



Department
for Education

School Uniform

**A Guide for Head Teachers,
Governing Bodies, Academy
Trusts, Free Schools and
Local Authorities**

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Guidance for Head Teachers, Governing Bodies, Academy Trusts, Free Schools and Local Authorities on School Uniform and Related Policies

About this guide

This Guide has been published by the Department for Education and provides advice to Governing Bodies and Academy Trusts on developing their School Uniform policy.

Expiry review date

This Guide will be reviewed in Spring 2013.

School uniform policy

The school uniform plays a valuable role in contributing to the ethos of a school and setting an appropriate tone. The Department strongly encourages schools to have a uniform as it can instil pride; support positive behaviour and discipline; encourage identity with, and support for, school ethos; ensure pupils of all races and backgrounds feel welcome; protect children from social pressures to dress in a particular way; and nurture cohesion and promote good relations between different groups of pupils. The Department also encourages schools to have a very clear position about appearance such as hair colour, style and length and the wearing of jewellery and make-up.

There is no legislation in place that deals specifically with school uniform or other aspects of appearance, so this document is non-statutory guidance.

It is for the governing body of a school, or in the case of Academies (including free schools), for the Academy Trust, to decide whether there should be a school uniform and other rules relating to appearance, and if so what they should be. This flows from the duties placed upon the governing body (of maintained schools) by statute to conduct the school¹ and to ensure that school policies promote good behaviour and discipline amongst the pupil body². It is also for the governing body to decide how the uniform should be sourced. The governing body should be able to demonstrate how best value has been achieved and keep the cost of supplying the uniform under review.

What should a school do?

A school should ensure that its school uniform policy is fair and reasonable. It should make certain that the uniform chosen is affordable and does not act as a barrier to parents when choosing a school. A School must have regard to its obligations under the Human Rights Act 1998 and the Equality Act 2010. We strongly recommend that in setting its uniform/appearance policy the governing body:

- consult widely on its proposed school uniform policy and on any changes to an established policy;
- consider how the proposed uniform policy might affect each group represented in the

¹ Section 21 of the Education Act 2002, as amended by the Education and Inspections Act 2006

² Section 88 of the Education and Inspections Act 2006

school;

- consider the concerns of any particular groups of parents/pupils about the proposed policy, and whether the proposed policy amounts to an interference with the right to manifest a religion or belief, and whether that is discriminatory;
- consider the timeframe for introducing a new uniform policy or amending an existing one;
- consider the cost and availability of the proposed uniform, e.g. non-standard sizes;
- consider the cost of including branded items and items in unusual colours/shades and continually review the cost of these items;
- document fully the consultation process undertaken. The school might decide that the specific preferences of individual groups are outweighed by factors such as:
 - health and safety;
 - security;
 - the pupils' education;
 - protecting young people from external pressure to wear clothing they would not otherwise choose to adopt, protecting them from harassment, and from having to adopt dress codes associated with extreme or anti-social elements in the wider community, including styles and colours of clothing associated with gangs;
 - promoting a strong, cohesive, school identity that supports high standards and a sense of identity among pupils: if some children look very different to their peers, this can inhibit integration, equality and cohesion;
 - the need to promote harmony between different groups represented in the school;
- describe its uniform/appearance policy clearly and publicise it well. Rules on wearing school uniform may be included in the home school agreement;
- consider carefully, once the uniform/appearance policy has been agreed, any request that is made to vary the policy, in particular to meet the needs of any individual pupil to accommodate their religion or belief, ethnicity, disability or other special considerations. Even a rule which is imposed for a good reason may constitute unlawful indirect discrimination if it is imposed in a way which never allows for exceptions to meet special circumstances.
- consider carefully the risk of a challenge to the policy and consider appropriate insurance cover;
- engage with pupils, including school councils.

Cost of school uniform

School uniform and other items that must be purchased in accordance with school rules can be expensive, and school governing bodies should therefore 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 to, or attend a school of their choice, due to the cost of the uniform.

The School Admissions Codes states that: *Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular*

social or racial group, or a child with a disability or special educational needs, and that other policies around school uniform or school trips do not discourage parents from applying for a place for their child.

Local authorities have a discretionary power to provide school clothing grants or to help with the cost of school clothing in cases of financial hardship³.

High priority should always be given to keeping costs to a minimum when selling second hand uniform items.

Physical education

School uniform often includes clothing required for Physical Education (PE). A school should adopt a sensitive, flexible approach to this issue bearing in mind the needs of different pupils and the equality, discrimination and human rights issues outlined below in this guidance. A school should choose a PE uniform which is practical, comfortable and appropriate to the activity involved and should consider the cost of PE clothing particularly where specialised equipment is necessary.

Non-compliance with a school's uniform/appearance policy, and school rules

Teachers can discipline pupils for breaching the school's rules on appearance or uniform. This should be carried out in accordance with the school's published behaviour policy.

A head teacher, or a person authorised by the head teacher, may ask a pupil to go home briefly to remedy a breach of the school's rules on appearance or uniform. When making this decision schools need to consider the child's age and vulnerability, the ease and time it will take, and the availability of the child's parents. This is not an exclusion but an authorised absence. However, if the pupil continues to breach uniform rules in such a way as to be sent home to avoid school, or takes longer than is strictly necessary to effect the change, the pupil's absence may be counted as unauthorised absence. In either case the pupil's parents must be notified and the absence should be recorded. If a school is considering excluding a pupil in response to breaches of uniform policy then this must be in line with the legal requirements for exclusion.

Advice on both behaviour and exclusion is available from the Department's website (www.education.gov.uk).

Human rights issues

The Human Rights Act 1998 protects the right to "manifest one's religion or beliefs".

Various religions and beliefs require their adherents to conform to a particular dress code, or to otherwise outwardly manifest their belief. Some religions require adherents to wear or carry specific religious artefacts, others may hold a belief that they should not cut their hair, and a number of religions require their followers to dress modestly, for example by wearing loose fitting clothing, or covering their head.

³ See sections 510 and 511 of the Education Act 1996 and the Local Education Authority (Payment of School Expenses) Regulations 1999 (SI 1999 No. 1727).

It should be possible for many religious requirements to be met within a school uniform policy and a school should act reasonably in accommodating these requirements.

Schools should note that the freedom to manifest a religion or belief does not mean that an individual has the right to manifest their religion or belief at any time, in any place, or in any particular manner. A school uniform policy that has the effect of restricting the freedom of pupils to manifest their religion may still be lawful, so long as this interference with pupils' rights is justified on grounds specified in the Human Rights Act. These include health, safety and the protection of the rights and freedoms of others.

In fulfilling its obligations, a school may have to balance the rights of individual pupils against the best interests of the school community as a whole. Where a school has good reason for restricting an individual's freedoms, for example, to ensure effective teaching, the promotion of cohesion and good order in the school, the prevention of bullying, or genuine health and safety or security considerations, then the restriction of an individual's rights to manifest their religion or belief may be justified. However requests to vary the uniform based on equality or human rights considerations need to be given proper consideration.

Equality and discrimination issues

In formulating a uniform/appearance policy, a school will need to consider its obligations not to discriminate unlawfully on the grounds of sex, race, disability, sexual orientation, religion or belief, gender reassignment or pregnancy and maternity⁴. For example, if the uniform girls are required to wear is significantly more expensive than that for boys, this may constitute sex discrimination. Insisting on clothing being made from a fabric to which a particular child may be allergic could be discrimination on the grounds of disability. Schools should consider whether uniform requirements restrict the freedom of activity of one sex more than another.

A school should also bear in mind the concept of "indirect" discrimination. This involves the application of a requirement, which, although applied equally to everyone, puts certain people at a particular disadvantage because of their gender, race, sexual orientation, religion or belief or gender reassignment. Such a requirement will need to be justified as a proportionate way of achieving a reasonable objective if it is to be lawful, and the policy will need to be flexible enough to allow for necessary exceptions.

An example of indirect discrimination could be a school that bans 'cornrow' hairstyles. As these are more likely to be seen as part of a family's custom and practice and therefore constitute part of a person's ethnicity. Banning this type of hairstyle without justification could constitute indirect racial discrimination.

Further information

For further advice on school uniform contact: schooluniform.mailbox@education.gsi.gov.uk

Please note that we are unable to give advice on specific school policies, only on the approach that a school should take when determining a policy.

⁴.Equality Act 2010