

<b>SOUTHWARK DIOCESAN BOARD OF EDUCATION</b>	
<b>BRIEFING SHEET</b>	
<b>SUBJECT:</b> School Uniform Policy	
<b>RECIPIENT(S):</b> Headteachers and Chairs of Governors of C of E Schools	
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## **I INTRODUCTION**

**1.1** The matter of school uniform has been highlighted in recent years by court rulings and media coverage with specific reference to human rights and religious belief. The DCSF has recently published its own guidance on school uniform following a consultation and earlier this year school uniform was highlighted as a potential barrier to access and advice in the School Admission Code which strongly recommends that uniforms are affordable. Recent questions from church schools in the Diocese have highlighted the need for some Diocesan-wide guidance on the issues, in particular the wearing of headscarves by Muslim girls. This paper summarises the issues which governors should consider.

**1.2** 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 anti-discrimination legislation when setting uniform policy.

## **2 UNIFORM POLICY**

**2.1** The recently issued guidance from the DCSF on school uniform policy recommends that governing bodies should consider the following before adopting a policy:

- (a) wide consultation on any proposals or changes, to include pupils, parents, community leaders and those representing special educational needs/disabilities;
- (b) the desirability of considering a transition period if fundamental changes are made;
- (c) cost and availability of non-standard sizes;
- (d) cost of branded items, unusual colours etc;
- (e) health and safety issues;
- (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** The DCSF guidance recommends that schools consider carefully any request to vary the uniform to meet the needs of individual pupils, whether because of a medical condition or through a particular religious belief. The guidance is available to download from: [www.teachernet.gov.uk/management/atoz/u/uniform/](http://www.teachernet.gov.uk/management/atoz/u/uniform/)

## **3 SCHOOL UNIFORM AND RELIGIOUS BELIEF**

**3.1** There is no legislation that governs uniform policy, but there is some case law, notably *SB v Denbigh High School* which clarifies some of the issues surrounding religious dress. The Denbigh case recognised that governing bodies and headteachers are best placed to use their judgement to determine questions relating to school uniform and religious belief. It also recognised that it is not open to pupils to decide whether, or not, to conform to a school's uniform policy. Pupils must not be excluded for breaching the school uniform policy (although it may be considered where a pupil persistently flouts the 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.

**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, providing the uniform rules are reasonable.

**3.3** It is imperative for governors to have considered 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 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.

**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. Secondary schools may decide to have a different uniform policy for sixth form pupils, particularly if the uniform rules are relaxed for such pupils. Once agreed the policy must be clearly publicised through the school prospectus, 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.

**3.5** Governors need to consider the issues of religious belief and uniform in an informed way. 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 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 ACTION**

**4.1** This briefing sheet 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.