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Dear Aoibhinn

SCHOOL UNIFORMS (GUIDELINES AND ALLOWANCES) BILL

Thank you for your letter of 13 June 2025. The School Uniforms Bill team has provided the following information in response to the Committee's queries and to the potential amendments currently being considered by the Committee.

As explained at the Committee meeting of 11 June 2025, officials are further considering the draft guidelines in order to ensure clarity for schools and that the guidelines will be workable and practicable. Additionally, the draft guidelines require detailed legal consideration to make sure that there are no unintended consequences for schools – as they will be required to adhere to these guidelines.

In relation to the Committee's query about inclusivity, it is important to begin with what current, existing legal requirements are in place. The Department of Education, as a public authority, is legally bound by all existing human rights, equality, Special Educational Needs and Disability laws that apply in Northern Ireland. Officials have reconfirmed this with legal advice. It is neither good practice nor desirable to seek to condense or repeat these legal duties in any other legislation including, but not limited to, the School Uniforms (Guidelines and Allowances) Bill. It is not necessary. The Department is already bound by all relevant rights and equality legislation and any guidelines it produces **must** comply. Indeed, under the Northern Ireland Act 1998, should this or any other Bill breach the European Convention on Human Rights, then that Bill would be deemed outside legislative competence.

The underpinning purpose of the School Uniforms (Guidelines and Allowances) Bill is to place a duty on the Department to issue guidelines which schools must adhere to when they are devising or reviewing their school uniform policies. This is an important point to bear in mind. Some of the potential Committee amendments appear not to be drafted in

line with this sequencing or in line with the purpose of the Bill, including terminology used e.g. referencing pupils and clothing – and we are concerned certain amendments do not cross-reference appropriately.

The Department is also concerned that there is a lack of clarity in many of the potential amendments in terms of what they seek to achieve. The current proposed amendments will we think, in many cases if they were to be voted into the Bill, require substantial technical amendment at Further Consideration Stage.

Turning to the Committee's specific questions.

The Department intends to focus the guidelines on the actions schools must take to comply with the requirements of the Bill. These will be updated once the final provisions of the Bill are known following Assembly scrutiny. The intention is to provide assistance to schools in the form of an Annex to statutory guidelines pointing to the – existing – rights and equality duties that apply regardless of any wording in the Bill or guidelines.

The Department plans to conduct a consultation on any cap, including one relating to the number of branded items, prior to including any such provision in the guidelines enabled by clauses 3 and 4. There is currently no evidence to draw on in relation to risks and benefits of capping the number of branded items; there are significant risks in setting a cost cap.

Risks relating to both areas include unintended consequences which do not benefit parents. For example, three branded items may be extremely expensive but still meet the legal requirement; the range of matters currently included in terms of colour, combination etc could immediately make existing school uniforms unworkable for all schools, this has the associated risk of impacting on uniform retailers, not least if they are holding stock levels of existing uniforms.

This is why the Department is keen to take an informed approach and conduct further consultation before placing any requirements into guidelines. The Department does not intend to prescribe a cap on the face of primary legislation as to do so means that risks to parents from unintended consequences cannot be addressed quickly.

The totality of the provisions required and enabled by the Bill as introduced equate to a series of levers that, taken together, will make school uniforms more affordable. Clauses 3 and 4 enable additional levers to be applied but will be most effective if these are able to be applied or changed to meet real world circumstances i.e. prescription is in guidelines not the Bill.

The Department is extremely concerned that not every potential impact can realistically be predicted and mitigated for – therefore placing prescription on the face of the Bill prevents adaptations being quickly implemented in future as they are needed.

The Department intends to actively collect and monitor cost information and produce a report on the impact of the Bill once it comes into operation. The purpose of the Bill is to issue guidelines that schools must adhere to with the overarching aim of making school uniforms more affordable.

Reporting will be in this context and to establish how effectively the overarching aim is being delivered. The framing of the Bill as introduced then allows for any changes in approach to be set out in the guidelines and adapted over time to continue to ensure affordability is addressed.

The approach in draft guidelines is expected to be similar to the existing non-statutory guidance in relation to pupil discipline. The Department intends to highlight for schools the additional right of complaint for parents and that it can ultimately issue a legal direction.

It is important to strike a balance between protecting pupils from participatory disadvantage due to not being able to afford uniform items - for example, branded black leggings are required but a pupil wears plain black leggings due to cost - and enabling schools to manage pupil behaviour where it is a genuine issue such as ignoring uniform requirements - for example, persistently in order to rebel and not related to affordability issues.

Current practice is that directions are used as infrequently as possible, with every effort made to resolve issues before a direction becomes necessary. It is important to note however that directions have proper legal standing and this clause represents a genuine enforcement route which the Department will use should that be necessary. In relation to school uniforms, the process is set out in clause 7 and does not limit a person in terms of how they communicate their complaint to the Department.

Open engagement with the relevant manager of the school involved enables action to be taken before a direction needs to be issued. Should such action not be forthcoming from a school then the Department will issue a direction that must be complied with. The Department is likely to seek legal advice to ensure that it is acting in accordance with clause 7. The Department is not however clear what purpose it serves to publish directions and is concerned that this amendment would serve only to embarrass a school. The Department is not aware of any additional resource being accrued to ETI, nor is the inspectorate to be the only means of ensuring adherence. This is linked to the Departmental monitoring.

Clause 8 defines unfair costs aspects which the guidelines will highlight. The Bill already sets out the areas this relates to i.e. excessive costs of school uniforms including individual items or sets of items, what individual pupils are required to provide, limited choice of suppliers/ retailers. It links to the definition of specific styles in clause 9 and also sets the context of lower income households, giving evidence of impact on these households priority through the term "special regard".

The Department has included some comments in relation to the potential amendments in the attached table, which officials hope will aid the Committee deliberations.

I trust these responses are helpful to the Committee.

Yours sincerely



George Platt
Departmental Assembly Liaison Officer

Draft amendments under consideration in the Committee Stage of the School Uniforms (Guidance and Allowances) Bill.

[Amendments commissioned by the Committee (CA) and individual members CM1, 2 and 3)]

Clause 1	<p>Clause 1, Page 1, Line 10</p> <p>Leave out ‘from time to time’ and insert ‘at least once every [two/]three years’</p> <p>Clause 1, Page 1, Line 10</p> <p>Leave out ‘from time to time’ and insert ‘at least once every [two/]three years’</p> <p>[Regular Review of Guidelines]</p> <p>In Clause 1, page 1, line 10, leave out “from time to time” and insert “at least once every 3 years”.</p>	<p>Committee Amendment 1 (CA1)</p> <p>Committee Member 1 (CM1)</p> <p>Committee Member 2 (CM2)</p>	<p>There is broad Committee agreement to this amendment with one query as to the length of the review period.</p> <p>No technical concerns.</p>
	<p>[Statutory Consultation]</p> <p>In Clause 1, page 1, line 17, at end insert—</p> <p>“(3A) The guidelines must require that, when devising or reviewing a school uniform policy, the manager of the school consults—</p> <p>(a) the parents or carers of current pupils;</p> <p>(b) the school council or equivalent pupil body [pupils of the school];</p> <p>(c) other relevant stakeholders as appropriate.”</p>	CM2	<p>There is broad agreement to this amendment subject to consensus re (b) pupils of the school</p> <p>The Department considers that one amendment in relation to who is consulted with would be better. This and CA3 repeat. Technically the amendment does not appear to sit well with existing clause 1(3)(a). There is no need to use the word “current” before pupils. The Department also considers language such as “other relevant stakeholders as appropriate” is loose for use in legislation and not necessary. Schools will be able to consult anyone else they consider relevant to assist them in devising etc their uniform policies without this provision.</p>
	Clause 1, Page 1, Line 18	CA2	This amendment has Committee agreement

	<p>Leave out ‘may’ and insert ‘must’</p> <p>Clause 1, Page 1, Line 18</p> <p>Leave out ‘may’ and insert ‘must’</p>	CM1	No technical concerns.
	<p>Clause 1, Page 2, Line 1</p> <p>After ‘reviewed,’ insert ‘which must include school pupils and their parents or guardians,’</p> <p>Clause 1, Page 2, Line 1</p> <p>After ‘reviewed,’ insert ‘which must include school pupils and their parents or guardians,’</p>	<p>CA3</p> <p>CM1</p>	<p>This amendment has Committee agreement</p> <p>Technically this would read better as “who, including pupils and their parents or guardians, is to be consulted when such policies are being devised or reviewed”.</p> <p>The Department considers that one amendment in relation to who is consulted with would be better. This and 3A repeat.</p>
Clause 2	<p>Clause 2, Page 2, Line 15</p> <p>After ‘pupils,’ insert –</p> <p>‘(aa) ensuring the accessibility of play-based curricula and outdoor learning</p> <p>Clause 2, Page 2, Line 15</p> <p>After ‘pupils,’ insert ‘including ensuring the accessibility of play-based curricula,’</p>	<p>CA4</p> <p>CM1</p>	<p>This amendment has Committee agreement.</p> <p>This causes technical concerns.</p> <p>It is not linked to provisions in the Bill about pupils or clothing. The purpose of the Bill relates to guidelines for schools to follow on uniform policies – not curriculum or outdoor learning which this wording could require. It is not clear to the Department – so will it be clear to schools – what is required to be reflected in a uniform policy from this amendment. In legislative terms what do play-based curricula or outdoor learning mean in practice?</p>
	<p>[Inclusivity]</p> <p>Clause 2, Page 2, Line 15</p> <p>After ‘pupils,’ insert –</p> <p>‘(aa) inclusivity, including with respect to gender, cultural difference, religious practice and disability’</p>	CA5	<p>Two members are reserving their view on this amendment</p> <p>This causes technical concerns.</p> <p>It is not linked to provisions in the Bill about pupils or clothing.</p>

			The purpose of the Bill relates to guidelines for schools to follow on uniform policies – the guidelines and therefore uniform policies must adhere to existing equality and rights legislation. It is not good drafting to repeat or condense such legislation.
	<p>[Road Safety]</p> <p>Clause 2, p.2, line 15 - At end insert, '(aa) promoting the safety of pupils with regard to road safety'</p>	Committee Member 3	<p>There is provisional agreement on this subject to more detail as to its practical outworkings.</p> <p>This causes technical concerns.</p> <p>It is not linked to provisions in the Bill about pupils or clothing. The purpose of the Bill relates to guidelines for schools to follow on uniform policies – not safety or road safety. It is also not clear how it would be the role of guidelines or uniform policies to “promote”.</p>
	<p>Clause 2, Page 2, Line 15</p> <p>After ‘pupils,’ insert –</p> <p>‘(aa) ensuring the dignity of pupils</p>	CA6	<p>This has provisional support and is under consideration by some members</p> <p>This causes technical concerns.</p> <p>It is not linked to provisions in the Bill about pupils or clothing. The purpose of the Bill relates to guidelines for schools to follow on uniform policies – not dignity at large like this. In legislative terms it is not clear what is meant by dignity. The guidelines and therefore uniform policies must adhere to existing equality and rights legislation. It is not good drafting to repeat or condense such legislation.</p>
	[Ending single supplier contracts]	CM2	This has provisional support and is under

	<p>Clause 2, Page 2, Line 18, at end insert –</p> <p>‘(3) Guidelines under this Chapter must include provision requiring school uniform policies to ensure all uniform articles are available for purchase from at least one retailer or provider which does not hold any formal or informal commercial contract or agreement, with the school, relating to provision of school uniform articles.’</p>		<p>consideration by some members</p> <p>This causes technical concerns, not least in terms of not being clear what the true meaning is. What providers other than retailers? How do formal/ informal relate to agreement/ commercial and vice versa? Technically the amendment does not sit well with existing clause 1(2) or clause 2(2)(a).</p>
	<p>[Mandatory Uniform Reuse Scheme]</p> <p>In Clause 2, page 2, line 18, at end insert—</p> <p>“(2B) The guidelines must require each school to facilitate a uniform reuse, loan, or clothing bank scheme.</p>	CM2	<p>This has provisional support and is under consideration by some members</p> <p>This causes technical concerns. It is not linked to provisions in the Bill about pupils or clothing. The purpose of the Bill relates to guidelines for schools to follow on uniform policies – not dealing with recycling or uniform banks in this manner. The Department is concerned about the practical outworking on schools – it is at least arguably open to interpretation what “facilitate” means here. Is signposting parents to existing schemes in the local area in line with this, or must every school run its own scheme – that would be contrary to consultation feedback. Why is this needed when existing clause 2(2)(b)(ii) requires the guidelines to provide for loans, use of clothing banks?</p>
	<p>[Inclusion of Pupils with Special Educational Needs]</p> <p>In Clause 2, page 2, line 18, at end insert—</p>	CM2	<p>This has provisional support and is under consideration by some members</p>

	<p>“(2E) The guidelines must include provision requiring schools to make reasonable adjustments to uniform requirements for pupils with disabilities or special educational needs, where standard uniform items would cause distress, sensory discomfort, or present a barrier to participation.”</p>		<p>This causes technical concerns, not least in terms of how specific it is.</p> <p>The purpose of the Bill relates to guidelines for schools to follow on uniform policies – this is not clear about who is being caused distress, a barrier to participation in what?</p> <p>The guidelines and therefore uniform policies must adhere to existing equality and rights legislation – including SEND. It is not good drafting to repeat or condense such legislation.</p>
	<p>[Departmental SEN Guidance Obligation]</p> <p>In Clause 2, page 2, line 18, at end insert—</p> <p>“(2F) The Department must issue guidance, in consultation with relevant advocacy groups and organisations, on how schools may adapt uniform policies to accommodate pupils with disabilities or special educational needs.”</p>	CM2	<p>This has provisional support and is under consideration by some members</p> <p>This causes technical concerns.</p> <p>It is not linked to provisions in the Bill about pupils or clothing.</p> <p>The purpose of the Bill relates to guidelines for schools to follow on uniform policies. This guidance requirement does not align.</p> <p>The terminology is unclear – what is the difference between groups and organisations for example.</p> <p>The guidelines and therefore uniform policies must adhere to existing equality and rights legislation. It is not good drafting to repeat or condense such legislation.</p>
	<p>Clause 2, Page 2, Line 19 Leave out ‘may’ and insert ‘must’</p> <p>Clause 2, Page 2, Line 19 Leave out ‘may’ and insert ‘must’</p>	<p>CA7</p> <p>CA1</p>	<p>This has Committee agreement</p> <p>Has the outworking in terms of impact on schools as soon as the Bill comes into operation from these provisions having to be so</p>

			<p>specifically included been considered?</p> <p>There are no technical concerns with this amendment.</p>
Clause 3	<p>[Limiting number of branded/specific items]</p> <p>Clause 3, Page 2, Line 34, at end insert –</p> <p>‘(2) In particular, Guidelines under this Chapter must include provision requiring school uniform policies to require no more than three articles of uniform of specific makes, brands, logos, combinations, colours, fabrics, badges, emblems or markings, except where</p> <p>(a) the school manager is satisfied that a fourth item is a necessary component of the uniform identity of the school, and</p> <p>(b) that item is of low cost and widely available.</p> <p>(3) Guidelines under this Chapter must include provision requiring school uniform policies to permit the application of separate badges, emblems or markings to generic articles of clothing, as an alternative to clothing of specific makes or brands, where practicable.’</p>	CM2	<p>This has provisional support and is under consideration by some members</p> <p>This causes technical concerns. It is highly prescriptive with no current evidence base to draw on that it will be effective. What if the three branded items are extremely expensive? There are existing clauses in the Bill that mean this is not necessary – clause 2(1) and (3), clause 3 once commenced. Placing this level of prescription in the Bill means if it does have unintended consequences for parents these cannot quickly be addressed. Have the practicalities for schools been considered – and immediate impact on retailers? Including the range of matters in paragraph (2) has the potential to make existing school uniforms unworkable as soon as this comes into operation. Colours alone mean schools must choose between e.g. shoes, blazer, blouse/ shirt or skirt or socks, tights, tie. What about any PE kit colour, even if it is generic can a school team not have a colour? This has the potential to create significant difficulties for all schools.</p>
Clause 4			
Clause 5	<p>[Definition of Inclusivity for SEN and Equality]</p> <p>In Clause 5, page 3, line 14, at end insert—</p>	CM2	<p>This has provisional support and is under consideration by some members</p>

	“(e) with due regard to the needs of pupils with disabilities or special educational needs, and to the promotion of equality and non-discrimination.”		In technical terms this does not sit within clause 5. The guidelines and therefore uniform policies must adhere to existing equality and rights legislation. It is not good drafting to repeat or condense such legislation.
New Clause 5A	<p>[Equality and Non-Discrimination Duties]</p> <p>After Clause 5, insert—</p> <p>“NEW CLAUSE.—(1) A school uniform policy must—</p> <p>(a) provide gender-neutral clothing options for all pupils;</p> <p>(b) allow reasonable accommodations for cultural or religious dress, unless precluded on health and safety grounds;</p> <p>(c) require reasonable adjustments for pupils with disabilities or special educational needs;</p> <p>(d) be designed so as not to place pupils at a disadvantage based on gender, disability, cultural background, or socio-economic status.</p> <p>(e) be inclusive and consistent with the best interests of the child, the rights of the child and the right to education.</p> <p>(f) be non-intrusive and take account of pupils’ health, comfort, and menstrual needs.</p> <p>(2) The Department shall ensure that any guidance issued under this Act reflects these principles and supports schools in fulfilling their human rights, equality, and non-discrimination obligations.”</p>	CM2	<p>This has provisional support and is under consideration by some members</p> <p>This causes a range of technical difficulties. It does not relate to the guidelines and should relate to the Chapter not the Act. “Guidance” is incorrect.</p> <p>It is not linked to provisions in the Bill about pupils or clothing. The purpose of the Bill relates to guidelines for schools to follow on uniform policies – guidelines state or inform rather than support. The guidelines and therefore uniform policies must adhere to existing equality and rights legislation. It is not good drafting to repeat or condense such legislation.</p>
New Clause 5B	<p>NEW CLAUSE - After clause 4 insert -</p> <p>‘Reporting on school uniform costs and capping of expense</p> <p>5. (1) The Department must publish a report, at least once every three years, detailing—</p>	CM1	<p>This has provisional support and is under consideration by some members</p> <p>This causes technical concerns. As a principle it would sit better elsewhere. Terminology is unclear – what measures are mean costs, median costs to</p>

	<p>(a) Its assessment of the cost of school uniforms and their components, including mean costs, median costs and factors contributing to these, and</p> <p>(b) The effect of any capping of expense included in guidelines as a result of section (4), or if no such capping of expense has been set, the reasons for this, and</p> <p>(c) Its subsequent plans for</p> <p>(i) Reviewing and, if appropriate, amending the guidelines, and</p> <p>(ii) Imposing, ending or otherwise modifying any capping of expense.</p> <p>(2) The first report under paragraph (1) must be published within the period of 3 years beginning with the date on which this Act receives Royal Assent.</p>		<p>relate to? What about primary/ post-primary differentials? It would be more straightforward for a provision on reporting on the operation of Part 1 of the Bill and on the guidelines.</p> <p>The Department considers that (c)(i) clashes with amendment CA1 which would specify when guidelines are to be reviewed.</p> <p>Normal post-legislative scrutiny can be applied – this amendment means a report will be published every three years for decades so has consideration been given to what specifically needs to be reported on for that duration? Once it is in primary legislation it is not easily adaptable.</p>
Clause 6	<p>[Public Reporting Duty]</p> <p>In Clause 6, page 3, line 26, at end insert—</p> <p>“(2A) The school must also publish annually the detail of any uniform supplier arrangements.”</p>	CM2	<p>This has provisional support and is under consideration by some members</p> <p>This causes technical concerns.</p> <p>Requirements should be on managers not schools. In legislative terms what is meant by arrangements – how does this link to school and pupils?</p> <p>This does not sit well in clause 6 and is already more appropriately covered by the provisions of clause 6(2)(b).</p>
	<p>Clause 6, Page 3, Line 29</p> <p>At end insert –</p> <p>‘(3) A manager of a school must publish and operate procedures to enable complaints to be made concerning the school uniform policy, which must include provision permitting the school a maximum of three calendar months to issue a final response to any complaint.’</p>	CM1	<p>This has provisional support and is under consideration by some members</p> <p>Technically the wording should be reviewed.</p> <p>The Department is also concerned about why this is necessary. Schools have existing complaints procedures and the EA provides a model policy. That includes 20 working day deadlines for</p>

			complaint and the same again for appeal. It also recognises school holidays. Has this amendment been considered in terms of workability for a school?
Clause 7	<p>Clause 7, Page 3, Line 31</p> <p>Leave out subsections (1) and (2) and insert –</p> <p>‘7.—(1) The Department must give directions to a manager of a school as follows if the Department is satisfied that the manager is (or staff at the school are) in one or more material respects failing to adhere as required to guidelines under this Chapter.</p> <p>(2) The Department may give directions to a manager of a school as follows if the Department is satisfied that the school’s pupils are liable to disciplinary measures or participatory disadvantages at the insistence of the manager (or of staff at the school) in consequence of breaching a school uniform policy applying at the school.’</p>	CM1	<p>The Department is unclear why this is necessary. If a direction is required, it will be given – the power is not taken lightly in the Bill as introduced. The potential amendment also moves the clause away from aligning with the approach in Article 101 of the 1986 Order which it links to.</p> <p>It is also better to maintain consistency between a direction given in relation to failing to adhere to guidelines and disciplinary measures/ participatory disadvantage. The Department considers both are best as “may”.</p>
	<p>[Enforcement Follow-Up]</p> <p>In Clause 7, page 4, line 3, at end insert—</p> <p>“(2, NEW SUB SECTION) Where a direction is issued under this section, the Department must publish a record of the direction and the response from the school, within 60 days.”</p>	CM2	<p>This has provisional support and is under consideration by some members</p> <p>The Department is not clear why this is necessary, especially in relation to the school response. Response to what? if the following amendment is made and the school is no longer to be consulted on the draft direction? The Department is concerned about this only serving to embarrass a school rather than supporting an approach focused on resolving an issue.</p>
	<p>Clause 7, Page 4, Line 11</p> <p>Leave out paragraph (b)</p>	CM1	<p>This has provisional support and is under consideration by some members</p>

			The Department considers 7(4)(b) provides a further and final opportunity to resolve an issue in the most timely manner. It is consistent with the approach in Article 101(1) of the 1986 Order which is an Article that clause 7 links to.
	<p>Clause 7, Page 4, Line 14</p> <p>Leave out 'may' and insert 'must'</p>	CM1	<p>The Department is unclear why this is necessary or what benefit it provides.</p> <p>Care needs to be taken about how this would work in practice.</p> <p>For example, if directions instruct rectification by a particular time under 7(5)(a) does that then preclude it relating to the provisions in 7(5)(b)? It may not – further legal advice will be required - but the purpose of this amendment is not clear.</p>
Clause 8			
Clause 9			
Clause 10			
Clause 11			
Clause 12			
Clause 13			
Clause 14			
Clause 15	<p>Clause 15, Page 7, Line 3</p>	CM1	This has provisional support and is under

	<p>Leave out clause 15 and insert –</p> <p>‘Commencement</p> <p>15.– (1) This Act comes into operation on the day after receiving Royal Assent.</p> <p>(2) The first guidelines under Chapter 1 must be issued by XX Month 2025.</p>		<p>consideration by some members</p> <p>The Department would caution against removing the coming into operation via commencement order at clauses 3 and 4 in the Bill as introduced. The impact on schools for any cap on branded items or cost cap to be placed on uniform policies from the outset could be significant and become the focus of their work rather than implementing the totality of the guidelines with the focus on benefitting parents – the unintended consequences are not fully understood and requiring these provisions to be implemented from the outset and in perpetuity will not necessarily benefit parents – e.g. CMA suggestion of one option being a transitional cap which can be removed/ reinstated as necessary would be ruled out – especially if any further amendment changed the enabling provisions of clauses 3 and 4. The Department has consistently stated that further consultation on the detail of any cap is needed and, from the consultation responses, there appeared to be a level of agreement on that. The Department strongly cautions that, if this amendment proceeds, clauses 3 and 4 need to remain as enabling provisions – to do otherwise carries too high a risk of unintended consequences that do not benefit parents.</p> <p>Subsection (2) of this amendment causes technical concern.</p>
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			<p>It does not sit well within clause 15.</p> <p>It is not accurate to refer to Chapter 1 which is in Part 1.</p> <p>It will only have legal effect once the Bill gains Royal Assent so would need to specify a time following the Bill coming into operation. The Department considers this is unlikely to be helpful to schools and plans instead to issue the guidelines in advance of them having statutory effect so schools can clearly see what they must and must not do. The Department will then confirm the date they take legal effect once Royal Assent is gained – the key point being such a date cannot be guessed in advance.</p>
Clause 16			