School Uniform Policy

Ffederasiwn Ysgolion **Llanidloes** Schools Federation

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Introduction

The Llanidloes Schools Federation uniform policy is based upon the Welsh Government's statutory guidance document no: 247/2019 issued in July 2019 which replaced guidance document no: 015/2011. This guidance is available at the following link:

https://gov.wales/sites/default/files/publications/2019-07/statutory-guidance-for-school-governing-bodies-on-school-uniform-and-appearance-policies.pdf

The purpose of the uniform policy is to:

- provide a sense of identity, community and cohesion within the schools;
- support positive behaviour and school discipline;
- ensure pupils dress appropriately for learning activity;
- remove peer pressure to dress in particular fashions;
- enable pupils of all backgrounds to share in a common identity which embraces their particular requirements;
- help reduce inequalities between pupils and help reduce some triggers for bullying;
- benefit safeguarding and attendance policies through helping to identify truants;
- assist identification of strangers on school premises; and
- support and promote the ethos of the school.

Legal context

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. The powers for the Welsh Ministers to issue this statutory guidance in this area are contained in a number of legislative provisions.

The power for the Welsh Ministers to issue statutory guidance to governing bodies is contained in section 88 of the Education and Inspections Act 2006 ("the 2006 Act"). Whilst this section does not specifically mention school uniforms, it is broad enough to include it. This section places a duty on governing bodies to ensure that policies designed to promote good behaviour and discipline are pursued at the school.

In addition, section 89 of the 2006 Act places a duty on headteachers 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. Any measure introduced by the headteacher under 5 section 89 should be publicised by them in the form of a written document. That document should be made known within the school and to parents. 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.

In making and operating measures drawn up under section 89 of the 2006 Act, a headteacher should include measures to prevent all forms of bullying. Thus a

governing body should ensure that when a school uniform or appearance policy is drawn up, modified or operated, grounds are not created for bullying. Schools should have regard to the Welsh Government's anti-bullying guidance and the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015: https://www.legislation.gov.uk/anaw/2015/3/pdfs/anaw_20150003_mi.pdf

Further, under section 175 of the Education Act 2002 ("the 2002 Act") a governing body must make arrangements for ensuring their functions relating to the conduct of the school are exercised with a view to safeguarding and promoting the welfare of pupils at the school. Therefore, when a governing body is considering introducing a school uniform policy, it should have regard to this overarching duty to do so in a way that safeguards and promotes the welfare of pupils. There is a power for the Welsh Ministers to issue statutory guidance to governing bodies and local authorities under this section.

Conduct of the schools by the governing body

The governing body is required to conduct the schools with a view to promoting high standards of educational achievement. As noted above section 175 of the 2002 Act requires governing bodies to conduct the schools with a view to safeguarding and promoting the welfare of pupils at the schools.

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, sex and gender and; b) promote equal opportunities and good relations between persons of different racial groups and between sex/gender groups.

Equality legislation

There are a number of statutory provisions contained under the Equality Act 2010: https://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf. Those provisions 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, gender reassignment, sexual orientation, pregnancy and maternity, race, religion or belief and disability.

The duties placed on governing bodies as a consequence of these Regulations include to "assess and monitor the impact of its policies, for example, its school uniform policy on pupils, staff, and parents of different racial groups, including the impact on attainment levels on such pupils".

School councils and consultation with pupils

The Welsh Government's policies for children and young people are founded on the United Nations Convention on the Rights of the Child. In Children and Young People: Rights to Action the Welsh Government has 7 core aims and states that "every young person in Wales has the right to be consulted, to participate in decision making, to be heard on all matters that concern them or have an impact on their lives". https://gov.wales/docs/dsjlg/publications/cyp/151106-core-aims-comprehensive-versionen.pdf

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

Equality issues considered by the federation governing body

In formulating school uniform and appearance policies, a school governing body must consider its obligations not to discriminate unlawfully on the grounds of sex; gender reassignment; sexual orientation; pregnancy and maternity; race; religion or belief and; disability.

Governing bodies will give high priority to cost and affordability 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.

The essential point is that governing bodies will act fairly and reasonably when developing 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.
https://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf

Governing bodies will also uphold the principles of the United Nations Convention on the Rights of the Child (Articles 2, 12, and 13 have particular relevant to this guidance):

Article 2 1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. 2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

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 or religious belief

School governing bodies will 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 from different racial groups. A governing body may be regarded as discriminating if it does not accommodate religious needs concerning dress. This may either amount to unlawful race discrimination in terms of the Equality Act 2010 (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 may amount to a breach of the rights protected under the Human Rights Act 1998.

The Human Rights Act 1998 protects the right to "manifest one's religion or beliefs". It is important, therefore, for a governing body to consider how uniform and appearance policies might infringe on an individual's right to reasonably follow a recognised practice of their religion or belief. Governing bodies will act reasonably in accommodating such requirements and should consider any request to vary their policy to meet the needs of a pupil to accommodate their religion or belief.

It may be a recognised religious practice for a pupil to wear a particular item of clothing. In recognising this, the governing body could decide that the item could be worn in the school uniform colours. Governing bodies must remain within relevant statutory requirements in reaching decisions.

Disability discrimination

Governing bodies need to ensure that school uniform and appearance policies do not disadvantage disabled pupils in comparison to pupils who are not disabled. Issues for consideration include the practicality of polices and whether reasonable adjustments can be made to accommodate disabled pupils' requirements.

Sex and gender identity discrimination

The composition of the uniform worn in each school within the Llanidloes Schools Federation is available on the school websites.

Llanidloes High School: https://llanidloeshighschool.co.uk/life-at-llanidloes/school-uniform/
Llanidloes Primary School: https://llanidloes.powys.sch.uk/new-to-school/school-uniform/

These are inclusive school uniform policies that do not discriminate on the basis of sex or gender identity. The differences in the school uniform and appearance between sexes/genders enable the school to accommodate religious dress and appearance codes for different sexes; failure to respect such codes could amount to race discrimination or a breach of human rights. For example, where differences in dress requirements don't have significantly more detrimental effects on one sex/gender or the other, they are unlikely to be regarded as discriminatory but it might be unlawful if,

for example, the uniform was considerably more expensive for girls than for boys.

Governors and school leaders will consider whether flexibility is needed in relation to uniform to meet the needs of a pupil who is undergoing gender reassignment. Failure to allow a pupil to wear uniform that reflects their gender identity may constitute discrimination on the basis of gender reassignment under the Equality Act (2010).

The Equality Act 2010 does not deal specifically with school uniform or other aspects of appearance, but the general requirement not to discriminate in the treatment of pupils applies here as in relation to other aspects of school policy.

Cost of school uniform and affordability

The Welsh Government recognises that school uniform and other items that are required to be purchased in accordance with a school uniform policy can be a financial burden, particularly for low income and large families. Consequently, when introducing a new uniform, or considering changes in uniform requirements, governing bodies will give high priority to cost and affordability. 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.

In order to keep the cost of school uniform down, uniform within the Llanidloes Schools Federation incorporates the following approaches:

- Only stipulates basic items and colours but not costly styles so that items can be bought from multiple retail chains at reasonable prices and not just from one authorised supplier.
- Avoids high cost items such as caps.
- Balances the inclusion of items of uniform that promote a distinct identity, against the need to ensure that uniform items are widely available and affordable.
- Avoiding variation in colours and style for different year groups as this is expensive for parents and limits the scope for second-hand sale or handing on to siblings.
- Has easily washable items: dry clean only items are avoided.
- Limits the frequency of uniform changes as this can be costly for parents and limits the scope for re-sale or handing on to siblings or other pupils.
- Considers the cost and availability of non-standard sizes.
- If there is a change to a school uniform policy, a transitional period is introduced so that old uniforms can be worn for at least a year before a total changeover to a new uniform and consider if items of the old uniform can be retained in the new policy.
- Minimise requirements for different uniforms for summer and winter. School uniforms should be as economical as possible and summer uniforms are only worn for a matter of weeks.
- Moving towards aligning school uniform requirements with feeder primary schools to enable any core uniform items (e.g. shirts, polo shirts, trousers, skirts and sports equipment) can continue to be used in the secondary school, so reducing the cost of transition into secondary education.
- Continually reviewing and improving access and affordability such as school uniform exchange or recycling schemes where parents can donate unwanted

or outgrown items in good condition to be made available to other families.

Where single supplier arrangements are in place for some items, governing bodies should review these arrangements regularly in the context of this guidance and to seek to ensure items are affordable. Where a uniform item is only available from a single outlet, prices are likely to be higher than they would be if parents were able to buy the item from other sources.

Where schools remain with a single retailer arrangement, if there is an element of competition for the market in the form of a tender or selection process that is regularly reviewed, this is likely to result in lower prices.

Governing bodies should be able to demonstrate that they have obtained the best value for money from suppliers. Any savings negotiated with suppliers should be passed on to parents wherever possible. Schools should not enter into cash-back arrangements. Exclusive single supplier contracts should be avoided unless regular tendering competitions are run where more than one supplier can compete for the contract.

Other school uniform and appearance considerations

Coats: governing bodies should 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 school and one for wear at other times.

Home-to-school travel: 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 or high-visibility materials such as removable reflective strips as part of their school uniform policy to ensure that children are able to walk and cycle safely to school.

Physical education: all pupils should feel comfortable about their PE clothing. Schools should choose a PE kit which is practical, comfortable, appropriate to the activity involved, and affordable. Pupils' participation in PE lessons can be adversely affected because of the clothing that they are required to wear. Governing bodies should adopt a sensitive, flexible approach that has regard to the equality issues outlined in this guidance. Schools will consider the costs of PE clothing, particularly where specialised equipment is necessary.

PE footwear should be suitable, e.g. trainers, for health and safety reasons. Governing bodies should consider whether any child not wearing the correct footwear should be permitted to take part in the PE lesson if safety is at risk. In such cases, governing bodies should consider that these pupils could still participate in another capacity e.g. by officiating, keeping score etc. while providing a reminder that appropriate clothing for taking part in PE activities is worn in future.

Health and safety: health and safety issues are extremely important and need to be given constant consideration, especially when pupils are taking part in practical lessons such as PE, science and technology. 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, where they would otherwise form a risk to the pupil or other pupils and surroundings.

Jewellery, hair and makeup: governing bodies may wish to consider the wearing of jewellery as part of school uniform and appearance policies and to specify items of jewellery that pupils may wear. Governing bodies may also want to consider the wearing of makeup and hairstyles and hair colour as part of their policies. When doing so, it should be taken into account whether the 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 to tape them).

Medical issues: governing bodies will need to consider carefully requests made to vary policies in order to meet the needs of pupils with 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 for them.

Extreme weather conditions

Both in respect of affordability and practicality, governing bodies should take a sensible, flexible approach to basic uniform requirements during very hot or cold weather, such as temporarily relaxing policies to ensure that pupils are comfortable in their learning environment. For example, allowing pupils to wear their PE kits or uniform shorts in very hot weather or allowing trousers to be worn instead of skirts in very cold weather. This will be communicated to parents before the start of school, for example via the school website, text or phone call where requested.

Financial assistance

School Essentials Grant
The Welsh Government recognises that some parents face financial hardship from the costs of purchasing school uniforms for their children. The Welsh Government also believes that the financial support parents receive towards the cost of school uniform should not be a barrier to learning.

The School Essentials Grant focuses on the entry point into education and the transition into secondary school. The funding is available to pupils who are eligible for free school meals entering:

- Reception class of maintained primary schools;
- Year 3 of maintained primary schools;
- Year 7 of maintained secondary schools;
- Year 10 of maintained secondary schools; or
- pupils in special schools, special needs resource bases and pupil referral units who are aged 4 or aged 11 on entry.

The funding is also available to all looked after children of compulsory school age.

Funding of up to £125 is available for each eligible learner with the exception of those in Year 7. Eligible learners in Year 7 will be entitled to a maximum of £200.

Asylum Seeker pupils entering Reception, Year 3, Year 7 and Year 10 are entitled to assistance under this funding if they fulfil the eligibility criteria.

In addition to school uniform, the School Essentials Grant covers school PE kit; uniform for wider activities outside the school day (such as sports, scouts and guides); school equipment where new curriculum activities begin (such as design and technology); and equipment for out of school hours trips (such as waterproofs for outdoor learning).

The grant scheme is administered by Local Authorities on behalf of the Welsh Government. Schools should make information available on the School Essentials Grant and advise parents that applications for this grant should be made to the Local Authority.

Section 518 of the Education Act 1996, and the Local Education Authority (Payment of School Expenses) Regulations 1999 made under that section provide discretionary powers for Local Authorities to make payments to relief financial hardship to enable a pupil take advantage of any educational or to take part in any school activity. That would include financial assistance to cover the cost of school clothing where they are satisfied that payment should be made to prevent or relieve financial hardship but such financial assistance must be related to the means of the parents.

Some Local Authorities across Wales offer financial assistance towards the cost of school uniforms.

Responsibility of local authorities as corporate parents

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

There are other limited potential sources of financial help:

- Parents receiving Income Support, Income Based Jobseeker's Allowance, Income related Employment and Support Allowance, Pension Credit or payment on account of one of these benefits or entitlements for at least 26 weeks may be able to apply for a social fund budgeting loan under the category of clothing and footwear from Jobcentre Plus. Claimants currently claiming Universal Credit can apply for a Budgeting Advance.
- 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.

Credit Unions

Credit Unions are financial co-operative that are community focussed, run by local people for the benefit of local people offering ethical savings and loans. Everyone who lives or works within the Credit Union area, and any member of their family who lives with them, can join. Credit Unions also welcome junior members to save with them. The Welsh Government actively encourages people of all ages to join Credit Unions and for schools to set up school collection points for young savers and their families. Credit Unions offer a range of services including affordable loans, savings accounts, and can also help with budgeting advice and debt management. Importantly, they offer smaller value loans at affordable rates. Being a member of a Credit Union allows parents to save a little on a regular basis towards meeting the cost of buying school uniforms, or to apply for a small loan that will allow the cost of buying a uniform to be spread out into more manageable payments throughout the year.