



BENSHAM MANOR School

Uniform Policy

Last reviewed: September 2017



INTRODUCTION

School uniform plays a valuable role in contributing to the ethos of a school and setting an appropriate tone. Most schools in England have a school uniform or dress code, and other rules on appearance. DCSF strongly encourages schools to have a uniform as it can instil pride; support positive behaviour and discipline; encourage identity with, and support for, school ethos; ensure pupils of all races and backgrounds feel welcome; protect children from social pressures to dress in a particular way; and nurture cohesion and promote good relations between different groups of pupils. Above all, many schools believe that school uniform supports effective teaching and learning.

There is no legislation that deals specifically with school uniform or other aspects of appearance such as hair colour and style, and the wearing of jewellery and make-up, and this is non-statutory guidance. It is for the governing body of a school to decide whether there should be a school uniform and other rules relating to appearance, and if so what they should be. This flows from the duties placed upon the governing body by statute to conduct the school and to ensure that school policies promote good behaviour and discipline amongst the pupil body.

It is also for the governing body to decide how the uniform should be sourced. The governing body should be able to demonstrate to parents how best value has been achieved and keep the cost of supplying the uniform under review. It should also bear in mind that sustainable sourcing can be part of the action a school can take to support sustainable development. A sustainable school has sustainable development as part of its underpinning ethos. This helps to prepare young people to live in a world where globalisation of markets, massive changes in our environment, and limits on natural resources, require different attitudes, skills and behaviours.

The **Sustainable Schools** website provides further information.

WHAT SHOULD A SCHOOL DO?

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

- consults widely on its proposed school uniform policy and changes to an established policy. As well as current pupils and parents/carers, prospective pupils and parents/carers should be included in any consultation. Consultations should also include representatives of different groups in the wider community, such as community leaders representing minority ethnic and religious groups, and groups representing pupils with special educational needs or disabilities. Local authorities may have already prepared information and guidance for schools or may be able to conduct consultations on some issues on behalf of schools.
- considers how the proposed uniform policy might affect each group represented in the school;
- considers the concerns of any groups about the proposed policy, and whether the proposed policy amounts to an interference with the right to manifest a religion or belief, and whether it is discriminatory. The school will need to weigh up the concerns of different groups and it might not be practical to accommodate fully the concerns of all groups. For example, groups of children drawn from different parts of the same religious community may each have differing requirements, requiring several variations of school uniform if each were accommodated in full, which would not be practical;
- considers the timeframe for introducing a new uniform policy or amending an existing one. Factors should include the length of time before the pupil leaves the school and whether expensive items

are frequently purchased second hand, or passed on to siblings. A transitional period for phasing out the old uniform and introducing the new one should be considered;

- considers the cost and availability of non-standard sizes;
- considers the cost of including branded items and items in unusual colours/shades before insisting they must be worn, and continually reviews the cost of these items;
- documents the consultation process undertaken, the points made by respondents, and the decisions taken in weighing up competing points of view. The school might decide that the needs of individual groups are outweighed by factors such as:
 - health and safety: the school has a right to expect that long hair can be safely tied back for work in the 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;
 - security: the school needs to be able to identify individual pupils in order to maintain good order and 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 engagement with learning, and to secure their participation in discussions and practical activities;
 - protecting young people from external pressure to wear clothing they would not otherwise choose to adopt, protecting them from harassment, and from having to adopt dress codes associated with extreme or anti-social elements in the wider community, including styles and colours of clothing associated with gangs;
 - promoting a strong, cohesive, school identity that supports high standards and a sense of identity among pupils: if some children look very different to their peers, this can inhibit integration, equality and cohesion;
 - the need to promote harmony between different groups represented in the school;
- describes its uniform/appearance policy clearly and publicises it well, for example on the school website, in school rules, and in any admissions or general school prospectus. Rules on wearing school uniform may be included in the home school agreement. Pupils and parents/carers should receive information that makes them aware of school expectations before they are required to express a preference for a school;
- considers carefully, once the uniform/appearance policy has been agreed, any request that is made to vary the policy to meet the needs of any individual pupil to accommodate their religion or belief;
- considers carefully, once the uniform/appearance policy has been agreed, any request that is made to vary the policy to meet the needs of an individual pupil because of temporary or permanent medical conditions. 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. Further information is included in a training resource pack for schools and local authorities entitled 'Implementing the Disability Discrimination Act in schools and early years settings'. Advice on how to access the pack is available from the **Special Educational Needs and Disability** section of TeacherNet.
- cross references the school uniform/appearance policy against other relevant school policies, such as the behaviour policy;
- considers carefully the risk of a challenge to the policy and considers appropriate insurance cover. *Insurance: A guide for schools* provides advice to schools on insurance.

Many schools also engage pupils, including school councils, in drawing up a school uniform policy, for example, by actively engaging them in the process of designing the uniform and communicating the school's policy to parents, prospective parents and pupils.

COST OF SCHOOL UNIFORM

School uniform and other items that must be purchased in accordance with school rules can be expensive, particularly for low income and large families. In deciding the design of its school uniform, DCSF expects the school governing body to give high priority to cost considerations. No school uniform should be so expensive as to leave pupils or their families feeling unable to apply to, or attend a school of their choice, due to the cost of the uniform.

Local authorities have a discretionary power to provide school clothing grants or to help with the cost of school clothing in cases of financial hardship.³ The School Admissions Code places a statutory duty on all governing bodies to ensure that their policies and practices do not disadvantage any children.

Paragraphs 1.73, 1.90 and 1.91 state that:

governing bodies *must* ensure that their other policies and practices do not disadvantage certain social groups or discourage some groups of parents from seeking a place at the school for their child. Local authorities *must* work with governing bodies (where the governing body is not also the admission authority) to ensure that admission arrangements which appear fair, are not then undermined by other school policies, such as a requirement for expensive school uniform or sportswear, unless arrangements are put in place to ensure that parents on low incomes can afford them.

Governing bodies *should* help limit the expense of uniforms so that parents on low incomes do not feel that the prospective cost of the uniform means that they cannot apply for their preferred school.

Governing bodies *should* ensure that the uniform chosen is widely available in high street shops and other retail outlets, and internet suppliers rather than from an expensive sole supplier; schools can use their own purchasing power to buy in bulk and pass on savings to parents. Governing bodies *should not* seek to operate as sole suppliers in order to raise additional funds through the sale of new school uniforms; and that all schools which have a uniform policy *should* have arrangements in place to ensure that no family feels unable to apply for admission on account of high uniform costs. This applies equally to sports kits and any other specialist equipment outlined in the policy. Schemes for remission of cost *should* cover children eligible for free school meals, and children whose parents are entitled to the maximum level of working tax credit. Schemes *should* be administered discreetly so that no parent is embarrassed to ask for help. These schemes *should* be widely publicised and clearly explained in admissions, or other literature provided by the school.

High priority should always be given to keeping costs to a minimum when selling second hand uniform items. Choice Advisers will be able to inform parents about the school uniform policy of all schools within their local authority and neighbouring local authorities, and of the funding available in the form of uniform grants or provision of school clothing. They should also be able to advise of any other assistance available to parents for purchasing or acquiring school uniform (for example from schools or external organisations).

PHYSICAL EDUCATION

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

NON-COMPLIANCE WITH A SCHOOL'S UNIFORM/APPEARANCE POLICY, AND SCHOOL RULES

A headteacher can discipline a pupil for breach of uniform/appearance policy. However, DCSF does not consider exclusion to be an appropriate response to breaches of school uniform/appearance policy, *except* where they are persistent and defiant. Where a pupil repeatedly refuses to comply with school uniform policy even if they do not otherwise display poor behaviour, we believe that exclusion could be an appropriate response, depending on the circumstances of the case.

A headteacher or a person authorised by the head teacher may ask a pupil to go home briefly to remedy a breach of the school's rules on appearance or uniform. This should be for no longer than is necessary to remedy the breach. This is not an exclusion, but an authorised absence. However, if the pupil continues to breach uniform rules in such a way as to be sent home to avoid school, or takes longer than is strictly necessary to effect the change, the pupil's absence may be counted as unauthorised absence. A pupil must not be sent home indefinitely or for longer than is strictly necessary to remedy the breach as this could amount to an unofficial exclusion. In *all* such cases parents must be notified and the absence should be recorded. When making this decision, the child's age, vulnerability, how easily and quickly the breach can be remedied, and the availability of the parent, will need to be considered. If the pupil then repeatedly infringes the school's rules on uniform or appearance, this may constitute a disciplinary offence and may be grounds for exclusion.

Where a pupil is not adhering to school uniform policy, a school should be considerate and discreetly try to establish why not. There may be good reasons why a pupil is not attending school in the correct uniform. For example, their uniform may have been lost, stolen or damaged. Sending the pupil home or excluding them may not be appropriate in every case. If a pupil is not wearing the correct uniform because their parents are in financial difficulties, a school should be sensitive to the needs of the pupil. A school should give parents time to purchase the required items and/or consider whether a school or local authority clothing grant can be supplied. A pupil should not be made to feel uncomfortable, nor discriminated against, because their parents are unable to provide them with the required items of school uniform.

Advice on exclusions is available from the Exclusion section of TeacherNet.

HOME TO SCHOOL TRAVEL

A school should encourage children to walk and cycle to school and give consideration to 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. The governing body should consider the benefits of including light colours and reflective materials (and recommend the wearing of high visibility items) as part of the school uniform policy to ensure that children are able to walk and cycle safely throughout the year.

HUMAN RIGHTS ISSUES

The Human Rights Act 1998 protects the right to 'manifest one's religion or beliefs'. Various religions and beliefs require their adherents to conform to a particular dress code, or to otherwise outwardly manifest their belief. Some religions require adherents to wear or carry specific religious artefacts, others may hold a belief that they should not cut their hair, and a number of religions require their followers to dress modestly, for example, by wearing loose fitting clothing, or covering their head.

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

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 has the effect of restricting the freedom of pupils to manifest their religion may still be lawful, so long as this interference with pupils' rights is justified on grounds specified in the Human Rights Act. These include health, safety and the protection of the rights and freedoms of others.

This principle has been confirmed in three recent court cases⁴ when, in each case, the court 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. However, each case will always depend on the circumstances of the particular school. So the judgements do *not* mean that banning such religious dress will always be justified, nor that such religious dress cannot be worn in any school in England. It is for a school to determine what sort of uniform policy is appropriate for it.

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

EQUALITY AND DISCRIMINATION ISSUES

In formulating a uniform/appearance policy, a school will need to consider its obligations not to discriminate unlawfully on the grounds of sex, race, disability, sexual orientation and religion or belief.⁵ A school should also bear in mind the concept of 'indirect' discrimination. This involves the application of a requirement, which, although applied equally to everyone, puts those of a particular gender, race, sexual orientation or religion or belief at a disadvantage because they cannot in practice comply with it. Such a requirement will need to be justified.

An example of indirect discrimination could be a school that bans 'cornrow' hairstyles. As these are more likely to be adopted by specific racial groups, banning this type of hairstyle without justification could constitute indirect racial discrimination.

RACE EQUALITY POLICY

A school should consider its uniform/appearance policy in the context of its race equality policy; its 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.

FURTHER INFORMATION

For further advice on school uniform issues, please contact the Schools Access Team:

Telephone: 0870 000 2288

Email: Team.SCHOOLSACCESS@dcsf.gsi.gov.uk

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

ANNEX 1

Religious clothing summary — reproduced with permission from guidance developed by Tower Hamlets in consultation with faith communities in that locality.

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.

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.

Islam

The reason for young women beyond puberty wishing to wear full clothing is modesty; that is, not wishing to receive unnecessary attention.

Young women are appropriately modestly dressed if they are wearing salwar kameez or jilbaab with headscarf without the need to wear niqaab in school.

Men are expected to be covered from waist to knee in public places, many Muslim men may also choose to wear a cap but this is not a compulsory religious requirement.

Sikhism

In general covering the body is a requirement. All initiated Sikhs wear the five 'K' symbols as a sign of their initiation into the Sikh community. Male Sikhs wear a turban, the removal of this is unacceptable.

Rastafarian

Rastafarian women dress modestly. There is a taboo on wearing second hand clothing, and therefore children may be unwilling to wear borrowed clothing for PE, etc.