



# Guidance for Governing Bodies on School Uniform and Appearance Policies

PHOTO REDACTED DUE TO THIRD PARTY RIGHTS OR OTHER LEGAL ISSUES

## Guidance

Welsh Assembly Government Circular No: 006/2008

Date of issue: 25 February 2008

# Guidance for Governing Bodies on School Uniform and Appearance Policies

|                            |  |
|----------------------------|--|
| <b>Audience</b>            | Governing bodies and headteachers of maintained schools in Wales; local education authorities; teaching and other unions, diocesan authorities, NACAB Cymru, equality and disability organisations, and other national and local bodies concerned with education in Wales.   |
| <b>Overview</b>            | This document provides guidance for governing bodies and headteachers on issues relating to implementing or changing a school uniform and appearance policy.   |
| <b>Action required</b>     | Governing bodies and headteachers to have regard to this non-statutory guidance when implementing or changing school uniform and appearance policies.  |
| <b>Further information</b> | Schools Management Division<br>Department for Children, Education, Lifelong Learning and Skills<br>Welsh Assembly Government<br>Cathays Park<br>Cardiff, CF10 3NQ<br>Tel: 029 2082 6051 Fax: 029 2082 6109   |
| <b>Additional copies</b>   | Further copies may be obtained at the above address.<br>This document can also be accessed from the Welsh Assembly Government website at:<br><a href="http://new.wales.gov.uk/topics/educationandskills">http://new.wales.gov.uk/topics/educationandskills</a>   |
| <b>Related documents</b>   | NAW Circular 14/01 - School Prospectuses: Guidance for Headteachers and Governing Bodies.<br>NAW Circular 23/03 - Respecting Others: Anti-Bullying Guidance.<br>School Governors Guides to the Law - 6th edition 2001.<br>Welsh Office Circular 27/99 - Home-School Agreements: Guidance for Schools.<br>NAW Circular 1/2004 (This Circular incorporates amendments from Circular 1(A)/2004) - Exclusion from Schools and Pupil Referral Units - Revised March 2006.<br>NAW Circular 25/2005 - Guidance on the Welsh Assembly Government School Uniform Grant Scheme.<br>The School Councils (Wales) Regulations 2005.<br>NAW Circular 42/2006 - Guidance for Governing Bodies on the Establishment and Operation of School Councils.<br>NAW Circular 03/2004 - School Governing Bodies Complaints Procedures.<br>NAW Circular 39/2006 - Guidance for School Governing Bodies on Procedures for Complaints Involving Pupils. |

|                             |  |
|-----------------------------|--|
| <b>Title of Document:</b>   | <b>Guidance for Governing Bodies on School Uniform and Appearance Policies</b>   |
| <b>Audience:</b>            | Governing bodies and headteachers of maintained schools in Wales; local education authorities; teaching and other unions, diocesan authorities, NACAB Cymru, equality and disability organisations, and other national and local bodies concerned with education in Wales.   |
| <b>Overview:</b>            | 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 Assembly Government's website.  |
| <b>Action Required</b>      | Governing bodies and headteachers to have regard to this non-statutory guidance when implementing or changing school uniform and appearance policies.  |
| <b>Further Information:</b> | The contact number for enquiries about this document is Tel: 029 2082 6051 or Fax: 029 2082 6109.  |
| <b>Additional Copies:</b>   | Can be obtained by telephoning 029 2082 6051 or faxing: 029 2082 6109 or from the Assembly's website: <a href="http://www.new.wales.gov.uk">www.new.wales.gov.uk</a> .   |
| <b>Postal Address:</b>      | Schools Management and Effectiveness Division,<br>Department for Children, Education, Lifelong Learning and Skills,<br>Welsh Assembly Government,<br>Cathays Park,<br>Cardiff, CF10 3NQ  |
| <b>Related Documents:</b>   | NAW Circular 14/01 – School Prospectuses: Guidance for Headteachers and Governing Bodies.<br>NAW Circular 23/03 – Respecting Others: Anti-Bullying Guidance.<br>School Governors Guides to the Law – 6 <sup>th</sup> edition 2001.<br>Welsh Office Circular 27/99 – Home-School Agreements: Guidance for Schools.<br>NAW Circular 1/2004 (This Circular incorporates amendments from Circular 1(A)/2004) - Exclusion from Schools and Pupil Referral Units – Revised March 2006.<br>NAW Circular 25/2005 - Guidance on the Welsh Assembly Government School Uniform Grant Scheme.<br>The School Councils (Wales) Regulations 2005.<br>NAW Circular 42/2006 - Guidance for Governing Bodies on the Establishment and Operation of School Councils.<br>NAW Circular 03/2004 – School Governing Bodies Complaints Procedures. |

NAW Circular 39/2006 – Guidance for School Governing Bodies on Procedures for Complaints Involving Pupils.

| <b>CONTENTS</b>  |   | <b>Page</b> |
|--|---|-------------|
| <b>SUMMARY</b>   |   | <b>3</b>    |
| <b>SECTION 1 INTRODUCTION AND LEGAL CONTEXT</b>  |   | <b>4</b>    |
|  | Status of Guidance<br>Conduct of the School<br>Equality Legislation<br>Home-School Agreements<br>School Councils & Consultation with Pupils   |             |
| <b>SECTION 2 EQUALITY ISSUES TO BE CONSIDERED BY SCHOOL GOVERNING BODIES</b>   |   | <b>8</b>    |
|  | Sexual/Gender Discrimination<br>Discrimination on the Grounds of Race/Religious Belief<br>Disability Discrimination   |             |
| <b>SECTION 3 PRACTICAL ISSUES TO CONSIDER IN ADOPTING, CHANGING OR EVALUATING SCHOOL UNIFORM AND APPEARANCE POLICIES</b> |   | <b>11</b>   |
|  | Cost of School Uniform<br>The Office of Fair Trading 'Supply of School Uniforms Review' September 2006<br>Other School Uniform and Appearance Considerations:   |             |
|  | <ul style="list-style-type: none"> <li>➤ Coats</li> <li>➤ Physical Education</li> <li>➤ Health &amp; Safety</li> <li>➤ Jewellery</li> <li>➤ Medical Issues</li> <li>➤ Home to School Travel</li> </ul>              |             |
| <b>SECTION 4 INFORMATION, CONSULTATION AND COMPLAINTS</b>  |   | <b>14</b>   |
|  | School Prospectuses<br>Consulting with Parents, Pupils & Other Groups<br>Complaints<br>Non Compliance with School Uniform and Appearance Policies<br>Exclusion and Non-Attendance                                   |             |
| <b>SECTION 5 FINANCIAL ASSISTANCE</b>  |   | <b>17</b>   |
|  | Welsh Assembly Government School Uniform Grant Scheme<br>LEA Grant Assistance<br>Responsibility of Local Authorities as Corporate Parents<br>Other Assistance for Low Income Households<br>Good Practice by Schools |             |
| <b>ANNEX A EQUALITY LEGISLATION PROVISIONS IMPACTING ON SCHOOL UNIFORM AND APPEARANCE POLICIES</b>                       |   | <b>19</b>   |



## **GUIDANCE FOR GOVERNING BODIES ON SCHOOL UNIFORM AND APPEARANCE POLICIES**

### **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 Assembly 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:

- provides 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 61(1) of the School Standards and Framework Act 1998. Whilst this section does not specifically relate to 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 61(4) of the School Standards and Framework Act 1998 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 61 that any measure introduced by the headteacher under section 61(4) of the School Standards and Framework Act 1998 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 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 61 (4) a head teacher shall prevent all forms of bullying. Thus a governing body must 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 must be dealt with vigorously at source.. The school should implement the Welsh Assembly Government's guidance in Circular 23/2003 '*Respecting Others- anti Bullying Guidance*'<sup>1</sup>.

## **Equality Legislation**

1.11 There are a number of statutory provisions contained in equality legislation 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.

---

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

## **Equality Impact Assessment**

1.12 Equality Impact Assessments are a requirement of the Race Relations Act 1976, as set out in Article 3 of the Race Relations Act 1976 (Statutory Duties) Order 2001. The duties placed on governing bodies as a consequence of this Order are to:

- Have in place a written statement of its race equality policy and its arrangements for promoting that;
- To assess the impact of its policies, including its race equality policy and 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; and
- Take such steps as are reasonably practical to publish annually the results of the monitoring arrangements.

## **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 Assembly 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 Assembly 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 Assembly 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 2006.

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 must 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 school's 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 Assembly 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 and/or considering changes in school uniform requirements, the Welsh Assembly 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 may wish to consider the following in the context of keeping down costs 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 or limiting logos to one item 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 to consider if elements 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.
- 3.3 The availability of financial assistance for school uniform for some families is detailed in section 5.

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

- 3.4 School governing bodies will particularly wish to note that 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 outlets were on average 23% more expensive than school uniform retailers generally and 150% more expensive than supermarkets. The OFT wrote to governing bodies of schools in England and Wales urging them to end exclusive school uniform contracts and to make school uniform items readily available off the peg from a number of retail outlets. The OFT have advised governing bodies that they could decide to take action should schools continue with exclusive agreements.

## **Other School Uniform and Appearance Considerations**

### **Coats**

- 3.5 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 Assembly 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**

- 3.6 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.
- 3.7 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 the rest of the school day.

### **Health and Safety**

- 3.8 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**

- 3.9 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**

- 3.10 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**

- 3.11 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, the Welsh Assembly Government expects governing bodies to 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 them in designing their uniform 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 at times when representations are made by someone) 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 Assembly 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 The Welsh Assembly Government does not consider exclusion to be 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 LEA or the school.

## **SECTION 5: FINANCIAL ASSISTANCE**

### **Welsh Assembly Government School Uniform Grant Scheme**

- 5.1 The Welsh Assembly Government recognises that some parents face financial hardship from the costs of purchasing school uniform for their children. The Welsh Assembly 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 Assembly 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 Assembly Government. Schools should advise parents that applications for this grant should be made to the local education authority.

### **LEA 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 education 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 LEAs 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 LEA 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 LEAs.

### **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 or income based jobseeker's allowance for more than 26 weeks may be able to apply for a social fund budgeting loan under the category of clothing and footwear.
  - 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.

### **Good Practice by Schools**

- 5.13 Examples of good practice by schools in relation to financial assistance with school uniform include:
- Publicising the Welsh Assembly Government School Uniform Grant Scheme.
  - Publicising local authority discretionary grant schemes where they exist.
  - School discretionary hardship funds.
  - Good quality second-hand school uniform stalls at parents' evenings or other events .
  - 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.

## **EQUALITY LEGISLATION PROVISIONS IMPACTING ON SCHOOL UNIFORM AND APPEARANCE POLICIES**

### **Sex Discrimination Act 1975**

Section 22 of the Sex Discrimination Act 1975 makes it unlawful for a school to discriminate on the grounds of sex against a pupil in relation to access to any benefits, facilities or services while the pupil is at the school.

Discrimination, in this context, means either “direct discrimination” i.e. treating one person less favourably than another on the grounds of their sex, or “indirect discrimination” which is:

- imposing a requirement or condition – such as a school rule – that cannot be met by a considerably larger proportion of people of one particular sex, as compared to people from the other sex; and
- where the fact that those people cannot comply with the requirement or condition causes them a disadvantage; and
- where the requirement or condition cannot be justified on non-gender related grounds.

A school in its rules for uniform and appearance must not disadvantage one sex compared to another.

### **Race Relations Act 1976**

Section 71(1) of the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 places a general duty on schools to promote race equality. This means schools must aim, in the exercise of their functions, to:

- eliminate unlawful racial discrimination;
- promote equality of opportunity; and
- promote good relations between people of different racial groups.

Governing bodies must have a race equality policy; and governing bodies must address annually the impact of their policies on race relations.

The Act makes it unlawful to discriminate directly or indirectly against someone on racial grounds. Racial discrimination is described in the Act as where a person treats one person less favourably than another on racial grounds or where a requirement or condition – such as a school rule – which is applied or would apply to persons of a different racial group:

- is such that the proportion of persons who can comply with it is considerably smaller than the proportion of persons not of that racial group who can comply with it; and

- which cannot be shown to be justifiable irrespective of the colour, race, nationality or ethnic or national origins of the person to whom it is applied; and
- which is to the detriment of the person because he/she cannot comply with it.

A school in its rules for uniform and appearance must not treat one racial group more favourably than another.

### **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.

### **Disability Discrimination Acts 1995 and 2005**

Under the Disability Discrimination Act 1995 schools are under a duty not to discriminate against disabled children and prospective pupils in all aspects of school life.

Under the Disability Discrimination Act 2005 schools have a duty when carrying out their functions to have due regard to the need to:

- promote equality of opportunity for disabled people;
- eliminate unlawful discrimination;
- eliminate disability related harassment;
- promote positive attitudes towards disabled people;

- encourage disabled people’s participation in public life; and
- take account of disabled people’s disabilities even where that involves more favourable treatment.

## **Equality Act 2006**

Section 49 of the Equality Act 2006 must be read in conjunction with section 44 and 45.

Section 44 defines what is meant by religion or belief

### **44 Religion and belief**

- (a) “religion” means any religion,
- (b) “belief” means any religious or philosophical belief,
- (c) a reference to religion includes a reference to lack of religion, and
- (d) a reference to belief includes a reference to lack of belief.

### **Section 45 defines what is meant by discrimination**

**Discrimination is when** (1) A person (“A”) discriminates against another (“B”) for the purposes of this Part

This means in the context of Education if on grounds of the religion or belief of B or of any other person except A

(whether or not it is also A’s religion or belief) A treats B less favourably than he treats or would treat others (in cases where there is no material difference in the relevant circumstances).

(2) In subsection (1) a reference to a person’s religion or belief includes a reference to a religion or belief to which he is thought to belong or subscribe.

(3) A person (“A”) discriminates against another (“B”) for the purposes of this Part if A applies to B a provision, criterion or practice—

(a) which he applies or would apply equally to persons not of B’s religion or belief,

(b) which puts persons of B’s religion or belief at a disadvantage compared to some or all others (where there is no material difference in the relevant circumstances),

(c) which puts B at a disadvantage compared to some or all persons who are not of his religion or belief (where there is no material difference in the relevant circumstances), and

(d) which A cannot reasonably justify by reference to matters other than B’s religion or belief.

(4) A person (“A”) discriminates against another (“B”) if A treats B less favourably than he treats or would treat another and does so by reason of the fact that, or by reason of A’s knowledge or suspicion that, B—

(a) has brought or intended to bring, or intends to bring, proceedings under this Part,

(b) has given or intended to give, or intends to give, evidence in proceedings under this Part,



- (c) has provided or intended to provide, or intends to provide, information in connection with proceedings under this Part,
  - (d) has done or intended to do, or intends to do, any other thing under or in connection with this Part, or
  - (e) has alleged or intended to allege, or intends to allege, that a person contravened this Part.
- (5) Subsection (4) does not apply where A's treatment of B relates to B's making or intending to make, not in good faith, a false allegation.

Section 49 of the Equality Act 2006 sets out provisions in relation to schools. It is unlawful in general for maintained schools to discriminate against a person on the grounds of that person's religion or belief in the following ways:

- the terms on which it offers to admit him/her as a pupil;
- by refusing to accept an application to admit him/her as a pupil; or
- where he/she is a pupil of the establishment:
  - in the way in which it affords him/her access to any benefit, facility or service;
  - by refusing him/her access to a benefit, facility or service;
  - by excluding him/her from the establishment; or
  - by subjecting him/her to any other detriment.

The Equality Act 2006 also amended the Sex Discrimination Act 1975, creating a general gender equality duty which requires public bodies to have due regard to the need to promote equality of opportunity between men and women and to eliminate unlawful sex discrimination and harassment.

The Equality Act 2006 also outlaws discrimination on the grounds of sexual orientation in the provision of education and in the exercise of public functions.

## 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).