



9

The Education (Scotland) Act, 1918, Revisited: The Act and Its Legal Implications

Mary McHugh

On 21 November 1918, the 1918 Education (Scotland) Act received the Royal Assent. The object of the Act was ‘to make adequate provision for the organisation of national education in Scotland short of the Universities.’¹ The 1918 Act abolished the previous system whereby voluntary, including Catholic, schools received Government grants, subject to inspection by Her/His Majesty’s Inspector, towards their maintenance provided that satisfactory buildings had been erected and a proper staff of teachers put into the school. The 1918 Act provided that in future no grants should be payable in respect of any school not maintained by the Education Authority whether provided by the Education Authority or transferred to it by a religious body.² The new Act marked as much of a beginning as it did an ending, for it still remained to be seen how it would operate in practice, and what would be its impact on the Catholic community.

Catholic concerns over safeguards for the Catholic voluntary sector focused on four main areas: the control of religious instruction (as neither the 1872 Act nor the 1918 Act made religious teaching in Scottish schools

M. McHugh (✉)

Archdiocese of Glasgow, Glasgow, UK

e-mail: Mary.McHugh@rcag.org.uk

mandatory),³ representation on School Management Committees, the appointment and dismissal of teachers, and the provision of new schools.⁴ Compromise on most points was however necessary. The Government refused to accept any amendment which might have limited the freedom of choice of the new education authorities to make an appointment from the Catholic applicants for any post. As a result, members of religious orders were to have no special privileges, and appointments were to be left to the good sense of the authorities. On the issue of new schools, discussions centred around two related points; whether the State would provide all stages of education for Catholic children or, if the Catholic community continued to provide their own new schools, whether the new authorities would be compelled to subsequently accept such schools for transfer. In the end, the wording of the Bill on this point appeared to have remained obscure, and its interpretation was not more fully defined until a dispute arose in 1928 over the Catholic school in Bonnybridge.

Certain benefits accrued almost immediately, Catholic teachers receiving parity of salary with their colleagues in the State system. The laity too might reasonably have hoped for some easing of their double financial burden. However, such hopes only gradually saw fulfilment for, in the early years of the Act's operation, many Glasgow clergy remained unconvinced as to its possible benefits for the Catholic community, and their misgivings emerged once more in the discussions over the method by which the schools should be transferred to the new Education Authorities.

Two alternative methods of transfer were available—either to sell the schools outright or to lease them for an agreed period in exchange for rental income. The majority of members of the Catholic Education Council for Scotland, though prepared to accept leasing as an interim arrangement, favoured the sale of Catholic schools to the new authorities. Lord Skerrington supported sale as a general policy and pointed out that the continued ownership of ageing school buildings could not be of benefit to the Catholics of Scotland. His views were echoed by Bishop Donald Martin of Argyll and the Isles who was not averse to selling schools even when they were in close proximity to Churches.⁵

Such opinions as to the merits of sale were not shared by Monsignor John Ritchie of Glasgow, who expressed his disapproval both to the Council itself and directly to Monsignor Brown, the Apostolic Visitor.

Ritchie stated that the Archdiocesan Schools Transfer Board established in January 1919 to transact, and advise the Archbishop, on all business connected with the transfer of schools to the national system was very largely, in fact predominantly, in favour of leasing.⁶ Indeed, by November of the same year, leasing agreements had been concluded covering thirty-seven schools in the City of Glasgow, twelve in Dunbartonshire, thirty-nine in Lanarkshire, and twenty-one in Renfrewshire. By the same date, a total of £15,651.17s.10d in rental income had been received.⁷

With the exception of rents paid directly to four schools owned and managed by religious orders—St Mungo's, Notre Dame, the Convent of Mercy, and Charlotte Street—the Schools Transfer Board and from 1920 onwards successive Diocesan Education Boards were the normal recipients of such income, which formed the basis of a charitable trust for educational purposes.⁸ Among such purposes was the continued provision of school buildings for, unconvinced that any potential savings in cost were sufficient to outweigh the perceived danger of secularism, the Archdiocese of Glasgow had, in 1919, taken the decision to continue, as and when necessary, to construct all new schools and extensions, for both elementary and higher grade pupils, from its own resources. Such schools would, on completion, be leased to the appropriate education authority.⁹

However, this policy relied on two, as yet untested, assumptions: firstly, that the 1918 Act had indeed given to the Church the right to identify and remedy deficiencies in Catholic school provision and, secondly, that the various education authorities were obliged to accept such schools for transfer. One of the most notable test cases concerning the former occurred over the type of new accommodation required to house the pupils of St Mary's RC School, Whifflet. The Diocesan Education Board favoured the erection of a ten-classroom extension at a cost to the Archdiocese of £8500, while the Lanarkshire education authority suggested that an entirely new school should be built, at a cost of between £20,000 and £25,000.¹⁰ The search for a solution to the dispute eventually enmeshed the officials of the Scottish Education Department, who were anxious to resolve the issue without recourse to a court of law, preferring instead to try to foster a spirit of trust between the two parties. However, not until 1924, did both parties agree to accept the judgement of the Crown's Law Officers as a means of arbitration. In the event, the arbiters found in

favour of the Church when the Lord Advocate, and the Solicitor-General for Scotland, asserted that the Education Authority as leasees could not rebuild premises let to them.¹¹ Such a task could only be undertaken by the owner of the property, in this case, the Archdiocese or its nominees. It took some time for the Lanarkshire Authority to accept the implications of the judgement and, in October 1924, only the exercise of the chairman's casting vote ensured that the ruling was approved. Even in 1925, motions were still being proposed that the authority should build all schools for the children in its area.¹²

When the House of Lords upheld Lord Murray's judgement of 1928 in the Bonnybridge case, in which he ruled that Catholic schools established after the passage of the 1918 Act could be offered for transfer to the appropriate education authority, which must accept them at a fair price,¹³ the school building policy appeared to have been vindicated. However, in purely practical terms, the decision of 1919 by the Glasgow Diocesan Education Board to continue to build only served to maintain an unnecessary financial burden upon the Catholic community, a difficulty apparently evident to the Schools Transfer Board which had 'all along been alive to the seriousness of the burdens entailed by leasing, and consequently building,' but which, nevertheless, had 'loyally accepted the finding of the Archbishop.'¹⁴ Even so, one member, Canon Hugh Kelly of Dumbarton, continued to express his dismay at the policy adopted. Kelly, like Lord Skerrington and Bishop Martin, favoured the outright sale of Catholic schools and argued that the policy of leasing and building was totally impractical. In Kelly's view, the safeguards provided by the 1918 Act were perfectly sufficient, and therefore to retain the proprietorship of the buildings was of little consequence, while to go on building was simply to continue 'hugging our chains.'¹⁵ He also believed that a policy of sale would benefit the relationship between children, teachers, and clergy, by allowing the priest to cease being a manager, and become to the school 'a Pastor only.'¹⁶

But selling the schools would not only relieve the double financial burden, it would also transfer completely to local authorities the task of finding solutions to such problems as overcrowded and inadequate school buildings. The school at Carfin was by 1924 threatened by subsidence on account of mineral workings,¹⁷ and although this particular situation was unusual, many school buildings were criticised by Surveyors and Valuers in the early 1920s.

Overcrowded classes, however, could be caused not only by deficient accommodation, but also by inadequate staffing levels and an increasing demand for, particularly Catholic secondary, education. The evident overcrowding in some Catholic higher grade and secondary schools in the early 1920s suggests that the Catholic community shared in this heightened demand for post-primary instruction. In Cambusnethan (Wishaw) RC School in 1919, a class of 102 infants were being taught by one teacher,¹⁸ while in Mossend, though the number on the roll stood at 1754, the staffing of the school was sufficient for only 1525 pupils.¹⁹ However, the difficulties facing the Diocesan Education Board were perhaps best summed up in the case of Motherwell Higher Grade School, of which it was claimed that there were 'not rooms enough for the requisite number of classes, nor teachers enough for the requisite number of rooms.'²⁰ As a result, local authorities employed married women to teach on a temporary basis in Catholic schools, while the Church sought to attract suitable male recruits from Ireland.²¹ In a further attempt to ease the difficulties caused by staff shortages, non-Catholic teachers were appointed, particularly to posts in Catholic advanced division and secondary schools. However, though the Church accepted the necessity of such appointments, it was reluctant to support them on a long-term basis. Indeed, when Lanarkshire Education Authority engaged permanently eleven Protestant teachers working in intermediate and secondary Catholic schools in the county, the Teachers and Hostel Sub-committee of the Diocesan Education Board 'took a very serious view' of what it termed 'this violation of the Statutes.'²² The Board itself, with financial support forthcoming from the Charitable Trust, also attempted to improve the supply of Catholic teachers by disbursing grants to students in training for the teaching profession.²³ Such grants took the form of an interest-free loan to cover the whole, or part, of the cost of a course at the University or Training College, and were aimed particularly at those who without such assistance would be unable to complete their studies.²⁴ Though repayment of such loans was implied, in practice this condition was never enforced. Nor were legal proceedings initially instituted against defaulters. The Trust, albeit reluctantly, accepted the fact that some loan grants would prove to be irrecoverable, and few applicants were ever refused.²⁵ These grants were particularly important in enabling intending

primary school teachers to pursue their chosen career, for such individuals were otherwise dependent upon inadequate Corporation bursaries. Prospective secondary teachers were more fortunate for, as university students, they were also eligible to apply for Carnegie grants to finance their degree studies.²⁶

As a result of its decision to build its own schools, the Diocesan Education Board initially had to undertake the responsibility of preparing, at the request of the Scottish Education Department and the various county authorities, schemes for the development of Catholic post-primary education. For Lanarkshire, the Board proposed the operation of two 'post-intermediate' schools, at Motherwell and at Elmwood (Bothwell), together with five intermediate schools—three which already existed at Motherwell, Elmwood, and Whifflet, and two additional schools sited at Hamilton and at Cambuslang or Rutherglen. In Dunbartonshire, the proposals included the need for an intermediate school situated between Dalmuir and Clydebank, while in the city itself, sites in the Garngad and Crosshill districts were being considered with a view to building additional schools.²⁷

By the late 1920s, some, though by no means all, of these proposals had become reality. St Roch's Advanced Division Centre in Garngad opened in 1928; as did St Anthony's, Govan, to serve Catholic pupils on the south side of the river.²⁸ In Clydebank, a new building was erected in 1923, thus providing Our Holy Redeemer's School with additional facilities, including science,²⁹ while in Glasgow the former Alexander's school was purchased as an annexe to St Mungo's Academy and opened as such on 24 August 1925.³⁰ However, Holyrood Senior Secondary School in the Crosshill district did not open until 1936,³¹ while Hamilton was not provided with an intermediate school until 1939.³²

Yet, as Canon Kelly had foreseen, the cumulative effect of the school building policy gradually forced Catholic leaders in the west of Scotland to accept that the only viable future for Catholic education lay in complete financial integration with the State sector. In January 1927 Archbishop Mackintosh had informed the Diocesan Education Board that 'from now onward, instead of letting its schools to the various education authorities, the Archdiocese, as the leases now in force expire, will negotiate with those authorities for the sale of the said schools.'

Nevertheless, 'it must not be a sale at any price, but a sale to be arranged by equitable negotiation or arbitration.'³³ By September 1927, discussions had been entered into with the Glasgow Education Authority concerning the sale of Catholic schools within its area. Though the eventual sale of the Catholic schools within the Archdiocese of Glasgow was therefore spread over a considerable period of time, the financial impracticality of building schools from its own resources had been acknowledged. Any lasting solution to the problems of overcrowding and the replacement of inadequate school buildings involved a sustained injection of capital expenditure which the Church itself could not hope to meet. Further extension of Catholic post-primary provision also required a similar commitment of resources. As a result, during the course of 1928–1929, Archbishop Mackintosh informed the various authorities that the Church 'could not for the future undertake the provision of new school accommodation.'³⁴

Certain schools however were excluded from the negotiations concerning sale. Schools excluded included the convent schools and St Mungo's Academy as the Diocesan Education Board 'had no control over these.'³⁵ Also excluded were those schools where a school and Church were combined in one building. Such premises would continue to be leased by the authority on an annual basis. In November 1927, the Diocesan Education Board also signalled its intention to sell those schools in Ayrshire owned by the Archdiocese, a decision which Galloway diocese viewed with dismay as it opposed any such policy. In spite of an appeal from Galloway 'for uniformity as regards Ayrshire,'³⁶ the Board upheld its original decision, claiming that for the Archdiocese to renew its lease with Ayrshire 'would very greatly hamper us when we come to forcing the policy of sale on the other authorities later on.'³⁷

On 15 May 1928, the sale of the Archdiocesan-owned schools within the city of Glasgow to the Education Authority came into effect.³⁸ However, in September of the same year similar offers of sale previously made to the other education authorities were withdrawn, and the Diocesan Education Board instead successfully proposed that a one-year lease should be negotiated.³⁹ The proposed reform of Local Government, and the considerations raised by the Bonnybridge case, made it necessary to proceed with caution.⁴⁰

In 1918–1919, the Church had viewed with suspicion the advent of the ad hoc education authorities, even though these were elected by the ratepayers on a plural system of voting which allowed transfer of votes according to preferences.⁴¹ Even greater misgivings were aroused when in 1929–1930 the Local Government (Scotland) Act replaced the former authorities with Statutory Committees of County, or Burgh, Councils on which minorities were to be represented by co-opted members. Glasgow Corporation in drawing up its required scheme for the constitution of an Education Committee proposed that Catholic representation on its Committee should be limited to one individual.⁴² In reality, however, three of the Councils—Glasgow, Dunbartonshire, and Renfrewshire—included two Catholic representatives, while Lanarkshire accepted three.⁴³ A conscious effort was also made by the Diocesan Education Board to ensure that one such representative in each county was a lay person.

After 1929, the Board continued to proceed cautiously with regard to the ownership of diocesan schools, for although the policy of sale was not totally abandoned, it was considerably delayed and tended to become somewhat piecemeal. Though intimation had been given to Lanarkshire County Council in September 1930 of the Board's willingness to sell the schools serving Cleland, Baillieston, and St Patrick's Coatbridge, a further five schools—at Uddingston, Bothwell, Newmains, Larkhall, and New Stevenston—were not sold until January 1937.⁴⁴ In Renfrewshire and Dunbartonshire leasing agreements persisted, though in October 1936 the county clerk of Renfrewshire wrote to the Diocesan Education Board requesting terms of sale.⁴⁵ In March 1938, his counterpart in Dunbartonshire made a similar approach, and by January 1939 valuations in respect of six schools had been prepared.⁴⁶ However, the advent of war eight months later effectively thwarted these negotiations for in January 1940 Dunbartonshire County Council withdrew from the sale, primarily because of wartime restrictions on capital expenditure. Leases were instead continued for a further five years.⁴⁷

In waiving its right to build, the Archdiocese doubtless hoped that the local authorities, as in the case of Greenock, would be able to effect a more rapid improvement in Catholic school provision and ease overcrowding, particularly in the post-primary sector. To some extent such hopes were realised. In Glasgow, between 1936 and 1939, two senior,

and three junior, secondaries were established.⁴⁸ The opening of Holyrood senior secondary in 1936 to serve the south side of the city had a noticeable, and immediate, effect upon St Mungo's Academy where the numbers attempting the qualifying examination for entrance fell by almost one-third (31%).⁴⁹ In Lanarkshire, after 1928, two new junior secondaries were opened.⁵⁰ Dunbartonshire, however, was relatively less well served, for although a new building was provided in 1931 to house St Ninian's in Kirkintilloch,⁵¹ the absence of any attempt to make senior secondary schooling available in Clydebank was a notable omission.

Though between 1926 and 1935, a further 4929 post-primary, and 9611 primary, places had been created in the Western Province,⁵² the trade depression of the 1930s led to a period of retrenchment in education from which the Catholic community was not wholly immune. Teachers were forced to accept cuts in salary as an alternative to unemployment,⁵³ while only those students obtaining the best teaching marks during their college course were able to secure employment. Opportunities to enter the profession were also curtailed. The Diocesan Education Board in 1934 noted the potential cutback in the intake of students to Jordanhill Training College, where most Catholic male students received their training.⁵⁴ The economic difficulties which gave rise to such proposals also led Glasgow Corporation in 1934 to refuse to provide separate school accommodation for the Catholic community in the Cardonald district of the city 'which had increased greatly in population ... on account of housing developments.'⁵⁵ Though a considerable number of Catholic families had moved into the area, the number of children was initially deemed insufficient to merit their own school. Instead, Catholic pupils were accommodated in Craigton Public School where separate Catholic classes were formed, with Catholic teachers.⁵⁶ In effect, the Corporation's Education Committee wished to maximise the use of its school buildings, thereby to avoid incurring unnecessary expenditure. As it appeared that an education authority could not be forced to build a denominational school under the terms of the 1918 Act, Glasgow availed itself of the continuing opportunity to erect new school buildings under the Act of 1872, thus retaining a liberty to change their character as future circumstances might suggest.⁵⁷ The Diocesan Education Board at first made no objection to this arrangement, for so long as Catholic children occupied any such

building the Corporation treated it 'for all other purposes as being a school under the 1918 Act.'⁵⁸ Similarly, the Board did not demur when, in times of emergency, non-Catholic children had to share a building allocated to the Catholic community. However, the campaign waged by the Scottish Protestant League, under its leader Alexander Ratcliffe, caused considerable anxiety to the Church authorities. Concerned both by Ratcliffe's activities and by Glasgow's clear intent to continue to build using the provisions of the 1872 Act, the Diocesan Education Board approached the Scottish Education Department for guidance. Bishop Brown of Pella, the former Apostolic Visitor, also intervened. In response, the Department suggested that the provision of schools under the 1872 Act could tend 'to keep the Protestant objectors to such schools quiet,' and so help the Catholic view,⁵⁹ though it was doubtful if this sufficiently compensated for the absence of legal safeguards. The whole problem, it was admitted, 'is very difficult and has the seeds of trouble.'⁶⁰

By 1943, the trouble anticipated by the Department had not arisen. The eighteen schools in Scotland built under the 1872 Act, the majority of them in Glasgow, continued to be administered under the 1918 Act.⁶¹ However, as Archbishop McDonald of Edinburgh pointed out, the fact that no difficulties had yet occurred did not imply that the problem had been solved. Schools erected under the 1872 Act simply did not enjoy the protection and benefits of the 1918 Act, and, in McDonald's opinion, the 'seriousness of the position,' if difficulties later arose, was readily apparent. Of particular concern was the position of the supervisors of religious instruction, the authority for whose appointment was provided only in the 1918 Act. It was therefore feared that in those schools built under the 1872 Act, education committees could at any time appoint non-Catholic teachers while refusing to appoint supervisors of religious instruction, as the 1872 Act had made no such provision.⁶²

The evident concern over the position of the supervisors of religious instruction reflected the desire of the Catholic authorities to maintain the religious character of their schools. This desire was also demonstrated in other ways, most notably in the requirements for intending teachers who had to be approved by the appropriate diocesan authority with regard to 'religious belief and character.'⁶³ In order to qualify for such recognition, in the form of the Religious Certificate of Approval, male students were

required to reside in St Kentigern's Hostel during their course of studies at Jordanhill, while female students were required to train in either of the two Catholic teacher-training colleges at Craiglockhart in Edinburgh, or at Downhill. Both groups of students had also to sit a second formal Religious Examination, having already passed the Prospective Teachers' Examination in their final year of secondary schooling.⁶⁴ The Hostel system, however, did not prove to be a success, and as early as June 1923 the Marist Brother in charge informed the Diocesan Education Board that the students' attitude was 'one of continuous protest' and advised that residence should become optional.⁶⁵ Nevertheless, the Board would not be dissuaded from its desire to provide an adequate hostel for men students who proposed to become teachers, and it continued to uphold, as late as 1927, its belief in the benefits to be derived from some period of hostel residence, possibly during students' postgraduate year at Jordanhill.⁶⁶ The Religious Certificate of Approval, however, proved to be a more permanent feature, though it was partly dependent for its effectiveness on the co-operation of the various education committees. Not all committees were consistent in ensuring that candidates for teaching posts possessed the required qualification, and in February 1941 the Board specifically noted that five teachers teaching in Renfrewshire did not possess the religious certificate.⁶⁷

The outbreak of the Second World War forced the Archdiocese to relax some of its regulations. In October 1939, due to the exceptional circumstances then prevailing, two pupils were permitted to attend Ayr Academy, and the Board determined that Archbishop Mackintosh's ruling should apply to other students in a similar position.⁶⁸ The evacuation of children from the city and its environs to designated receiving areas such as Perthshire and Aberdeenshire also compelled the diocesan authorities to accept, though 'under protest,' that 'in cases where it was proposed to merge Catholic children in Protestant schools,' the relevant Director of Education should 'be obeyed in the first instance.'⁶⁹ Nevertheless, where possible, the Board sought to obtain information on the position in the various districts, with Brother Germanus, for example, submitting a satisfactory report on evacuation areas in Perthshire.⁷⁰ Catholic schools were also, on occasion, asked to accept non-Catholic children. In Dalmuir, with the

‘public’ school out of commission, Dunbartonshire County Council requested permission from the diocesan authorities to house temporarily these pupils in St Stephen’s RC School.⁷¹

Even prior to the end of the Second World War, forward planning for educational reconstruction and future requirements was being undertaken. The effect of the war on home life, with fathers in the forces and mothers at work, focused attention on the need to extend social assistance and welfare arrangements in the schools, and on making nursery provision available for pre-school children. Such concerns found expression in the 1945 Education (Scotland) Act which provided for free milk, meals, and medical inspection for all children, while nursery schools could be established in those areas ‘where there was sufficient demand.’⁷² Catholic leaders accepted that ‘social conditions have arisen and may continue which may render it imperative or at least highly desirable to send their children to school before the age of five.’⁷³ Nevertheless, the Hierarchy made clear its desire that separate nursery provision, where numbers were sufficient, should be made for Catholic children.

In reality however, the Hierarchy’s fears were premature, for, in the decades after 1945, nursery schools were destined to remain an underdeveloped sector of education, with other, more immediately urgent, problems claiming the attention of the various authorities. The damage, and destruction, to school buildings caused by the war contributed to a continued shortage of school places, a shortage which was further emphasised when a school-leaving age of fifteen became effective in 1947. The raising of the leaving age was expected to add about 60,000 pupils to school rolls,⁷⁴ and as a result most authorities accepted the Scottish Education Department’s offer to provide additional classrooms in the form of hatted buildings. In addition, as wartime conditions had effectively denuded both the schools and the training colleges of their male students, sufficient teachers were not available. For this reason, the 1945 Act abolished the marriage disqualification for women teachers,⁷⁵ and a succession of special schemes sought to attract entrants into the teaching profession. The temporary Emergency Training Scheme was superseded in 1951 by the Special Recruitment Scheme which offered financial assistance to individuals following other occupations who were prepared to train as teachers.⁷⁶

Though these twin problems of school accommodation and teacher supply were common to both Catholic and non-Catholic schools, their persistence pressed particularly heavily upon the former, for the inter-war attempts by both diocesan and public authorities to effect some improvement in these areas had already been constrained by economic depression. For example in 1945, there was still no higher grade school in Clydebank to serve the Catholic communities of Yoker, Clydebank, Dalmuir, Old Kilpatrick, Duntocher, and Hardgate. Instead, 126 children—68 girls and 58 boys—travelled respectively to Notre Dame and St Patrick's High Schools in Dumbarton, while others attended local non-Catholic schools.⁷⁷ The Diocesan Education Board noted with some concern the evident reluctance of parents to send their children to Dumbarton due to the distance involved.⁷⁸

The secondary department of Our Holy Redeemer's Clydebank, however, was not replaced until 1970. In that year, St Andrew's High opened as a comprehensive school offering a full five- to six-year secondary course, though St Columba's Secondary, incorporating the Junior Secondary department of St Mary's, Duntocher, had already opened nine years previously in 1961. Improvements in secondary provision and accommodation in the town therefore occurred only gradually, a process which was reflected throughout the Western Province. In 1947, the Scottish Education Department admitted that progress in school building was disappointingly slow,⁷⁹ and the continuation of building restrictions and the licensing system until 1954 meant that, as in the case of new Churches, any necessary expansion was limited due to a shortage of materials. No new, purpose-built Catholic secondary was built anywhere in the Province until the opening of St Augustine's in the Milton district of Glasgow in 1954.⁸⁰

By the early 1960s, some education authorities had made considerable progress in the provision of new schools. Cranhill comprehensive school, for example, opened at the end of 1960, was the 75th new school in Glasgow since the war.⁸¹ New schools, however, took time to plan and erect, and education authorities, now legally required to provide 'secondary education for all,' initially attempted to meet their obligations by adapting and recategorising existing buildings.⁸² In Glasgow, advanced division centres and primary schools containing sizeable advanced division

classes continued to be upgraded to Junior Secondary status. Similarly, outwith the city, the extension to St Mary's School, Whifflet, began an independent existence as St Edmund's Junior Secondary in 1948,⁸³ although in Port Glasgow, St John's functioned as both a primary and Junior Secondary school until 1960.⁸⁴

Indeed, by the mid-1950s when education authorities were better able to plan for future requirements, the effectiveness of the bipartite system was already being questioned. Glasgow, for example, had already begun to move away from the junior-senior secondary division and planned instead for the establishment of six-year comprehensive secondary schools, attended by children of all abilities. In the minds of most Scottish parents, the Junior Secondary had become a symbol of educational failure, with the majority of pupils leaving before the completion of their course.⁸⁵ By 1955, similar dissatisfaction was reflected in the political manifesto of the Labour Party, which declared that 'the ideal of a comprehensive educational system is part of the Scottish tradition.'⁸⁶

The full-scale introduction of comprehensive education was initiated in October 1965. Circular 600, issued by the Scottish Education Department, declared that henceforth the Scottish educational system would be comprehensive in nature, and local authorities were invited to submit schemes for bringing the decision into effect.⁸⁷ In areas such as Glasgow, where the policy had already been anticipated, the changeover to the comprehensive system was virtually complete by the early 1970s.⁸⁸ For the Catholic community, the effects of the new system were likely to prove significant, as it contributed to a more rapid expansion than might otherwise have been possible, in the number of Catholic schools providing the full secondary course.

Improved educational opportunities for Catholics, however, could not be effected solely by the provision of the necessary secondary places, for the persistent shortage of teachers acted as one factor inhibiting development. The most serious shortages occurred in mathematics, science, homecraft, and physical education, but many schools also found it difficult to recruit teachers of English, music, history, geography, commerce, and art.⁸⁹ Mathematics was particularly badly served, for, with only a very meagre supply of honours graduates entering the teaching profession, it was difficult to find suitable candidates for appointment as

heads of department,⁹⁰ a situation which boded ill for the future development of the subject, particularly in the early 1960s when the work of the Nuffield Foundation contributed to the introduction of an alternative syllabus not only in mathematics but also in science. Moreover the division of science into its component parts—physics, chemistry, and biology—itself created a need for more specialist teachers. The new Scottish Certificate of Education from the 1960s onwards also promoted an increase in the number of separate subjects, with new courses such as ‘modern studies’ being introduced.⁹¹

In attempting to attract the necessary specialist teachers, education had to compete with the perceived attractions of industry and commerce, and with posts in the scientific and civil service, all of which absorbed increasing numbers of graduates direct from university. Graduate recruitment into the teaching profession in the mid-1950s was only 40% of the figure a quarter of a century earlier.⁹² For Catholic schools, which drew upon non-Catholic specialists to make up shortfalls in specific subjects, such a reduction in graduate entrants into teaching could only extend the period of staffing difficulty. In addition, increasing ‘wastage’ rates among young woman teachers, in part due to earlier marriage, became a source of concern. Of those female students who had completed their training between 1959 and 1963, almost one quarter (25%) were no longer teaching by the latter date.⁹³ Thus, although Notre Dame College of Education over the same period trained 648 female teachers, 484 with the primary and 164 with the secondary qualification,⁹⁴ it could reasonably be expected that a substantial number of these would leave the profession within a few years. Nor, at least in the 1960s, could male entrants to teaching have compensated for such losses, for, in 1962, they comprised only 17% of the training colleges’ total intake.⁹⁵ Such difficulties in teacher supply led education authorities to employ increasing numbers of retired and uncertificated teachers, with some staff aged more than seventy being re-employed.⁹⁶ In 1962, it was estimated that to fill vacancies, reduce over-size classes, and replace the teachers aged over seventy would require an additional 3739 teachers, a figure which had risen by 1966 to 5000.⁹⁷ As a result, a national campaign was launched to persuade married women to return to the profession, particularly to relieve shortages in the primary schools. Though by 1972 the staffing position in Catholic schools had improved—assisted

by a fall in the birth rate and by the arrival within the teaching profession of some of the beneficiaries of the post-war expansion of secondary education—the raising of the school-leaving age to sixteen in 1972 tended to offset any increase in teacher supply. ‘As relatively fewer pupils in Roman Catholic schools formerly remained at school after the age of fifteen these schools tended to be more affected by the raising of the leaving-age.’⁹⁸ Further, though ‘the increase in the number of [Catholic] teachers ... was proportionately greater than in non-denominational schools the number of [Catholic] pupils increased still faster.’⁹⁹

As a result, though staffing shortages continued to afflict non-denominational schools as well, Catholic pupil-teacher ratios remained comparatively high.¹⁰⁰ In an attempt to effect some improvement, authorities drew upon the Scottish Education Department’s designated area schemes of 1967 and 1971 which targeted resources to areas of greatest need. Under both schemes, supplements to salary were made to induce teachers to apply for posts in the most seriously understaffed schools.¹⁰¹ The national total of posts covered by the scheme—3785 in 1967 and 4565 in 1971—were allocated to education authorities under a quota system based on each authority’s share of the most seriously understaffed schools. The largest shares of the posts available went to Glasgow, Lanarkshire, and Renfrewshire. Indeed, in 1971, these three counties alone accounted for 85% of the allocation.¹⁰² Each authority was then invited to select schools, both primary and secondary, for designation within its quota. As staffing ratios for Catholic schools were ‘manifestly not as satisfactory as for non-denominational schools,’¹⁰³ the Catholic community benefitted disproportionately from such incentives. Indeed, the operation of the 1971 scheme in Glasgow was deliberately weighted in favour of Catholic schools by designating no fewer than fifteen of their nineteen secondary schools, all of which had pupil-teacher ratios in excess of the highest figure (18:1) recorded in non-denominational schools. Indeed, nine out of the fifteen had ratios of 20:1 and over.¹⁰⁴ With recruitment of secondary teachers, particularly for Catholic schools, now being Glasgow’s ‘highest staffing priority,’ primary schools were excluded from the 1971 scheme.¹⁰⁵

The success of the first designation scheme, under which designated schools improved their staffing position in comparison with non-designated schools, boded well for the impact of its successor.¹⁰⁶ However,

even in the early 1970s, the Catholic community faced continuing difficulties in supplying the necessary teachers, particularly from its own resources. In Ayrshire, of four secondary schools significantly understaffed in relation to their size, three were Roman Catholic.¹⁰⁷ Dunbartonshire and Renfrewshire both reported staffing imbalances between non-denominational and Roman Catholic secondary schools, imbalances which affected both the school as a whole and individual subject departments.¹⁰⁸ The need in times of general shortage to recruit all teachers irrespective of the specialisms professed could produce imbalances between subjects, even in schools with apparently acceptable pupil-teacher ratios.¹⁰⁹ Furthermore, concerning Renfrewshire, it was suggested that Roman Catholic schools produced 'proportionately fewer pupils with entry qualifications for higher education than do non-denominational schools,'¹¹⁰ while in Glasgow the staffing complements in Catholic schools made it 'very difficult ... to produce pupils with the potential to become teachers,'¹¹¹ particularly in areas of continuing shortage such as mathematics, art, and technical subjects. Promoted posts, such as principal teachers and above, remained especially vulnerable to staffing difficulties. Even so, Glasgow was reluctant to appoint non-Catholic staff to such duties,¹¹² a policy supported by the Catholic Hierarchy which desired to ensure the religious character of the schools. In a change from both the 1872 and 1918 Acts, under the 1980 Education (Scotland) Act, the right of children to receive 'religious instruction' and to take part in 'religious observance' became guaranteed by law.¹¹³

Nevertheless, with its schools now both financed and controlled by Scotland's county burghs and councils, the Church's responsibilities had radically altered. Its role had become what Canon Kelly had always desired it should be, namely spiritual and pastoral rather than administrative. Even so, broader educational developments also exerted considerable influence upon the Church's ability to provide for the religious training of Catholic children. Curricular changes, and the need to alter timetables to accommodate other disciplines, meant a downgrading in importance for the religious knowledge period. Further, the rapid expansion of secondary education, and the related staffing shortages, led to the abandonment in 1966 of the Prospective Teachers' Religious Certificate Examination.¹¹⁴ Originally geared towards the aspirations and abilities of

the relatively small number of Catholic higher grade candidates, it became both unsuitable and unwieldy in an era of secondary education for all. Nor, with their continued, though increasingly reluctant, acceptance of the need for non-Catholic and uncertificated teachers, could Catholic schools assume that every member of staff would be willing or able to undertake religious instruction.¹¹⁵ An awareness of such difficulties led in the early 1970s to the appointment of full-time secondary school chaplains and the provision of religious education centres to provide resources for both clergy and teachers. Such efforts further demonstrate the Church's desire to maintain the religious character of the schools.

This desire to maintain the religious character of the schools is the recurrent theme which links the pre- and post-1918 periods. Rome also continues to emphasise the importance of Catholic Schools, seeing them as 'an enormous heritage and indispensable instrument in carrying out the Church's mission in the third Christian millennium. Ensuring their genuinely Catholic identity is the Church's greatest challenge.'¹¹⁶ Schools are truly 'ecclesial' and should be integrated with the pastoral activity of the parish, diocese, and universal Church.¹¹⁷ The specific purpose of a Catholic education is to form 'good citizens ... enriching society with the leaven of the Gospel, but who will also be citizens of the world to come.'¹¹⁸ Archbishop Miller continued that it is the clear teaching of the Church that parents are the first educators of their children and have the original, primary, and inalienable right to educate them in conformity with the family's moral and religious convictions. At the same time, the vast majority of parents share together educational responsibilities with other individuals and institutions, particularly the school. Schools are extensions of the home, but it is parents, not schools, not the State, and not the Church, who have the primary moral responsibility of educating children to adulthood. The principle of subsidiarity must always govern relations between families and the Church and State in this regard.¹¹⁹ Parents do not surrender their children to the Church but share a common undertaking to educate the child and to imbue the child's life with the spirit of Christ. Nor do parents surrender their children to the State. But, for subsidiarity to be effective, families and those to whom they entrust a share in their educational responsibilities must enjoy true liberty about how their children are to be educated. This means that in principle, a State monopoly of education is not permissible ... only a pluralism of school systems will respect

the fundamental right and the freedom of the individual, although the exercise of this right can be conditioned by many factors, including the social reality of each country. Even if it means public financial support for religious schools, parents must be truly free to choose according to their conscience the schools they want for their children.¹²⁰

As early as 1896, in a Memorandum from the Diocesan Education Board to the Scotch Education Department, Canon Cameron restated the Catholic position that the maintenance of their schools was a matter of conscience.¹²¹ Robert Munro (later Lord Alness), the person who piloted the 1918 Act through Parliament, would have been familiar with this argument. More recently, Professor Tom Devine and others have argued that ‘the educational dimension of religious freedom, and the choice that it allows, has long been recognised in Scotland. The country’s network of Catholic, Episcopalian and Jewish schools has sustained the right to religious freedom since the 1918 Education (Scotland) Act. By ensuring funding for education on a non-discriminatory basis to minority groups, the 1918 Act was a pioneer of religious freedom.’¹²² The margin of appreciation recognised by the European Court of Human Rights to member states in deciding on the best way to accommodate religious freedoms means that these freedoms will be looked at also in the national context in which they occur. In a devolved Scotland, the future of the 1918 Education (Scotland) Act is the responsibility of the Scottish Parliament, who will oversee its future on reaching its centenary and beyond. Debates, indeed arguments, over its implications and future will doubtless continue. But having achieved its centenary, and from international covenants and conventions which did not exist at its inception, the 1918 Education (Scotland) Act may also look to receive some support.

Notes

1. Lord Finlay introducing the Second Reading of the Education (Scotland) Bill in the House of Lords. See Hansard, www.hansard.millbanksystems.com, 30 October 1918.
2. *The Tablet*, article by Bishop Brown of Pella, 21 December 1929. Brown had been the Apostolic Visitor to Scotland at the time of the Education (Scotland) Act 1918.

3. New clause on Religious Instruction, House of Commons. See Hansard, www.hansard.millbanksystems.com, 16 October 1918.
4. Brother Kenneth, "The Education Scotland Act in the Making", *The Innes Review*, 19, 1968, 119–120.
5. Glasgow Archdiocesan Archive (GAA)—ED11, Minute of Meeting of Catholic Education Council, Edinburgh, 28 July 1919, 3.
6. GAA-ED11, Mgr John Ritchie to Mgr Brown, 29 July 1919.
7. GAA-ED11, letters from John McLachlan, writer, to Mgr John Ritchie, 12–15 November 1919.
8. GAA-MY52/18, *Ad Clerum*, 20 September 1923. Diocesan Education Boards were normally reconstituted every three years. Because the schools mainly belonged to parishes, a second (No. 2) Charitable Trust was later formed so that income could be apportioned between the parishes.
9. J. H. Treble, "The Working of the 1918 Education (Scotland) Act in Glasgow Archdiocese", *The Innes Review*, 31, 1980, 30. See also J. H. Treble, "The Development of Roman Catholic Education in Scotland 1878–1978", in D. McRoberts (ed.), *Modern Scottish Catholicism 1878–1978* (Glasgow: J. S. Burns, 1979), 125.
10. Treble, 'Working of the 1918 Education (Scotland) Act,' 31.
11. *Ibid.*, 33.
12. *Ibid.*
13. James Scotland, *The History of Scottish Education*, Vol. 2 (London 1969), 44.
14. GAA-ED11, Mgr Hugh Kelly [to unidentified Monsignor], 25 March 1920.
15. GAA-ED1/5, undated Memorandum from Canon Hugh Kelly inserted in the *Minute Book of the Diocesan Education Board, 25 June 1923–3 May 1926*.
16. Memorandum, *ibid.*
17. Treble, 'Working of the 1918 Education (Scotland) Act,' 35.
18. *Ibid.*
19. GAA-ED41, copy report from Scottish Education Department (32.3883), 27 September 1920.
20. GAA-ED41, copy report from Scottish Education Department (19/E.8061-178 H.G), undated.
21. Treble, 'Development of Roman Catholic Education,' 127. Even prior to the 1918 Act, the Church in the west of Scotland had sought the

services of Irish teachers to ease the staffing shortages in its schools, but such attempts were not particularly successful, with the Scottish Education Department being reluctant to recognise those with Irish qualifications.

22. GAA-ED1/5, *Minute Book of the Diocesan Education Board*, Teachers and Hostel Sub-Committee, 18 February 1924, 51.
23. GAA-FR18/1, Charitable Trust, *Minute Book*, 12 June 1925, 23 December 1932, 12 June 1925, unpaginated.
24. GAA-FR18/1. The normal amounts awarded to individuals in loan grants were: University Arts course, three years—£60, four years—£80, and Training College, two years—£40, three years—£60.
25. GAA-FR18/1, *ibid.*, 12 June 1925. Powers to award loan grants to suitable candidates were delegated by the Diocesan Education Board to its Treasurer and Secretary. Only the most doubtful cases were settled by the Board itself.
26. Mrs. Ellen McHugh to author. In 1924 it became a requirement that all male teachers must be graduates. See Marjorie Cruickshank, *A History of the Training of Teachers in Scotland*, Publications of the Scottish Council for Research in Education [No. 61] (London: University of London Press, 1970), 169.
27. GAA-ED1/3, *Minute Book of the Diocesan Education Board*, 4 April 1921, unpaginated.
28. Thomas A. FitzPatrick, *Catholic Secondary Education in South-West Scotland before 1972: its contribution to the change in status of the Catholic community of the area* (Aberdeen: Aberdeen University Press, 1986), 60.
29. *Ibid.*, 63.
30. James E. Handley (Bro. Clare), *History of St Mungo's Academy 1858–1958* (place and date of publication unspecified), 157.
31. FitzPatrick, *Catholic Secondary Education*, 61.
32. *Ibid.*, 62.
33. GAA-ED1/6, *Minute Book of the Diocesan Education Board 24 May 1926–28 October 1934*: 17 January 1927, 41, quotes verbatim a letter of 3 January 1927 from Archbishop Mackintosh to the Diocesan Education Board.
34. Treble, 'Development of Roman Catholic Education,' 127.
35. GAA-ED1/6, *Minute Book of the Diocesan Education Board 24 May 1926–28 October 1934*: 5 September 1927, 72.
36. *Ibid.*, 16 January 1928, 90.

37. *Ibid.*, 23 January 1928, 91.
38. GAA-FR18/1, *Charitable Trust Minute Book, 4 March 1931*. The agreement itself was signed in February 1928. Two of the Catholic schools in the city, Sacred Heart, Bridgeton, and St Roch's, Garngad, were the property of the RC Charitable Trust. Formal approval of the sale of these two schools is not recorded in the Minute Book of the Trust, until 4 March 1931, although the transfer itself had taken effect on 15 May 1928.
39. *Ibid.*, 24 September 1928, 109. Ayrshire and Lanarkshire agreed to the proposal (19 November 1928, 116); Dunbartonshire (17 December 1928, 122).
40. *Ibid.*, 22 October 1928, 112.
41. Treble, 'Working of the 1918 Education (Scotland) Act,' 29–30.
42. GAA-ED1/6, *Minute Book of the Diocesan Education Board, 24 May 1926–28 October 1934*: 25 November 1929, 144.
43. *Ibid.*, 11 April 1930, 157–159—concerning nomination of Catholic representatives to the [County] Education Committees.
44. GAA-ED1/7, *Minute Book of the Diocesan and Provincial Education Board 26 November 1934–13 June 1955*: 25 January 1937, unpaginated.
45. *Ibid.*, 22 October 1936.
46. *Ibid.*, 16 January 1939—the schools at Renton and Milngavie were excluded from these negotiations.
47. *Ibid.*, 23 January 1940.
48. FitzPatrick, p. 61—there were in fact five junior secondaries, the advanced centres at St Mary's, Calton, and St Roch's, Garngad, having been upgraded.
49. Handley, *History of St Mungo's*, p. 178
50. FitzPatrick, *Catholic Secondary Education*, 64—St Mary's, Lanark, was upgraded.
51. *Ibid.*
52. GAA-ED8, *Religious Examination of Schools, 1934–35*. By 1934–35, the number of post-primary places totalled 11,016—8013 of these in secondary and former Higher Grade schools and 3003 in Advanced Divisions. Primary places totalled 95,278 attached to missions/parishes, and a further 1442 provided by Religious Orders.
53. Cruickshank, *History of the Training of Teachers*, 172; Scotland, *History of Scottish Education*, vol. 2, 123.

54. GAA-ED1/7, *Minute Book of the Diocesan and Provincial Education Board*, 29 May 1935, unpaginated.
55. GAA-ED16, from Southwark. James R. Lyons to Archbishop Andrew MacDonald (St Andrews and Edinburgh), 28 September 1934, 1.
56. Ibid.
57. GAA-ED16, from Southwark. *Memorandum, covering the operation of the Scottish Education Act 1918* (1934), unpaginated.
58. GAA-ED16, from Southwark. R. M. Allardyce, Education Offices, Glasgow, to Mr J. W. Peck, Scottish Education Department, 10 November 1934.
59. GAA-ED16, from Southwark. Mr. Peck to Bishop Brown, 9 November 1934.
60. Ibid.
61. GAA-ED16, from Southwark. Archbishop Macdonald to Bishop Brown, 16 January 1943.
62. Ibid.
63. FitzPatrick, *Catholic Secondary Education*, 52.
64. GAA-ED1/3, *Minute Book of Diocesan Education Board*, 3 October 1921, unpaginated.
65. FitzPatrick, *Catholic Secondary Education*, 53.
66. Ibid.
67. GAA-ED1/7, *Minute Book of Diocesan and Provincial Education Board*, 24 February 1941, unpaginated.
68. Ibid., 8 November 1939.
69. Ibid., 4 December 1939.
70. Ibid., 8 November 1939.
71. Ibid., 30 June 1941.
72. Findlay, 29. (See note 1 above.)
73. GAA-ED16, from Southwark. *Memorandum on behalf of the Hierarchy of the Roman Catholic Church in Scotland in connection with the Education (Scotland) Bill 1944*, 3.
74. *Education in Scotland 1947* (1948), 5, Report of the Secretary of State, National Records of Scotland—ED34.
75. Findlay, 29.
76. Cruickshank, *History of the Training of Teachers*, 189.
77. GAA-ED1/7, *Minute Book of Diocesan and Provincial Education Board*, 3 March 1945.
78. Ibid.

79. *Education in Scotland 1947* (1948), 6.
80. From information in FitzPatrick, *Catholic Secondary Education*, 126–133.
81. Scotland, *History of Scottish Education*, vol. 2, 196.
82. Findlay, 29.
83. FitzPatrick, *Catholic Secondary Education*, 129.
84. *Ibid.*, 131.
85. Scotland, *History of Scottish Education*, vol. 2, 211.
86. *Ibid.*, 177.
87. *Ibid.*, 212
88. FitzPatrick, *Catholic Secondary Education*, 126; Treble, ‘Development of Roman Catholic Education,’ 137.
89. *Education in Scotland 1962* (1963), 21, Report of the Secretary of State, National Records of Scotland—ED34.
90. *Ibid.*
91. Scotland, *History of Scottish Education*, vol. 2, 205.
92. Cruickshank, *History of the Training of Teachers*, 191.
93. *Ibid.*, 190. By comparison, the annual ‘wastage’ rate of women teachers trained between 1935 and 1938 was 4.5%.
94. Calculated from tables in FitzPatrick, *Catholic Secondary Education*, Appendix II, 178–180.
95. Cruickshank, *History of the Training of Teachers*, 191.
96. Scotland, *History of Scottish Education*, vol. 2, 224.
97. Cruickshank, *History of the Training of Teachers*, 190.
98. Treble ‘Development of Roman Catholic Education,’ 132–133.
99. *Ibid.*, 133.
100. *Ibid.*, 134.
101. *Education in Scotland in 1971* (1972), 28, Report of the Secretary of State, National Records of Scotland—ED34
102. *Ibid.*
103. *Education in Glasgow. Report by HM Inspector of Schools 1972* (1973), 7.
104. *Ibid.*, 19.
105. *Ibid.*
106. *Education in Scotland in 1971*, 28.
107. *Education in Ayrshire. Report by HM Inspector of Schools, 1974* (1976), 16. The three schools were Sacred Heart High, St Joseph’s Academy, and St Conval’s High.

108. *Education in Dunbartonshire. Report by HM Inspector of Schools, 1974* (1976), 3. The pupil-teacher ratio in non-denominational schools was 14:7, in RC schools, 18:1.
109. *Education in Renfrewshire. Report by HM Inspector of Schools 1973* (1974), 7. Renfrewshire also reported severe staff shortages in primary schools, often in the RC sector and particularly in the Greenock/Port Glasgow area. Areas with teacher-training colleges within their boundaries gained considerably in teacher recruitment (see page 9).
110. *Ibid.*, 7.
111. *Education in Glasgow*, 19.
112. *Ibid.*
113. Jacqueline Watson, Marian de Souza and Ann Trousdale (eds.), *Global Perspectives on Spirituality and Education* (Routledge: New York and London, 2014), 7, quoting B. Hartshorn, from T. G. K. Bryce and W. M. Humes (eds.), *Scottish Education: Beyond Devolution*, 3rd edition (Edinburgh: Edinburgh University Press, 2008), 375–380.
114. FitzPatrick, *Catholic Secondary Education*, 141.
115. *Ibid.*
116. Archbishop J. Michael Miller CSB, *The Holy See's Teaching on Catholic Schools* (2005). Available from the Catholic Education Resource Center at www.catholiceducation.org.
117. *Ibid.*
118. *Ibid.*
119. *Ibid.*
120. *Ibid.*
121. GAA-ED2, *Memorandum to the Scotch Education Department*, April 1896.
122. Mr Tufyal Choudhury, Professor Sir Tom Devine, Professor Ian Leigh, and Dr. Deirdre McCann, “Religious Freedom in Scotland A Legal Proposal”, 6. The text of the ‘Legal Proposal’ document can be accessed online at www.sconews.co.uk/opinion/39879/religious-freedom-in-scotland-a-legal-proposal.