



Committee for Education

OFFICIAL REPORT (Hansard)

School Uniforms (Guidelines and
Allowances) Bill: Department of Education

5 March 2025

NORTHERN IRELAND ASSEMBLY

Committee for Education

School Uniforms (Guidelines and Allowances) Bill: Department of Education

5 March 2025

Members present for all or part of the proceedings:

Mr Pat Sheehan (Deputy Chairperson)
Mr Danny Baker
Mr David Brooks
Mr Colin Crawford
Mrs Michelle Guy
Ms Cara Hunter
Mr Peter Martin
Mrs Cathy Mason

Witnesses:

Ms Margaret Rose McNaughton Department of Education
Mrs Shirley Sweeney Department of Education

The Deputy Chairperson (Mr Sheehan): From the Department of Education, I welcome Ms Margaret Rose McNaughton, director of transport and food in schools, and Mrs Shirley Sweeney, head of the school uniform policy team. Margaret Rose, you have 10 minutes in which to give a presentation, after which Committee members will ask questions.

Ms Margaret Rose McNaughton (Department of Education): Thank you very much. I will make some brief opening remarks, and then I will ask Shirley to take the Committee through some of the clauses in the Bill to give you an understanding of what some of them mean, if that is OK with you.

The Deputy Chairperson (Mr Sheehan): That is great.

Ms McNaughton: Thank you very much for the opportunity to talk the Committee through the School Uniforms (Guidelines and Allowances) Bill. As you know, the Minister of Education introduced the Bill on 18 February. The Second Stage debate, at which many of you were present, took place on 3 March. You have received our written briefing, and I do not plan to go through it in any detail. Instead, I will draw out a few key points from the work that we have done to date.

The underlying issue of affordability of school uniform requirements for parents is one with which you are all very familiar, and introducing the legislation was one of the Minister's earliest priorities when he took up office. We were delighted with the high response rate to the consultation, with 7,500 people replying, including over 4,000 children and young people. It was clear that the approach on which we consulted had widespread support. Based on the overwhelming support for the proposals in the consultation document, we developed policy instructions. The Office of the Legislative Counsel (OLC) then drafted the Bill as introduced for us. The Bill explicitly places a duty on the Department to issue statutory guidance, which is referred to as "guidelines" in the legislation. It provides the necessary

powers to require schools to put affordability at the centre of their uniform policy, to publish information on the rationale behind their uniform requirements and to consult with parents and pupils when developing and reviewing the policy, with that information to be published alongside cost and supplier details.

Schools will therefore have to address unfair cost aspects of the uniform requirements that they set. Those include colour, style and branding chosen, as well as whether a limited choice of uniform suppliers is contributing to unreasonable costs. Importantly, all of that is to be considered and addressed in the context of lower-income households. The Bill provides the necessary powers to ensure that sustainability is considered. Reusability and recycling of uniforms, uniform banks and value for money are all considered. The Bill also provides the necessary powers for comfort, practicality and accessibility to be key in uniform policies. We know that that matters, particularly for pupils with special educational needs and disabilities. Much of the detail will sit in the statutory guidelines. We are working in parallel to develop those guidelines. The Bill places a duty on schools to adhere to them. There is a power for the Department to direct any school if it is satisfied that it has failed to do so. It is therefore enforceable.

The Bill also extends access to the uniform grant or clothing allowance that the Education Authority (EA) operates to pupils who attend independent schools. Currently, only pupils who attend grant-aided schools can access it. As you know, the Bill provides enabling powers for a cap to be set either on the number of branded items, on an individual item or on total uniform cost or on a combination of the three. You will be aware of the complexities involved in setting, monitoring and reviewing a cap. We want to ensure that lessons are learned from other jurisdictions and that we can protect a competitive open market for uniform suppliers as a key means of keeping down costs.

You will note that the cap provisions are to come into operation by commencement order. That will allow the majority of the Bill to come into operation once it gains Royal Assent and, at the same time, allow work to progress on the detail of the most effective cap, including consideration of who sets and reviews the cap, how often it is reviewed and how it operates in practice. We expect to conduct a further consultation on that detail to ensure that we learn from other jurisdictions, that we take on board advice from professional organisations, such as the Competition and Markets Authority (CMA), and that we fully consider any risks of unintended consequences that could emerge. We will be most effective by getting it right, and the Bill provides the necessary powers, with clear, structured commencement arrangements, to allow us to get it right.

Shirley, will you take us through each of the clauses?

Mrs Shirley Sweeney (Department of Education): Certainly. Thank you, Margaret Rose. I will be brief, members, in order to allow as much time as possible for your questions.

There are 16 clauses in the Bill. The two at the end relate to commencement and the short title, so they are more procedural. The Office of the Legislative Counsel carefully drafted the Bill based on plain English policy instructions from us. The Bill provides an interlinked framework of duties and powers. It is drafted to sit alongside existing legislation. For example, it uses terms that are already defined in other education law, such as in the Education and Libraries (Northern Ireland) Order 1986 and the Education (Northern Ireland) Order 1998. If a word or a term is defined in other legislation, that definition will apply once the Bill becomes an Act. It would not be good legal practice to repeat the definition. What the OLC has therefore done to assist anyone reading the Bill is provide some cross references, which you will see in, for example, clauses 10 and 13. I will also say that, if a term or word is not specifically defined, it will be taken to have its natural meaning.

As you probably know, the OLC takes all that into account when drafting legislation. Every clause has been given careful thought. That includes where you see duties set out. For example, the Bill states that the Department "must" carry out something or that a school "must adhere" to something. Those duties are supported by the powers that allow for other matters that may be included in the guidelines. It is a careful framework to reflect the absolutely underpinning purpose of the Bill, which is to address affordability for parents. It is a must that that be addressed, and we see that throughout the clauses. There are then other important matters that will support the delivery of the underpinning purpose, some of which are framed in such a way as to state that they may be included in the guidelines. All that serves just to signpost back to the underpinning purpose, however.

Clause 1 places a duty on the Department of Education to issue guidelines about school uniform policies to schools and to review those guidelines from time to time. The Department may reissue them, and it must reissue them if they are revised following such a review. The guidelines may cover

specific or general points that schools must then take into account when devising or reviewing their uniform policy, and they may also require schools to include additional information or explanation. The clause therefore provides the necessary powers to require that schools publish the rationale behind their uniform requirements, as well as costs, range of suppliers, the consultation that is undertaken and so on. The guidelines may state who is to be consulted by schools when they are devising or reviewing their uniform policy and how often the policy is to be reviewed. Clause 1 is our power to require schools to consult with parents and pupils. The definition of "unfair costs aspects" in clause 8 is also relevant to lower-income households, based on the range of consultees. The guidelines may cover transitional arrangements for what applies from a particular date and also transitional periods for schools. For example, if a school is changing its uniform, clause 1 allows for a lead-in time.

Clause 1 places no restriction on the Department's covering other relevant matters in its guidelines on school uniform policies. The clause is drafted in that way because it works in tandem with, but is not restricted by, clauses 2 to 5. Furthermore, should a uniform policy issue arise in future, we will have the ability to address it.

Clause 2 states that the guidelines "must" address:

"unfair costs aspects of school uniform policies"

and covers the comfort and practicality of uniforms, value for money, lending of uniforms and the use of clothing banks. As I have said, "unfair costs aspects" is defined in clause 8. There is therefore linkage throughout the clauses, and they all signpost back to the underpinning purpose of affordability.

Guidelines may cover what is reasonable or unreasonable when schools specify particular suppliers or manufacturers for any particular item or set of clothing, including specific styles, which are defined in clause 9, or clothing for a specific activity or occasion. That includes PE kits and any branded items. The clause can therefore be applied to branded daywear items as well as to PE kits. The interlinking of clauses, to which I keep referring, is important, because the definition of "unfair costs aspects" in clause 8 includes limited suppliers from which parents can buy uniforms.

The language that is used throughout the Bill is important as well. As it was described to me, legislation essentially stops people from doing something or makes people do something. How that is set out is therefore critical. If, for example, we legislate to prohibit any school from having a single supplier, we risk creating an unintended consequence that, in the legislation's outworking, could be worse for parents. During the consultation, we engaged with the Competition and Markets Authority. The example that it gave us was that it might not be economically attractive for four or five retailers to stock the uniform for a small, possibly rural school and that such a school might be able to negotiate lower prices from one or two local retailers, because they would have a higher degree of certainty about the amount of business that they would get. It is highly improbable that we will think of every local situation that may apply. That is why it is so important to get right the balance of duties and powers expressed in the Bill, thus enabling requirements to be set out in the statutory guidelines that do not create such unintended consequences and that can adapt to changing circumstances over time, with the outcome of addressing affordability for parents always underpinning everything.

Clause 3 allows for the guidelines to set requirements for or restrictions on the number of items or sets of clothing that a school can require pupils to wear. That enables a cap to be imposed on the number of branded items, which, again, can be daywear as well as PE kit. Clause 3 is drafted subject to a commencement order, as is clause 4, which allows for the guidelines to set a cap on the upper limit — a financial amount — for an item or set of items or for the total uniform requirements. Once again, that includes daywear as well as PE kit. The clause provides the power for the guidelines to state the expectation that schools design their uniform requirements to stay within such a limit.

The reason that clauses 3 and 4 are subject to a commencement order is twofold. First, the detail is best set out in the guidelines to allow for the ability to ensure that any cap that is put in place is working or that it can be changed if it is not. Secondly, as Margaret Rose said, there is more work to be done on the cap, including on who sets it; on the point in the year at which it is set, bearing in mind that schools have other legal duties, such as publishing their uniform requirements in their prospectus, which is required to be six weeks before parents apply for admission; on how caps will be monitored and reviewed; and on what happens in the case of unexpected circumstances, such as those created by world events. Those are all questions that need to be considered. At Second Stage, Members stated a willingness and a desire to get properly scrutinised legislation in place as soon as is practicable in order to make a difference for parents. Bringing in clauses 3 and 4 via a commencement

order allows for the necessary work on any cap to be completed in parallel with bringing in the statutory guidelines but without delaying them.

Clause 5 allows for the guidelines to be applied generally to schools or to be separated for primary schools and post-primary schools, school types and year groups. That allows for the guidelines to differentiate between primary schools, post-primary schools and school stages. For example, we hear of issues with uniform requirements for Key Stage 3 being different from those for Key Stage 4 or sixth form. The clause therefore allows for flexibility in the guidelines, should that differentiation be required.

Clause 6, importantly, places a duty on schools to adhere to the guidelines. The manager of a school to which the guidelines apply must adhere to them when devising, reviewing, implementing or enforcing the uniform policy. The same applies to any member of staff involved in devising, reviewing, implementing or enforcing the uniform policy. We heard concerns about pupils sometimes being unjustly penalised for their uniform because of an affordability issue rather than a disciplinary one. Schools must publish their policy and any additional information that is required under clause 1, so there is transparency in that regard.

Clause 7 provides the power for the Department to:

"give directions to a manager of a school"

if it is satisfied that the school has materially not adhered to the guidelines or that pupils are subjected to disciplinary action or participatory disadvantage for breaching the policy. It sets out the means by which the Department becomes satisfied, which are through the assessment of the published policy information, through a complaint or through an Education and Training Inspectorate (ETI) report. We have included the requirement for a complainant to have exhausted the school's internal complaints procedures first in order to allow the school the opportunity to rectify any issues at the earliest opportunity, which is for the best all round.

Under clause 7, the Department also has to consult the school before issuing the guidelines, for reasons of balance. It states that the guidelines' direction could be specific, with a deadline for action. That goes back to clause 5, which allows for that deadline to differentiate, if needs be, between particular year groups or Key Stages, or the whole school, if that is where the issue lies. Directions must therefore be followed in the same way in which article 101 of the 1986 Order must be, and they are enforceable by court proceedings if a school does not do so.

Clause 8 defines "unfair costs aspects", to which I have referred, and means:

"any aspects of school uniform policies which, in the Department's view, could ... raise questions"

about excessive costs of individual or all uniform items or sets of clothing or, again, the limited choice of suppliers. The language has been carefully worked through to cover all those areas. Terms such as:

"The Department is ... to have special regard to",

"higher costs of ... specific styles", which is defined in clause 9, and "non-affordability ... to lower income households" mean that those are some of the first things that the Department has to bear in mind when considering "unfair costs aspects", which clause 2 requires to be addressed in the guidelines.

Clause 9 states that "clothing" includes footwear, and defines "specific styles", including:

"brands (or ... logos) ... unique combinations, colours or fabrics ... badges, emblems or markings".

It therefore defines the full range of branded items, covering any unusual colours or fabrics. Those are covered by the Bill's references to "specific styles", which provides the power to address issues of accessibility, equality and other matters that are particularly relevant for pupils with SEN or sensory issues. That is especially the case when taken alongside the provisions specific to comfort and practicality, such as those in clause 2.

Clause 10 states that references to "schools" throughout the chapter mean grant-aided and independent primary schools and post-primary schools. It also refers to the definitions of "pupil" and

"manager", and it cross-references those with the 1986 Order. Clause 11 simply clarifies that references to "the Department" in the chapter mean the Department of Education.

Clause 12 clarifies that the guidelines will not apply to the providers of education to children under compulsory school age, meaning preschool providers. Compulsory school age is already defined in the 1986 Order. As the Minister said on Monday, the reason for that is that we are not aware of there being the same cost issues at preschool that we are aware of at post-primary school and primary school. Having clauses 12 and 13 future-proofs the legislation, however. If uniform issues begin to arise at preschool, the power is therefore there to address them. Clause 13 contains the power for the Department to make regulations to allow school uniform guidelines to apply to preschool education, which is further defined in the 1998 Order. The clause also states that the regulations can amend clause 12 or chapter 1 of the Bill and that those regulations are subject to draft affirmative procedure in the Assembly.

Clause 14 adds independent schools to article 60 of the 1986 Order, thus enabling pupils in those independent schools to access the uniform grant that the Education Authority administers. Clause 15 relates to commencement. As we have said, all provisions will currently come into operation the day after the Bill gains Royal Assent, other than clauses 3 and 4, which, for the reasons already given, are subject to the commencement order.

Clause 16 is simply the short title of the Bill. Hopefully, that overview will allow more time for the Committee's questions.

The Deputy Chairperson (Mr Sheehan): Thank you very much for your presentation. I will go back to the idea of having a cap, which was very popular during the consultation. What was the rationale behind not definitively mentioning a cap in the Bill?

Ms McNaughton: I am sorry, but are you asking about the rationale for not having an alternative?

The Deputy Chairperson (Mr Sheehan): No, for not having a cap.

Ms McNaughton: Sorry. Do you mean a definitive cap?

The Deputy Chairperson (Mr Sheehan): Yes.

Ms McNaughton: We have spoken to the Competition and Markets Authority. Yes, we could have a cap, and it could be a short-term measure. A cap is generally placed on the market, but, in this instance, the costs are being driven by the behaviour of the schools and how they design their uniform. Our hope is that we can drive down the costs by changing some of the behaviour of the schools so that they choose uniform designs that are much more cost-effective.

The power is in the Bill for us to put in place a cap. We would need to be really clear, however, about how we had come to that amount to begin with. I suspect that a significant amount of work would be needed to source the market to see at what level we would set that cap. There is such a variation in the cost of uniforms at the moment. Some schools can do them for very low cost, whereas others have very high costs associated with them. There would therefore be a fairly significant piece of work to be done there. None of us has decided that we will not be doing it. We will be doing that work. Indeed, we have started to draft a consultation document on a cap, but we need to get the data behind it in order to get the consultation document out.

Mrs Sweeney: Again, there is a balance to be struck between what is explicitly provided for in the Bill and what it provides the power to do. It is about having that agility. The Competition and Markets Authority was very clear that we could be addressing the symptom, which is the high costs of uniforms to parents, but is that the root cause? Is the root cause the schools' decisions about what their uniform requirements are? We also previously took legal advice, which was clear that we needed to be careful not to get into the territory of competition law. A charging cap would therefore not be placed on retailers, and that is where the situation becomes particularly complex. Certain costs, such as local National Insurance increases and so on, are outside their control, so the cap would be not on the retailers but on the schools.

Achieving that balance is driven by a desire to get the legislation right and to allow for unintended consequences that may arise. We all know that perception can be a very big driver of a school's reputation and why parents apply to it for their children. A risk was articulated to us that a school may

be able to deliver a lower-cost uniform but put its requirements up in order to be seen to be the same as other schools. It is therefore about balancing risk.

The Deputy Chairperson (Mr Sheehan): Are you aware of a cap being legislated for in any other jurisdiction?

Ms McNaughton: No.

The Deputy Chairperson (Mr Sheehan): OK.

Mrs Sweeney: No, other than what England is currently doing. Having made its guidance statutory, with no provision for a cap, which is different from the Bill here, it is now bringing in further, separate primary legislation to introduce a cap. That is not a monetary cap but a cap on the number of branded items. The legislation will therefore limit primary schools to three branded items and post-primary schools to four, if it includes a tie. Again, from the debates that are currently happening at Westminster, we can see that there are conflicting views about how effective that cap will be. That is another reason for us to have the enabling power. If we are to specify what the cap is, further primary legislation will be required in order to make any amendments to the Bill. If, however, we have the power through the guidelines, which have statutory effect — the same effect — that means that if we see that having a cap works or does not work elsewhere, we see that uniform costs are coming down or we encounter an unintended consequence that we had simply not thought of, we have the agility to make adjustments in order to change and fix the legislation.

The Deputy Chairperson (Mr Sheehan): Fair enough. One of the other differences is that the uniform grants are much higher in the other jurisdictions on these islands than they are here.

Ms McNaughton: That is absolutely right. Obviously, the uniform grant/clothing allowance is very much dependent on the budget that we have at any given time. I assure you that we bid regularly to try to increase the grant. We increased it slightly, by about 20%, just over two years ago. We are going through that process again, but it is very much dependent on budget.

The Deputy Chairperson (Mr Sheehan): OK. Thanks.

Mrs Mason: Shirley, you said that the cap was not a monetary cap but a cap on the number of branded items, but, in clause 4, it says "fixing monetary amounts". I just want to get clarity on that.

Mrs Sweeney: That is the English legislation. That will only apply to England, Cathy. Our Bill is different. Apologies if I was not clear about which piece it was.

Mrs Mason: No, it is OK. That was my fault.

Mrs Sweeney: That is what is included in the Children's Wellbeing and Schools Bill that is going through Westminster. That is the approach that it is legislating for.

Mrs Mason: I know that you are going out to consultation. Will the consultation look at setting a fixed monetary amount? If so, how will that be reviewed?

Ms McNaughton: We will put all those issues in the consultation document. It will look at a cap on the number of items as well as a financial cap. Who will review it? How will it be reviewed? Who will monitor it? Do we need an independent body? Given our budgetary position, is that the best use of resources at that time? All those questions have yet to be answered.

Mrs Sweeney: Clause 4 provides the power that you are talking about for a monetary cap. Clause 3 provides the power for a cap on branded items and limiting those. The way in which the OLC has drafted it means that it could be a combination of both, if that is what emerged as the most effective way to do it. It is about how we drive down those costs and keep them down. The monetary cap is dealt with in clauses 3 and 4.

Mrs Mason: On branded items, is there a mechanism, without the cap in clause 4, to look at branded items under clause 2?

Mrs Sweeney: Yes. Anywhere you see the term "specific styles" — apologies; I appreciate that my presentation at the beginning referred to a number of the clauses. That is defined in clause 9. The clause 9 definition of "specific styles" includes particular makes, brands or logos, so that covers branded items. Clause 2(3) already provides the power so that, without commencing clauses 3 and 4 and all that work relating to a specific cap, the guidelines can say, "This is what is reasonable in terms of branded items", for example — it could go beyond that; it could be daywear and PE — "and this is what is unreasonable". That will have statutory effect if it is in the guidelines.

Mrs Mason: OK. Thank you.

Mrs Guy: Thank you for that presentation. I will ask about the cap as well, just for clarity. Everything that you have described about the cap so far seems quite negative: that you are against it and that you have already made up your mind on it. That is what it sounds like. Maybe you do not mean it to, but it sounds a bit like that is where your head is already at, because there are lots of issues and concerns about it. Can you talk a bit more about where you are at on developing the cap and the consultation?

Ms McNaughton: Apologies; I do not mean to sound negative. I just want people to be aware of the risks with a cap. We are talking to the professional bodies about what a cap might look like and what it could do. We are trying to get across the fact that changing the behaviour of schools is the one thing that is likely to drive down the costs, rather than having a specific cap and having to review that every year. It probably does sound a bit negative — I apologise for that — but we have a considerable amount of work to do to work out what a financial cap might look like. We have started drafting; I have a draft of the consultation document with me.

Mrs Guy: Just add the concern that —.

Ms McNaughton: We have started drafting, and we plan to take that forward over the coming weeks as the Bill goes through its scrutiny stage so that we will be in a position to go out to consultation within the next couple of months.

Mrs Guy: Obviously, the purpose is to get costs down. You mentioned England. I think that there is legislation in Wales as well. None of that legislation has had the effect of bringing costs down. Therefore it seems reasonable to say that there needs to be an alternative way of doing this to bring costs down and to try something different, rather than replicate what appear to be failed approaches.

Mrs Sweeney: We are trying to achieve getting it right. A key difference is that, as the Bill is drafted, schools must "adhere" to it. That is different from England and Wales, where schools have to "have regard to" the guidance. We have taken legal advice. There is a finite number of words on the page, but there has been a lot of engagement and work on what those words are. The Bill states that schools "must adhere" it, and we have a power of direction, should that not be the case. It is simply about trying to articulate and, as Margaret Rose said, not meaning to do it in a negative way. If we are overly prescriptive and get it wrong in the Bill, that will require coming back to further primary legislation. We want to be able to make sure that it has the desired effect and that it works, and to change it if it does not. We want to be able to draw on advice from such bodies as the Competition and Markets Authority. I will not sit here and pretend to be an economics expert. There are risks in and around all of it, and we just want to get it right. That is the fundamental driver.

Mrs Guy: It all comes down to what is in the guidance, and we do not yet know what that will look like. That will be critical. Look at some of the definitions there. For the Bill to work, there has to be clarity around what they mean. You have used phrases like "excessive costs" and "non-affordability"? How do we know how schools might interpret that or how that will be manifested in the guidance and have the effect of bringing costs down? They are subjective terms.

Mrs Sweeney: If a term is defined in other legislation, that applies, or it has its natural meaning. We would not expect —.

Mrs Guy: One school might say that something is not excessive and another say that it is, so we would not get to a level, consistent approach across the piece, which is what we want to get to.

Mrs Sweeney: One of the key drivers for that will be the consultation requirement for schools with their parents and pupils. There was a little bit of feedback through the consultation process — not from

the majority, by any stretch of the imagination — that suggested that schools might wish to engage only with the parent representatives on their boards of governors, for example. That is absolutely not going to make a change. It is accessing. That is why the range of definitions in the unfair costs aspects refers to "lower income households". The parents who are experiencing the difficulties need to be consulted. Take that with the complaints process, which will be open to those. It is trying to make sure that they get the opportunity to feed in and that that information is published. There is competition for pupils between schools. Schools having to publish their information means that any limitations in a school's approach will be highly visible.

We might not crack this from day 1. As you say, the guidelines will have to explain to schools what it means in practice. We have started that process. The permanent secretary wrote to schools in September last year to say what the draft Bill was likely to include and what was anticipated, just to spell out for schools that action is expected if their policy is not already in line with the guidance that has been there since 2004. So it is significant. It does have impact and teeth. As drafted, it does have the power to bring in the cap. There is no intention to be resistant to that. It is simply about getting it right and whether we have all the levers in place to make sure that, where issues are being identified, we can address those. The explanation will be through the guidelines so that it is clear and understandable to schools what we expect them to be delivering for their parents and pupils.

I think that it was brought up in the Second Stage debate that, bringing it back, the purpose of a uniform is that it has value. It is right that it should be determined at school level, but it also comes back to the very purpose of education, which is teaching and learning. The uniform should be comfortable, practical and affordable. It is about trying to piece that into an explanation for schools. As Margaret Rose said, we are trying to work on that in parallel. We cannot finalise it until we have a final Bill, but, once we get to a further drafting stage of that, we will be testing that out with legal advice as well so that we are clear and able to tell schools what it means for them because it does have weight and it is, in that respect, different from England and Wales, albeit theirs simply says "have regard to". Those nuances in language that may not appear to be much can be quite significant.

The Deputy Chairperson (Mr Sheehan): Just on that issue, will the Bill, if enacted, ensure that there is, in a sense, uniformity of cost and affordability? There are schools where the uniforms cost an arm and a leg at the minute. Those schools may think that that is affordable, but actually it excludes some pupils from those schools. One of the aims of the Bill must be to ensure that no child is excluded from any school on the basis of cost. I am just giving that as a comment; I am not asking a question.

Mr Brooks: I agree that we should never have a situation where children are unable or feel unable to go to a particular school or engage in a particular school activity because of cost. I think that we all generally want to go in a similar direction. I am glad that the approach has been taken to future-proof the Bill and make sure that we get the work right while still having the option to bring in that cap where necessary.

This is for my own knowledge in how I am addressing it with the wording that I use. Does "branded clothing" cover the school badge, embroidery and the manufacturer's logo? Would it be helpful to have language that differentiates between those? It seems to me that those are two linked but slightly different issues.

Ms McNaughton: Yes, certainly. Clause 9 of the Bill references:

"particular makes or brands (or having particular logos)".

In the guidelines, we will want to spell out much more clearly all the things that we mean by "branded items". That includes the logo and a tie with the logo on it.

Mr Brooks: Or even the tie being a unique tie, presumably. I do not know. That leads into where I wanted to go with this. I think that it is right that there are sometimes things that are more complex than a sound bite, particularly when politicians want to be able to say that they have delivered something and have a clean message with it. Particularly with brands, as I said in the Chamber the other day, you have different levels of brands. You have the very top-level sports brands that we are all aware of, you have brands that are more associated with mid-level team wear, and you also have value team wear that probably most football teams in the parks are playing in. I am sure that that applies to GAA teams or any other sports clubs. Is there a danger that, if we were to go down the route of being very restrictive on branded clothing, not the school badge, we could actually be adding to costs, or at least not allowing schools to make a choice for the best value that is out there? Some of

those lower-cost team wear brands will offer better value than non-branded gear, yet they are still branded sportswear.

Ms McNaughton: I think that our intention will be that the guidelines will say that it is a generic PE kit to begin with, and it is only when —

Mr Brooks: Teams and so on.

Ms McNaughton: — a child is representing a school that we need the school to look, first of all, at whether it could actually provide the kit that the child needs. Children who are just going weekly to PE do not need to have branded PE kit.

Mr Brooks: I agree with that.

Ms McNaughton: It will just be generic. The guidelines will say "generic PE kit".

Mr Brooks: I agree with that. There has been that discussion around people's participation in sports teams and whether it would be off-putting to have those brands. I guess that I was just suggesting that, actually, some brands can be lower cost than others, and taking that into account. I am happy with the direction of the Bill at the moment. I am thankful that the Department is taking the time to get the complexities right.

Mr Baker: I want to go over a couple of wee areas. To kick that off, the average secondary school uniform cost can be anywhere between £177 and £378 per child. How do you see the Bill, as it stands, bringing down the cost?

Ms McNaughton: First of all, we know that there are really good schools that have managed to bring their costs right down even below £170. I have asked the Education and Training Inspectorate to provide some case studies for us. It has done some case studies and is completing that. I do not want to mention any particular school at the moment, but obviously those case studies will show how those schools have managed to do that. They have done it in a variety of ways.

I have forgotten the other part of your question, sorry.

Mr Baker: How can the legislation, as it stands, make that a reality across the board?

Ms McNaughton: When we have the case studies, have a better understanding of that range of costs and then look at the school uniform policies that are out there and hear from parents about the actual costs, we will be able to see clearly whether an average figure is being reached for the cost of uniforms or whether we still have that divide between the high-cost ones and the much lower ones. I think that, when you see the case studies, you will be quite surprised at how you can get uniform costs down. Many schools will welcome that and welcome the opportunity to try to do the same. We have to bear in mind that not all schools have had very high costs. There has been really good work done across some schools. Just as recently as before Christmas, I was at a school that, for the first time in a long time — for the first time ever, probably — has now allowed parents to go to supermarkets to buy the generic black and grey trousers. Schools are genuinely starting to work —.

Mr Baker: Will the legislation make that a reality, though?

Ms McNaughton: We certainly hope that it will, yes.

Mrs Sweeney: It comes back to the point that the Bill provides the powers that are necessary to be as explicit as is required in the guidelines. We must include provision to address the unfair costs aspect. We must also include provisions on affordability, accessibility and value for money. It will support the normalisation of loans and use of clothing banks. That is an issue of sustainability for the environment that can then normalise the fact that actually, for some people, it is absolutely essential, although it should not be. It is about looking to see whether the powers are there in the Bill. Again, obviously, the Committee can take its own legal advice or come and ask us if there are any terms or queries, as you go through it, that are not clear. The powers are there to be as explicit as we need to be in the guidelines. That is the starting point. Then, coupled with the work on the cap, as Margaret Rose says, we will take advice on that. There is a number of ways to look at that. Do we start off with a transitional

cap and review how that works? It will all come into reviewing and ensuring that it is having the impact that it must have. That will obviously be a further piece of work in the Department.

Mr Baker: The key principles in clause 2 include affordability, comfort and sustainability. Could another one be inclusivity? I say that around being very flexible and specific around special educational needs. The consultation report refers to high levels of misogyny in our schools and that guidance for allowing all children to have one uniform, including the wearing of trousers. We had pupils from a school in today talking about the fact that the girls had to wear a white PE top and the boys had to wear a black one, and about how uncomfortable that made them feel. What can be done in the Bill so that we ensure that that is not the case?

Ms McNaughton: It is best that we leave it to schools to design their uniform and decide with the children and parents what that uniform should look like. It is not for the Department to dictate to a school that it must have x, y or z. The children and young people should talk about what is more comfortable for them.

Mr Baker: It did say that in the consultation. Not all schools allow children to wear trousers, for example — it is down to each school — but our young people are telling us something very different.

Mrs Sweeney: The consultation with pupils will be a critical part of that. There are also all the other existing pieces of legislation that the Bill will sit alongside. If that is provided for elsewhere, this will sit in that context, rather than being separate or distinct from it. For example, although many of the provisions of the Special Educational Needs and Disability Act (Northern Ireland) 2016 have not yet been commenced, the voice of the child — section 1 — has been, so there are links to support all of that, including the requirement for schools to make all necessary adjustments. It is about making sure that, in the guidelines, we take every step that we can to normalise that. Fabrics are specifically mentioned in clause 9: "unique combinations, colours or fabrics". It is already provided for in that definition. Anywhere you see "specific styles" is part of that. In clause 2, that must include reference to those pieces in the guidelines; that is already covered. We know that fabrics for sensory issues, for example, can be a big trigger. We got feedback through the consultation that sometimes there were additional costs associated with that. We think that all the powers that are needed are in the Bill, especially when you set them alongside existing legislation.

Mr Baker: Could there be scope for adding another key principle to the Bill?

Mrs Sweeney: Absolutely. I would welcome further conversation about anything that members want to see more explicitly in the Bill. Of course, as I said, you will have access to your own legal advice to test out your concerns or queries, but we would welcome any engagement specifically to talk through any points with members.

The Deputy Chairperson (Mr Sheehan): Just on that point, it appears that there are quite a number of schools that do not allow girls to wear trousers, which, in this day and age, is wrong. One of the complaints that we hear from girls, particularly in co-ed schools, or even outside school, is about boys running past them and pulling their skirts up. I agree with Danny that that is something that we should look at in the Bill.

Mr Crawford: Thank you both for your time today. I go back to the consultation process prior to the drafting of the Bill. How did the input that was received from parents, students and teachers influence the development of the Bill?

Ms McNaughton: It influenced it very much. The overwhelming majority of the responses were from parents, children and young people. We were very clear about what we were proposing, and we asked specific questions of them, such as, "Do you agree with that proposal?" I am not sure whether you have seen the final analysis of it, but in that, you will see just what parents and young people thought about it. That was very much part of our Bill.

In addition, the guidance that we have had since 2004 is really good guidance. It covers the majority of the issues that we have been talking about today. It was just never statutory. You said that you had not seen the guidelines yet, Michelle, but the guidelines will not move that far away from what is non-statutory. We have always said that we would prepare our current guidelines on a statutory basis, so we will not be moving anything other than what is specifically in the Bill that we have to include more of. Where we previously said that a new school "should" do or "could" do, we will be saying that

schools "must" do; they must consult. That is where we had overwhelming support from parents, children and young people during the initial consultation. There will be further consultation that schools will have to take forward with parents and young people when they are designing and devising their new school uniform policies. I hope that that answers your question.

Mr Crawford: That is great. Thank you. To follow on from remarks from Michelle and the Chair, I agree: a lot of schools are doing well when it comes to uniform. However, for those that may not be doing as well, what practical measures will the Department put in place through the Bill to make sure that policies or guidelines, whatever you want to call them, are going to be enforced or complied with fairly and consistently in all schools? What is the Department actually going to put in place to ensure that compliance across the board?

Ms McNaughton: Shirley, do you want to talk about article 101, as the ultimate —?

Mrs Sweeney: Ultimately, we could direct a school. However, clause 7 of the Bill goes through a number of mechanisms by which we might become aware of that, one of which relates to the Department satisfying itself, through the school's published information, that it is not adhering to it.

In clause 1, we:

"must—

(i) issue guidelines ... and

(ii) review such guidelines",

so, as part of reviewing guidelines — it was part of the consultation — we will need to go out and look at an exercise of monitoring. Is that perhaps what you were asking?

Mr Crawford: Yes.

Mrs Sweeney: There will need to be monitoring of compliance, initially, to see whether it is being adhered to by schools. We have had some conversations already with colleagues in ETI about building in questions for parents and pupils when they are inspecting a school on the parent/pupil viewpoint on the cost of the uniform, as well as the consultation process that was undergone by schools. We have started that. We can also look at — again, this is an early conversation with the ETI about the type of evaluation and monitoring — a separate piece to the normal school inspection and reporting against uniform findings as part of the school inspection, which is referenced in relation to the direction: that is another means by which we can become aware of a problem, and it is already covered in article 102 of the 1986 Order. It is bringing all those pieces together. Ultimately, we do have the power to direct a school, and that has legal enforceability.

Ms McNaughton: We hope never to get to that point, because this is as much about supporting those schools to change their practices as it is about anything else.

Mrs Sweeney: Publishing the rationale for uniform will, hopefully, bring the minds of boards of governors back to what the purpose of the uniform is: comfort and teaching and learning etc. Hopefully, the illustration of some good practice from other schools that have actually done it will be helpful.

Mr Crawford: That is great. Thank you.

Mr Martin: Thank you for your presentation this afternoon. I will start by picking up where some others left off, which is to tease out the concept of "excess costs" and that term, precisely. My understanding is that that is what you might call a "generic legal term" in primary legislation, probably drafted by OLC. The Chair pointed this out. Whilst it might seem to us to be a case of, "What is 'excessive'?", or "How do you define 'excessive'?", or the verbals around "excessive", that will be dealt with in the guidelines. Am I right in saying that?

Mrs Sweeney: Yes.

Ms McNaughton: Yes. How far do we need to go in defining "excessive costs"?

Mr Martin: The point that I am making, Margaret Rose, is that you are not going to put a number in primary legislation.

Ms McNaughton: No.

Mr Martin: OK. I wanted to tease that out.

Ms McNaughton: Peter, the "excessive costs" will be based on the lowest-income households within that area. It could vary from area to area. The starting point for schools will be the lowest-income households.

Mrs Sweeney: I will pick up on a point that you made earlier, Deputy Chair — it ties in with a point that you made, Peter — about parents not being prevented from applying to a school. That is why the complaints clause is written as it is. Anyone can make that complaint. If the transparency is there at an early stage, and, when a parent is looking at all the published information and looking ahead and thinks, "That uniform cost seems excessive to me", they can complain and write to the board of governors and ask for information. Then, they can complain to the Department, and we will look at that. It is about trying to make sure that, wherever we can, everything is open. Yes, you are correct: if we were to set a specific number on excessive costs today, would that still be the case in a year's time, five years or 10 years?

Mr Martin: That is the thinking behind that: it can be addressed in the guidelines that follow the legislation. OK.

I have some very simple yes or no questions. As it is primary legislation, do clauses 3 and 4 give the power to introduce a cap in later stages?

Ms McNaughton: Absolutely.

Mrs Sweeney: In the guidelines.

Mr Martin: Let us go with the guidelines for a second. The English model was not bad, before they started to look at capping the cost of items. The guidance that they had issued was not bad, but, as you reflected, it was not statutory. It was saying to schools, "You should really do this", but the guidance itself was not bad. This legislation is giving effect to guidance, which probably we have a lot of already. The policy impetus behind it is to ensure that schools have to address the issues of affordability, sustainability and so forth. If the Bill is passed by the Assembly, all commencement clauses — so, all clauses, bar clauses 3 and 4 — come into effect immediately after Royal Assent, and clauses 3 and 4 would, effectively, come into play once the Department says, "Go". Is that right?

Mrs Sweeney: There is a process to make a commencement order.

Mr Martin: Do you have any idea of a timescale for that commencement order? I am not saying that it should be August 2026, or anything like that. Do you have any idea, in general principles?

Ms McNaughton: In general principle, it would be sometime next year. That may be a bit too broad.

Mr Martin: That is fine.

Ms McNaughton: It is not something that we are going to delay in any way.

Mr Martin: My final question is on the guidelines. I assume that the consultation responses, which other members asked about and which will be important, will feed into what the guidance looks like.

Ms McNaughton: Yes.

Ms Hunter: Thank you to the panel for attending. I put on record my agreement with you, Pat and Danny: young women being allowed to wear trousers is a matter of dignity, and the choice should be afforded to them. We have talked a lot about International Women's Day and gender equality. That issue feeds into that. I would love to see our Committee explore that further.

I have one question, as my question on compliance has been answered. Our packs contain responses from some participants, who suggested that if we were to implement uniform changes, they would like to see them phased in over two to three years — I imagine that it is suppliers who have said that. Is that lead-in time appropriate? We will have parents and families listening today who are struggling to afford uniforms, and they will want to see changes brought in as soon as possible. What do you think of that feedback? How is that being reviewed?

Ms McNaughton: First of all, we do not see a lead-in time of two to three years as being appropriate. The permanent secretary wrote to schools, last September, advising them that the legislation was coming and that they should start to prepare. Those discussions should already be happening with their suppliers. Not all schools are going to have to change their uniform — they may just have to remove some items, or reduce the number of items that they are asking for — and some schools are already in the process of reviewing their uniforms. It is about when they come to review the situation. There needs to be a bit of a lead-in time for children who are going through the school so that, if they are in third year, or year — what is third year?

Mrs Sweeney: Year 10.

Ms McNaughton: Sorry.

The Deputy Chairperson (Mr Sheehan): You are giving your age away, Margaret Rose. *[Laughter.]*

Ms McNaughton: If they are in year 10, they should not have to change their uniform until another certain point. Parents should not be asked to buy two uniforms. There should be some lead-in time there, but I do not see two to three years as an appropriate lead-in time. We hope that implementation will be from 2026. As Shirley said, schools need to publish their prospectuses in November — six weeks before the admissions process begins. That is when they need to be clear on what their requirements are. If, with a fair wind, the Bill is passed in the course of this summer, we would expect schools to show in their prospectus how they are reviewing their uniforms. It might be the case that, in the initial year, they will be asking for just a limited number of items.

Mrs Sweeney: The two to three years was possibly an ask from retailers for schools that are changing their uniforms. There are a number of factors. There is, in the existing non-statutory guidance, a reference to how schools should engage with and be mindful of that. School retailers were concerned about stock management. As Margaret Rose said, that does not stop the guidance coming in. We have transition and transitory provisions; in the guidelines, we can cover best practice for schools' engagement with their retailers. I think that that is where the timescale comes in. That would tie in with sustainability because, in the consultation responses, parents referred to instances in which changes had been made, but they, maybe, had just bought a new blazer and were then required to buy a further new blazer. That clearly is a significant expense.

Ms Hunter: That is brilliant; thank you so much. That is what parents will want to hear.

I also put on record my thanks for the level of engagement that took place with the NI Youth Assembly. It is great to see, in our papers, some of the feedback from the young people. They have fed into the idea of what a school uniform should look like. It is important to hear from them directly. You have answered my question. Thank you for being here.

The Deputy Chairperson (Mr Sheehan): Thank you, Margaret Rose and Shirley. It has been a useful exchange.