

## NOTES ON BIRCHINGTON C OF E SCHOOL

19<sup>th</sup> August 1845 – John Powell Esquire, of Quex Park freely and voluntarily and without any valuable consideration, conveyed to the Rev. Richard Peter Whish, Vicar of the several parishes of Monkton, Birchington and Acol a parcel of land in what is now known as Park Lane (it was a parcel of the land formerly attached to Birchington Workhouse which was purchased in 1837 by John Powell Powell from the Visitor and Guardians of Birchington Union).

The land to be used by the Vicar and his successors as a Site for a school for poor persons of and in the several parishes of Birchington and Acol, and as a residence of the Schoolmaster or Schoolmistress – such school to be always in union with the Incorporated National Society for promoting the education of the poor in the principles of the established church conducted according to its principles and for the furtherance of its ends and designs and to be in all things under the management and control of the said Richard Peter Whish or other Vicar for the time being of the parishes of Birchington and Acol. John Powell Powell hereby declares and directs that the Vicar for the time being shall alone have the power to select and appoint the master and mistress.

**1874** – The Charity Commission established a scheme for the future regulation of the Charity – The National School founded by Deed dated 19<sup>th</sup> August 1845. The School and other buildings standing on the land vested in and held by the Vicar and Churchwardens of the Parish of Birchington and their successors on trust, to be forever appropriated and used solely as and for a school.

Such a school shall always be union with and conducted according to the principles and in furtherance of the ends and designs of the National Society for Promoting the Education of the Poor in the Principles of the Established Church.

The principal officiating minister for the time being shall have the superintendence of the religious and moral instruction of all children attending the school and may also use or direct the premises to be used for the purposes of a Sunday School under his exclusive control.

Next paragraph is about the management of the school – Vicar, Churchwardens etc and must be members of C of E.

The master or mistress must be a member of the Church of England.

The principal officiating minister of the Parish shall be Chairman.

**1876** – A Deed of Grant and Exchange was drawn up – part of the Cotton family Estates exchanged for a small piece of Birchington School Land – and conveyed to the Vicar and Churchwardens (to enable an addition to be built onto the side of the building.)

**1901** – Indenture and Grant of Land.

Land was conveyed voluntarily by Percy H. G. Powell Cotton to the Vicar and Churchwardens as a school site – on same conditions as in the Trust Deed of the Charity Commission. On the land are built the buildings at the rear which were originally the girls and infants' schools.

**1939** – A plot of land was conveyed from Major P. H. G. Powell Cotton to the Vicar and Churchwardens for an air raid shelter trench. This site is now used by the new classroom building. The purchasers paid £15-12-6.

The vendor has the right to repurchase the said land for £15-12-6 when the land not required by the purchasers (for the construction of air raid trench shelters). The land must not be used for another purpose without license of the vendor.

## **NATIONAL UNION OF TEACHERS LAW AND TENURE DEPARTMENT**

Dear Mr. Walker,

Thank you for your letter of the 4<sup>th</sup> February.

As a general comment, and as background to the short answers given in this letter to your questions, I think you should obtain a copy of "County and Voluntary Schools (Third Edition)" by Alexander and Barraclough. This can be obtained on loan from the N.U.T. Library on application by you.

I now set out your specific questions, together with my answers.

1. What denominational teaching can take place in a Controlled School?  
The Foundation Managers can arrange for this on not more than two periods in each week.
2. What teachers can be asked to take this teaching?  
The reserved teachers can be required to give denominational instruction. The Head can do so, as a volunteer if he or she so wishes.
3. Can the Vicar (or his Curate) go into the School to take any such teaching? Have they a legal right?  
This can legally be done if arranged by the Foundation Managers within the limits laid down in answer (1).
4. Must the Head of a Controlled C. of E. School be C. of E?  
The appointment of Head lies with the L.E.A. and he or she need not be Church of England unless the Trust Deed of the School so requires.
5. What say do the parents have in this matter of denominational teaching? Must they "opt in" or "opt out".  
Every say. It is only when the parents ask for denominational teaching, that it can be given at all.
6. Who appoints the Managers and the Chairman of a Controlled C. of E. School?  
The Instrument of Management providing for the constitution of the Managing Body is made by an order of the Secretary of State. The minimum number is six and they are appointed as follows:-  
2 Foundation Managers  
2 L.E.A. Managers  
2 Minor Authority Managers  
The Chairman will normally be elected by the Managers.
7. Is the Church Expected to pay anything towards the maintaining of the School, if Controlled?  
No, except in respect of lettings out of school hours.
8. Most of these C. of E. Schools have Trust Deeds vesting the buildings etc. in the Vicar and Churchwardens to maintain C. of E. teaching. How does becoming controlled affect the Trust Deed?

The Trust Deed remains in force unless modified by the Secretary of State. If any provisions in the Instrument of Management or Rules of Management are inconsistent with the Trust Deed, modifications of the latter can be made.

Yours faithfully.

K. Wormald.

## **A FEW NOTES ON CONTROLLED SCHOOLS**

1. The book "County and Voluntary Schools" by Alexander & Barraclough 3<sup>rd</sup> Edition is useful.
2. The Foundation Managers can arrange for denominational teaching in a controlled school, on not more than two periods in each week.
3. "Reserved" teachers can be required to give this denominational teaching. The Head can do so if he, or she, so wishes.
4. The Vicar or his Curate can go into the School to take any such teaching. This can legally be done if arranged by the Foundation Managers within the limits laid down in 2.
5. The appointment of the Head lies with the L.E.A. and he or she, need not be C. of E. unless the Trust Deed of the School so requires.
6. Parents can "opt in" or "opt out" of this denominational teaching. It is only when the parents ask for denominational teaching that it can be given at all.
7. The Managers and Chairman of a C. of E. Controlled School are constituted by the Instrument of Management providing for the constitution of the Managing Body – and is made by an order of the Secretary of State. The minimum number is six and they are appointed as follows:-
  - 2 Foundation Managers
  - 2 L.E.A. Managers
  - 2 Minor Authority Managers
 The Chairman will normally be elected by the Managers.
8. The Church is not expected to pay anything towards the maintaining of the School if controlled, except in respect of lettings out of school hours.
9. Most D. of E. Schools have Trust Deeds vesting the buildings etc. in the Vicar and Churchwardens to maintain C. of E. teaching. The Trust Deed remains in force unless modified by the Secretary of State.
 

If any provisions in the Instrument of Management or Rules of Management are inconsistent with the Trust Deed, modifications of the latter can be made.

## **THE ANSON BYE-LAW**      Canterbury Diocesan Notes – Sept 1933

What is the Anson Bye-law? It is the statutory method by which on at least one day a week Council School children, with the written consent of their parents from the Council Schools, may receive definite Church Teaching, in addition to the excellent Bible instruction given in the Council Schools.

The reason for adopting the Anson Bye-law is that, owing to the re-organisation of the schools of the town, the Church Schools have lost all their senior scholars from the age of 11 upwards, and in two schools children from 8 to 11 years of age in addition.

The Anson Bye-law has been in operation in Maidstone in no less than four centres, and the success which has attended this first experiment in our Diocese has been so marked that we are glad to give a brief account of it in the hope that it may be adopted elsewhere. The new arrangement has now been in force for over a year and is found to be working perfectly smoothly and without any difficulty whatever. This is due to the earnest co-operation of both the Local Education Authority and the Teachers with the Clergy of the Town. Through it the Clergy are brought into personal contact with children whom otherwise they would not be able to influence, and thus happy relations are established with them, which makes the extra trouble in running these classes well worthwhile.

In order to gain an idea of what exactly takes place, perhaps it is best to take one of these classes for an example and describe what it done:- The children assemble outside the Church and at 8.55 they are admitted, each child having its own particular place in the north aisle of the church. Everything is in readiness: the hymns are on the board, and the questions relating to the lesson (usually five or six in number) are there also : no children are allowed to come in late, so that the same strict punctuality is observed as in a day school. At nine o'clock exactly the hymn begins, followed by a prayer repeated after the Vicar, the Lord's Prayer and the Apostles' Creed. Then comes the marking of the attendance, and this is done by the children themselves, as at the end of each pew there is a card containing the names of the children in that pew in the order in which they sit ; these cards are gathered up and the registers are marked by an assistant during the progress of the lesson. Each child has a notebook and pencil, and as the lesson is taught, pauses are made during which the questions are answered ; after the close of the lesson a second hymn and the "Grace" follow, and the children are then taken back to the Day School.

In the particular parish referred to, there are two classes, one for junior mixed children (8 -11 years) on Tuesdays and a second for senior girls (11 to 14 years) on Thursdays, and seeing that the numbers on the register during this year are 93 and 80 respectively, the Vicar has been brought into personal contact with no less than 173 children, a far larger number than if he had taken a single class in the Church Day Schools. In addition provision is made for the senior boys to attend the class held at the mother church.