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Guidance for governing bodies on school uniform and appearance policies

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Guidance

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Guidance for governing bodies on school uniform and appearance policies

Audience	Governing bodies and headteachers of maintained schools in Wales; local authorities; teaching and other unions, diocesan authorities, NACAB Cymru, equality and disability organisations, and other national and local bodies concerned with education in Wales.
Overview	This document provides guidance for governing bodies and headteachers on issues relating to implementing or changing a school uniform and appearance policy. It replaces the guidance currently published on the Welsh Government's website.
Action required	Governing bodies and headteachers to have regard to this non-statutory guidance when implementing or changing school uniform and appearance policies.
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Additional copies	This document can be accessed from the Welsh Government website at www.wales.gov.uk/educationandskills
Related documents	<i>School Prospectuses: Guidance for Headteachers and Governing Bodies</i> National Assembly for Wales Circular 14/01 <i>Respecting Others: Anti-Bullying Guidance</i> National Assembly for Wales Circular 23/03 <i>School Governors' Guide to the Law</i> (2009) <i>Home-School Agreements: Guidance for Schools</i> Welsh Office Circular 27/99 <i>Exclusion from Schools and Pupil Referral Units</i> National Assembly for Wales Circular 1/2004 (Revised March 2006) This Circular incorporates amendments from Circular 1(A)/2004 <i>Guidance on the Welsh Government School Uniform Grant Scheme</i> National Assembly for Wales Circular 25/2005 The School Councils (Wales) Regulations 2005 <i>Guidance for Governing Bodies on the Establishment and Operation of School Councils</i> National Assembly for Wales Circular 42/2006

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Summary

This guidance is aimed at school governing bodies and headteachers. It focuses on:

- ensuring that due regard is given to securing equality of treatment between boys and girls and for pupils from different ethnic and religious backgrounds and disabled pupils in relation to school uniform and appearance policies;
- cost;
- practical considerations involved in introducing or changing school uniform and appearance policies;
- consultation with parents and pupils.

The guidance also sets out the current position in Wales regarding financial assistance for parents towards the cost of purchasing school uniform.

Section 1: Introduction and legal context

1.1 There is no education legislation specifically covering the wearing of school uniform or other aspects of appearance such as hair colour and style, and the wearing of jewellery and makeup. However, as part of its responsibility for the conduct of the school, a governing body can specify a uniform which pupils are required to wear and other rules relating to appearance. Secondary schools in Wales almost invariably specify a uniform for pupils to age 16; many do not specify uniform for sixth formers. The position in primary schools is more mixed.

1.2 The Welsh Government strongly encourages governing bodies to have a school uniform drawn up after consultation with parents, pupils and relevant local or faith communities. Properly developed and appropriately implemented, a school uniform can:

- provide a sense of identity and cohesion within the school and instils pride in its achievements;
- can support positive behaviour and school discipline;
- can ensure pupils dress appropriately for learning activity;
- can remove peer pressure to dress in 'designer' fashions;
- can enable pupils of all backgrounds to share in a common identity which embraces their particular requirements;
- can help reduce inequalities between pupils and some triggers for bullying;
- can help identify truants;
- can assist identification of strangers on school premises; and
- it can support and promote the ethos of the school.

Status of guidance

1.3 Although there is no specific legislation covering school uniform and pupil appearance and therefore this guidance is **non-statutory**, there are a number of statutory provisions which impact on this issue and to which governing bodies are required to have regard.

1.4 This guidance is not intended to provide exhaustive advice on a governing body's responsibilities in relation to discrimination or human rights. Where governing bodies have concerns about possible harmful consequences of certain types of dress, they may wish to consider taking their own legal advice and to consulting community and faith organisations, parents and children and the Equality and Human Rights Commission.

1.5 This guidance is not to be regarded as providing an authoritative statement and or interpretation of the law as ultimately this is a matter for the Courts.

Conduct of the school

1.6 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. Section 175 of the Education Act 2002 requires governing bodies to conduct the school with a view to safeguarding and promoting the welfare of children who are pupils at the school.

1.7 The School Government (Terms of Reference) (Wales) Regulations 2000 made under Section 38 of the Schools Standards and Framework Act 1998 impose a duty on governing bodies and headteachers to exercise their responsibilities with the need to:

- a) eliminate unlawful discrimination on grounds of race and sex; and
- b) promote equal opportunities and good relations between persons of different racial groups and between males and females.

1.8 The power to introduce a school uniform policy is contained in section 88(1) of the Education and Inspections Act 2006. Whilst this section does not specifically mention school uniforms it is broad enough to include it. This section places a duty on governing bodies to ensure that policies designed to promote good behaviour and discipline are pursued at the school.

1.9 In addition section 89(1) of the Education and Inspections Act 2006 also places a duty on the headteacher to determine measures (including rules and provisions for enforcing them) to be taken with a view to promoting discipline among pupils, a proper regard for authority, encouraging good behaviour and respect for others and otherwise securing an acceptable standard of behaviour. It is a requirement of section 89(6) that any measure introduced by the headteacher under section 89(1) of the Education and Inspections Act 2006 should be publicised by him in the form of a written document. That document should be made known within the school and to parents of registered pupils at the school. The headteacher is also required once in every school year to take steps to bring it to the attention of pupils, to their parents and all those employed or otherwise engaged to work at the school.

1.10 In making and operating measures drawn up under section 89(6) of the Education and Inspections Act 2006 a head teacher should include measures to prevent all forms of bullying. Thus a governing body should ensure that when a school uniform or appearance policy is drawn up, modified or operated that grounds are not created for bullying. Any instances of bullying should be dealt with vigorously at source. The school should have regard to the Welsh Government's guidance in Circular 23/2003 '*Respecting Others – anti Bullying Guidance*'¹.

¹ Respecting Others: Anti-bullying Guidance – Welsh Assembly Government Circular number 23/2003.

Equality legislation

1.11 There are a number of statutory provisions contained under the Equality Act 2010 which may impact on school uniform and appearance policies and to which governing bodies and headteachers need to have regard so as not to discriminate unlawfully on the grounds of sex, race, religion or belief and disability. These are set out in Annex A to this guidance document.

1.12 The duties placed on governing bodies as a consequence of these Regulations include to:

- publish objectives that are designed to enable a Governing Body to better perform its general equality duties;
- to assess the impact of its policies, for example its school uniform policy on pupils, staff, and parents of different racial groups, including the impact on attainment levels on such pupils;
- monitor, by reference to their impact on such pupils, staff and parents, the operation of such policies including their impact on attainment levels of such pupils.

Home-school agreements

1.13 Governing bodies are required by section 110 of the School Standards and Framework Act 1998 to put in place home-school agreements. The Act defines a home-school agreement as specifying:

- the school's aims and values;
- the school's responsibilities in relation to all pupils of compulsory school age;
- parents' responsibilities while their child is registered at the school; and
- the school's expectation of its pupils.

1.14 One of the issues which it is usual for these agreements to cover is the wearing of school uniform or of suitable clothing in the absence of uniform and appearance policies. The Home-School Agreement is often the main indicator for parents, pupils and school staff of school uniform and appearance requirements based on school policy. Governing bodies might also wish to include terms of possible sanctions for non-wearing of uniform or breach of appearance policies in the agreement. However, governing bodies should not include in a Home-School Agreement any terms or conditions which would be unlawful or unreasonable.

School councils and consultation with pupils

1.15 The Welsh Government's policies for children and young people are founded on the United Nations Convention on the Rights of the Child. In 'Children and Young People: Rights to Action' the Welsh Government has 7 core aims and states that 'every young person in Wales has the right to be consulted, to participate in decision

making, to be heard on all matters that concern them or have an impact on their lives'.

1.16 Pupils therefore have a right to be consulted on and influence decisions that affect them. To support pupils and schools the Welsh Government made The School Councils (Wales) Regulations 2005, which require all maintained primary (excluding nursery and infant schools), secondary and special schools in Wales to establish a school council. NAW Circular 42/2006 – Guidance for Governing Bodies on the Establishment and Operation of School Councils – advises that school uniform is one of the issues that a school council should be asked to consider at its meetings, and in consultation with the pupil body of the school.

Section 2: Equality issues to be considered by school governing bodies

2.1 In formulating school uniform and appearance policies, a school governing body needs to consider its obligations not to discriminate unlawfully on the grounds of sex, race, religion or belief and disability.

2.2 The essential point is that governing bodies should act fairly and reasonably when choosing or reviewing their school uniform and appearance policies, ensuring that they meet their duties under the Human Rights Act 1998 and other anti-discrimination legislation. Governing bodies should also uphold the principles of the United Nations Convention on the Rights of the Child (Articles 12 and 13) as mentioned below:

Article 12

1. *States Parties shall assure to the child who is capable of forming his or her own views, the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*
2. *For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.*

Article 13

1. *The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.*
2. *The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*
 - a) *For respect of the rights of reputations or others; or*
 - b) *for the protection of national security or of public order, or of public health or morals.*

Discrimination on the grounds of race/religious belief

2.3 School governing bodies should consider their uniform and appearance policies in the context of their race equality policy; their obligation to promote equality of opportunity between pupils of different racial groups; and the requirement to assess the impact of school policies on pupils drawn from different racial groups. A governing body could be regarded as discriminating if it did not accommodate religious needs concerning dress. This could either amount to unlawful race discrimination (for example, because a high proportion of the followers of a particular faith come from one or more minority racial groups and could not comply with a

particular uniform requirement), or it could amount to a breach of the governing body's duties under the Human Rights Act 1998 or the Equality Act 2010.

2.4 The Human Rights Act 1998 protects the right to “manifest one's religion or beliefs”. Various religions require conformity to a particular dress code, or to outwardly manifest their belief. Some religions require that specific religious artefacts are worn or their followers dress in a particular way.

2.5 It may be possible for many religious requirements to be met within school uniform and appearance policies and school governing bodies should act reasonably in accommodating religious requirements. Once the uniform and appearance policy has been agreed, governing bodies should consider carefully, any request that is made to vary the policy to meet the needs of any individual pupil to accommodate their religion or belief.

2.6 It is important for a governing body to consider the concerns of any group and how its proposed uniform and appearance policies might affect each group represented in the school. The governing body should consider potential issues for any group about the proposed policies and whether they could infringe an individual's right to reasonably follow a recognised practice of their religion or belief and whether they are discriminatory.

2.7 For example, it may be a recognised practice for a pupil to wear a particular item of clothing. In recognising this the governing body could reasonably decide that the article of clothing may be worn if it is in the school uniform colours. In making such decisions governing bodies should also take into account Health and Safety issues as referred to in paragraphs 3.10 and 3.11 of this guidance. Furthermore groups of children drawn from different cultures within the same religious community may have differing requirements which may require consideration of modification of the school uniform rules. Governing bodies must remain within relevant statutory requirements in reaching decisions.

Disability discrimination

2.8 Governing bodies need to be mindful that school uniform and appearance policies do not disadvantage disabled pupils in comparison to pupils who are not disabled. Issues for consideration by governing bodies include the practicality of their uniform and appearance policies in relation to disabled pupils. Governing bodies might also consider whether reasonable adjustments can be made to the schools uniform and appearance policies to accommodate disabled pupils' requirements.

Sexual/gender discrimination

2.9 A governing body should state the composition of school uniform and appearance for boys and girls and ensure that this does not give rise to unlawful discrimination.

2.10 School uniform and appearance policies should not disadvantage one gender compared with the other. If there are any differences in the school uniform and appearance policies between genders, these should be justified on objective

grounds with reasons and clearly stated in the policy. One ground for justification might be that a certain religion lays down different dress and appearance codes for different sexes. Failure to respect such codes could amount to race discrimination or a breach of human rights.

Section 3: Issues to consider in adopting changing or evaluating school uniform and appearance policies

Cost of school uniform

3.1 The Welsh Government recognises that school uniform and other items that are required to be purchased in accordance with a school uniform policy can be a financial burden, particularly for low income and large families. Consequently, when introducing a new uniform or considering changes in school uniform requirements, the Welsh Government expects governing bodies to give high priority to the cost considerations. No school uniform should be so expensive as to leave pupils or their families feeling unable to apply for admission or to attend a particular school.

3.2 Governing bodies should consider the following in the context of keeping down the cost of school uniform:

- Only stipulate basic items and colours but not styles so that items can be bought from retail chains at reasonable prices and not just from one supplier.
- Avoid high cost items such as blazers and caps.
- School logos – requiring logos on polo shirts, jumpers, blazers and PE kit, obtainable from specialist suppliers can be costly. Schools should consider the necessity of requiring such items altogether, weighing up the balance of having its own distinct identity, whilst also ensuring that uniform items are widely available and affordable. If uniform items with logos are required, schools should limit logos to one item (which is reasonably priced) which is worn frequently, e.g. a sweater or cardigan. These items of clothing should be easily available to families.
- The purchase of logos to sew or stick onto items of clothing should be considered as an option to reduce costs where logos are considered to be a necessary part of school uniform.
- Avoid variation in colours and style for different year groups – this is expensive for parents and limits the scope for second-hand sale or handing on to siblings.
- Have easily washable items: dry clean only items should be avoided.
- Limit the frequency of uniform changes as this can be costly for parents and again limits the scope for re-sale or handing on to other pupils.
- Consider the cost and availability of non-standard sizes.
- If there is a change to a school uniform policy, introduce a transitional period so that old uniform can be worn for at least a year before a total changeover to a new uniform and consider if items of the old uniform can be retained in the new policy.
- Take a flexible approach to basic uniform requirements during hot weather as opposed to having separate uniforms for Winter and Summer.

- Secondary schools may wish to consider the feasibility of aligning their school uniform policy with those of their feeder primary schools to enable any core uniform items (e.g. white shirts, white polo shirts, black trousers, black skirts and sports equipment) to continue to be used in Secondary schools.

The Office of Fair Trading ‘Supply of School Uniforms Review’ September 2006

3.3 The Welsh Government encourages governing bodies to have regard to the wide availability of school uniform garments from a range of suppliers when considering their school uniform supplier arrangements. The Office of Fair Trading (OFT) carried out a fact finding review in 2006 of the practice of some schools in the UK of requiring parents to purchase school uniform from particular retailers or from the school itself. The OFT review found that such exclusive arrangements were on average 23% more expensive than school uniform retailers generally and 150% more expensive than supermarkets.

3.4 Having a wide range of uniform suppliers also addresses accessibility issues for those parents who encounter difficulty accessing uniform suppliers who are in remote areas.

3.5 The availability of financial assistance for school uniform for some families is detailed in section 5.

Other school uniform and appearance considerations

Coats

3.6 Governing bodies ought to be flexible in their requirements regarding coats worn between home and school. Specifying a particular colour or style may result in parents having to buy two coats for their child – one for schoolwear and one for wear at other times. The Welsh Government recognises however that certain fashion coats could be deemed inappropriate. Governing bodies should therefore consult and work with pupils and parents on this issue to reach a solution that both agree with.

Physical education

3.7 School uniform often includes clothing required for Physical Education (PE). PE is an important part of school life, assisting with the general health and wellbeing of young people. Pupils should feel comfortable about their PE clothing. Schools should choose a PE uniform which is practical, comfortable and appropriate to the activity involved. Pupils’ participation in PE lessons, especially girls’ participation can be adversely affected because of the clothing that they are required to wear. Governing bodies should adopt a sensitive, flexible approach having regard to the equality issues outlined in this guidance. Schools should also consider the costs of PE clothing, particularly where specialised equipment is also necessary.

3.8 PE footwear should be suitable i.e. trainers and plimsolls, for health and safety reasons (see paragraph 3.8). Governing bodies should consider whether any child not wearing the correct footwear should be permitted to take part in the PE lesson. Governing bodies could decide that these pupils could still participate by officiating, keeping score etc while providing a reminder that appropriate clothing for taking part in PE activities is worn in future. Children ought not to wear the same socks and shoes for PE lessons and for the rest of the school day.

Health and safety

3.9 Health and safety issues are extremely important and need to be given constant consideration, especially when pupils are taking part in PE and science lessons. In drawing up or modifying school uniform or appearance policies governing bodies may have to balance the desires and rights of individual pupils against health and safety or security requirements. For instance, governing bodies have a right to expect pupils with long hair or headscarves to tie them back safely for PE and work in science labs or technology workshops.

Jewellery

3.10 Governing bodies may wish to consider the wearing of jewellery as part of school uniform and appearance policies and specify items of jewellery that pupils may wear. When doing so, governing bodies should take into account the advice given in paragraphs 2.4-2.8 of this guidance, and whether the proposed school uniform policy could infringe an individual's right to reasonably follow a recognised practice of their religion or belief and whether the policy could be discriminatory. There are also health and safety issues to consider. For example it may be reasonable for a governing body to ban pupils from wearing jewellery where it considers that this poses a risk of injury (e.g. in PE lessons, where pupils should be asked to remove earrings or tape them).

Medical issues

3.11 Once school uniform/appearance policies have been put in place, school governing bodies will need to consider carefully requests made to vary the policy to meet the needs of an individual pupil because of a temporary or permanent medical condition or impairment. For example, pupils with some skin conditions may be unable to wear specific fabrics, and pupils with foot or leg injuries may be unable to wear school shoes. A pupil with a specific impairment may find that a certain school uniform item poses restrictions to them.

Home to school travel

3.12 Governing bodies should encourage children to walk or cycle to school and should consider this when determining the design and style of uniform. School uniforms are often quite dark making it difficult for children to be seen by drivers especially during the winter months. Governing bodies should consider the benefits of including light colours and/or reflective materials as part of their school uniform policy to ensure that children are able to walk and cycle safely to school.

Section 4: Information, consultation and complaints

School prospectuses

4.1 School uniform and appearance requirements should be included in the school prospectus. The school prospectus should be updated annually and made available to all parents of existing and prospective pupils on request. School uniform and appearance policies could also feature on a school's website. This would help ensure that all parents are made aware of the school's policies on school uniform and appearance before electing to send their child to the school.

Consulting with parents, pupils and other groups

4.2 When considering the introduction of new school uniform and appearance policies or changes to existing school uniform or appearance policies, in accordance with the principles of good practice, governing bodies should consult widely with current pupils and parents/carers and prospective pupils and parents/carers, especially as change could give rise to additional costs. Consultation should also include representatives of different pupil groups in the wider community, taking care to identify community leaders representing minority ethnic and religious groups (Annex B provides an outline of the types of dress issues that may be relevant to adherents of some religions) as well as groups representing pupils with special educational needs or disabilities. Governing bodies should engage pupils and the school council in drawing up school uniform and appearance policies by actively engaging and encouraging them to take ownership in designing their uniform policy and communicating it to parents, prospective parents and pupils.

4.3 Governing bodies should document the consultation process undertaken, the points made by respondents and the decisions taken in weighing up competing points of view. It would be useful if governing bodies provided respondents with the reasons for decisions reached, especially if there was a contentious issue addressed during the consultation.

4.4 Governing bodies are encouraged to review their school uniform and appearance policies periodically (and should always consider doing so at times when representations are made) and to consult parents, pupils and other groups for their views as part of any review.

Complaints

4.5 Complaints about school uniform (or dress) and appearance codes/policies should be dealt with in accordance with the governing body's complaints procedure.

Non-compliance with school uniform and appearance policies

4.6 Where the governing body has put in place a school uniform policy and/or rules about appearance, it is for the headteacher to enforce these as part of his or her overall responsibility for the day-to-day running of the school and for maintaining discipline.

4.7 Headteachers should decide what action to take when pupils infringe a school's uniform or appearance rules. Headteachers can discipline pupils for breach of the school's uniform/appearance policies. However they should first try to establish why a pupil is not complying with the policy. If it is because families are in financial difficulties, schools should allow an appropriate amount of time for the required items to be purchased and offer information about any assistance the LEA or the school is able to offer.

4.8 There may be other reasons apart from financial ones or defiance why a pupil is not complying with the uniform or appearance policy. For example, their uniform may have been lost, stolen or damaged, or accidentally soiled beyond the point where it can be worn and it may not be possible to wash and dry some articles of clothing overnight. The Welsh Government would not expect headteachers to send children home in these circumstances. Other reasons could be that the uniform is not available in the pupil's size, or there may be religious reasons that have not been previously identified.

4.9 Headteachers may ask pupils to go home to change their clothes without formally excluding them. This should be for no longer than necessary to effect the change of clothing and would only be appropriate where the change could be made quickly and easily. Headteachers should not send a pupil home indefinitely or for longer than is necessary to change clothes or modify appearance (e.g. by having a haircut) as this could amount to an unofficial exclusion. When sending a pupil home, headteachers or senior staff should bear in mind the age and vulnerability of the child and should contact the parents or carers if necessary. The pupil would be expected to return to school immediately his/her clothes had been changed. Failure to do so could amount to an unauthorised absence.

Exclusion and non-attendance

4.10 Exclusion is not normally an appropriate response to breaches of school uniform/appearance policies. However, where these breaches are persistent and in open defiance of the school's uniform or appearance policy, and where all other avenues for resolving the uniform dispute have been exhausted, then the school may consider exclusion as a last resort depending on the circumstances of the case.

4.11 Governing bodies need to ensure that absenteeism does not arise because families are unable to provide uniform for their children. If that arises, information and other appropriate assistance should be given to families by the Local Authority or the school.

Section 5: Financial assistance

Welsh Government School Uniform Grant Scheme

5.1 The Welsh Government recognises that some parents face financial hardship from the costs of purchasing school uniform for their children. The Welsh Government also believes that the financial support parents receive towards the cost of school uniform should not be affected by where in Wales they live.

5.2 In June 2005, the Welsh Government introduced an all Wales school uniform grant scheme to assist families on low incomes with the purchase of school uniform for their children. The scheme has been targeted to assist those pupils entering secondary school as this is the time when parents face the biggest cost for school uniform in one go.

5.3 The scheme provides a grant to pupils entering Year 7 of maintained secondary schools in Wales who are eligible for free school meals, and pupils in special schools, special needs resource bases and pupil referral units in Wales who are aged 11 at the start of the school year and who are eligible for free school meals.

5.4 The grant scheme is being administered by local education authorities on behalf of the Welsh Government. Schools should advise parents that applications for this grant should be made to the local authority.

Local authority grant assistance

5.5 Section 518 of the Education Act 1996, as substituted by section 129 of the School Standards and Framework Act 1998, and the Local Education Authority (Payment of School Expenses) Regulations 1999 provide discretionary powers for local education authorities to make payments to cover the cost of school clothing where they are satisfied that payment should be made in order to prevent or relieve financial hardship.

5.6 Many local authorities across Wales offer financial assistance towards the cost of school uniform. At present such assistance is offered to secondary school pupils only.

5.7 The eligibility criteria used by Local Authorities vary. Some authorities base eligibility on the same criteria used for eligibility for free school meals; others use eligibility for a variety of benefit payments such as Income Support, Income Based Job Seekers Allowance, Housing Benefit, Widows(ers) Allowance. Some authorities undertake an eligibility assessment, looking at family income over a defined period. The administration of grants also varies with some authorities administering the grants themselves whilst others delegate the administration to schools.

5.8 The amounts and frequency of Local Authority grant payments also vary. Some authorities offer grants for school uniform annually; some authorities offer grant for specific school years only.

5.9 Local Authorities also operate a range of methods of grant payment. Some authorities issue cheques to the parents of eligible pupils; some pay by BACS transfer into a bank account; others issue vouchers which can be redeemed at participating stores. Some schools supply the uniform direct to eligible pupils and use the grant to meet the cost.

5.10 All such arrangements are at the discretion of individual Local Authorities.

Responsibility of local authorities as corporate parents

5.11 In fulfilling their role as corporate parents, local authorities are expected to prioritise the education of looked after children and act as advocates for them as parents do for their own children. Local authorities must therefore make arrangements to ensure the child or young person is able to comply with the school's school uniform and appearance policies and is not disadvantaged.

Other assistance for low-income households

5.12 There are other limited potential sources of financial help:

- Parents receiving Income Support, Income Based Jobseeker's Allowance, Income-related Employment and Support Allowance, Pension Credit or payment on account of one of these benefits or entitlements for at least 26 weeks may be able to apply for a social fund budgeting loan under the category of clothing and footwear from Jobcentre Plus.
- Help may be available from governing bodies or parents' associations of schools. This may be financial support from a hardship fund, a savings scheme or through the provision of second hand clothing.
- Assistance may be available from local charities.

Credit unions

5.13 A credit union is a non-profit making social enterprise and is run by local people for the benefit of local people with any surpluses being used for the benefit of its members.

5.14 Everyone who lives or works within the credit union area, and any member of their family who lives with them, can join. Many credit unions also have a Junior Savers Section for those under 16 years of age. The Welsh Government actively encourages people of all ages to join credit unions, and for schools to set up school collection points for young savers.

5.15 Advice about how to set up a school collection point can be found by visiting <http://www.cuinschools.org/>.

5.16 Many credit unions now offer a range of other services including Child Trust Fund accounts, Individual Savings Accounts (ISAs), insurance products, budgeting advice and debt management, as well as smaller value loans at affordable rates. Being a member of a credit union allow parents to save a little on a regular basis

towards meeting the cost of buying school uniforms, or to apply for a small loan that will allow the cost of buying a uniform to be spread out into more manageable payments throughout the year.

Good practice by schools

5.17 Examples of good practice by schools in relation to financial assistance with school uniform include:

- Publicising the Welsh Government School Uniform Grant Scheme.
- Publicising local authority discretionary grant schemes where they exist.
- School discretionary hardship funds.
- Promote and encourage good quality second-hand school uniform stalls at parents' evenings or other events.
- Loan second hand uniform items to pupils and setting up a resource room where pupils can access these discretely to avoid stigmatisation.
- Bulk purchase of items and sale to parents at a discounted price, possibly coupled with an easy payment scheme.
- Where an item of PE clothing is only required for part of the school year, specifying this in the kit list so that the child will not outgrow the item before it is needed and parents can budget for it by spreading the cost.

Annex A

Equality legislation provisions impacting on school uniform and appearance policies

Equality Act 2010

The Equality Act 2010 protects pupils from discrimination based on disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation ('protected characteristics').

Section 85 of the Equality Act 2010 makes it unlawful for a Governing Body to discriminate against a pupil or a prospective pupil in relation to school admission or in the way it treats a pupil once admitted. For example, in the way the school affords, or does not afford, the pupil access to any benefits, facilities or services.

This covers all activities covering school life, including school uniform and appearance policies. It means that everything a governing body does must be non-discriminatory and requires governing bodies to regularly review their practices, policies and procedures to ensure that they do not discriminate against pupils who have a protective characteristic.

The key duties for governing bodies in relation to discrimination are:

- Not to treat a pupil, because of the pupil's protective characteristic, less favourably than it treats a pupil who does not share that same protective characteristic. This is direct discrimination and cannot be justified.
- Not to apply an arrangement, rule or procedure that applies to all pupils if it has the effect, or would have the effect, of putting pupils with a particular protective characteristic at a substantial disadvantage in comparison with pupils who do not share that same protective characteristic and the school rule cannot be justified as a proportionate way of achieving the legitimate aim. This is indirect discrimination. The Equality Act 2010 defines "substantial" to mean more than minor or trivial. An example of indirect discrimination is where a school's uniform policy has a rule that all pupils must wear a particular style of shoe. If a pupil is unable to comply with that rule because of the pupil's disability the rule would be unlawful on the grounds that the rule places the disabled pupil at a substantial disadvantage in comparison with non disabled pupils unless the school can justify the rule.
- To take such steps, as it is reasonable to take, to avoid as far as possible by reasonable means, the substantial disadvantage which a pupil experiences because of a protective characteristic. This is known as the reasonable adjustment duty. It means that governing bodies must anticipate where barriers to learning lie and take action to remove them as far as they are able.

Less favourable treatment

Direct and Indirect Discrimination

To decide whether a governing body has treated a pupil with a protective characteristic 'less favourably', a comparison must be made with how the governing body has treated pupils who do not share that same protective characteristic, or would have treated them in similar circumstances. If the governing body's treatment of a pupil puts the pupil at a **disadvantage** compared with pupils who do not share the same protective characteristic then it is likely that the treatment will be less favourable.

The Equality Act also provides that a school must not harass or victimise a pupil.

Harassment is defined as "unwanted conduct, related to a relevant protected characteristic, which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person". This covers unpleasant and bullying behaviour. For example, a teacher ridicules a pupil and mimics her in class because of her pregnancy and appearance. This could constitute harassment.

Victimisation occurs when a pupil is treated less favourably than they would have been because of something they have done ("a protected act") in connection with the Equality Act. For example, where a pupil is treated less favourably than he would have been because he made a complaint that a teacher is bullying him because he is of the sikh religion and wears a turban. It is also unlawful to victimise a pupil because of something done by their parent or a sibling in connection with the Equality Act, for example, a pupil must not be made to suffer in any way because his parent has made a complaint of discrimination against the school.

Positive action

Pupils may experience bullying as a result of their protective characteristic. Bullying is known to affect academic performance and increase the likelihood of pupils dropping out of education. To address this issue, the Equality Act contains 'positive action' provisions which enable governing bodies to take positive action to overcome barriers for pupils with a protective characteristic or to widen participation. Positive action may involve for example, treating pupil 'A' who has undergone gender reassignment more favourably than pupils who do not share that same protective characteristic and will be lawful if the aim of the treatment is to remove or minimise the disadvantage encountered by 'A' such as bullying behaviour, and the treatment achieves a legitimate aim.

Public Sector Equality Duty

Section 149(1) of the Equality Act 2010 imposes a duty upon public authorities ("the general duty"). The general duty requires public authorities in the exercise of their functions to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having *due regard* means consciously thinking about the three aims of the general duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by governing bodies in how they act; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others.

Specific duty

Governing Bodies are required by article 8 of the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 to assess the likely impact of policies on their compliance with the general duty. They must also continue to monitor policies and practices to ensure compliance is maintained.

The Equality and Human Rights Commission has published guidance to the Equality Act for schools and intends to publish a Code of Practice for schools in due course. Further information and guidance can be downloaded from their website at: <http://www.equalityhumanrights.com/>.

The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 imposes further statutory duties upon Governing Bodies to enable them to better perform the general equality duty. These duties include the requirement to assess the likely impact of policies on their compliance with the general duty. They must also continue to monitor policies and practices to ensure compliance is maintained.

Human Rights Act 1998

Article 14 of the European Convention on Human Rights (ECHR) states that the enjoyment of the other rights and freedoms set out must be secured without discrimination on any grounds. These grounds include sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Relevant rights and freedoms include:

- Article 8 (Right to Respect for Private and Family Life) which covers the ability of the individual to develop his or her personality in society;
- Article 9 (Freedom of Thought, Conscience and Religion) which covers the right to demonstrate one's religion, including by complying with the dress requirements of one's religion; and
- Article 10 (Freedom of Expression), which covers self-expression through dress.

Limitations can be placed on these rights e.g. by a school policy on uniform or appearance. However, the policy must aim to further legitimate interests such as public safety, public order, health or morals, or to protect the rights and freedoms of others. The potential benefits of having school uniform and appearance policies, as set out in paragraph 1.2 above, relate to these interests. But as school uniform or appearance policies may constitute a limitation on rights, it should be set out clearly in a document which is accessible to pupils and parents, and available in languages they understand, and should include the consequences of not complying with any policy.

Annex B

Religious clothing summary

Buddhism

In general there are no religious requirements for everyday dress for Buddhists.

Christianity

For the majority of Christians there are no particular dress requirements. In some Christian sects such as the Plymouth Brethren women and girls are expected to wear headscarves and modest clothing.

Hinduism

In general it is not considered acceptable for a Hindu woman to have uncovered legs.

Islam

Young women beyond puberty may wish to wear certain types of clothing for reasons of modesty. Some young women may choose to wear a salwar kameez (loose trousers tapered at the ankle and a sleeveless smock like dress), or a jilbaab (a long shapeless dress ending at the ankle) and a headscarf without the need to wear a niqaab.

Men are expected to be covered from waist to knee in public places. Many Muslim men also choose to wear a cap but this is not a compulsory religious requirement.

Judaism

Dress requirements vary with orthodoxy. For more orthodox Jews women and girls are expected to keep the body covered and married women cover their hair. Boys and men often wear a skullcap.

Rastafarian

Rastafarian woman dress modestly. There is a taboo on wearing second hand clothing, children may not be willing to wear borrowed clothing for PE, etc.

Sikhism

In general modest dress is a requirement. All initiated Sikhs wear the five 'K' symbols as a sign of their initiation, generally at puberty, into the Sikh community. Male Sikhs wear a turban, the removal of which is unacceptable in their religion, and grow a beard. The five 'K' symbols are: 'kesh' (long hair which is not cut); 'kara' (a steel bracelet); 'kirpan' (a small sword); 'kangha' (a wooden comb); and 'kach' (long underpants).