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Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation Document

## **Consultation on draft statutory guidance to school governing bodies on school uniform and appearance policies**

Date of issue: 29 November 2018  
Action required: Responses by 21 February 2019

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

# Consultation on draft statutory guidance to school governing bodies on school uniform and appearance policies

## Overview

This consultation seeks views on the draft statutory guidance to school governing bodies on school uniform and appearance policies.

## How to respond

Responses to this consultation should be e-mailed/posted to the address below to arrive by **21 February 2019** at the latest.

## Further information and related documents


**Large print, Braille and alternative language versions of this document are available on request.**

The consultation documents can be accessed from the Welsh Government's website at [gov.wales/consultations](http://gov.wales/consultations)

## Contact details

For further information:

Education Business Planning & Governance Division  
The Education Directorate  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ  
e-mail: [schoolfundingmailbox@gov.wales](mailto:schoolfundingmailbox@gov.wales)

 @WG\_Education

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## General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

## Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data holds about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

e-mail: [Data.ProtectionOfficer@gov.wales](mailto:Data.ProtectionOfficer@gov.wales)

The contact details for the Information Commissioner's Office are:

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 01625 545 745 or  
0303 123 1113

Website: <https://ico.org.uk/>

## **What this consultation is about**

This consultation seeks views on the Welsh Government draft statutory guidance to school governing bodies on school uniform and appearance policies. All responses will be considered. A summary report of responses will be published on the Welsh Government website following the completion of the consultation.

## **What is the current position**

There is no education legislation in Wales specifically covering the wearing of school uniform. Section 21 of the Education Act 2002 places the conduct of a maintained school under the direction of the school's governing body. The governing body is required to conduct the school with a view to promoting high standards of educational achievement and this may include having a school uniform policy in place which can promote school discipline and ensure that pupils are dressed appropriately for learning activity.

The Welsh Government strongly encourages schools to have a school uniform policy in place as it has many benefits. When introducing a new school uniform policy or considering changes in school uniform requirements, the Welsh Government expects governing bodies to consider equality issues, the wide availability of uniform garments and cost implications to families and to consult widely with parents, pupils and other groups on a new/revised school uniform policy.

Where the governing body of a school has put in place a school uniform policy and/or a policy regarding pupils' appearance, it is for the head teacher to enforce these policies as part of their overall responsibility for the day-to-day running of the school.

The Welsh Government provides guidance to schools and governing bodies on school uniform and appearance policies. This document can be found on the Welsh Government website:

<https://beta.gov.wales/school-uniform-and-appearance-policy-guidance-governing-bodies#>

Whilst governing bodies are expected to consider the Welsh Government guidance when introducing or reviewing their school uniform policy, it is non-statutory and the Welsh Government have no powers to enforce it. Decisions relating to school uniform are appropriately for schools and their governing bodies to consider. If parents are not happy with the availability of their child's school uniform or the cost of purchasing the uniform from a particular supplier, they may raise this concern with the school governing body.

## **Why we are proposing a change**

Kirsty Williams, the Cabinet Secretary for Education, has decided to make the guidance statutory in seeking to better support governing bodies in making their decisions on school uniform policies in respect of access, affordability and flexibility. The current guidance is also being updated as it was published in 2011 and some of the factual information is out of date. Changes in the guidance will come into force in September 2019

The power for the Welsh Ministers to issue statutory guidance is contained in section 88 of the Education and Inspections Act 2006 and section 175 of the Education Act 2002. Whilst the Welsh Ministers may only issue statutory guidance to the governing body under section 88 of the 2006 Act, the governing body would need to set out the principles and those would

have to take account of any statutory guidance published by the Welsh Ministers under section 88 of the 2006 Act.

### **What we are proposing**

- That school governing bodies have regard to affordability when setting their school uniform and appearance policy.
- That school governing bodies have regard to access and availability of uniform items when setting their school uniform and appearance policy.
- That schools' uniform policies should not dictate different items of clothing on the basis of sex or gender.
- That schools' uniform policies have a flexible approach to uniform items when accounting for extreme weather conditions.

### **What outcomes we expect**

- A school's uniform and appearance policy will remain the responsibility of school governing bodies.
- School governing bodies will have regard to affordability when setting their school uniform and appearance policy.
- School governing bodies will have regard to access and availability of uniform items when setting their school uniform and appearance policy.
- School governing bodies will have regard to the guidance that schools' uniform policies should not dictate different items of clothing on the basis of sex or gender when setting their school uniform and appearance policy.
- School governing bodies will make clear their approach to flexible uniform items to account for extreme weather conditions when setting their school uniform and appearance policy.
- School governing bodies will have regard to the new Welsh Government statutory guidance when introducing or reviewing their school uniform policy, however, the Welsh Government will have no powers to enforce it.