

SOUTHWARK DIOCESAN BOARD OF EDUCATION

Developing Church of England Education



GUIDANCE: SCHOOL UNIFORM

I INTRODUCTION

1.1 All Diocesan schools have a uniform. There are numerous benefits to having a uniform and it is generally recognised that uniforms can instil pride, encourage identity, support positive behaviour and protect children from social pressures to dress in a particular way. Governors must have regard to their obligations under the Human Rights Act and Equality Act when setting uniform policy. This guidance summarises the issues which governors should consider when setting uniform policy.

1.2 The DFE issued new non-statutory guidance on school uniform in September 2013; this revised Diocesan guidance has been updated to reflect this, but has also retained some of the useful, practical advice in the DFE's previous guidance. Governors must ensure that the cost of the school uniform does not leave families feeling that they are unable to apply for a place because uniform costs are prohibitive. A report by the Children's Society (October 2014) [*At what cost? Exposing the impact of poverty on school life*](#) highlighted the impact of high uniform costs on children, "children told the inquiry that not being able to afford the right uniform, or having a uniform that is worn out, can make them stand out." This finding is in stark contrast to the apparent benefits of a uniform in 1.1 above. Governors must be mindful of this when setting their uniform policy and many schools operate a hardship fund to help parents meet the cost of school uniform.

2 UNIFORM POLICY

2.1 When reviewing the school uniform policy, governing bodies should consider the following:

- (a) consultation on any significant changes to the school uniform policy to include: pupils; parents; community or faith leaders and those representing special educational needs/disabilities;
- (b) the desirability of considering a transition period if fundamental changes are made;
- (c) the cost of branded items, unusual colours and the availability of non-standard sizes; also girls' and boys' uniform items should be of equal cost;
- (d) the availability of value for money "high street" suppliers for standard items, including PE clothing;
- (e) health and safety issues, including the wearing of jewellery;
- (f) security issues, ie, the need to identify individual pupils;
- (g) teaching and learning, eg, an obscured face may prevent a teacher from being able to judge whether the pupil is engaged with the curriculum/activity;
- (h) the impact of school uniform on a strong, cohesive school identity;
- (i) the need to promote harmony between different groups represented in the school.

2.2 Governors will be mindful of the need to keep changes to a minimum, unless there is good reason to re-launch the school with a new uniform, in which case, pupils might be involved in its design. Schools should consider carefully any requests to vary the uniform to meet the needs of individual pupils, whether because of a medical condition, or through a particular religious belief.

2.3 Pupils must not be excluded for breaching the school uniform policy (although exclusion may be considered where a pupil persistently flouts the uniform rules), but they can be refused entry to school for not wearing the correct uniform; this is not deemed to be an exclusion because entry would not be refused if the pupil conformed to the uniform policy. Where a pupil is sent home to change into the correct uniform, this would be considered an authorised absence.

3 SCHOOL UNIFORM AND RELIGIOUS BELIEF

3.1 There is no legislation that governs uniform policy and there is a diversity of approach among schools with some allowing different forms of religious dress, while others do not. There has been some case law which has clarified some of the issues surrounding religious dress, but it is a complex area. It has been recognised that governing bodies and headteachers are best placed to use their judgement to determine questions relating to school uniform and religious belief. It has also been recognised that it is not open to pupils to decide whether, or not, to conform to a school's uniform policy. However, any restrictions on religious dress imposed through a school's uniform policy must be justifiable.

3.2 The European Convention on Human Rights (Article 9) has two sections on religious belief: individuals have an absolute right to believe in anything, to worship and to change their religion, but the right to manifest religious belief is qualified, ie, individuals cannot manifest their religion at any time, or in any place. The reasons for such limitations must be clear and proportionate, eg, relating to issues of public order, public safety, health or morals, or for the protection of the rights and freedoms of others. The right to education embodied in Article 2 of the European Convention on Human Rights does not require education to be provided in accordance with individual preference, but simply reinforces an individual's right to access the education provided. Schools are given powers to regulate the appearance of pupils through a uniform policy and are therefore protected from any challenge under Article 2, provided the uniform rules are reasonable.

3.3 It is imperative that governors consider the matter of uniform and religious belief, even if any challenge is unlikely. Schools cannot impose arbitrary rules in response to requests or challenges; the key is to establish a set of principles approved by the governing body which will form the basis for the uniform policy. Thus, in a church school the school uniform should:

- (a) be an expression of the Christian values of the school;
- (b) assist the school's aspiration to achieve the highest standards of achievement and behaviour;
- (c) assist the school in the effective delivery of teaching and learning;
- (d) promote the school's identity;
- (e) encourage integration, equality and cohesion;
- (f) promote social, cultural and religious inclusion;
- (g) promote safety and aid identification of individuals as members of the school community.

3.4 Governors should agree a set of principles such as those above and record this in their minutes and also ensure that the wider considerations of consultation and cost are taken in account; this should lessen the possibility of challenge by any particular group. Schools across the Diocese will find themselves in very different circumstances, not least in the age-range of their pupils, but also in the different groups represented in the local community. There may also be different requirements in a laboratory, playground or sports setting where safety of pupils is paramount: governors may therefore consider whether smaller headscarves and/or those which do not tie round the front of the neck, or skirts of ankle length rather than to the floor, are more appropriate, track suits rather than shorts for PE may also be more acceptable for some religious communities. Religious jewellery must also be considered when considering health and safety issues.

3.5 Governors need to consider the issues of religious belief and uniform in an informed way and the DFE advises that it should be possible to meet most religious requirements within a school uniform policy. Governors are required to act reasonably and it is important that local faith leaders are consulted to ensure their views are taken into account. There is a view that the more extreme forms of restrictive dress for women offend against their freedom and fundamental rights; some women may be less free to choose than others with pressure to conform brought by elder siblings, parents and the community. There is also a view that some forms of "Islamic dress" are divisive and separate Muslim girls from their peers, and this may conflict with a school's duty to promote community cohesion; equally it may be claimed that a school which allows for some flexibility in this regard actually promotes community cohesion. Practical considerations should also form part of governors' thinking, for instance where the face is obscured and may impact on a teacher's ability to judge a pupil's

engagement, or where a long robe, or religious jewellery, may pose a health and safety risk. Governors should also take account of the fact that not all those associated with a particular religious community follow the same rules on dress, eg, within the Christian faith there are those who advocate head covering for women. All these factors need to be taken into account when considering the issue of school uniform and religious belief.

4 SIXTH-FORMS

4.1 Secondary schools may decide to have a different uniform policy for sixth-form pupils, particularly if the uniform rules are relaxed for such pupils, as is usually the case. Expectations should be clearly set out and should take account of the issues of religious dress. Schools should act reasonably in determining their policy for sixth-form students and consider what they are trying to achieve. Some of the rationale set out in 2.1, above, is less relevant in a sixth-form setting where there is no specific uniform, for example, it is hard to argue for a strong cohesive identity when pupils are, within limits, wearing their own clothes.

4.2 Governors should be prepared for requests from individual students who may seek to manifest their religious belief through dress and may need to be more specific in their requirements for what is acceptable: “smart business dress” or “modest dress” has a range of interpretations. Including examples of what is acceptable will aid clarity: for instance, skirts of a specific length, particular forms of religious dress, such as the shalwar kameez, headscarves or turbans, as well as specifying colours

5 COMMUNICATING THE POLICY

5.1 Once agreed by the governors, the policy must be clearly publicised through the school prospectus and website, pupils’ code of conduct, information to new and prospective pupils and parents. Parents and pupils should be left in no doubt as to what is allowed and who is authorised to enforce the policy, if necessary, and that pupils may be sent home for non-compliance.

6 ACTION

6.1 This guidance is intended to promote discussion and offer guidance rather than provide any specific model uniform policy. Governors are best placed to determine the policy for their own schools within the local context of the communities they serve and in accordance with the school’s aims and values. The Board strongly recommends that governors consider the issue of school uniform and the principles upon which it is based and in particular discuss the matter of uniform and religious belief, in order that a considered response may be given where questions are raised.

7 RESOURCES

[DFE School Uniform Guidance 2013](#)

[The Muslim faith and school uniform](#) – this NUT guidance was written in about 2005/6, and while some of the principles still apply, governors should not rely on any aspects of case law described here, as this is likely to have been superseded at least in part by more recent cases.

[Meeting the needs of Muslim pupils in state schools](#)