. This would be a new power for central Government to take over local authorities - contrary to the general thrust of policy on relationships between central and local Government.

4. The Secretary of State for Education argues that it is politically necessary to take this power to emphasise that central Government is not indifferent to nursery education. On the other hand:

(i) restoring the legal position to what it was thought to be since 1945 does not imply that the Government has no interest in nursery education: in itself it is a neutral act;

(ii) if the Government prevents closures, it will be blamed for obstructing local authorities in achieving expenditure savings for which they have been asked;

(iii) if local authorities have to make savings in education, it will sometimes be sensible for them to do so on the Under-Fives rather than on the programmes for the years of compulsory education;

CONFIDENTIAL

- (iv) any control over closures is bound to be arbitrary in its effects since it can only affect authorities already making nursery provision;
- (v) in this situation it is difficult to imagine what criteria could be used to judge closures.

5. For all these reasons we believe that the Government could well find itself regretting taking such a power; and that they would be well advised to avoid doing so, if at all possible.

6. I am sending a copy of this minute to Sir Robert Armstrong.

KB

19 December 1979

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Education

HS



cc LCO

DHSS

LPO

CDLO

D/EMP

DES

DOE

CSO

SO

CWO

WO

TRANS

NIO

CWO, H/L

CO

10 DOWNING STREET

From the Private Secretary

17 December 1979

The Prime Minister was grateful for the Home Secretary's minute of 13 December, reporting the conclusions of the Home and Social Affairs Committee about the education of children under five.

The Prime Minister is content that the Secretary of State for Education and Science should now proceed as proposed in the Home Secretary's minute. She has, however, asked that Mr. Carlisle should take a look at the other provisions of section 8 of the Education Act 1944 in the light of the Attorney General's advice, as they are similarly drafted. I would be grateful if Peter Shaw could arrange for his Secretary of State to report on this to the Prime Minister in due course.

Copies of this letter go to Peter Shaw (Department of Education and Science) to the Private Secretaries to the other members of H Committee and to Martin Vile (Cabinet Office).

M. A. PATTISON

John Chilcot
Home Office

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PRIME MINISTER

You were surprised at the Attorney's interpretation. The Home Secretary reports that H accepted it, and therefore decided to change the law: "X" means that L.A.'s can shift responsibility to the Sec. of State.

PRIME MINISTER

EDUCATION OF CHILDREN UNDER FIVE

You asked me to report the conclusions of the Home and Social Affairs Committee on our discussion of nursery education (H(79)81) before any further action was taken (your Private Secretary's minute of 10 December).

At H Committee yesterday, the Attorney General confirmed that, in his view, local education authorities had a clear duty, under Section 8 of the Education Act 1944, to secure the provision of sufficient facilities for nursery education in their area. Failure to make such provision could be challenged and enforced in the courts. The Committee felt bound to accept his advice, with which the Secretary of State for Education and Science concurred.

In the circumstances, the Committee accepted the proposal that the law should be amended to replace the statutory duty on local authorities by a discretionary power to provide nursery education. We also accepted on balance that it was desirable to require education authorities, who were seeking to close a nursery school, to follow the normal procedures of the Education Act by advertising their intention to close the school and, if there were objections, to seek the approval of the Secretary of State. The Committee asked the Secretary of State for Education and Science to circulate the proposed amendments for approval. The Secretary of State will work out with the Chancellor of the Duchy of Lancaster and the Chief Whip, what would be the most appropriate stage for introducing the amendments to the Education (No. 2) Bill.

I am copying this minute to members of the Home and Social Affairs Committee, and to Sir Robert Armstrong.

[Handwritten signature]

Yes - but please

13

December 1979

have look at the other provisions of that section which have drafted similarly.

CONFIDENTIAL

H.O
C.O
W.O



Educat

10 DOWNING STREET

From the Private Secretary

10 December 1979

BF 17-12-79

The Prime Minister has seen the paper circulated by your Secretary of State, with the Secretary of State for Wales, about the education of children under five (H(79)81).

She is disturbed by the conclusions of the paper, and has commented that there was no provision for nursery schools for at least 30 years after the Act and no one interpreted the legislation as the paper describes. On the contrary, she was advised that the phrase "have regard to the need" was not enforceable. The Government did "have regard to the need" but other things had to take priority for years.

Against this background, the Prime Minister has inquired what has now changed.

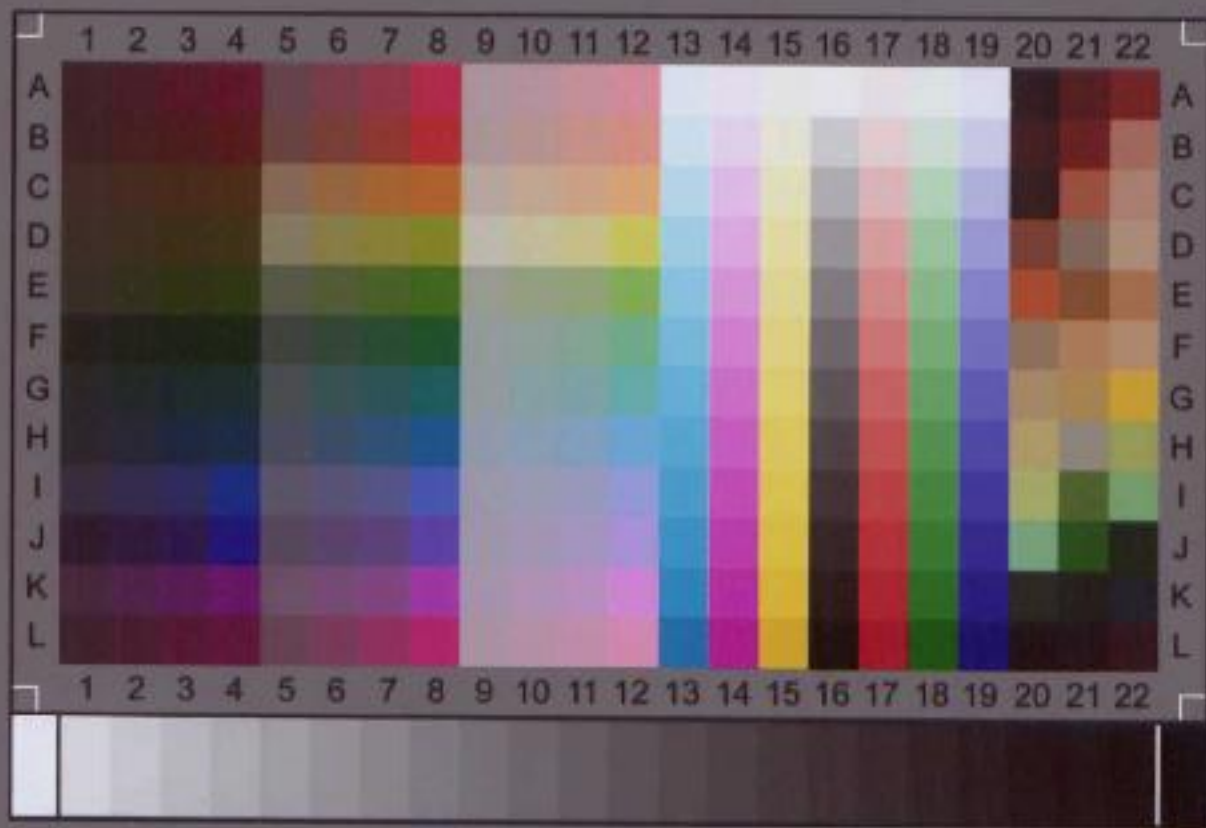
I am sending a copy of this letter to John Chilcot (Home Office)-I would be grateful if he could ensure that the conclusions of H Committee are reported to the Prime Minister before any further action is taken - to George Craig (Welsh Office) and to Martin Vile (Cabinet Office).

M. A. PATTISON

Peter Shaw Esq
Department of Education and Science

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