www.parliament.uk (n.d.)

Education Act, 1944
Education Act, 1981

Education Act, 1944.

AN ACT

TO

Reform the law relating to education in England and Wales.

Chapter 31.



2734

STATUTORY INSTRUMENTS

1981 No. 909

EDUCATION, ENGLAND AND WALES

The Education (School Premises) Regulations 1981

Made - - - -	*24th June* 1981
Laid before Parliament	*10th July* 1981
Coming into Operation	*1st August* 1981

In exercise of the powers conferred by section 10 of the Education Act 1944(a) and vested in them (b), the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:—

PART I

GENERAL

Citation and operation

1. These Regulations may be cited as the Education (School Premises) Regulations 1981 and shall come into operation on 1st August 1981.

Revocation and transitory provisions

2.—(1) The Standards for School Premises Regulations 1972(c) are hereby revoked.

(2) The transitory provisions contained in Schedule 1 shall have effect in relation to such existing and other school premises as are mentioned in paragraph 1 of that Schedule.

Interpretation

3.—(1) Except where the context otherwise requires, in these Regulations the following expressions have the meanings hereby respectively assigned to them, namely—

"boarding school" has the meaning assigned thereto by Regulation 14;

"hard porous surface" means a loosely compacted waterbound surface (consisting of crushed brick, crushed graded stone aggregate, blaes or similar material) or a bitumen bound surface through which water can penetrate;

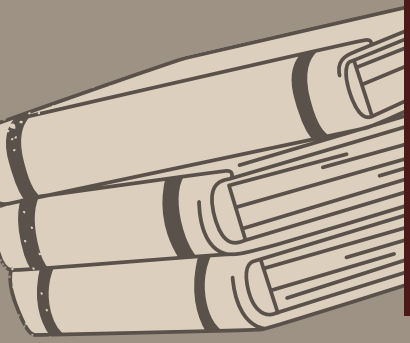
"paved" means having a hard drained surface (consisting of tarmacadam, concrete or a material with similar characteristics);

"physical education" includes the playing (or, in relation to staff, the teaching and supervision) of games;

(a) 1944 c. 31. (b) S.I. 1964/490; 1970/1536. (c) S.I. 1972/2051.

(Legislation.gov.uk, 2026)

'CHANGES IN EDUCATION POLICY ARE NEVER UNIVERSALLY WELCOMED'



Ruby James - 2500109

Why education policy is considered contested?

Evidence of how education policy has been contesetd in Wales/Uk since 1840:

1840s- Rise of State interest in schooling

1847- "blue books" criticising the welsh language

1870- Elementary Education Act, conflict over control

1902- Balfour Act control mostly shifted to the church & local authorities

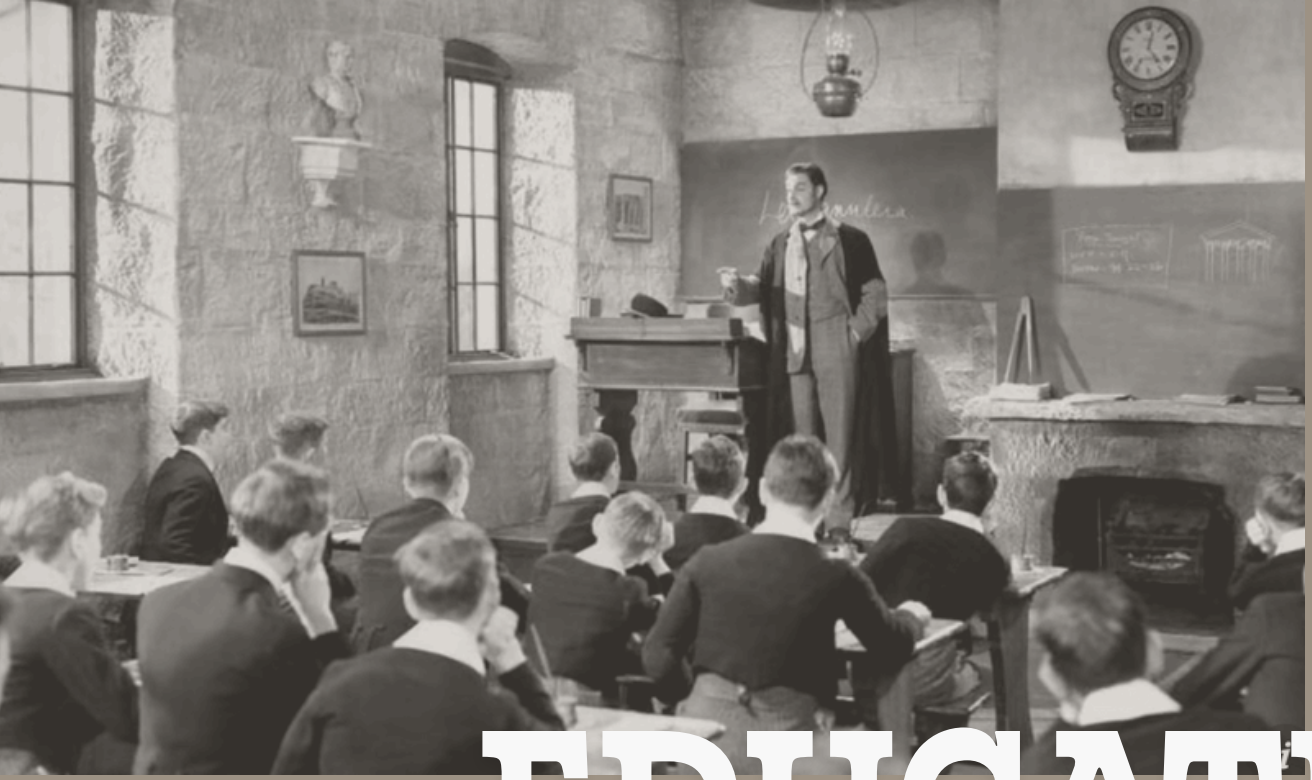
1944- Butler Act (Tripartite system)

1978- Warnock report (inclusion & new view towards SEN

1988- Education Reform Act (National Curriculum introduced

UK Parliament(2022) ,library.wales (n.d),UK Parliament (1870), The education company (n.d),UK Parliament (2025a), NationalArchives.gov.uk (2021), Fisher (2008)

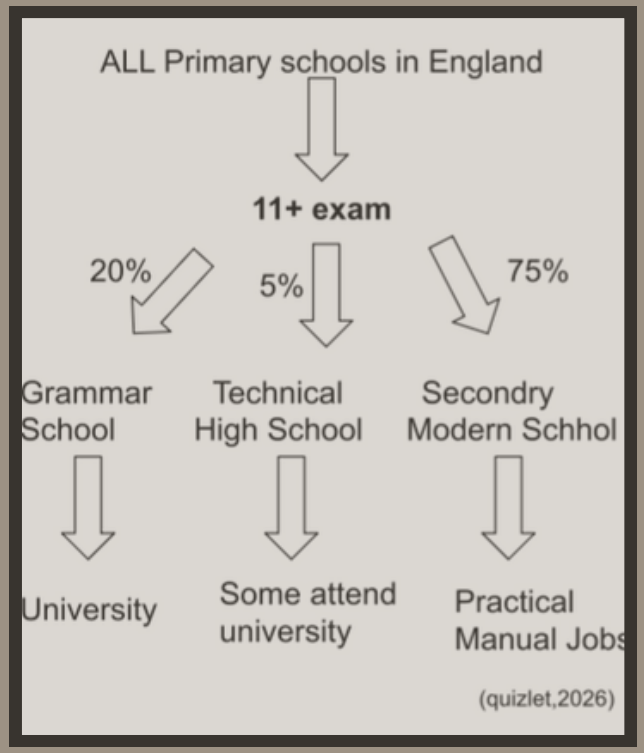
Education policy has been considered to be contested since the 1840s due to numerous conflicting factors, for example religion, political ideology, control over the local authorities, social class and many more. McCully (2012) supports this through highlighting the difference in groups to shape education for instance the local authorities versus the government, proving that the issues narrow down to the power and control rather than pure intentions for the students at the time.



The Guardian (2018)

EDUCATION ACT 1944



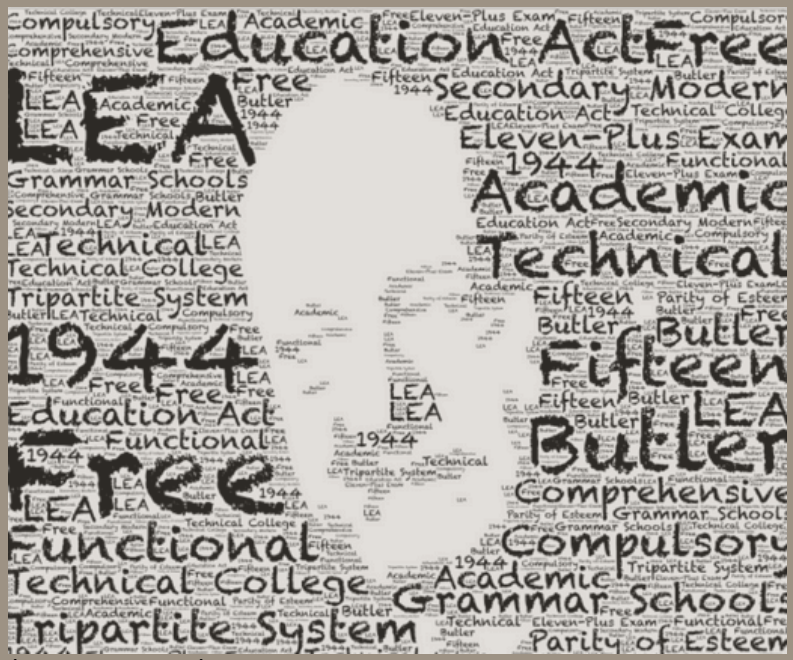


The Education Act 1944 was introduced post First World War, as a key part of legislation. The aim was to update the education system as they believed it was outdated. (Wjec.co.uk 2025) highlights that the main focus to achieve from the act was equality of opportunity for children due to education pre-war wasn't taught at a quality standard for all as a result of families being unable to fund the fees for their child to attend school.

At first, this act appeared to eliminate problems with class structure as it allowed children to attend school without having to worry about the costs. However, once the tripartite system was introduced, it raised concerns and became a contested issue. The 11+ exam reproduced class inequality by channelling the two classes into two different types of schooling that offered unequal opportunities. For example, (grammar - university and then technical - practical manual jobs) (Thompson, 2014).

what?

is the Education Act?



(jivespin, 2016)

The 1944 Butler Education Act aimed to give all students an equal chance to develop their abilities in a free state-run education. They aimed to complete this through introducing the ‘tripartite system’. This was a system that broke education into three stages, one of which was primary and then secondary and further education. From this it is evident that this only reintroduced class divisions by deciding the children's pathways by using an unfair system.

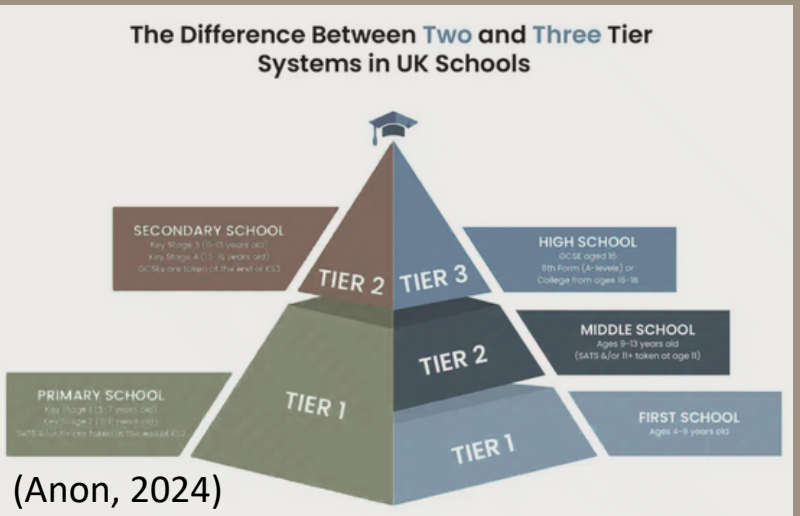
As seen on this page, The 1944 Education Act is known for introducing the tripartite system. The act, alongside the tripartite system, marked a significant movement within the government's responsibility for education in England and Wales. Whilst reading work from (UK Parliament, 2025) the outcome of this act was that secondary schooling was free but compulsory for all until the age of 15. The guidance and support from local authorities and the Ministry of Education included school meals and religious inclusion in day to day learning.

what?

is the Education Act?

Although the Act had intentions to improve education for England and Wales, many aspects of its implementation have led it to become widely contested. I discovered these issues while carrying out further research for this scrapbook.

Research has shown me that the most contested section of this act was the introduction of the tripartite system because it caused a significant divide between pupils' education. The segregation based on the results of the 11+ exam caused issues involving inequality, even though its purpose was aimed at completing the opposite of this. This caused more problems involving the class structure of society, due to the privileged mostly being sent to a grammar school that was known as the academically superior, where working-class children would likely be placed in secondary modern / technical schools that were meant to offer hands-on opportunities for all to help gain skills and qualifications they needed to secure a job for the future. The results of this exam essentially determined the child's future. This highlights the inequality and unfairness of the tripartite system because, yet again, funds and social class interfere with education.



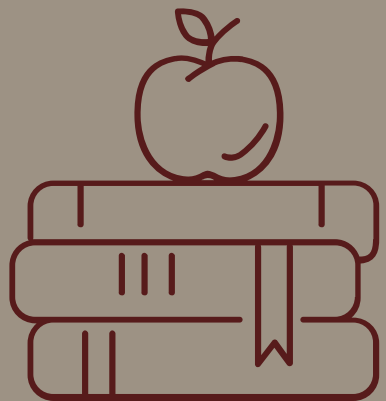
(Anon, 2024)

why?

is the Education Act considered contested? p.1

Educational reformers most definitely opposed this act due to their planning of the tripartite system appearing to be too rigid, to examine children 11 and above who are very young to determine where they belong on the education scale. (Cresci and readers, 2015) Highlights how this act was controversial among teachers as some saw the good in helping children to ensure more focus and help for each individual. However, on the other hand, others saw the inequalities of the act and slowly saw class structures fall back into place just like years before. Per chance, the expectations for these new schools were extremely high, making it impossible to meet the criteria of excellence, ensuring everyone receives a stable and quality education. Therefore, causing the act to be contested.

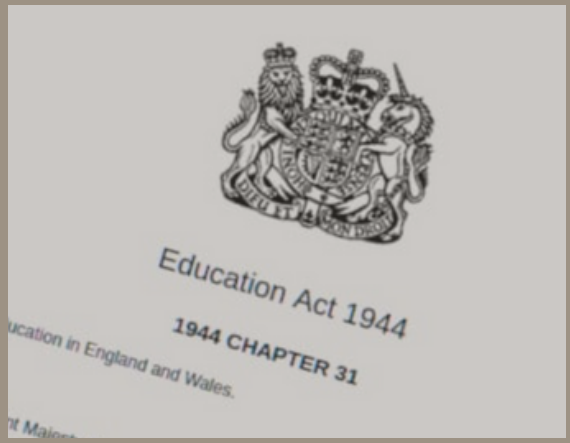
Additionally, we can see that the Education Act 1944 appears contested because the tripartite system didn't follow the plan they ought to follow from the beginning. The act originally outlined that they would set up three different types of schooling. However, the technical schools were pushed aside due to lack of specialist staffing and also lack of funding to complete the building (Richard,2011). This resulted in leaving the options limited, leaving the option between secondary modern schooling and grammar schools. Essentially, this was down to luck of where the child was born and how well their local authorities cared for and funded the schools.



why?

is the Education Act considered contested? p.1

Welcome collection(2025b)



Together, these implications combine and cause the Education Act 1944 to be seen as a contested issue. Furthermore, it has highlighted and foreshadowed later acts and legislations for example the Education Act 1988 as it was seen as ‘the most important piece of education legislation since the “Butler Act” (The British Academy, 2019)

Despite the acts’ aims and objectives to achieve a positive outcome. There are clear focus points that create the act a contested issue. These include numerous factors for example, religious, parental choice, concerns involving equality, funding and many more influential factors.

why?

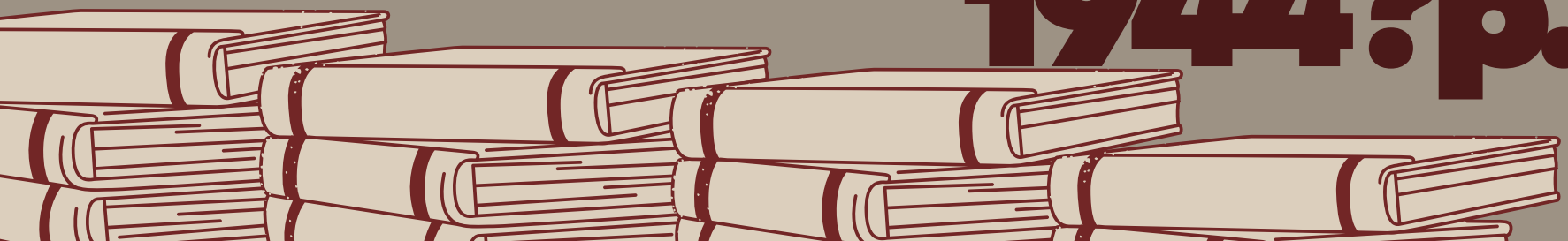
is the Education Act considered contested?

p.2

Politically, the Education Act 1944 was encouraged. This was due to having promised free secondary education for all, to hopefully see a decrease in the inequalities to accessing mainstream education (UK Parliament, 2025b). Research from the (BBC, 2024) shows that Rab Butler was a former conservative politician who played a significant role in the party. Also, this act received support from Labour politicians he worked closely with to draft this act, like James Chuter Ede (View, 2018).

This act opens up a debate based on its legacy, as it laid the foundation for future reforms while exposing persistent inequalities.

As a whole, local authorities showed support towards the act because it unified them as a national framework. The act initially would have been supported by many working-class families and teachers due to having been promised free secondary education, giving hope of a successful future, (GOV.UK, 2011).





Who would support / oppose the Education Act 1944? p.1

(Qmul.ac.uk, 2023)



Who would support / oppose the Education Act 1944? p.2

Alongside political supporters, the Act also received encouragement from religious organisations, mostly the Church of England. Research from (Staufenberg, 2020) shows that due to the support from religious and financial aspects, local authorities integrated faith into the act of making religion mandatory in education, linking this to the time period. Per chance, this was due to the disruption from the First World War, using religion to keep morals high.

Despite this, the act faced opposition from mostly privileged middle-class parents who believed their child was losing valuable education and traditional ways of giving everyone the right to free education. Alongside the traditional ways, local authorities were concerned that they would face financial problems by implementing the new free system. There was also criticism involving the Tripartite system, arguing that the segregation children at age 11 reproduced class divisions rather than reducing them.

(Elliott, 2023)



EDUCATION ACT 1981



(Elliott, 2023)

The Education Act 1981 was a significant piece of legislation for England and Wales that developed and progressed how schools supported children with additional learning needs. Before this act was introduced the Warnock Report released in 1978 was the key turning point for Special Education in the UK.



Especially with moving away from outdated terms like “handicap” or even “sub-normal” to more humane and correct terms, for instance, special educational needs or even additional learning needs in Wales. (Norwich, 2019) highlights how the Warnock report is seen as an influential document whilst studying education policy over time. Before this report was released, the view on SEN was completely different and viewed as stigmatising, especially compared with The Education Act 1944.

what?

is the Education Act 1981?

The implementation of this act had a significant positive impact on education because it removed the strict categorised version of SEN and further integrated a more inclusive framework that was child centred on their individual needs. The main outcome of this act was the creation of the "Statement of Special Educational Needs." (Parliament.uk, 2026b). This was a legal document that shifted the focus from categorising needs to being more detailed about that child in specific. We can see improvement as it both involved parents and local authorities. (Legislation.gov.uk, 2024) shows in section 7 it is evident that Parents had more rights to contribute and challenge the local authorities' decisions based on the assessments held by the local authorities. Although there may have been issues between the local authorities and the parental role, this statement confirmed the needs that had to be met through education. Similar to Warnock, the 1981 education act also encouraged the idea of mainstream schooling for all, on terms that their needs were to be met with the correct materials and resources.(Lamb, 2019)

what?

is the Education Act 1981?

Despite this, the act could not guarantee that this would happen due to outside factors disagreeing like local authorities. However, it did lay down opportunities for later policies like the 2001 SEN code of practice.



As a whole, the 1981 education act opposed the idea of segregation and encouraged a more inclusive approach to education (Castro-Kemp, Palikara and Grande, 2019). This act reflected the same ideology as the Warnock report and both shared the opinion that education should not be moulded to policies and to adapt to the child. They both set a strong groundwork for the future of SEN/ALN in England and Wales.

what?

is the Education Act 1981?

Although the Education Act 1981 is often praised for its progressive intentions towards inclusion for all in mainstream education, it has also been widely debated and criticised. One of the most common issues was funding. While it advertised that the main focus was the integration of the assessment, parental control and more detailed support for each individual, there was a massive gap revolving around funding for resources and staffing, leaving teachers feeling unprepared and worried that they would not perform to the quality of teaching that was being promoted. Without funding, it is impossible to move forward effectively. Additionally, without the correct resources and also trained staff, this would be unsuccessful and seen as promising false hope. Research from (Whittaker, 2001) has shown that the act was also condemned for being overly cautious compared to the Warnock report. The Warnock report laid out ambitious ideas that 1981 failed to follow successfully.

why?

is the Education Act 1981 considered contested?



The act applied an emphasis on the terms “efficient use of resources”. In other words, to justify local authorities avoiding the integration of mainstream schooling from SEN only schools. Many could argue that this weakened the act's potential of succeeding. Despite this, most could also argue that the mainstream schools could not meet every child's needs in a mainstream classroom, risking causing more damage than good due to the child not receiving enough support.



(Satchell, 2024)

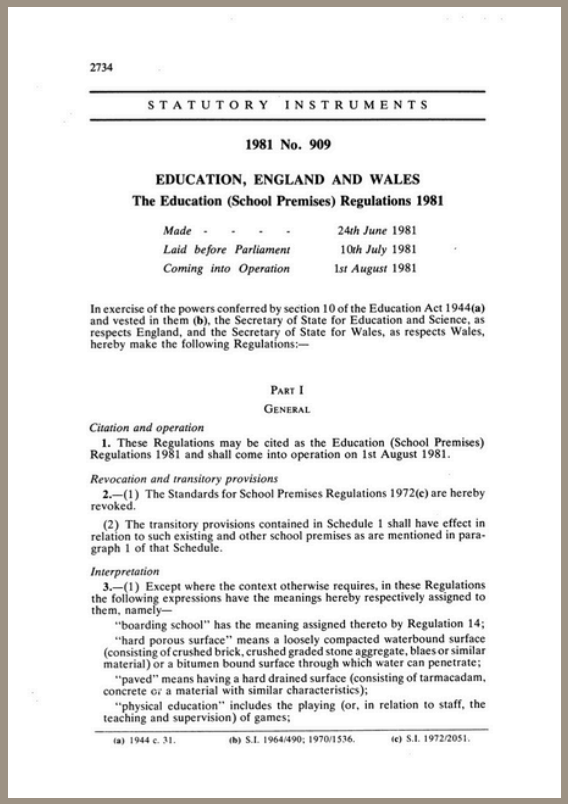
Due to the 1981 Education Act changing parents and supporters’ thoughts and feelings about schools without keepig individuals up to date, it strengthens how this act is seen to be contested (Daniels, Thompson and Tawell,2019), suggesting that teachers and education specialists were often concerned about what the transformation period would look like as result of the lack of planning for the new child centred approach. This shows that the act is contested because the local authroites left it to the schools to complete, meaning risking the chance of implementing it incorrectly.

why?

is the Education Act 1981 considered contested?

Different to today, class structure was still seen as an issue, parents had more rights around the time of the 1981 act. However this arguably worsened the problems with higher class families believing that their child wouldn't receive an adequate education. Due to the families having to challenge local authorities, this led the act to be seen as contested because it restricted the plan to be inclusive.

As we can see above, the 1981 education act is considered contested due to its drive to release the document yet little drive to ensure its implementation. Not only this, the problems listed above, like funding, parental battles, are still issues that we can see today.



2734

STATUTORY INSTRUMENTS

1981 No. 909

EDUCATION, ENGLAND AND WALES

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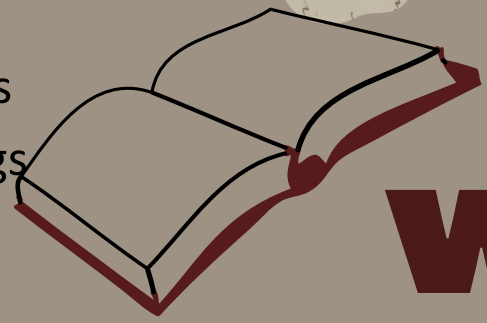
(a) 1944 c. 31. (b) S.I. 1964/490; 1970/1536. (c) S.I. 1972/2051.

(Legislation.gov.uk, 2026)

why?

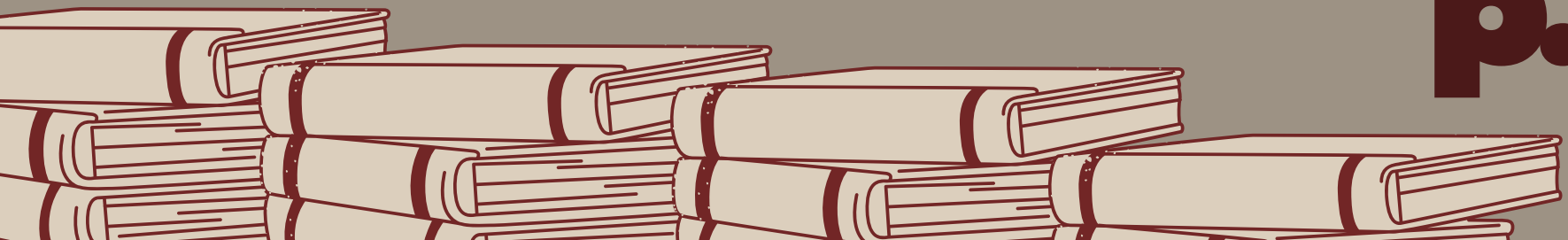
is the Education Act 1981 considered contested?

Who would support/ oppose the Education Act 1981? p.1

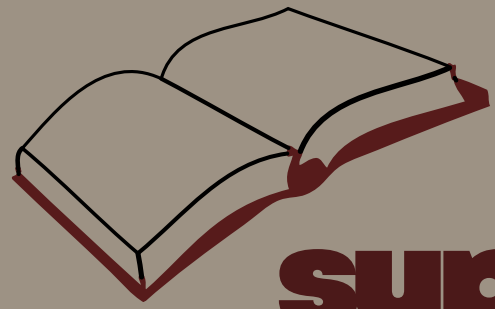


It is evident that the Education Act received support and also opposition to its actions. One of the biggest oppositions to this act would be members of the local authorities due to the act promising a number of things for greater inclusion, yet without considering the lack of funding. Local authorities' biggest concern was funding. They believed the process of statementing was seen as expensive and hard to use accurately and consistently.

This further shows us that the expenses have a knock-on effect on other factors. For example, ensuring enough trained staff and even the correct specialist resources to complete the transition from SEN schools to mainstream schools.







Who would support / oppose the Education Act 1981? p.2

On the other hand, the act received support from many that advocated for greater inclusion for children. Most parents would support this education act due to parents having more rights to have their say but to also challenge local authorities. Some may see this as an issue because parents are interfering without understanding the reasoning behind the local authorities' decisions.

Another group that supported the education act 1981 was the teachers that encouraged and valued child centred approaches to gain the best possible outcome for the individual. Alongside this, there was support from many for removing condemning terms and updating the system to be more accurate than categorising pupils.

Overall, both views share valid reasoning over their decisions. However, the negatives outweigh the positives. The act focussed on creating the perfect outcome for SEN education without considering the impact this would have on the children, also ignoring the outside factors that would be a barrier to transition successfully, causing it to be considered contested.

SIMILARITIES & DIFFERENCES

Butler Act

Focus - whole education system

Difference in terminology- Used medical labels like ‘handicapped’ or ‘sub-normal’ were used (Barnes, 1991)

Assumptions/ predictions - Not all children could be educated.

Education Act 1944 created the tripartite system (11+)

Both influenced later legislation e.e. SEN Code of Practice [Criticalblog, 2024]

Both made attempts to improve outdated systems and adapt to social change. [Parliament.uk 2026]

Warnock Report

Focus - SEN only

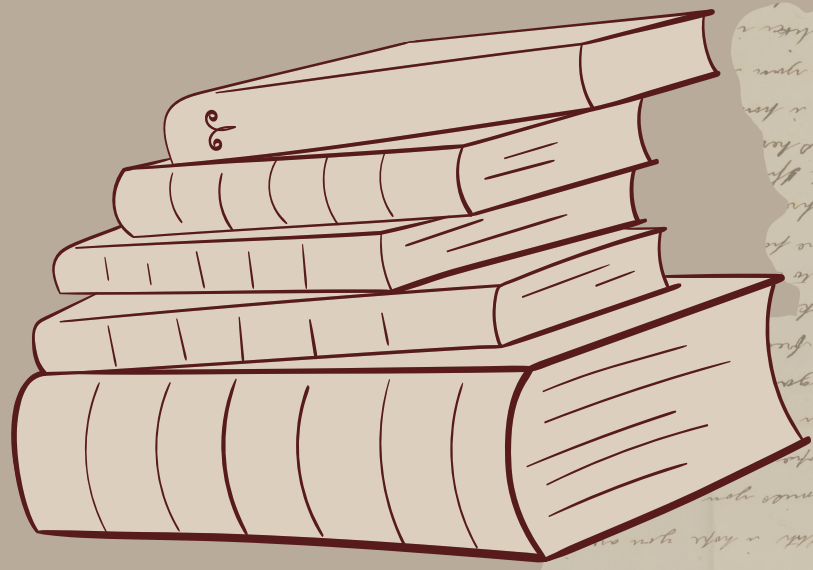
Difference in terminology- introduced a modern approach ‘SEN’

Assumptions/ predictions - All children are able to be educated despite their learning needs. (Warnock,1978)

Led to mainstream education and more inclusivity for students with SEN

How Education Policy has shaped education today p.1

Education policy has always been the way to shape the way of schooling in the UK. Over this period of time, we can see a visible shift moving away from the terminology of SEN to ALN in Wales and, overall, more inclusivity regarding pupils' needs as a whole in the UK. During the Education Act it was common to use terms such as handicapped or even sub-normal (Barnes 1991). However, the Warnock Report 1978 introduced a more modern approach and evolved to the term ‘SEN’. Also, leading us into the 1981 act. Looking at more recent times, we could argue that without the Warnock report, the new implementation of the ALN act in Wales wouldn’t have been introduced in 2018 to replace the previous terminology “SEN”. Alongside this, Warnock set a clear format to include a more inclusive approach to education without ignoring the fact that some pupils may need additional help compared to others.



How Education Policy has shaped education today p.2



(Rctcbc.gov.uk, 2014 b)

It is evident that Education Policy has also had a significant impact on the wider communities, even up to 2026. We can see that the Equality Act 2010 ensured that schools remove any form of barriers to learning for all students to provide equal opportunities for all, due to disability being known as one of its protected characteristics (GOV.UK, 2013). We can apply this to the development of the new ALN Schools. For example, the new ALN school opening this year in RCT, suitable for ages 3-19, (Rhondda Cynon Taf County Borough, n.d) and Ysgol Awel Taf in Rhyfelin (RCTCBC.gov.uk, 2024)This highlights, although the education policies may be seen as contested, that they offer positive outcomes as well to create and ensure more suitable environments for all to gain the best form of education.

To conclude, it is noticeable that education policy has pushed the system towards greater inclusivity and, overall, more respect towards students. We can see this change from comparing the quality of schooling slowly over time since the education act 1944 all the way to today.

Conclusion

To conclude, both the Education Act 1944 and Education Act 1981 have shown improvement in education policy and the impact it shares on education. The journey of both has shaped and determined how education looks today and emphasises how education has changed significantly for the better over time. Moving from stigmatising terms to more inclusive and humane words that ensures equality for all. However, every act also shows negatives throughout despite the positives. This further supports how education policy is more complicated than calling a policy “contested." It is a balanced argument that is in constant debate with each other, especially whilst considering other outlooks and factors on each policy.

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