

Responses to Committee Questions

The CMA is grateful for the opportunity to give evidence to the Committee on the School Uniforms (Guidelines and Allowances) Bill.

This submission provides written responses to follow-up questions sent to the CMA by Committee staff. We have grouped these questions into three categories:

- [those addressed during the committee appearance and/or in our consultation response;](#)
- [those outside the scope of the CMA's expertise;](#) and,
- [those within our remit that were not previously covered in either the consultation response or the committee appearance.](#)

If the Committee has any further queries, please do not hesitate to contact us.

Questions addressed during committee appearance and consultation response

CMA role

Please tell the Committee about CMA, its role in the policymaking process and its relationships with the devolved jurisdictions and Westminster.

The CMA is an independent non-ministerial UK government department and has been the UK's primary competition and consumer authority since 2014. Our statutory duty is to 'promote competition, both within and outside the UK, for the benefit of consumers'. The CMA has a UK-wide remit, with offices in Belfast, Cardiff, Darlington, Edinburgh, London and Manchester.

When competition works well, everyone benefits – therefore our ambition is to promote an environment where people can be confident they are getting great choices and fair deals; where competitive, fair-dealing businesses can innovate and thrive; and where the whole UK economy can grow productively and sustainably.

We do this through a range of functions including:

- enforcing consumer protection legislation;
- conducting studies, investigations, or other pieces of work into why particular markets are not working well;
- investigating mergers that have the potential to lead to a substantial lessening of competition;
- investigating businesses to determine whether they have breached UK competition law (for example by engaging in cartels or other illegal anti-competitive conduct), ending and deterring breaches by fining businesses and, where appropriate, seeking the disqualification of the company directors involved, providing information and advice to people and businesses about rights and obligations under competition and consumer law;
- providing technical advice, reporting and monitoring in relation to the UK internal market, through the [Office for the Internal Market](#); and,
- providing advice, reporting and monitoring in relation to government subsidies, through the [Subsidy Advice Unit](#).

Consistent with our statutory duty, a key part of our role is to inform and advise governments and legislatures – including the Northern Ireland Executive and Assembly – on the potential impacts of policies and legislation on competition and consumers. We do this both formally through responses to consultations and inquiries, such as this bill, and informally through ad-hoc engagement.

Reflecting the CMA's UK-wide remit, over recent years we have strengthened our presence across the nations. As part of this, our Belfast office has expanded, which in turn has helped to raise the profile of Northern Ireland within the CMA – and the CMA within Northern Ireland.

This has helped to ensure that Northern Ireland's distinct context and perspectives are reflected in our work. For example, we have recently seen increased engagement with stakeholders in Northern Ireland on issues including green heating, the veterinary sector and the private rental sector.

We encourage the Committee to contact us where it has questions or concerns about consumer or market issues in Northern Ireland.

Statutory guidance

What experience do you have regarding the introduction of statutory guidance to improve affordability of uniforms, and on balance has this measure been successful (eg as compared to non-statutory guidance)?

The CMA has worked with UK governments to take action to reduce the cost of school uniforms. In 2015 we [wrote to 30,000 headteachers, school governing boards as well as school uniform suppliers](#) in England to remind them about their obligations to parents and carers under competition law. In 2019, we wrote to the then UK Education Secretary to remind him of the [UK government's commitment to introduce statutory guidance in England](#), reiterating that this was the most direct way of delivering change – legislation was passed in 2021 to put school uniform guidance on a statutory footing. And in 2022 we responded to the [Scottish Government's consultation](#) on the introduction of statutory guidance for school uniforms and [offered our support as they develop this guidance](#).

The CMA does not track school uniform prices so we cannot directly conclude how effective statutory guidance has been. There are examples of external surveys which have looked at the costs of school uniforms over time, such as:

- The [2023 cost of school uniform survey](#). There has been a small decrease in the cost of school uniforms from 2015 to 2023 after adjusting for inflation. It is not possible to determine the specific impact of the move from non-statutory to statutory guidance on this trend.
- A [2024 survey and report by the schoolwear association](#) found that school uniform costs are down 4% compared to 2023. The report noted that: 'The lower cost follows the statutory cost of school uniforms guidance introduced by the Department for Education in Autumn 2021, to keep costs down for families, with the number of compulsory school uniform (including sportswear) items reducing by 7% since 2021.'

Cap on branded items

In draft Westminster legislation, it is currently proposed to cap the number of uniform items. (Union reps also advised that about 3 items was enough with the crest sold separately to allow shopping around for generic items). What is your assessment of the effectiveness of this measure?

We have not directly engaged with Westminster officials on the referenced legislation. We have engaged with the Northern Ireland Department of Education (DE) and proposed in our consultation response that this measure could be implemented alongside or instead of cost caps. The CMA is broadly supportive of measures to cap the number of branded uniform items required by schools as a straightforward measure that directly addresses a key cause of high uniform costs – namely, the number of branded items required by schools as part of their uniform policies. Moreover, assessing and ensuring compliance with a branded items cap is likely to be more straightforward than with a cost cap.

A potential downside of a cap on the number of branded uniform items is that schools might converge around the limit and face weak incentives to go below it. There is also a possibility that the branded items retained within the cap are the most expensive items. Affordability-focused statutory guidance, sitting alongside or as part of a cap on branded items, should help to mitigate these risks.

Cost caps (noting not all of these points were raised at the committee meeting, grouped here for simplicity)

What other approaches can be taken to create an affordability cap to influence schools' uniform policies? (eg you mentioned linking with inflation)

One option is to set a "hard" price cap. This seems at first glance to be an inflexible measure requiring regular adjustment. What is your assessment of this approach?

To define an affordability cap that will be future-proofed, the primary legislation could align with analogous frameworks such as the work of the independent Low Pay Commission which annually sets National Minimum Wage and National Living Wage. What would be the pros and cons of such an approach in your view?

We note in our consultation that setting the 'correct' initial level of a potential cost cap may be difficult, and we encouraged DE to gather data on actual school uniform prices and existing school uniform policies to aid this, should they choose to pursue a cost cap.

In addition to setting the initial level, consideration will need to be given to how, and how frequently, the cap is adjusted over time. There are multiple ways to adjust caps over time and common trade-offs include:

- How accurately changes reflect cost (or other) changes in the particular sector against how much resource it takes to update (eg to gather and analyse information)
- The degree of discretion policymakers have against the simplicity and predictability of changes

PE kits

Concerns have been raised with the Committee about the cost of PE Kit. How do CMA evaluate this issue?

The CMA is aware of the issues of high costs of PE kits and that in some cases PE kits cost more than the general school uniform. If a school chooses to have branded PE kits as part of their uniform it is highly likely to raise the overall cost to parents and carers.

Introducing measures to reduce the number of branded items and to limit or end unnecessary exclusive supplier arrangements are likely to decrease costs.

Other

We understand you are being consulted by the Department about the potential for a cost cap to be introduced under clause 4. Do you have a role in representing Treasury for example in advising on VAT?

The CMA does not have a role in representing the HM Treasury when advising DE, nor does it have a general role in advising on VAT or any other fiscal policies.

Questions outside the scope of CMA expertise or remit

Primary legislation

The Committee is conscious that there is a balance to be struck between the strategic direction of the primary legislation and the detail of guidelines and school policies. The cost cap may develop within clause 4 during the primary legislative process or later in guidance. Please outline the implications of these approaches.

The CMA is not in a position to make judgements on what should be included in the primary legislation versus what should be in subsequent guidance. Various approaches have been used in the equivalent UK, Welsh and Scottish legislation which the committee may wish to consider.

Wider considerations

Union representatives agreed that uniform should be what is best for pupils' comfort as they themselves express it. What good practice have you seen in other jurisdictions in respect of youth engagement/consultative measures in uniform policies?

The CMA's engagement has primarily focused on the affordability of school uniforms in our interactions with other jurisdictions, as per our statutory remit. We recognise that factors such as accessibility and the comfort of pupils are important to students, parents, and carers. However, we have not specifically engaged with other jurisdictions on these issues, and thus, we are not in a position to provide well-informed advice on best practices regarding youth or consultative measures for pupil comfort in school uniforms.

Evidence from unions flagged additional issues such as the offering of uniform grant which happens only once in the school year regardless of the pattern of admissions. This can have impacts in particular for minority ethnic students and SEN children placed late. What would you advise in respect of bringing such indirect impacts within the ambit of this legislation?

The CMA has not examined issues related to the school uniform grant. While recognising the potential significant impacts on minority ethnic students and SEN children placed late, we are not best placed to provide advice on incorporating such indirect impacts within the scope of the legislation.

The Department clarified in correspondence that *"the very close alignment between the means-tested eligibility 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"*. Is Free School Meal entitlement linked in the same way to uniform grant in the other jurisdictions you have worked with and what has been the impact of that on uniform affordability strategies and legislation?

The CMA has not examined the link between free school meal entitlement and uniform grants in other jurisdictions, we are therefore not well informed on the impact of these affordability strategies.

Pupils have differing needs and merit equal access to education irrespective of their needs or background. Is it the case in your experience that girls' uniform currently tends to be more expensive? How might the Committee amend the Bill to remedy that? (this may be due to gender specific uniform items ie indirect effect)

The CMA has not conducted our own research into the costs of school uniforms, but we are aware of [reports](#) that girls' school uniform tends to be more expensive than boys' in Northern Ireland and in

the UK. The committee may want to consider the interaction between the cost of any mandated gender specific uniform items and whether these are typically branded items. We don't have any specific comments on whether the Bill should be amended, or if the issue should be addressed in guidance.

School uniform is an entire economy with many environmental impacts (eg uniform banks, reuse/preloved provision, impact on active travel for pupils wearing skirts, choice of natural or synthetic fabrics, availability of local sourcing and manufacture, suitability of uniform for outdoor play and outdoor learning throughout school life). What sustainability or circular economy aspects would you advise could helpfully be headlined in the Bill?

We don't have any views on any circular economy aspects that could be headlined in the Bill.

Questions within our remit that were not previously covered in either the consultation response or the committee appearance.

Specific market conditions in Northern Ireland

Broadly, how would you set out the challenges and opportunities for procurement of school uniforms in a relatively small jurisdiction such as this one?

The principles of school uniform procurement are consistent across the UK. Uniform policies should aim to encourage competition between suppliers and retailers by appointing multiple suppliers or maximizing the amount of uniform available from generic retailers. Requiring schools to list more than one supplier for compulsory uniform items would support this goal. This approach is likely to be most effective in reducing prices when combined with measures to limit the number and extent of branded school uniform items.

If schools are permitted to list only one supplier, it should be required that the supply of relevant items is subject to regular competitive tenders. It is important to ensure that contracts, especially those with exclusivity, are not continually renewed without review. If exclusivity is permitted, any exclusive arrangement should not exceed five years without being subject to competition from other suppliers or retailers.

When a school acts as the retailer to pupils and their families, guidance should specify that the school should not charge excessive prices and should leverage its role as purchaser to secure better deals for pupils, parents, and carers.

What would you advise about the need to balance accessibility with affordability in a quite rural jurisdiction?

In some rural areas we recognise that it might not be practical to have multiple suppliers of their school uniform. In this case an exclusive supplier arrangement that is time limited may be the most appropriate arrangement to achieve lower school uniform prices. We would expect that arrangement to be reviewed regularly and put out to competitive tender to ensure that schools and parents are getting the best value for those branded items. We would also encourage schools in such areas to consider what they can do in school uniform design to maximise the ability to purchase uniform from non-specialist suppliers (eg supermarkets or online suppliers).

Retailers

Retailers told the Committee of their concerns and apprehensions. Please evaluate for the Committee the risk that these policies might result in retailers leaving the school uniform market.

The CMA does not have a sufficiently detailed knowledge of school uniform retail supply in Northern Ireland to assess how retailers are likely to respond to guidance or other potential measures under the Bill.

In general terms, we would expect that engaged and efficient businesses would respond to policy changes in a way that best meets the requirements of their customers. In this context, this might include retailers offering new products such as generic school uniform items alongside branded items and/or different types of retailer (eg supermarkets) supplying more generic school uniform.

Retailers also touched on issues around exclusivity, citing one PE teacher who insisted on using only one brand of clothing. What are the procurement and other measures necessary to proof against price capping, cartels, and other potential abuse of market dominance?

The committee may wish to review the UK government Department for Education guidance on [procuring school uniform supplies](#) which includes principles to follow such as cost and value for money, competition, fairness and transparency. These principles can mitigate against risks outlined in the question. If there is any evidence of anti-competitive behaviour from schools or retailers in Northern Ireland, we would encourage it to be shared with the CMA.

Branding

In respect of the use of the word brands in Clause 9, the Department has confirmed in correspondence that “*broadly speaking [...] this relates to items that are relatively expensive/exclusive*” and says that it intends to clarify this for schools in the coming guidelines. Do you understand the word brands in this way?

The CMA understands branding in the context of school uniforms as referring to clothing items with distinctive characteristics which make it unique to the school, in line with paragraph 2.10 of the DE consultation. This includes not only items displaying the school logo, but also items that have patterns or colours that are distinctive to the school. The degree of branding and detailing can raise the production costs of a uniform item. They can also make it more likely that only a single (or small number) of firms will supply the school uniform, which in turn may reduce competition and lead to higher retail prices.

Engagement

What is the format and timeframe of your engagement with the Department in regard to Clause 4?

DE contacted the CMA prior to the publication of its consultation, and as part of this informed the CMA they would be seeking views on cost caps as part of the consultation. We met with officials in June 2024 to share informal considerations regarding cost caps, branded items and statutory guidance more broadly to help inform the DE’s own thinking. We then published our response to the consultation – including questions relating to the proposed cost cap – in September 2024.

Is there anything else you would like to highlight for the Committee’s attention?

We would again like to thank the committee for inviting us to give evidence on an important policy area that affects thousands of pupils, parents, and carers in Northern Ireland. If the Committee or the Department of Education have any further queries, please do not hesitate to contact us.