STATUTORY INSTRUMENTS

# 1961 No. 2243 (S. 124)

# CHILDREN AND YOUNG PERSONS

## The Approved Schools (Scotland) Rules, 1961

*Made* - - - - 21*st November*, 1961
*Coming into Operation* 1*st December*, 1961

In the exercise of the powers conferred upon me—

(1) by subsection (3) of section 85 of, and sub-paragraph (1) of paragraph 1 of the Second Schedule to, the Children and Young Persons (Scotland) Act, 1937(a) as read with section 1 of the Reorganisation of Offices (Scotland) Act, 1939(b), and

(2) by subsection (3) of section 90 of the said Act of 1937, as amended by the Third Schedule to the Children Act, 1948(c),

and of all other powers enabling me in that behalf, I hereby make the following Rules:—

### Management

**1.** The names of the Managers of each approved school and the name and address of their Official Correspondent shall be furnished to the Secretary of State, and any changes shall be notified to him as they occur.

**2.**—(1) The Managers, or a Committee consisting of not less than four of them shall normally meet not less often than once a month. They shall arrange for the school to be visited by one or more of their number at least once a month, and more frequently if circumstances appear to warrant it, to ensure that the conditions of the school and the welfare, development and rehabilitation of the pupils under their care are satisfactory. The visiting Manager shall sign the log book and may enter such observations as he sees fit.

(2) A visiting Manager shall take opportunity to speak with individual pupils.

(3) A visiting Manager shall visit any pupil who is segregated under Rule 33 at the time of his visit.

(4) A Manager shall discuss with the Headmaster any complaint made by a pupil.

**3.** The Managers and any committee appointed by them shall keep minutes of their proceedings and these minutes shall be made available to an inspector.

**4.** The Managers shall manage the school in the interests of the welfare, development and rehabilitation of the pupils and for this purpose they shall take into consideration any report which may be communicated to them by or on behalf of the Secretary of State.

**5.** The Managers shall maintain an effective control over all expenditure.

(a) 1 Edw. 8 & 1 Geo. 6. c. 37. (b) 2 & 3 Geo. 6. c. 20. (c) 11 & 12 Geo. 6. c. 43.

### Premises and Accommodation

**6.**—(1) The school premises shall be maintained in a satisfactory condition as regards lighting, heating, ventilation, cleanliness, sanitary arrangements and safety against fire. They shall provide adequate accommodation for the residence, instruction and recreation both indoors and outdoors of the pupils, and shall contain such equipment of workshops and special appliances as may be necessary for the proper conduct of the work of the school, having regard to its classification under subsection (1) of section 85 of the Act.

(2) Plans, specifications and estimates of cost for new buildings and any alterations or extensions of existing buildings shall be submitted for the approval of the Secretary of State.

**7.**—(1) The Managers shall consult the fire authority for the area in which the school is situated about the fire precautions which are suitable and necessary for the school.

(2) Instructions to be observed in the event of fire shall be submitted by the Managers for the Secretary of State's approval. After they have been approved, they shall be posted conspicuously in the school and a copy given to each member of the staff.

(3) The Managers shall make arrangements to secure by means of frequent fire drills and practices that the staff and pupils are acquainted with the alarm, escape and fire-fighting arrangements.

(4) The Managers shall, without undue delay, notify the Department of any outbreak of fire.

**8.** The number of pupils in a school shall not exceed the number specified by the Secretary of State, save in exceptional circumstances and after consultation between the Managers and the Secretary of State.

**9.** A child or young person shall not be admitted otherwise than as provided by statute if his admission would result in the exclusion of any pupils committed by a court; but these Rules, with the exception of sub-paragraph (*c*) of paragraph (2) of Rule 11, Rules 38, 43, 44, 46, 47 and the references in Rule 15 to an order of a court and to Rule 43, shall apply to pupils so admitted.

### Staff

**10.**—(1) Subject to the approval of the Secretary of State, the Managers shall, in consultation with the Headmaster, determine the number, type and qualifications of staff to be employed by them.

(2) The Managers shall be responsible for the appointment and, subject to the provisions of section 81 of the Education (Scotland) Act, 1946(a), suspension and dismissal of staff. In exceptional circumstances the Headmaster may suspend a member of staff from duty: such suspension shall be notified to the Managers within 24 hours.

(3) Where the character or conduct of a member of staff leads directly or indirectly to his resignation or to the termination by the Managers of his employment or to his contract of employment not being renewed on its expiry, the Managers shall forthwith submit a full report of the circumstances to the Secretary of State.

(4) Except with the consent of the Secretary of State, the Managers shall ensure that all schoolroom teaching, including the systematic teaching of all practical subjects, shall be given by teachers.

(a) 9 & 10 Geo. 6. c. 72.

(5) Any vacancy for the post of Headmaster, Deputy Headmaster or Third-in-Charge shall be advertised unless the Managers obtain the consent of the Secretary of State to dispense with this requirement. No person shall be appointed to these posts without the prior approval of the Secretary of State.

(6) Staff, other than minor domestic staff, shall be appointed under contract of service or, in the case of a school provided by an education authority, under the authority's normal arrangements for the engagement of staff.

(7) Changes in staff shall be notified to the Department as they occur.

(8) No member of staff shall be employed beyond his 65th birthday without the approval of the Secretary of State and no member of staff shall be employed beyond his 70th birthday.

HEADMASTER

**11.**—(1) The Headmaster shall be responsible to the Managers for the efficient conduct of the school in the interests of the welfare, development and rehabilitation of the pupils.

(2) The Headmaster shall keep or cause to be kept such records as may be required of him including—

(*a*) a general record of all admissions, licenses and discharges;

(*b*) an adequate record of the progress of each individual pupil;

(*c*) a list of pupils ~~on licence or~~ under supervision showing dates of visits paid by the person appointed under Rule 47 to carry out after-care, the receipt of any correspondence and dates of visits from pupils;

(*d*) a log book in which shall be recorded the receipt of any written report on the school communicated to the Managers; the visit of any Manager; and any event connected with the school that deserves to be recorded;

(*e*) a punishment book;

(*f*) a record of each occasion on which a pupil absconds from the school and of the circumstances; and

(*g*) a register showing the name and date of birth of each pupil attending classes for formal education and, in a column for each morning and afternoon session, shall cause to be entered the symbol " O " against the name of each pupil absent from the meeting.

(3) The records prescribed in this Rule shall be available to the Managers at all times. The log book shall be laid before the Managers at each of their meetings and the Chairman shall certify that he has read the items recorded since the last meeting.

**12.** The Headmaster, subject to the approval of the Managers, shall determine the duties of the other members of the staff, including duties connected with the supervision of the pupils in the school, their recreation and their after-care. Staff duties, both during the normal working day and at other times, shall be distributed to secure that staff have adequate periods for recreation and are not on continuous duty for unduly long periods.

**13.** The Headmaster shall obtain the authority of the Managers and shall also notify the Department before absenting himself from the school for more than four days.

**14.** During the Headmaster's absence or incapacity, the Deputy Headmaster, or any other member of staff directed by the Managers to act in his absence, shall exercise the functions of the Headmaster and shall not absent himself from the school in such a way as to prevent him from exercising these functions.

**15.**—(1) The Headmaster as soon as practicable after the admission of a pupil shall inform the parent of his arrival and of the full meaning of the Court Order.

(2) The Headmaster shall ensure that each pupil receives a careful explanation of those parts of the Rules and of any other instructions of which he should have knowledge. In particular, the pupil shall be informed of his rights under Rules 16, 35, 36 and paragraph (1) of Rule 43.

**16.**—(1) Any request by a pupil for an interview with the Headmaster, a Manager or an inspector shall be conveyed without delay to the Headmaster by the member of staff to whom it is made.

(2) The Headmaster or acting Headmaster shall as soon as possible interview each pupil who has requested an interview with him and in any event shall do so not later than 24 hours after the request has been made.

(3) The Headmaster shall record in the log book any request by a pupil for an interview with a Manager or an inspector. Any such request shall be intimated without delay by the Headmaster to the Managers and also to an inspector where the request is for an interview with an inspector.

(4) On the occasion of each visit to the school by a Manager or an inspector, the Headmaster shall remind the Manager or inspector, as the case may be, of any request for an interview with him.

(5) It shall be competent for the Headmaster, the Manager or the inspector, as the case may be, to interview a pupil in private.

**17.** The Headmaster shall periodically hold staff conferences for purposes which shall include a review of the progress of individual pupils. Each pupil's progress shall be so reviewed at intervals not exceeding three months and shall thereafter be recorded in the pupil's record kept under sub-paragraph (*b*) of paragraph (2) of Rule 11. The date and duration of each meeting and the names of staff present shall be recorded in the log book.

### Care of Pupils

**18.**—(1) Each pupil shall be provided with a separate bed in a room with sufficient ventilation and sufficient natural and artificial lighting. The number of pupils in a bedroom or dormitory shall not exceed the number approved by the Secretary of State. There shall be easy access from every bedroom or dormitory to suitable and sufficient water closets and washing facilities.

(2) Each pupil shall be kept supplied with clothing suitable for the activity in which he is engaged for the time being.

**19.**—(1) The pupils shall be kept supplied with sufficient, varied, wholesome and appetising food in accordance with a dietary scale adequate for the maintenance of health, to be drawn up by the Managers after consultation with the Headmaster and the Medical Officer and approved by an inspector. The dietary scale shall include a table of quantities and a copy shall be kept posted in the school kitchen. Details of the meals served each day shall be entered in a menu book. A meal shall not be withheld from a pupil as a form of punishment.

(2) The Managers shall supply such information as may be required by an inspector in order to enable him to assure himself of the adequacy of the food supplied to the pupils.

### School Routine

**20.** The daily routine of the school, including the hours of rising, schoolroom instruction and practical training, domestic work, meals, recreation and retiring, shall be in accordance with a scheme approved from time to time by an inspector. A copy of the daily routine shall be kept posted in some conspicuous place in the school. Any substantial deviation from the daily routine shall be entered in the log book.

### Education

**21.**—(1) The education given in the school shall be such as to secure the efficient full-time education suitable to the age, ability and aptitude of the pupils of compulsory school age and their further education thereafter as long as they remain in the school.

(2) The time-table and syllabus shall be subject to the approval of an inspector and a copy of the time-table shall be kept posted in the school.

### Employment

**22.** A pupil under the age of 13 shall not be employed except in light work such as making beds or cleaning boots. A pupil who has attained the age of 13 and is under 15 years and 4 months shall not ordinarily be employed on school days for more than one hour. Suitable employment shall be provided for a reasonable period each day for a pupil who has attained the age of 15 years and 4 months but such employment shall not interfere with further education if such education is likely to be of benefit. Employment shall not interfere with the time needed for the pupil's recreation or reasonable leisure. A pupil who shows signs of a physical or mental infirmity may be employed only in accordance with the advice of the Medical Officer.

### Recreation and Privileges

**23.** Wherever practicable, arrangements shall be made for each pupil, other than a pupil in a special section, to have an annual holiday away from the school and one or more short periods of home leave each year. Except in cases of very special need, no pupil may be granted more than fourteen days' continuous home leave, including travelling time. Except with the consent of the Secretary of State, the total period of home leave allowed within a year may not exceed forty-two days.

**24.** Pupils shall be encouraged in the right use of leisure and in healthy interests, and for this purpose as great a measure of liberty as possible shall be allowed during free time. Generally, additional freedom, including additional home leave when appropriate, shall be given towards the end of a pupil's period of detention with a view to facilitating his return to ordinary life.

**25.** Except in bad weather or during illness each pupil shall spend at least one hour daily in the open air.

**26.** In the case of each pupil provision shall be made for outdoor games and for walks and visits outside the school boundaries:

Provided that this Rule shall not apply to a pupil—

(i) who is ill;

(ii) who for the time being has been segregated in accordance with Rule 33; or

(iii) who is in a special section approved under Rule 34.

**27.** Pocket-money shall be credited to each pupil on a weekly basis, subject to such conditions as may be approved by the Secretary of State.

### Discipline and Punishment

**28.** Discipline and punishment are the responsibility of the Headmaster, who, except for matters for which special provision is made in the Rules, may give such instructions and delegate such responsibility as he sees fit.

**29.** Except with the consent of the Secretary of State, punishment may take only the following forms—

(*a*) reprimand;

(*b*) forfeiture of privileges or rewards;

(*c*) loss of conduct marks or reduction in rank;

(*d*) loss of recreation or liberty;

(*e*) performance of useful additional tasks;

(*f*) the disallowance of home leave, which may be used only in the case of a serious offence; or

(*g*) corporal punishment.

**30.** The type of punishment to be used shall be determined not only by the gravity of the offence but also by the age, temperament and physical condition of the offender. The Medical Officer shall be consulted if there is reason to think that punishment might be harmful to the pupil. In no case shall the nature or the extent of the punishment be such as might be injurious to physical or mental health. Punishment shall not be awarded more than once for the same offence.

**31.** Corporal punishment may be inflicted only under the following conditions—

(*a*) for an offence committed in the course of ordinary lessons in the schoolroom the principal teacher may be authorised by the Managers to inflict on the hands not more than three strokes in all;

(*b*) except as provided in the last foregoing paragraph, the punishment may be inflicted only by the Headmaster or, in his absence or incapacity, by the Deputy Headmaster or by the master specifically directed by the Managers under Rule 14 to exercise the functions of the Headmaster;

(*c*) except when the punishment is inflicted in the presence of a class in a schoolroom, an adult witness must be present;

(*d*) no pupil may be called upon to assist the person inflicting the punishment;

(*e*) the punishment may not be inflicted on a girl other than a pupil in a school classified under subsection (1) of section 85 of the Act as a junior school and not more than three strokes in all may be inflicted on the hands only ;

(*f*) for boys under 14 years of age, the number of strokes may not exceed two on each hand or four on the posterior over ordinary cloth trousers ;

(*g*) for boys who have attained the age of 14 years, the number of strokes may not exceed three on each hand or six on the posterior over ordinary cloth trousers ;

(*h*) only a light tawse may be used: a cane or other form of striking is forbidden ;

(*i*) the punishment may not be inflicted on more than one occasion for the same offence ; and

(*j*) no pupil who shows any sign of physical weakness or mental illness shall receive corporal punishment without the sanction of the Medical Officer ;

and any person who commits a breach of this Rule shall be liable to dismissal or other disciplinary action.

**32.**—(1) The Headmaster shall, without delay, enter in the punishment book full particulars of each occasion on which home leave is stopped or corporal punishment inflicted. A teacher who inflicts corporal punishment under paragraph (1) of Rule 31 shall, without undue delay, report the punishment to the Headmaster for entry in the punishment book.

(2) The punishment book shall show—

(*a*) the date of punishment ;

(*b*) the name of the offender ;

(*c*) his age ;

(*d*) the nature of the offence ;

(*e*) the name of the officer who awarded the punishment and, when appropriate, the name of the officer who administered it ;

(*f*) the nature of the punishment and its exact amount ;

(*g*) in the case of corporal punishment any witness ; and

(*h*) observations, if any, of the Medical Officer.

SEGREGATION

**33.** The Headmaster may order a pupil who is behaving in an unmanageable or violent manner to be temporarily confined in a special room approved for the purpose by the Secretary of State, but no pupil may be so segregated in such a room for longer than is necessary. Segregation shall be subject to the following conditions—

(*a*) the room shall have good natural lighting by day and be kept lit after dark ; it shall have good natural ventilation ;

(*b*) no pupil under the age of 13 may be confined in such a room ;

(*c*) the Medical Officer shall be consulted if there is reason to think that segregation might be harmful to the pupil ;

(*d*) some form of occupation shall be provided ;

(*e*) means of communication with a member of staff at all times during the day and night shall be provided and the pupil shall be visited frequently by a member of staff and at least once each day by the Headmaster;

(*f*) if segregation is to be continued for more than 24 hours or for more than two successive nights, written consent of one of the Managers shall be obtained and the circumstances shall be reported immediately to the Department; and

(*g*) each period of segregation of a pupil and the circumstances shall be entered in the log book without delay.

SPECIAL SECTION

**34.**—(1) The Secretary of State may approve the use of part of a school as a special section for pupils who are abnormally unruly, or are persistent absconders, or for such other categories of pupils as he may from time to time determine; and references in these Rules to a special section shall be construed as references to such part of a school.

(2) No pupil shall be transferred to a special section without the authority of the Secretary of State, but a pupil in a special section may be transferred to another part of the same school and later returned to the special section if the Headmaster considers it advisable, without the authority of the Secretary of State.

(3) Except as expressly provided in these Rules, they shall apply to the management and conduct of a special section as they apply to parts of a school which are not special sections.

PARENTS

**35.** Pupils shall be encouraged to write to their parents at least once a week and for this purpose postage stamps shall be provided free, once a week, by the Managers. Pupils shall be allowed to receive letters. Every letter to or from the pupil may be read by a member of the staff deputed for the purpose by the Headmaster. The Headmaster shall have power to withhold any letter but this power shall not be exercised unreasonably. When a letter is withheld the fact and the circumstances shall be noted in the log book and the letter shall be preserved for not less than one year. A letter to one of the Managers or to the Secretary of State or to any of his officers or departments may not be withheld.

**36.** Pupils shall be allowed to receive visits from their parents, relatives or friends, provided that the Managers or the Headmaster may suspend the privilege in any particular case in the interests of the pupil or the school. Any such suspension shall be recorded in the log book.

**37.** The parents and the Secretary of State shall be informed immediately in any case of serious illness, infectious disease, accident or death. Except in cases of urgency or where a parent is not accessible, Managers shall communicate with parents in any case where there is to be an operation on a pupil involving the use of a general anaesthetic.

**38.** The Managers shall ensure as far as possible that parents are informed before a pupil is brought before a Court.

**39.** The Managers shall, as far as possible, consult the parents as to the arrangements to be made for a pupil who is about to be released and shall endeavour to secure the written consent of both parents in any case in which it is proposed to place a boy in the Navy, Army or Air Force, or

to allow him to emigrate. Managers shall not ignore an objection to arrangements raised by parents unless the circumstances are such that it is in the interests of the pupil that the objection shall be overruled.

MEDICAL

**40.** The Managers shall appoint a Medical Officer whose duties shall include—

(*a*) a thorough examination of each pupil on admission and shortly before leaving the school;

(*b*) a quarterly inspection of each pupil;

(*c*) the examination and treatment of pupils as required;

(*d*) a visit to the school at least once each week;

(*e*) general inspection and advice as to dietary and general hygiene in the school;

(*f*) the keeping of such medical records as may be required; such records shall be available in the school for examination by the Medical Officer appointed by the Secretary of State for the purpose;

(*g*) the furnishing of such reports and certificates as the Managers may require; and

(*h*) the examination of the punishment book at each visit. He shall draw the attention of the Managers to any apparent case of excessive punishment.

**41.** Acting on the advice of the Medical Officer, who shall consult the Medical Officer of Health for their area, the Managers shall make full use of the preventive health measures at their disposal, including vaccination, immunisation and chest X-ray. They shall have due regard to quarantine periods and control measures for infectious diseases, as specified by the Medical Officer of Health for their area.

DENTAL CARE

**42.** Managers shall make suitable arrangements for the examination and dental care of the pupils in the school, and for this purpose may use the School Health Service or the general dental service provided under the National Health Service (Scotland) Act, 1947(a), or make such special arrangements as are necessary. Pupils shall be examined on admission and thereafter at least once every six months. A record shall be kept of examinations and treatment.

RELEASE AND AFTER-CARE

**43.**—(1) It shall be the duty of the Managers to place out on licence each pupil as soon as he has made sufficient progress; and with this object in view they shall review his progress and all the circumstances of his case (including home surroundings) at least quarterly. For this purpose they shall receive and consider a report from the Headmaster made after consultation with the staff, and the pupil's record kept under sub-paragraph (*b*) of paragraph (2) of Rule 11.

(2) The Managers shall maintain a licensing register showing the date and result of their review of each case and the reasons for their decision.

**44.** The Managers shall see that every effort is made to obtain suitable employment for a pupil over school age as defined in the Education (Scotland) Acts, who is fit for release on licence, and for this purpose they shall

(a) 10 & 11 Geo. 6. c. 27.

avail themselves where necessary of any help that can be obtained whether from public organisations or private individuals. Where the pupil's home is unsatisfactory they shall arrange for suitable accommodation.

**45.** The form issued by the Managers to authorise licensing shall be approved by the Secretary of State.

**46.** The Managers shall ensure that a pupil on leaving has a sufficient outfit and, if necessary, a reasonable sum for travelling and subsistence, and they shall communicate with the pupil's parent and the education authority, if any, who have been contributing to his maintenance under subsection (1) of section 94 of the Act.

**47.** It shall be the duty of the Managers to ensure that adequate arrangements are made for the after-care of every pupil released from the school until the statutory period of supervision expires and they shall nominate for each pupil a suitable person to carry out after-care.

### General

**48.** The school shall be open at all times to an inspector and the Managers shall give him all facilities for the examination of the books and records of the school, and for the interviewing of staff or pupils.

**49.** All returns called for by the Secretary of State shall be duly made and the Managers shall arrange for the keeping of all the necessary records.

**50.** A copy of the Rules shall be given at the earliest possible opportunity to each Manager and member of staff and to the Chaplain, Medical Officer and Dentist.

**51.** The Rules shall apply to all schools, provided that where a part of an institution is certified as an approved school and the Secretary of State is satisfied that the general rules of the institution, together with any supplementary rules made under sub-paragraph (2) of paragraph 1 of the Second Schedule to the Act, will have the like effect as these Rules, the Secretary of State may waive the application of such of these Rules as he may specify.

### Contributions by Parents

**52.** The contributions paid by parents to an education authority under subsection (3) of section 90 of the Act shall be paid over to the Secretary of State, subject to the deduction, in respect of the service rendered by the authority, of 10 per cent. of those contributions.

### Interpretation

**53.**—(1) In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

"The Act" means the Children and Young Persons (Scotland) Act, 1937;

"Dentist" means the person entrusted with the dental care of pupils under Rule 42;

"Department" means the Scottish Education Department;

"Headmaster" and "master" include "headmistress" and "mistress" respectively;

"Home leave" means leave of absence permitting the pupil to spend a night away from school;

"Inspector" means one of Her Majesty's Inspectors of Schools and any other person appointed by the Secretary of State to inspect approved schools;

"Managers" has the meaning assigned to it by section 110 of the Act;

"Medical Officer" means the medical practitioner appointed under Rule 40;

"Parent" means the natural father or mother, adoptive father or mother, step-father or mother, or legal guardian of a pupil as the case may be;

"Pupil" means a person who is in the care of the Managers of an approved school;

"School" means a school approved by the Secretary of State under subsection (1) of section 83 of the Act;

"Special section" has the meaning assigned to it by Rule 34;

"Teacher" means a person, other than an instructor, who is employed in a teaching capacity in an Approved School and holds a qualification approved for the purpose by the Secretary of State.

(2) The Interpretation Act, 1889(a), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(3) References in these Rules to any enactment, rule or other instrument shall, except where the context otherwise requires, be construed as references to that enactment, rule or other instrument as amended by or under any other enactment, rule or instrument, including these Rules.

REVOCATION

**54.** The Children and Young Persons (Scotland) Care and Training Regulations, 1933(b), are hereby revoked.

CITATION AND COMMENCEMENT

**55.** These Rules may be cited as the Approved Schools (Scotland) Rules, 1961, and shall come into operation on the first day of December, 1961.

*John S. Maclay,*
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

21st November, 1961.

(a) 52 & 53 Vict. c. 63. (b) S.R. & O. 1933/1006 (Rev. III, p. 777: 1933, p. 474).

## EXPLANATORY NOTE

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

These Rules replace the Care and Training Regulations, 1933. They deal with the management and discipline of schools approved under section 83 of the Children and Young Persons (Scotland) Act, 1937, for the education and training of persons sent there in pursuance of that Act. Rule 52 prescribes the deductions which may be made when paying over to the Secretary of State the contributions paid to an education authority by a parent of a child committed to an approved school.