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Dear Aoibhinn

## **SCHOOL UNIFORMS (GUIDELINES AND ALLOWANCES) BILL**

Thank you for your letter of 15 May 2025. The School Uniforms Bill team has provided the following information in response to the Committee's queries.

### **Query 1**

*Overall it is important for the Committee to understand the various pressures at play on the timing of this legislative exercise. With that in mind, when do you expect the Committee to have access to the proposed guidelines, and what are the timeframes for production, sign-off and publication of guidelines to result in inclusion in prospectuses in January 2026? In particular, what is the last target date officials are working towards? How long will the Committee have to consider and comment on the guidelines once developed?*

The Department is very mindful of the need for timely provision of draft guidelines at this stage to support the Committee's consideration of the Bill. Currently a version based on the Bill as introduced is at a draft stage but requires further work before being provided to the Minister of Education for consideration. Following this a copy of the draft guidelines will be shared with the Committee. It is expected that this will be in the coming weeks.

It is not that the guidelines will be included in the school prospectuses which require to be published in November/ December 2025. Rather, it is that schools need to be aware of the guidelines which will set out statutory provisions they must adhere to for uniform requirements for admissions from September 2026. To support this, once Further Consideration Stage has completed the Department will update the draft guidelines in line with any amendments and aim to share this updated version of the guidelines also with the Committee at that point. It is hoped this will be as early as

possible in October 2025, dependent on scheduling. The Department will need to share the guidelines with schools once Final Stage has completed. While they will become statutory upon Royal Assent, following Final Stage the content of the Bill will be known and the Department can advise schools precisely what the statutory requirements will be in advance of any uniform requirements being published in prospectuses or on websites.

#### Query 2

*What are the likely timings of a consultation on a potential price cap, and in particular what reassurance can be given about likely commencement of this central measure?*

Work on drafting a consultation on a potential price cap/number of branded items cap is ongoing. Commencement of the relevant clauses in the Bill – numbers 3 and 4 - would follow decisions on the detail about what type of cap would operate and how it would operate in practice, including any financial considerations associated with this.

#### Query 3

*How did DE calculate the cost of £2,000 for the financial impact of the Bill? Please tell the Committee more in relation to the potential for implementation of the Bill to require additional resource costs (such as legal costs, monitoring of compliance or enforcement of a cap).*

The £2,000 is in relation to the extension of the clothing allowance for pupils in independent schools. This was calculated on the basis that there are currently 13 pupils attending an independent school that are in receipt of free school meals. All of these pupils are at post-primary stage. The very close alignment between the means-tested eligibility criteria for free school meals and clothing allowance has resulted in the Department using free school meal entitlement as a proxy for estimating the number of pupils in independent schools likely to be entitled to a clothing allowance. At current rates, the provision of a clothing allowance would cost approximately £1,200 each year. However, on the basis that the numbers of pupils vary from year to year, it was considered prudent to assess £2,000 as an estimate of the potential future costs of providing a clothing allowance to pupils attending independent schools.

Some further additional costs referred to relate to staff time and would not therefore be hard charged. The Department is working now to establish how e.g. computerising returns from schools could collate uniform information and therefore save valuable staff resource. At all times value for money will be considered. Any costs associated with a cap shall form part of a separate consultation given the range of options it presents.

#### Query 4

*How will DE ensure the proposals are affordable in light of ongoing pressures faced across the Executive?*

The extension of clothing allowance provision to pupils attending independent schools would only form a very small increase (0.02%) of the EA's current expenditure on clothing allowance.

#### Query 5

*How have DE factored the potential costs arising from the proposals into the Department's spending plans given DE's budget allocation for 2025/26?*

As per question 4, the quantum of additional expenditure on extending the provision of clothing allowance to pupils who meet the eligibility criteria attending independent schools would not be of material value in terms of the 25/26 budget allocation.

#### Query 6

*How will DE ensure that the Bill's provisions, if enacted, would be implemented in a sustainable way that would comply with the Executive's agreed Budget Sustainability Plan?*

As referenced above, the quantum of additional expenditure on extending the provision of clothing allowance to pupils who meet the eligibility criteria attending independent schools is extremely small.

#### Query 7

*What analysis has DE and/or the EA carried out to ascertain future estimated costs of extending the School Uniform Allowance to those who would be eligible?*

Based upon free school meal entitlement being a close proxy for clothing allowance entitlement, there are 13 pupils currently entitled to free school meals attending an independent school. This gives the current anticipated levels of entitlement to clothing allowance attending independent schools. In light of the small numbers involved it is not possible to model with any degree of accuracy as to the potential changes in the number of pupils. However, the aforementioned £2,000 annual increase in expenditure would be able to accommodate over a 60% increase in pupils entitled to clothing allowance in independent schools without incurring costs over the £2,000 figure.

#### Query 8

*What methodology did DE and/or EA apply to ascertain any resource requirements that the Department and/or EA would need, to meet the additional that would arise from the Bill, if enacted as introduced? Please include underlying assumptions applied.*

The potential additional costs relating to the provision of clothing allowance to those attending an independent school were informed by data provided by the Education Authority as the body responsible for the application process for free school meals and clothing allowance. The most recent data for the number of pupils in receipt of free school meals at independent schools was confirmed on 6 May 2025. The very close alignment between the means-tested eligibility criteria for free school meals and clothing allowance has resulted in the Department using free school meal entitlement as a proxy for estimating the number of pupils in independent schools likely to be entitled to clothing allowance. The estimated costs were based upon current rates of clothing allowance.

#### Query 9

*To date, what progress has been made between DE and ETI officials to specify monitoring compliance as part of the school inspection process that would be specified in the guidelines that would be introduced under this Bill, as introduced?*

The Department has engaged with the ETI about the most effective means of obtaining information and monitoring adherence to the Bill once it comes into operation. Given that the key focus of inspection is on the quality of teaching and learning, at this stage departmental officials consider that focusing inspectors time on parent/ pupil satisfaction with uniform requirements is likely to provide key information. This also allows for further exploration of the school's consultation with its parents and pupils in developing its uniform policy. Current thinking is that an explicit requirement for schools to act on any information arising from these inspections could sit within the guidelines.

The Department has also engaged in discussions with ETI and confirmed that there is scope for a separate and specific ETI monitoring exercise to be undertaken. Committee will be aware that the Bill as introduced makes specific reference to inspection reports as a source of information for any instances of non-compliance. Furthermore, the ETI is actively progressing case studies as exemplars of good practice to assist all schools in determining their uniform requirements with affordability at the centre.

Query 10

*Are the guideline compliance and complaints arrangements envisaged in the Bill future proofed for the Department's coming responsibility as a complaint handler?*

Given that the guidelines will be statutory and that schools "must adhere" to them it is to be expected that all schools will do so. The additional right of complaint to the Department provides further assurances for parents that there is a route to address concerns about affordability should these arise and not be addressed by a school in its uniform policy. The Department already deals with complaints across its areas of responsibility in line with its complaints procedure; the Bill provides a specific right of complaint in relation to uniform policy which is, in this area, linked to a power of direction. The reason that the school's own complaints procedure is referenced first is to provide the opportunity for corrective action to be taken at the earliest opportunity should that be necessary.

The Department will be actively monitoring impact of the Bill in the coming years and for as long as necessary, which provides another route for any issues of non-compliance to be identified. The Bill as introduced provides the necessary power for the Department to issue a direction to any school on this basis should that prove necessary without waiting for a complaint to be lodged with it. Overall, the Department considers that the range of powers set out in the Bill as introduced, including the additional right of complaint but not limited to that, provide a balanced and appropriate approach to ensuring compliance.

Query 11

*In Clause 1(1a)ii), the Committee would like clarification of the intended meaning of "from time to time". What interval is anticipated?*

The choice of drafting language is intended to ensure that guidelines are capable of being reviewed whenever needed but without tying the Department to e.g. an annual review for potentially decades given that this is primary legislation.

The Department intends to monitor the impact of the Bill annually for the first number of years to ensure that it is achieving its intent and this will include ensuring the guidelines are, and remain, fit for purpose each year. The Bill as introduced contains strong and suitable powers that enable the guidelines to be strengthened should that be needed, or amended should it transpire that a requirement is not needed in the longer term.

Once the statutory requirements are embedded and we are content they continue to address affordability of school uniforms, the Department envisages the review of guidelines to move to a less frequent but regular basis. The wording “from time to time” ensures that - at any point, even within a year – should an issue be identified, the guidelines can be reviewed to address it.

#### Query 12

*In reference to Clause 1(5), the Committee would like to understand this “notwithstanding” provision. Please give examples of what, in the scope of the bill, the Department envisages coming under this provision.*

This drafting device is merely intended to ensure that – so long as it is within the scope of Bill i.e. relating to school uniform policies with the intention of addressing affordability – the content of the statutory guidelines cannot be ignored based on an argument that it is not specifically listed or referenced in the rest of the Chapter.

#### Query 13

*Clause 13(3) (a) of the Bill provides that regulations under Chapter 2 may include consequential or ancillary provision. What type of provision does the Department consider to be included in the term “ancillary” in this instance?*

Again this is merely a drafting device to ensure that any – again within scope – necessary matters can be covered as required. The Department has no specific provisions in mind at this time. It is worth remembering that any regulations being made under this clause are subject to draft affirmative resolution procedure in the Assembly.

#### Query 14

*Arguably, the Bill creates an enforcement power which is of consequence. Did DE consider a laying or Assembly control procedure for Chapter 1 on this basis?*

As the enforcement power in clause 7 draws on and links to the existing Article 101 of the Education and Libraries (Northern Ireland) Order 1986, as amended, the Department does not consider this to be a new power of consequence. The Department is not clear what laying or control procedure would be helpful in circumstances where an individual school was not complying with its legal duties. The Department is careful not to establish bureaucracy in primary legislation that in practice would serve to slow down the means by which non-compliance at individual school level can be addressed.

#### Query 15

*The Committee considers that the use of the word brand in Clause 9 may require to be defined more precisely. The term can be understood in several different ways – to identify the manufacturer, or the school, or the retailer providing it, which are all factors engaging with the subject matter but not definitively which is to say equating brands with items which are relatively expensive/exclusive. The Committee would be grateful for your assessment of these points.*

It is intended to address this point in the statutory guidelines. Whilst the Bill provides reference points in its definition of specific styles, the Department appreciates the need for clarity for schools. Broadly speaking the Committee's point is correct in that it relates to items that are relatively expensive/ exclusive.

#### Query 16

*Some of the retailers mentioned that they would not be happy to be involved in single-supplier agreements, but of course these often pertain. Is there provision in the anticipated guidelines for frequent and mandatory reviews of single-supplier agreements and did the Department consider putting that on the face of the Bill?*

The Bill sets out powers and duties on the Department and on schools, providing a framework for the guidelines which are intended to carry the detail of requirements which schools must adhere to. Clause 8 (b) of the Bill defines unfair cost aspects and refers to "unreasonable costs of obtaining school uniforms arising (to any extent) by virtue of limited choice of places at which, or retailers from whom, suitable items or sets of clothing are readily available".

The Department considers that care needs to be taken not to prohibit something on the face of the Bill that could in certain circumstances e.g. small, often rural, schools lead to a cost benefit for parents. That is the critical point and the guidelines – that schools must adhere to - will clarify that schools will need to demonstrate such cost benefit to parents in their published information. In addition, current thinking is that a school entering any such arrangement needs to demonstrate how it has complied with open competition, for example through a tendering process. This means that it would be timebound in line with such requirements.

#### Query 17

*On the broader matter of the principles outlined in consultation, the Committee notes that the Equality Screening emphasised uniform flexibility – to ensure the needs of pupils with disabilities, and those with specific religious requirements and attire are met. There have been calls for gender neutral uniforms, especially around the right of girls to wear trousers. The Equality Screening also asserts that higher school uniform costs for female pupils can be addressed by the statutory guidelines.*

*How has the Department set out to respond to these concerns, and why are they not on the face of the Bill?*

The Bill sets out powers and duties on the Department and on schools, providing a framework for the guidelines which are intended to carry the detail of requirements which schools must adhere to. The Department considers that the detail of uniform design – which is the place where e.g. trousers for girls would be established – is firstly

a matter for schools, parents and pupils to determine; and secondly a matter for guidelines rather than primary legislation which will apply to all grant-aided and independent primary and post-primary schools.

#### Query 18

*In terms of policy direction, the Committee would like some further detail on the rationale for extension of grant to independent schools and provision to extend uniform to pre-school pupils.*

The provision of free school meals to eligible pupils attending independent schools has been in place since September 2013. Most of the criteria for free school meals entitlement also apply as criteria for entitlement to clothing allowance for pupils in grant-aid schools. However, the present legislation does not enable the Department and the Education Authority to provide clothing allowances to eligible pupils in independent schools. The extension of the clothing allowance to include eligible pupils attending independent schools therefore addresses this as primary legislation is required to amend the Education and Libraries (Northern Ireland) Order 1986 to achieve this.

There is no proposal to extend uniform requirements to pre-school. It is, and will remain, a matter for any school to decide if it wishes its pupils to wear a uniform or not. Some pre-schools do require uniforms, however there is no evidence currently that pre-school uniform costs are a concern for parents. If that turns out to be the case in the future, clause 13 of the Bill provides a power to make regulations which would – subject to draft affirmative resolution procedure in the Assembly - allow school uniform guidelines to apply to pre-school education. This is a matter of future-proofing the legislation.

The majority of the matters in the additional queries are likely to be covered through sight of the initial draft guidelines, however, officials have provided responses as follows.

### **Additional queries**

#### **What will be the likely impacts on schools?**

- 1. Will there be sufficient clarity in the guidelines for schools? Is there a risk that the guidelines might appear subjective and/or open to interpretation?*

It will be important that the guidelines are clear for schools to follow. They will be in line with the principles of the existing non-statutory guidance and the Bill, with an underpinning focus on making uniforms more affordable. The Department will be seeking legal advice on the draft guidelines once they are ready which will protect against interpretation issues. Officials are working at pace to finalise a draft set of guidelines for the Minister's consideration in the first instance, following which legal advice will be sought as a matter of urgency.

- 2. Who are the “community” stakeholders that schools should consult – in addition to parents and pupils? What burden is this likely to place on schools?*

The current non statutory guidance recognises that there may be benefit in schools consulting more widely with groups such as prospective pupils, community groups, road safety groups, representatives of any minority ethnic and religious groups in the school's catchment area and groups representing pupils with special educational needs or disabilities. Schools will already be familiar with this advice.

Current thinking is that the statutory guidelines may not **require** consultation with e.g. community groups, as this may not be necessary in every situation, but may instead focus on parents and pupils. The Department is mindful of balancing requirements and not placing bureaucratic burdens on schools, especially when these may not be necessary for every consultation.

### *3. What are the anticipated transition periods for schools?*

The Bill will come into operation the day after it receives Royal Assent. At that point the Department will need to issue the statutory guidelines which will apply. The Permanent Secretary of the Department wrote to schools in September 2024 setting out the anticipated requirements – matters such as affordability, consultation, publishing of information for example. The Department proposes to write again to schools, updating them on anticipated requirements that will apply once the Bill comes into operation and on timings for anticipated implementation. Once Further Consideration Stage has completed, the Department will update the draft guidelines in line with any amendments and will need to share the guidelines with schools once Final Stage has completed. While they will become statutory upon Royal Assent, following Final Stage the content of the Bill will be known and the Department can advise schools precisely what the statutory requirements will be in advance of any uniform requirements being published.

### *4. A reporting mechanism for schools is described in the consultation report. What are the reporting requirements that DE plans to require of schools?*

In terms of reporting, the Department is actively considering this and looking to an electronic solution that will align with the information schools will need to publish. Work is at an early stage.

### *5. How often should a school be required to review its policy? Or DE to review its guidance?*

The starting point for a school to review its uniform policy is taken from the consultation which suggested every three years – to be clear this is not a requirement for a school to change its uniform every three years but rather to ensure it remains fit for purpose. The detail of this is being considered and, when a final approach is decided, it is intended to form part of the draft guidelines. In terms of Departmental monitoring, we consider this will be more regular in the early years to ensure that the statutory guidelines are having effect. Again, it is intended that this will form part of the draft guidelines.

## **How will parental concerns be addressed?**

### *6. Is the existing complaints procedure sufficient, and does it provide parents with a real avenue to contest a uniform policy which is not aligned with the new guidelines?*



See the response to Query 10. This is a new route of complaint in addition to existing complaints procedures which offer schools the most immediate opportunity to address any non-compliance. It provides a very real avenue for parents.

*7. How will the impact of the Act be monitored, considering ongoing parental concerns about cost? How will the lessons from England and Wales after implementation of statutory guidelines on school uniform policy be learnt?*

See the response to question 5 above. Departmental officials have already engaged - and will maintain this engagement - with counterparts in England and Wales to ensure that lessons are learnt. This has already been reflected in the Bill as introduced e.g. here schools “must adhere to” the statutory guidelines; in England and Wales having regard to is the requirement which we consider to be less effective.

### **What will be the impact on suppliers and manufacturers?**

*8. In the consultation report, suppliers voiced fears that local suppliers would be in competition with large national supermarkets? Is this of concern to the Department?*

Broadly speaking, the Department must take care not to stray into competition law. The Competition and Markets Authority advise that open competition is the best means to keep costs down.

*9. What should be the lead-in times for any changes for suppliers?*

The Department’s focus will be on ensuring that affordability is a key consideration in any transition period, taking account of the fact that schools need to consider parents may just have purchased existing uniform and that manufacturers, retailers and suppliers need to be facilitated as they may have stock of existing uniforms.

*10. Is there a tension between quality, cost and sustainability?*

That point has been raised but the Department is aware of schools that manage their uniforms effectively and is working with the Education and Training Inspectorate who are developing case studies to help schools. In addition, uniform banks and continuing to normalise reuse/ recycle approaches to school uniforms will help sustainability as well as being more affordable.

*11. Should single-point contracts be permitted? What will be the impact on schools in rural areas if not?*

As making uniforms more affordable is the underpinning purpose of the Bill, it is not the intention currently to prohibit e.g. single suppliers if schools can demonstrate that they provide a cost benefit to parents. The Department is particularly aware of any potential impact on schools in rural areas in considering such circumstances. The key requirement is to demonstrate how affordability is at the centre of the school’s policy and this information will be published.

### **How will DE oversee the introduction and enforcement of the policy?**

12. *How will the implementation of new uniform guidelines be evaluated by DE?*  
See the response to question 5 above.

13. *The Bill mentions transition periods, between existing and new uniform policies at schools. How long does the Department intend that a school should be given to transition uniform policies?*

See the response to question 3 above.

14. *How will value for money be achieved? Will schools be required, as in Wales, to publish evidence of the cost-saving steps taken by school managers, including when endorsing single/limited-supplier relationships?*

Schools will be required to publish the rationale for their uniform requirements, the cost of each item, where it is available to purchase, consult with parents and pupils on this and publish the outcome of this consultation as part of their policy. Should any school have a single/ limited supplier arrangement in place details, including the duration of this, must also be published. Schools will in future be expected to demonstrate how they have entered into such an arrangement via open competition, ensuring transparency through publishing the detail of any such arrangement. In all cases such arrangements should only be entered into if they provide a direct cost benefit to parents.

15. *What length of time between reviews of the uniform policy is appropriate? Does the three year review period in the Republic of Ireland, or the five year review period in United Kingdom jurisdictions make more sense?*

See the response to question 5 above.

I trust these responses are helpful to the Committee.

Yours sincerely



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