



Committee for Education

OFFICIAL REPORT (Hansard)

School Uniforms (Guidelines and
Allowances) Bill:
Research and Information Service

30 April 2025

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

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

Witnesses:

Miss Gillian Kane	Northern Ireland Assembly
Mr Nathan Mulholland	Northern Ireland Assembly

The Chairperson (Mr Mathison): With us today, we have Gillian Kane and Nathan Mulholland, research officers with the Assembly's Research and Information Service (RaISe). Your paper is comprehensive, but I will hand over to you to make a presentation. You can take up to 10 minutes, and then we will move to questions and answers. Thank you for your time this afternoon.

Miss Gillian Kane (Northern Ireland Assembly): Thank you very much, Chair. First, I will give some background to the Bill and talk about the existing guidance and consultation, and I will then get into the contents of the Bill and briefly touch on what is happening in England, Scotland, Wales and the Republic of Ireland. I will then hand over to Nathan. He will talk about the financial implications. At the end, I will highlight some of the areas for consideration that the Committee might want to look at in more detail.

It is worth emphasising that all of the documentation and consultations that the Department has undertaken have emphasised the fact that there is widespread support for school uniforms, for a number of reasons. They create a community ethos and pride, contribute to safeguarding and reduce any social stigma. However, as the Committee knows, there have been long-standing concerns from parents about the cost of school uniforms. Research undertaken by the Irish League of Credit Unions in 2022, showed that back-to-school costs were a concern for and burden on 78% of parents.

The existing guidance was introduced in 2011 and refreshed in 2018. Obviously, at the moment, it is non-statutory; it is advisory for schools. There are three main principles to the guidance. It states:

"Schools should ensure that their school uniform policy is fair and reasonable, in practical and financial terms, and should have regard to their duties under the relevant equality ... legislation ... School uniforms should be practical, comfortable ... and represent value for money".

That is the advice as it stands. It also contains further advice on such things as costs, non-compliance — what to do if pupils are not complying with the policy — and issues around travelling to school, such as road safety and having reflective materials on school uniforms. The annex to the guidance contains information on the existing relevant equality legislation.

The consultation on the Bill was held between June and September of last year. There were two main points to the consultation: making school uniform costs more affordable, including via a cap on uniform costs; and placing the existing Department of Education (DE) guidance on school uniforms on a statutory footing. The consultation was based on six main principles. The first three were the affordability, comfort and sustainability of school uniforms. The sustainability principle related to such things as school uniform banks. The remaining three principles related to the policy: it should be publicly published; it should be reviewed regularly; and it should be developed in consultation with children and their parents and carers.

Approximately 7,500 responses were received to the consultation, 4,000 of which were from children and young people. There was strong support for the proposals in the consultation. Some 77% supported making the guidance statutory; nearly all — 97% — agreed with the six principles that I have just outlined; 86% agreed that branded sports kit should not be compulsory; and 88% supported a cost-control measure such as a cap. Those are strong levels of agreement with the principles in the consultation.

I will turn to the Bill's contents. The Bill places a legal requirement on the Department to publish new, legally binding guidelines on school uniform policies and extends eligibility for the school clothing allowance to independent schools. Part 1, which covers clauses 1 to 13, directs the contents of the new guidelines. Part 2, which is clause 14, extends the clothing allowance to independent-school students. Part 3 provides the time at which the Bill comes into operation and its name, if enacted.

Clause 1 directs the Department to publish guidelines for school uniform policies. It states that they are to be reviewed "from time to time", but it does not state a time frame for that. It states that the guidelines set by DE may include but are not limited to general or specific factors that schools should consider; the rationale for the factors; who needs to be consulted; how often the policy should be reviewed; and guidelines on transition arrangements. It is explicit that no subsequent language in the Bill limits what DE may put in the guidelines. There is more detail in clauses 2 to 5, but that does not limit what is stated in clause 1. The remit of clause 1 is broad and not necessarily exclusive of the provisions in clauses 2 to 5.

Clause 2 deals with more of the principles on which the Bill is based. It states that there should be no "unfair costs", which are defined later in the Bill. It mentions the "comfort and practicality" of the uniform for pupils. It mentions the "affordability" of the uniform and includes provisions to ensure that the clothing is good value for money. It also mentions the accessibility of the uniform, which is about school uniform clothing banks and whether they should be available in schools. It also states that guidelines may address what is reasonable for schools to require from a specific supplier or manufacturer and whether it is reasonable for schools to require certain styles of clothing or to require branded clothing for specific activities or occasions, such as PE. It should be noted that the consultation put forward a number of other principles, such as on religious observance, gender and the needs of pupils with disabilities. Some of the respondents also asked whether there should be something specific about inclusion and inclusivity in this Part.

Clauses 3 and 4 are subject to commencement orders and relate to the cap. Clause 3 suggests a potential cap on the number of branded items, and clause 4 deals with the financial aspects of that. When departmental officials were with the Committee, there was a lot of discussion about the pros and cons of having a cap and how that would work in practice. To my understanding, the Department is consulting on that as we speak.

Clause 5 looks at the types of schools and pupils to be covered by the guidelines and allows the Department to vary guidelines by school type, age group and time of the school year.

Clause 6 puts a duty on schools to adhere to the guidelines at all stages in the design, implementation, monitoring and enforcement of its policy. It puts a duty on the school manager to publish the school's policy.

Clause 7 gives the Department the ability to direct a school to revise its uniform policy if it does not adhere to the school guidelines policy and if all the normal complaints processes have been exhausted.

Clause 8 is about the meaning of "unfair costs" and describes how the Department will deem what is excessive cost when it comes to branded clothing and styles and the burden that those costs put or could put on lower-income households.

Clause 9 defines what "clothing and styles" means, whether that is footwear, colours, fabrics, badges or emblems.

Clause 10 defines schools, pupils and school managers in terms of the Education and Libraries Order 1986. Clause 12 states that, at this stage, the provisions will not be applicable to pupils below compulsory school age, but clause 13 gives the Department the room to revise that via a resolution to be put in front of the Assembly.

Part 2 is about school clothing allowances. It extends the school clothing allowances to independent schools. Finally, clause 15 is the commencement.

That was a quick overview of the Bill. I am conscious that, in the interests of time, I rushed through that. You will see in the paper that we pulled together a table that compares some of the differences across the different jurisdictions. For example, the guidelines are statutory in England and Wales but not in Scotland or the Republic of Ireland. They have different underpinning principles in terms of keeping costs down and inclusion.

There are different approaches to branded items in the guidelines. For example, a Bill going through Westminster proposes to cap the number of branded items at three. In Wales, branded items are not compulsory at all. In Scotland, there is advice against branded items, and, in the Republic of Ireland, only sew-on or iron-on crests and emblems can be used on school uniforms.

Before I get into the issues for further consideration, I will pass over to Nathan, who will talk about finance.

Mr Nathan Mulholland (Northern Ireland Assembly): Thank you, Gillian. I thank the Committee for having us here today. I will try to keep this brief. The paper contains a review of the potential costs of the legislation. The explanatory and financial memorandum (EFM) that accompanies the Bill identifies financial effects of the Bill's proposals, notably paragraph 31, which states:

"It is anticipated that it may cost around an additional £2k per annum to provide pupils attending independent schools with access to the clothing allowance. There should not be any further additional expense incurred."

As is noted in the paper, there are currently 13 independent schools in Northern Ireland, a list of which can be found in the appendix. As is also noted, that figure will vary year-on-year, depending on a number of factors, such as the eligibility of pupils who attend those schools to receive the school clothing allowance.

As I said, the EFM states:

"There should not be any further ... expense incurred."

The Bill paper that we prepared considers how the provisions could incur implementation-related costs in other areas. The paper reflects the fact that, to produce the guidelines, there will be a resource cost in the Department. As noted in that section of the Bill, that could become a more regular thing. Two pieces of guidance have been issued by the Department during the past 15 years, but, if the provisions of the Bill were to require that to become more regular, it could become a standing item in the Department, which may require additional resource in the Department in the form of support staff to handle the workload. The Bill also provides for the potential implementation of the cost cap and considers the financial implications that could arise from that.

Departmental officials, in responding to questions from the Committee, noted that there were risks to the approaches being considered and stated that the aim of the Department is to avoid unintended consequences. However, if that were not achieved, there could be a legal challenge and subsequent

financial implications for the Department and/or the Education Authority (EA) because of the resources required to contest or address those concerns.

Finally, the paper considers the area of enforcement if schools were to fail to comply with the guidelines or a future cost cap. There are potential implications for the Department: again, increased workload for officials to investigate and address enforcement issues. The Department talked about how it would monitor that. There were suggestions of creating an independent board. I know that that was raised by some members, but the Minister has indicated that there is not the financial resource to do that. That suggests that the burden of enforcement will be put on the Department. If there are a lot of issues with enforcement, of course, additional resource will be required to address those.

I will hand back to Gillian, who will conclude with some potential areas for further consideration.

Miss Kane: We have listed in the paper quite a few areas for further consideration. In the interests of time, I will not go through all of those. Some relate to the guidelines further down the line. As the Committee is aware, the Bill enables the guidelines to be put on a statutory footing with only some detail, but we do not have the guidelines themselves to refer to. The Committee may wish to consider whether there is sufficient detail from the Department on what the content of the guidelines will look like and whether the principles that underpin the Bill, especially in clause 2, are the right ones or whether there should be additions to those. As I say, some of those questions may be considered once the guidelines are placed in front of the Committee.

There are some general considerations. It may be worth exploring the timeline for the production of the guidelines and how long the Committee will have to consider and comment on those once they are developed; the outworkings of the consultation on a potential price cap; and the implications of the mechanism of a commencement order for clauses 3 and 4; and — this is linked to what Nathan just said — getting more clarity on how the Department calculated the cost of £2,000 for the implementation of the Bill. We presume that that is for the roll-out of the school clothing allowance to independent schools, but it would be good to see how that was worked out. Should the guidance on the grant be extended to nursery schools? Finally, has the Committee received sufficient detail from the Department on the likely financial implications of the Bill? That goes back to whether that £2,000 reflects the likely reality of the cost.

There are also some equality and inclusion questions. In the equality screening that accompanied the consultation, there was quite a bit of emphasis on uniform flexibility. I mentioned the needs of pupils with disabilities and the issue of religious observance and questioned whether those are covered sufficiently in the Bill. In the consultation, and, I think, in evidence that the Committee has heard, gender issues as they relate to uniform were raised, including whether girls should be able to wear trousers to school as a matter of course and whether that should be addressed specifically here.

Finally, on equality, there is evidence of a difference in the cost of school uniforms for girls and boys. The equality screening document stated that the guidelines would likely address that, but there is a question around whether there is a need for more clarity there. You will see from the paper that there is more about the implications for schools, parents, suppliers and manufacturers, as well as the implementation and enforcement implications. That is mixing the Bill up a wee bit with the future guidelines. In the interests of time, I will stop there.

The Chairperson (Mr Mathison): That is great. Thank you. I will raise a couple of points. The paper was very comprehensive. Members may decide today to take your areas for further consideration directly to the Department now in order to seek some clarity. That may be a sensible outworking.

It is clear that the Bill creates powers to give statutory effect to some guidance. However, it is not necessarily clear exactly what will be in that guidance. From your experience of dealing with such matters, is that fairly standard legislative practice, or would you expect to see more detail in the Bill so that you had a degree of certainty about what the guidance might look like when it arrived?

Miss Kane: I certainly have not come across that before, but that could just be a function of what I come across. That may be a question more for the legal team. Nathan, have you seen that?

Mr Mulholland: No. From my perspective, my focus is very much on the finance side. I have not really covered that in the past. It was not our focus area when looking at the Bill.

The Chairperson (Mr Mathison): That is fine. There are concerns about the need to take a lot on trust: whether the guidance — the outworking — will deliver on the Bill's intention to bring down costs; and whether the Bill should do more than just address costs, which is another consideration. There is definitely some anxiety among those not on the Committee whose comment on the Bill is that a lot of trust is involved. I appreciate that you might not be able to comment on that.

I was going to raise the issues of gender and inclusivity and ask whether those should be in the Bill, rather than just being assured that they will be covered in the guidelines. Again, the Committee will, no doubt, take that away.

When you looked at further issues to be followed up on, did you consider whether it would be appropriate to put in place a process, once the guidelines are produced, to ensure that they are subject to further scrutiny? Was a mechanism such as draft affirmative resolution considered to ensure that the guidelines are subject to further scrutiny, given that we do not know what they will look like? Did you consider that in the paper?

Miss Kane: That is one of the areas that we raised for further consideration, Chair. It was difficult for us to do the paper because there is little detail in the Bill. For that very reason, there are a range of issues in the paper that are outside the Bill as it stands. Clarity on the timeline for the production of the guidelines would be useful.

The Chairperson (Mr Mathison): That is really helpful. Thank you. It is a really comprehensive paper and a good starting point for our scrutiny.

I will open it up to other members. Does anybody else want to come in with a question at this stage? No. That is great. You have had an easy run today. *[Laughter.]* The question will be whether we are content to take forward those considerations — sorry, Peter is looking to come in.

Mr Martin: Apologies, Chair. I will have to work out how to lower this hand now. There, it is gone.

Chair, you can keep me right on this. At the APG yesterday, I think that officials said that the guidance was going to the Minister in May/June: is that the same stuff as we are talking about? You are nodding your head.

The Chairperson (Mr Mathison): For anybody observing the meeting, I will clarify that the officials who are working on the Bill presented to the all-party group (APG) on parental participation in education yesterday. My recollection is that they suggested that the guidance will be before the Minister in June, but I am not sure how that will pan out in terms of it being made available elsewhere, so there is still a bit of clarity needed. That is absolutely right, Peter.

Mr Martin: Thank you, Chair.

The Chairperson (Mr Mathison): That is fine.

Thank you for that. We will have a discussion.