

16<sup>th</sup> June 2025

Education Committee Clerk

By Email

Dear Chair and Members

### **Re School Uniforms (Guidelines and Allowances) Bill**

I would like to thank the Committee for the opportunity to provide information to assist with its consideration of the School Uniforms (Guidelines and Allowances) Bill. While supporting the overall intention of the Bill that the Department have the power and are required to issue guidelines to schools in relation to school uniforms, it is not my intention to provide comment on the totality of the Bill. Rather I will restrict my comments to section 7 of the Bill which has an impact on my role and that of my office.

NIPSO are the final stage of the complaints process for most public bodies in Northern Ireland, including schools. Section 5 of the Public Services Ombudsman Act (NI) 2016 (the 2016 Act) provides the Ombudsman with the authority to consider complaints about public bodies including schools.

#### ***Power to investigate complaints made by a person aggrieved***

*5—(1) The Ombudsman may investigate a complaint, made by a member of the public who claims to have sustained an injustice (in this Act referred to as “a person aggrieved”), if the requirements of this section are met.*

*(2) The complaint must relate to action taken by a listed authority (see sections 12 and 13).*

*(3) The complaint must relate to a matter which can be investigated (see sections 14 to 23).*

*(4) The procedural requirements of sections 24 to 27 must have been followed.*

*(5) In this section “member of the public” means any individual or any incorporated or unincorporated body other than—*

*(a) a listed authority acting in its capacity as such, or*

*(b) a member or officer, at the time of the action complained of and acting in that capacity, of the listed authority against which the complaint is made.*

At the end of the complaints process, schools like other public bodies within the Ombudsman's jurisdiction are required by section 25 of the 2016 Act to signpost a complainant to NIPSO.

***Duty to inform person aggrieved about the Ombudsman***

*25—(1) This section applies where a listed authority's complaints handling procedure is exhausted.*

*(2) The authority must, within 2 weeks of the day on which the complaints handling procedure is exhausted give the person aggrieved a written notice stating—*

*(a) that the complaints handling procedure is exhausted, and*

*(b) that the person aggrieved may, if dissatisfied, refer the complaint to the Ombudsman.*

*(3) A notice under subsection (2) must—*

*(a) inform the person aggrieved of the time limit for referring the complaint to the Ombudsman, and*

*(b) provide details of how to contact the Ombudsman.*

NIPSO consider it is appropriate for the Department to have a power to direct schools in the application of uniform policies. However, NIPSO are concerned regarding the possible implication of section 7(2)(b)(i). This section when read in conjunction with section 7(3) enables the Department to investigate complaints regarding school uniform policies and the manner in which they are implemented by schools.

As outlined, schools are required to signpost to NIPSO in the terms set out in section 25 above. NIPSO also have discretion to accept complaints where the school complaints process has not been exhausted by virtue of section 24(2) of the 2016 Act

***Complaints handling procedure to be invoked and exhausted***

*24—(1) The Ombudsman may investigate a complaint under section 5 only if satisfied that the person aggrieved has invoked and exhausted the listed authority's complaints handling procedure.*

*(2) But the Ombudsman may investigate a complaint despite the requirements of this section not being met, if there are special circumstances which make it proper to do so.*

When the school uniform guidelines are issued by the Department those are the standard against which NIPSO will judge a school uniform policy. The first principle of good administration Getting it Right requires public bodies including schools to;

comply with the law and have regard for the rights of those concerned.

act according to their statutory powers and duties and any other rules governing the service they provide.

comply with recognised quality standards, established good practice or both.

Section 43(2)(d) of the 2016 Act enables the Ombudsman to share her investigation reports with any person she considers appropriate. In relation to the issue of school uniform policies, if the Ombudsman investigated a complaint, any resulting report would be shared with the Department and the power of direction could be exercised should the school fail to comply with the recommendations from the Ombudsman's report.

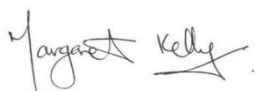
NIPSO would therefore respectfully suggest the inclusion of an amendment to section 7(3) as follows

*(3) However, the Department is not obliged to act in response to such a complaint concerning the school uniform policy if it appears to the department that the school's own complaints procedures have not been exhausted in the particular case **and the matter has not been considered by NIPSO.***

NIPSO have embarked on a program of improvement and simplification in relation to standards for the handling of complaints by public bodies in Northern Ireland. The current schedule is to work with the education sector including schools in 2027. Confusion as to who to approach in relation to complaints is a significant issue that NIPSO is seeking to address and which has been problematic previously in relation to complaints about schools. It is therefore important that the proposed legislation does not add to any confusion or duplicate existing statutory processes. Instead, the Bill should reinforce the existing statutory process for dealing with complaints about schools which is complain to the school and on completion of their process and if still dis-satisfied complain to NIPSO.

I hope this is helpful to the Committee and I am happy to provide further information and discuss further.

Kind regards



**Margaret Kelly**  
**NI Public Services Ombudsman**