

School uniform/ dress code guidance for schools



What schools should consider if they decide to develop a school uniform/dress code.

Dress code

This term has been used throughout the guidance instead of “uniform”. Although often used interchangeably, dress code is much less restrictive.

What the NEU says

You may have questions about what happens in your particular workplace and there may be collective issues that affect other members. In most circumstances you should initially discuss the matter with your workplace rep as they will know whether similar concerns have been raised by other members. If you do not have a rep, please get members together to elect one.

Further advice on this is available at neu.org.uk/get-involved

Although you may sometimes feel that you are the only one affected by or concerned about a particular issue, in reality this is seldom the case. As a member of the NEU, you have the advantage of being able to act collectively with your colleagues. You can be confident that you have the weight of the union behind you.

What are the legal provisions relevant to school dress codes?

The Equality Act 2010 prohibits schools from imposing a dress code which gives rise to direct or indirect discrimination in respect of a pupil or staff member’s protected characteristics, for example age, disability, gender reassignment, race, religion or belief, sex or sexual orientation.

Schools have a public sector equality duty to eliminate discrimination, advance equality of opportunity and foster good relations between people with different protected characteristics.

Articles 9 and 10 of the Human Rights Act 1998 provide individuals with a right to freedom of thought, conscience and religion and the right to freedom of expression respectively. These rights are qualified, however, which means your rights are subject to the competing rights of others to the same.

Education (Guidance about Costs of School Uniforms) Act 2021

In April 2021, a new law was passed which required statutory guidance to be published on how schools should design and implement their uniform policies, with particular regard to the cost of uniform. The new law will help break down the barriers facing children living in low income families.

The statutory guidance was published in November 2021 and advises, in order to keep the cost of uniforms down, for branded items to be kept to a minimum and for high street items to be allowed. It also states that second-hand uniform must be available, providing cost-effective and sustainable options.

Schools are expected to have taken steps to adhere to the new guidance before parents buy uniform for the academic year beginning in September 2022.

Do we need a dress code?

Many schools have a dress code, uniform policy or other rules on appearance. There is no legislation that deals specifically with school dress code or other aspects of appearance. If your school has decided to have a dress code, this document provides advice on how to develop your policy or review the one you have.

It is for the governing body, trust management board, governing board or relevant responsible body of a school to decide whether there should be a school dress code policy, and the content of the policy. Any decision made should be on the basis of consultation with the schools' senior leadership, pupils and parents/carers. Schools should ensure that their school dress code policy is fair and reasonable and does not act as a barrier to parents when choosing a school. A policy should not contradict the Human Rights Act or the Public Sector Equality Duty which means that the policy:

- must not be discriminatory
- must help foster positive relations
- shouldn't be based on, or increase, stereotypes about girls/boys, about religion/ belief or about gender expression.

What principles and strategies are important when writing a school dress code policy?

When drawing up a school dress code policy schools should identify the purpose of the policy. Pupils will engage with school life successfully if they wear uniform that they feel comfortable in. Offering all pupils the same uniform choices will allow for this.

Some people of faith place importance on the concepts of modesty and dignity in dress which carry the status of religious obligation. It should also be recognised that pupils and parents may choose certain items of religious clothing even when this is not a religious requirement.

Individual choice should also be able to be exercised with regards to hairstyles.

We advise that school leaders should:

- Consult widely on a proposed school dress code policy (or any changes to a policy) with pupils, parents/carers, school staff and governors including making use of school assemblies and school councils to achieve respect for diversity and an ethos of inclusion. Include school staff in the development of the policy in order to achieve consistency across the school in applying the dress code.
- Ensure the items of clothing in the dress code being proposed are affordable for all who wish to attend the school.
- Be as inclusive and welcoming as possible in seeking feedback from all groups of parents.

What happens if individuals, students or parents request individual flexibility in the policy?

Whenever a pupil or staff member asks for flexibility in a school dress code to observe/express their religious or other beliefs, as a reasonable adjustment for a SEND student, or for some other reason, the following principles should always guide the school's response:

- Some forms of dress, symbols and hairstyles or coverings can be an important aspect of an individual's religious, cultural and/or gender identity. Any discussion about the wearing of these should be conducted in a respectful and sensitive way.
- Where a young person with SEND requests flexibility in the dress code schools need to recognise that this is a necessary reasonable adjustment in order for them to access the school environment.
- Restrictions on an individual's choice to express their religious beliefs through dress, symbols, hairstyles or coverings should be restricted only where health and safety is directly affected.
- Decisions by school leaders should not be in conflict with the commitment to value students' religious freedoms, gender expression, disability equality and cultural diversity.

Gender stereotypes

These are fixed ideas about boys and girls, and men and women, which lead to assumptions about what people enjoy, can achieve or might be interested in. Stereotypes about sex and gender harm and limit every student because they restrict what young people feel they are allowed to do, for example "boys don't cry" and "girls can't play football".

Many schools' uniforms still unnecessarily prescribe different clothes for girls and boys.

The goal of a dress code or uniform policy should be for students to feel comfortable and able to fully participate in school life. There is no constructive or sensible reason why girls and boys should wear different clothes. Research shows that gender stereotypes restrict the access to learning and physical activity of both girls and boys. A school needs to treat students as equals. This means that schools need to actively challenge all gender stereotypes and fixed ideas about what boys and girls can do/achieve/enjoy/express.

Some students may be Trans, non-binary or questioning their gender. It is important that they can wear clothes that make them comfortable. The main goal is for every child to feel a sense of security and belonging at school.

Sexual harassment is an issue in every school and overwhelmingly affects girls and young women. It will be happening in your school, whether you are primary or secondary. You need to ensure girls feel comfortable and secure in their clothing and consider whether your dress code may be a barrier to participation, such as in physical activity.

Girls with low body confidence can be put off from doing sport/PE because of concerns about how they look in PE clothing. Giving all pupils a wide range of clothes to choose from will help to alleviate these issues.

- Enable individual choice to be exercised within a broad dress code framework. This framework should not designate gender specific clothing requirements but offer a range of choices which can be worn by any pupil.

Gender-identity

Gender identity is a person's internal sense of their own gender and does not always correspond to the sex assigned at birth.

Trans

Trans is an umbrella term to describe a range of people whose gender identities are not the same as the sex they were assigned at birth.

Non-binary

Someone who does not identify as male or female.

Gender-questioning

An individual who is unsure of and/or exploring their gender identity.

Poverty, access and cost of school uniform

The NEU works with Child Poverty Action Group to reduce poverty and the impact of poverty on children.

Nearly one in three children in the UK, around 4.3 million, now live in poverty. One of the costs of education that is problematic is school uniform and children's clothing.

Useful advice for how to ensure your uniform is not excluding poor children is 'Poverty Proofing the School Day.'

For more information about this work please visit: povertyproofing.co.uk

You should ensure that your dress code is affordable for everyone wishing to attend the school. Statutory guidance published in November 2021 requires, from the academic year beginning in September 2022, for the cost of school uniform to be kept down. It advises that branded items should be kept to a minimum and high street items allowed.

Additionally, you should also consider whether non-uniform days or charity dress up days (such as World Book Day) are placing a heavy cost burden on poor families and how you can address this.

Poverty proofing

Poverty proofing is the process whereby a school identifies and overcomes the barriers to learning that affect children and young people from families with less financial resources. It enables schools to develop an action plan to reduce the stigma and discrimination pupils' experience.

Turning the Page on Poverty

The NEU's Turning the Page on Poverty is a practical guide for members to develop individual practice and tackle the impact of poverty on pupil learning throughout the school day. For more information about this work please visit neu.org.uk/turning-page.

Local Matters – educating with a sense of place

A useful resource for tackling poverty and disadvantage in schools through the empowerment of teachers and illuminating the local. For more information about this work please visit neu.org.uk/child-poverty/local-matters-educating-sense-place.

SEND

Include flexibility in the dress code for SEND students who find some textures and materials irritating to their condition and for whom having to wear certain dress code items can be a barrier to regular school attendance. Schools should listen to the student and their family and discuss alternative options.

Race/Ethnicity

There are a range of ways in which different ethnic groups may wish children to be dressed.

Some cultures and religious beliefs have modesty/cultural/religious requirements for boys and girls. For example:

- **Muslim families** may want girls to wear head coverings, long skirts or trousers and full sleeves.
- **Sikh families** may want boys to wear turbans or top knots.
- **Seventh Day Adventists** require modest and simple dress.
- **Rastafarians** may require head coverings.

Policies should generally avoid making judgements on styles of haircut.

Halo Code is a guide for schools to prevent discrimination around hairstyles or texture.

Visit halocollective.co.uk/halo-school

To find out more and access free lesson plans and resources, visit worldafroday.com To read the hair quality report, visit worldafroday.com/hair-equality-report.

The NEU anti-racism charter helps develop an anti-racist approach in education settings. Visit neu.org.uk/anti-racism-charter

How can you develop a culturally inclusive dress code?

It is possible for cultural and religious requirements to be met within a school dress code policy. You should aim to act flexibly in making your dress code culturally inclusive. Only if a pupil's choice of dress hinders the process of teaching and learning would dress code choices need to be restricted. Relevant factors include teaching and learning, ensuring equal access to the full curriculum, and the

relationship between pupils and between pupils and teachers.

Schools should avoid imposing requirements of dress upon pupils that conflict fundamentally with their cultural practices, religion or beliefs, at home or outside the school environment. Except in exceptional circumstances linked to health and safety, schools should avoid placing pupils in the position of having to choose between the requirements for dress made by the school and those deemed appropriate within their homes. Where conflicts arise, they should be a matter for discussion between parents and the school and parents should be able to formally lodge their complaints and/or objections if an amicable solution cannot be reached.

How do I meet health and safety requirements?

It is legitimate to consider whether there are safety issues arising from particular clothing or requests, and this includes religious clothing. However, it is not legitimate to ban an item without proper and open minded consideration.

In general, you should permit the safe wearing of religious clothing. Our advice is that the wearing of the hijab or jilbab would not present a health and safety hazard to either the wearer of the garment or other pupils. Nursery and primary schools might wish to negotiate with pupils and parents a slightly shorter-length jilbab to ensure the child's mobility and safety in the playground and ease of participating fully in all activities.

Practical lessons and PE

Practical lessons such as physical education, science and design and technology are areas where pupils' health and safety might be affected by inappropriate clothing. In most cases, however, consultation with pupils and

parents can produce agreement on the safe wearing of religious clothing. You should undertake a risk assessment to address the risks that may be posed by practical lessons, and any issue relating to what is considered appropriate clothing can be included in this risk assessment.

In order to promote an inclusive environment where students feel safe, confident and respected, schools need to reflect on the varied needs of their pupils. For PE, schools can consider:

- clothing which encourages all students to participate in sport and physical activity and which also will include trans and non-binary young people
- loose fitting clothing, including longer-sleeved shirts, leggings and tracksuits
- discussion with pupils and parents about adjustments for PE which can be made for any religious or cultural jewellery or headwear which pupils do not wish, or are unable, to remove.
- Health and safety issues in science and D&T lessons could be addressed by:
- wearing lab-coats or other protective over-coats
- adjusting headscarf size accordingly.

Hijab

This is a social practice that embraces not only clothing but also values and behaviour. It can refer to a 'cover, wrap, curtain, veil, screen or partition'. It can be a simple headscarf or the philosophy of dressing and acting modestly.

Jilbab

Sometimes referred to as a full hijab, this is a long outer garment covering the whole body.

When should a school review its dress code policy?

A school dress code policy has to be a working (evolving) document, and so we advise you should review it every other year.

Once a school dress code policy has been agreed, schools may wish to demonstrate examples of appropriate clothing that meet the requirements of the school's uniform policy. Further requests for amendments should be assessed on a case-by-case basis. In the event of a rejection, schools should provide a clear statement of reasons for the refusal.

When reviewing school policies you should consider:

- Does the school's dress code policy flow from your school's aims and ethos?
- Are the clothing items affordable for everyone wishing to attend the school?
- Does the school's dress code policy support all children who may wish to come to the school to feel valued and included?
- Is the code flexible and adaptable?
- Has the policy been drawn up in consultation with parents, pupils and staff?
- Has there been a discussion and evaluation of the merits of having a school dress code?
- Is there a clear purpose for having a dress code?
- Are requests for exceptions from, or modifications to, the school dress code given a fair hearing before any decisions are made?
- If the school is unsure whether a particular choice of dress has religious or cultural significance, has there been consultation with the parent of the pupil, local religious groups and/or the local authority?

Does a school dress code policy also apply to teachers?

The NEU does not recommend formal dress code for staff in schools. The NEU believes that staff should be able to dress according to their professional judgement unless this is detrimental to their capacity to do their job or is deemed unsafe or inappropriate for some other objective and reasonable reason. In this context, the principles outlined in this document for pupils apply equally to staff. Therefore, schools should take into account the principles set out below:

- Staff have a right to expect respect for their religious beliefs, cultural practices and gender-identity.
- Forms of dress should not interfere with the teaching, learning and assessment process.
- Health and safety of pupils and staff should be assessed.
- Consultation with staff is an essential principle.
- Each case should be considered on its merits in the light of the principles identified in this guidance.

Appendix

Decision making tool:

How to avoid discrimination when requests are made to vary policy

An adaptation of the Equality and Human Rights Commission's (EHRC) '[decision making tool for employers](#)' is outlined below. Before responding to a request to change or vary a school dress code, heads should consider:

1. The aim of the policy they are being asked to vary or change

Is the purpose or aim of the policy complained of legitimate?

2. What the likely effect of accepting or rejecting the request will be on the individual making the request

Head teachers should think about the needs of the individual making the request and the disadvantage to them (and others who share their protected characteristics) if the request is refused.

3. What the likely effect of accepting or rejecting the request will be on other pupils or other staff members

Head teachers should not automatically turn down a request just because

there may be a knock-on effect on other pupils or staff members. Instead they will need to assess how much of an effect there is. The less the negative impact on other pupils or staff members, the more likely it is that a refusal will be unlawful. That is particularly true where the adverse impact on the individual of refusing the request far outweighs the detriment to other pupils or school staff of accepting it.

4. Whether there are likely to be wider effects on the school if the request is accepted or rejected

It is important for head teachers to consult widely with the school community, including parents/carers and governors, and to seek consensus.

5. Whether a compromise can be found which would meet the school and the requester's needs

Whatever the decision reached, head teachers should always put their decision in writing to the requester and set a date in the not too distant future to review the decision so that the policy complained of may be considered in the light of changing circumstances and/or developments in the law.