

Subject:

GUIDANCE TO SCHOOLS ON SCHOOL UNIFORM POLICY

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Target Audience:

- Education and Library Boards;
- Council for Catholic Maintained Schools;
- Northern Ireland Council for Integrated Education;
- Comhairle na Gaelscolaíochta;
- Boards of Governors and Principals of all grant-aided schools.

**Governor Awareness:
Essential**

Summary of Contents:

This Circular provides guidance to schools on school uniform policy.

**Status of Contents:
Guidance**

**Related Documents:
Not Applicable**

**Superseded Documents:
None**

**Expiry Date:
Not Applicable**

Enquiries:

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GUIDANCE TO SCHOOLS ON SCHOOL UNIFORM POLICY

1. BACKGROUND

- 1.1 Most schools here have a school uniform. This Circular provides guidance to those schools on school uniform policy. The guidance offered does not constitute an authoritative legal interpretation of the position. That is exclusively a matter for the courts, and schools should seek their own legal advice where necessary.
- 1.2 The wearing of a school uniform in the north of Ireland, as in the south of Ireland, England, Scotland and Wales, is not governed by legislation but falls to schools to determine. The day-to-day management of schools, including school uniform policy, is a matter for school Principals, subject to any directions that might be given by the Board of Governors (BoGs). Therefore, this Circular provides advice only.
- 1.3 School uniform can play a valuable role by: setting an appropriate tone; instilling pride; supporting positive behaviour and discipline; encouraging identity with, and support for, the school ethos; ensuring pupils of all races and backgrounds feel welcome; protecting children from social pressures to dress in a particular way; and, nurturing cohesion and promoting good relations between different groups of pupils. Many schools also believe that school uniform supports effective teaching and learning.

2. SCHOOL UNIFORM POLICY

- 2.1 Schools should ensure that their school uniform policy is fair and reasonable, in practical and financial terms, and should have regard to their duties under relevant equality and other legislation (see Section 6). School uniforms should be practical, comfortable and appropriate and represent value for money for families. When drawing up a school uniform policy schools should:
- Consult widely on proposed policies and changes to established policies. This should include prospective and current pupils and parents, community groups, road safety groups, representatives of any minority ethnic and religious groups in the school's catchment area and groups representing pupils with special educational needs or disabilities etc. Schools should take account of the accessibility and literacy needs of those they are consulting with and consider methods, beyond letters and questionnaires, to engage with them as appropriate.
 - Consider the effect the proposed policy might have on the various groups in the school. This should include a full costing of the proposed changes including upkeep and ancillary costs, the options for purchasing eg from the school, nominated suppliers or 'off the peg', and when the items will need to be purchased.

- Consider the concerns of any groups about the proposed policy and whether they amount to an interference with the right to manifest a religion or belief, or whether they are discriminatory. Schools will need to weigh up the concerns of different groups and it may not be practical to accommodate fully the concerns of all groups.
- Consider the timeframe for introducing a new uniform policy or amending an existing one. Factors such as the time period before a group of pupils leave the school and whether expensive items are purchased second hand or are passed on to siblings should be taken into account. A transitional period for phasing out the old uniform and introducing the new one should also be considered.
- Consider the cost and availability of non-standard sizes.
- Consider the cost of including branded items and items in unusual colours/shades before requiring them to be worn and review the cost of these items on an ongoing basis.
- Consider the cost of maintaining the items eg dry cleaning costs etc.
- Consider how comfortable and practical the clothing is, especially for young children.
- Consider the seasonable suitability of wearing shorts or skirts in the winter and wearing heavy tights or warm blazers in the summer. Consider greater flexibility within the policy rather than costly separate winter and summer uniforms eg allow boots in the winter and non uniform additional clothing during periods of extreme weather.
- Consider how safety can be built into elements of the uniform eg reflective strips on outer wear, no ties for younger children etc.
- Keep records of the consultation process, including responses received and decisions taken. There are a number of factors which schools will need to consider which may outweigh the needs of individual groups. These include:
 - **health and safety** – the school could reasonably expect that long hair is safely tied back for work in a science laboratory, or technology workshops. Similarly, it may be reasonable for a school to ban pupils from wearing jewellery where it considers that this poses a risk of injury, or where it considers that wearing jewellery to school might place a pupil at increased risk of bullying and harassment. Also, on a practical level, schools may wish not to stipulate the wearing of a tie for younger children;
 - **security** – schools need to be able to identify individual pupils so that they may maintain good order and can identify intruders easily;

- **teaching and learning** – if a pupil’s face is obscured for any reason, the teacher may not be able to judge their involvement in the learning process and secure their participation in classroom activities;
 - **protecting young people** – protecting pupils from having to conform to a particular dress code associated with antisocial elements or gangs;
 - **promoting school identity** - promoting a school identity that supports high standards and provides a sense of belonging for pupils;
 - **promoting harmony** – the need to promote harmony and equality among different groups in the school;
 - **cost** – the need to keep costs to a minimum and ensure that items are available ‘off the peg’ from a number of retail outlets so that the school uniform does not become a barrier for children from low income families attending the school (section 3 also refers).
- Describe their uniform policy clearly and make it widely known through, for example, the school website, in school rules and in any admissions booklet or school prospectus. Pupils and parents should be aware of a school’s uniform requirements before they are required to express a preference for a school.
 - Once the uniform policy has been agreed, consider carefully any request for an exception to be made for any individual pupil on the grounds of religion, race or a medical condition. For instance, pupils with a skin condition may be unable to wear certain materials or someone with a broken arm or leg may require a temporary exemption.
 - Link the uniform policy to other relevant school policies such as the discipline policy.

2.2 Schools may also wish to consider how they can involve their pupils directly in the process of developing a uniform policy. For example, through the school council providing input into designing the uniform or communicating the school’s policy to parents/prospective parents and other pupils. Schools should regularly review the suitability of the uniform.

2.3 PE is a compulsory part of the statutory curriculum from age 4 to 16. Clothing and footwear are important aspects to safety in PE. A change of clothing for PE is important, including at primary school, for reasons of hygiene and to ensure the clothing is suited to the physical activity. Schools should consult The Association for Physical Education’s ‘Safe Practice in Physical Education and School Sport’, Seventh Edition (2008) in relation to clothing for PE. Therefore a school should choose a PE uniform which is practical, comfortable and appropriate to the activity involved bearing in mind the needs of different pupils and the relevant equality issues. It should also consider the cost of clothing for PE particularly where specialised equipment is necessary.

- 2.4 The promotion of participation in physical activity, including PE, is fundamental to the Executive's drive to halt the rise in obesity and overweight in children and young people. There is evidence that girls in particular are 'clearly turned off by the nature and provision of physical activity'¹. Whilst there are many factors that influence this, the PE uniform can be perceived as a barrier to participation in PE. Schools should be aware of this and be sensitive to concerns pupils might have about body image – particularly during transition and teenage years. Schools might consider the use of shorts or 'skorts' instead of gym skirts and PE pants.
- 2.5 School uniforms should not prevent children and young people being physically active before, during and after school eg travelling to school, break time, lunchtime and after school activities. Consider if particular items of clothing restrict mobility eg footwear, shirt and tie.

3. COST OF SCHOOL UNIFORM

- 3.1 The cost of a school uniform and other related items such as physical education (PE) clothing can be very expensive, particularly for low income and/or large families. Around 20% of the school population in the North is entitled to free school meals². The Department therefore expects Boards of Governors to give a high priority to cost considerations when designing their uniforms. Families should not feel excluded from being able to select a particular school because of the cost of a uniform.
- 3.2 In addition, Boards of Governors need to bear in mind the implications, in terms of value for money and consumer choice of supplier, of uniforms often only being available from a limited number of official suppliers. In September 2006 the Office of Fair Trading (OFT) announced the conclusion of its fact-finding review of the school uniform market and called on schools to eliminate exclusive agreements with retailers. They found that such exclusive outlets were on average 23% more expensive than school uniform retailers generally and 150% more expensive than supermarkets. OFT also recommended that uniforms incorporate items that are readily available "off the peg" from a number of retail outlets. Schools should therefore ensure that their uniform is widely available in high street shops and other retail outlets, and internet suppliers rather than from an expensive sole supplier. Schools that buy uniform items to sell directly to parents should be aware that they have responsibilities under consumer law if items are not of satisfactory quality or not fit for purpose. Schools may seek advice from the Consumer Council here.
- 3.3 Financial assistance is available through the Education and Library Boards' Clothing Allowance Scheme for certain categories of pupils at grant-aided primary and post-primary schools, or day pupils at special schools, towards the cost of school uniforms and appropriate clothing suitable for PE. The eligibility criteria are the same as those used for free school meals.

¹ Fit Futures: Focus on Food, Activity and Young People, DHSSPS, 2005

² October 2010 Schools Census

- 3.4 As uniforms are not a legislative requirement, but are a matter for individual schools to determine whether they are needed, the Scheme is not intended to cover the full cost of a uniform. Rather it is designed to assist those in need with the cost of purchase. The rates of assistance are determined by the Boards and reviewed annually in line with inflation. Annex 2 contains contact details in each Education and Library Board.

4. NON-COMPLIANCE WITH THE SCHOOL UNIFORM POLICY

- 4.1 Where a pupil is not adhering to the school uniform policy, a school should make discreet enquiries as to why this is the case as there may be a number of valid reasons for it. For instance, the uniform may have been lost, stolen or damaged. In such circumstances it may not be appropriate for schools to send a child home.
- 4.2 Where financial circumstances are preventing pupils from wearing the correct uniform schools should be sensitive to the situation and allow parents sufficient time to purchase the required items. If eligible, they could assist them with an application for grant under the Clothing Allowance Scheme. Pupils should not feel uncomfortable or discriminated against because their parents are unable to provide them with the required items of uniform.

5. TRAVELLING TO SCHOOL

- 5.1 Encouraging children to walk and cycle to school is part of the Assembly's commitment to tackling the school run and encouraging physical activity. However the safety of children is paramount. School uniforms can often be quite dark making it difficult for children to be seen by drivers and others during the winter months and particularly on rural roads when making their way between home, bus stops and school. Schools should therefore take this into account when designing their uniform and consider using reflective materials and encourage the wearing of high visibility items. The website www.road2safety.org provides useful support for schools in relation to the issue of road safety. Annex 2 contains details of the Department of the Environment's Road Safety Education offices.

6. EQUALITY AND OTHER ISSUES

- 6.1 A range of legislation exists to prohibit unlawful discrimination and protect the rights of individuals in various areas including human rights, race, sex and disability. This is detailed in Annex 1. Further advice can be obtained from the NI Human Rights Commission or the Equality Commission in the north (see Annex 2 for contact details).
- 6.2 When drawing up their policies schools should bear in mind the concept of "indirect" discrimination. This involves the application of a requirement, which, although applied equally to everyone, puts those of a particular gender, race, religion or belief at a disadvantage because they cannot, in practice, comply with it. Such a requirement would need to be justified.

Eve Stewart

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EQUALITY LEGISLATION

The Human Rights Act 1998

The Human Rights Act 1998 gives legal effect here to 16 of the fundamental rights and freedoms contained in the European Convention on Human Rights (ECHR). These rights include the **freedom of thought, conscience and religion**. A person is free to hold a broad range of views, beliefs and thoughts and to follow a religious faith. The right to manifest those beliefs may be limited only in specified circumstances. These include health, safety and the protection of the rights and freedoms of others.

Various religions require their followers to conform to a particular dress code or to otherwise outwardly manifest their belief. This may include wearing or carrying specific religious artefacts; holding a belief that they should not cut their hair; or dressing modestly, eg by wearing loose fitting clothing or covering their head. It may be possible for many religious requirements to be met within a school uniform policy and schools should accommodate these where they can.

However, 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 pupil might have the opportunity to attend a school whose uniform policy can accommodate his or her requirements: this will ensure that his/her religious beliefs are catered for even though the school may not be the one preferred for other reasons. Even if an alternative school is not available, a school uniform policy that restricts 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. This has been confirmed in three court cases in England where it was found that a school uniform policy which prevented pupils from wearing particular forms of dress or artefacts associated with a religious belief was justified and so did not breach the right of a particular pupil to manifest their religion. Each case will, however, depend on the circumstances of the particular school and it is for a school to determine what sort of uniform policy is appropriate for it.

In fulfilling their obligations, schools may have to balance the rights of individual pupils against the best interests of the school as a whole. Where schools have good reasons for restricting an individual's freedoms, for example, to ensure the effective delivery of teaching and learning, the promotion of good order in a school, the prevention of bullying, or for genuine health and safety or security considerations, then the restriction of an individual's rights to manifest their religion may be justified.

The Race Relations (Northern Ireland) Order 1997 as amended

The Race Relations (Northern Ireland) Order 1997 (the RRO), as amended by the Race Relations Order (Amendment) Regulations (Northern Ireland) 2003 outlaws discrimination on the grounds of colour, race, nationality or ethnic or national origin.

The Irish Traveller community is specifically identified in the RRO as a racial group which is protected against unlawful racial discrimination.

The RRO prohibits discrimination in education at all levels and in addition places a general duty on educational bodies to ensure that their facilities are provided without racial discrimination.

Schools, colleges and other educational establishments cannot discriminate on racial grounds. It is unlawful for the body responsible for an educational establishment to discriminate:

- in the terms on which it offers to admit a person to the establishment as a pupil;
- by refusing or deliberately omitting to accept an application for admission as a pupil;
- in the way it affords a pupil access to any benefits, facilities or services, or by refusing or deliberately omitting to afford such access; or
- by excluding such a pupil from the establishment or treating such a pupil unfavourably in any other way.

It is unlawful for the body responsible for an educational establishment to subject to harassment:

- a person who applies for admission to the establishment as a pupil; or
- a pupil at the establishment.

The RRO places a general duty on the responsible bodies for educational establishments in the public sector to ensure that facilities are provided without racial discrimination.

The RRO permits any act done to allow persons from a particular racial group access to facilities and services to meet the special needs of persons of that group with regard to their education, training or welfare or any ancillary benefits.

The Sex Discrimination (Northern Ireland) Order 1976 as amended

The Sex Discrimination (Northern Ireland) Order 1976 (the SDO), as amended by the Sex Discrimination (Northern Ireland) Order 1988, makes it unlawful for schools, colleges and other educational establishments to discriminate on the grounds of sex.

It is unlawful for the body responsible for an educational establishment to discriminate:

- as regards terms of admission to the establishment;
- by refusing or deliberately omitting to accept an application for admission;
- in the way it affords a pupil whom it has admitted to the establishment access to any benefits, facilities or services, or by refusing or deliberately omitting to afford such access; or
- by excluding such a pupil from the establishment or treating such a pupil unfavourably in any other way.

The SDO places a general duty on bodies responsible for educational establishments in the public sector to ensure that facilities are provided without sex discrimination.

An exception is made for admissions to single-sex schools and admissions to single sex boarding accommodation in co-educational schools. Single-sex teaching groups in co-educational schools are also lawful, provided the provision to boys and girls is equal.

Disability Discrimination

From 1st September 2005, the Special Educational Needs and Disability (Northern Ireland) Order 2005 (SENDO) applies to providers of education in the north of Ireland.

SENDO:

- Strengthens the right of pupils with special educational needs to be educated in mainstream schools.
- Makes it unlawful for schools to treat disabled pupils and prospective disabled pupils less favourably than other pupils in all aspects of school life.
- Places a duty on schools to make improvements in accessibility to help enable disabled pupils have the same access to education as pupils who do not have a disability.
- Places a duty on schools to work towards making school life more accessible to disabled pupils. For example, in terms of premises, the curriculum and written information.
- Makes it unlawful for general qualifications bodies to discriminate against disabled pupils in relation to the award of prescribed qualifications such as GCSE, GCE, AVCE, GNVQ and AEA to Entry Level, Basic and Key as well as vocational and vocationally-related qualifications.

The Equality Commission's Disability Discrimination Code of Practice for Schools explains what is meant by 'all aspects of school life'. School policies and school discipline are included.

[http://www.equalityni.org/archive/pdf/FSchoolsCOP\(SENDO\).pdf](http://www.equalityni.org/archive/pdf/FSchoolsCOP(SENDO).pdf)

The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006

These Regulations make it unlawful for schools, colleges and other educational establishments to discriminate on grounds of sexual orientation. It is unlawful to discriminate:

- as regards terms of admission to the establishment;
- by refusing or deliberately omitting to accept an application for admission;

- in the way a pupil or student in the establishment is afforded access to any benefits, facilities or services, or by refusing or deliberately omitting to afford such access; or
- by excluding a pupil or student from the establishment or treating such a pupil or student unfavourably in any other way.

It is also unlawful to harass, on the grounds of sexual orientation, a pupil or student who is at or seeking admission to the establishment.

The regulations place a general duty on Education and Library Boards and other bodies responsible for educational establishments in the public sector to ensure that educational facilities are provided without discrimination on the grounds of sexual orientation.

USEFUL CONTACTS

ELB Clothing Scheme contacts

Benefits Section
Belfast Education and Library Board
40 Academy Street
BELFAST
BT1 2NQ

Tel: 028 9056 4239/40

Free School Meals and Clothing
Branch
North-Eastern Education and Library
Board
County Hall
182 Galgorm Road
BALLYMENA
BT42 1HN

Tel: 028 2566 2571/2/3

Uniform Section
South-Eastern Education and Library
Board
Grahamsbridge Road
Dundonald
BELFAST
BT16 2HS

Tel: 028 9056 6200

Road Safety

Department of the Environment
Road Safety Branch
Clarence Court
10 - 18 Adelaide Street
BELFAST
BT2 8GB

Tel: 028 9054 0809

Email: roadsafety.clarencecourt@doeni.gov.uk

Web: www.roadsafetyni.gov.uk

Benefits Section
Southern Education and Library Board
3 Charlemont Place
ARMAGH
BT61 9AX

Tel: 028 3751 2523

Benefits Section
Western Education and Library Board
1 Hospital Road
OMAGH
BT79 0AW

Tel: 028 8241 1496

Department of the Environment
Road Safety Education, Belfast
40 Academy Street
BELFAST
BT1 2NQ

Tel: 028 9050 8181
Email: roadsafety.belfast@doeni.gov.uk

Department of the Environment
Road Safety Education, Hydebank
Hydebank
4 Hospital Road
BELFAST
BT8 8JL

Tel: 028 9025 3123
Email: roadsafety.hydebank@doeni.gov.uk

Department of the Environment
Road Safety Education, Ballymena
County Hall
182 Galgorm Road
BALLYMENA
BT42 1HN

Tel: 028 2564 4311
Email: roadsafety.ballymena@doeni.gov.uk

Department of the Environment
Road Safety Education, Armagh
Library Headquarters
1 Markethill Road
ARMAGH
BT60 1NR

Tel: 028 3752 0773
Email: roadsafety.armagh@doeni.gov.uk

Department of the Environment
Road Safety Education, Londonderry
Lisnagelvin Crown Building
Crescent Road
LONDONDERRY
BT47 2NJ

Tel: 028 7131 9319
Email: roadsafety.londonderry@doeni.gov.uk

RoSPA (The Royal Society for the Prevention of Accidents)
Nella House
Dargan Crescent
BELFAST
BT3 9JP

Tel: 028 9050 1160
Fax: 028 9050 1164
Email: enquiry@rospa.com
Web: www.rospa.com/roadsafety

Consumer Council for NI

116 Hollywood Road
BELFAST
BT4 1NY

Tel: 028 9067 2488
Fax: 028 9065 7701
Email: info@consumercouncil.org.uk
Web: www.consumercouncil.org.uk

NI Human Rights Commission

Temple Court
39 North Street
BELFAST
BT1 1NA

Tel: 028 9024 3987
Fax: 028 9024 7844
Web: www.nihrc.org

Equality Commission for NI

Equality House
7 - 9 Shaftesbury Square
BELFAST
BT2 7DP

Tel: 028 9050 0600
Fax: 028 9024 8687
Email: information@equalityni.org

NI Council for Ethnic Minorities

3rd Floor, Ascot House
24 - 31 Shaftesbury Square
BELFAST
BT2 7DB

Tel: 028 9023 8645/028 9031 9666

Fax: 028 9031 9485

Web: www.nicem.org.uk