

## **Chair of the Committee for Education**

Mr Nick Mathison MLA  
Room 428, Parliament Buildings,  
Ballymiscaw, Stormont,  
Belfast, BT4 3XX

By email: [committee.education@niassembly.gov.uk](mailto:committee.education@niassembly.gov.uk)

7 May 2025

Dear Chair,

### **Re: Call for Evidence on Schools Uniforms Bill**

The Northern Ireland Human Rights Commission (the Commission) welcomes the opportunity to respond to the Committee for Education's Call for Evidence on the School Uniforms (Guidelines and Allowances) Bill.

The Commission, pursuant to Section 69(1) of the Northern Ireland Act 1998, reviews the adequacy and effectiveness of law and practice relating to the protection of human rights. In accordance with these functions, the following advice is submitted to the Committee for Education to inform its scrutiny of the School Uniforms (Guidelines and Allowances) Bill (the Bill).

The Commission welcomes the aim of the Bill, to ensure that school governing bodies put affordability, comfort and sustainability at the centre of their decision-making when setting school uniform requirements.<sup>1</sup> In accordance with guidance from UN treaty bodies,<sup>2</sup> the Commission considers that all effective measures should be taken to ensure that children in disadvantaged situations, including socioeconomically disadvantaged situations, are not denied access to certain schools or any level of education based on their inability to meet school uniform costs.<sup>3</sup> In addition, the Commission agrees that school uniforms can promote a

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<sup>1</sup> NI Assembly, 'Explanatory and Financial Memorandum: School Uniforms (Guidelines and Allowances) Bill - Bill 12/22-27'. Available at: <https://www.niassembly.gov.uk/globalassets/documents/legislation/bills/executive-bills/mandate-2022-2027/school-uniforms/su-efm---as-introduced---fpv.pdf>.

<sup>2</sup> E/C.12/GC/20, 'UN ICESCR Committee General Comment No.20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2)', 2 July 2009, at para 13; CEDAW/C/GC/36 'UN CEDAW Committee General Recommendation No. 36 on Girls' and Women's Right to Education', 16 November 2017, at para 31; CRC/C/GBR/CO/6-7, 'UN CRC Committee on the Sixth and Seventh Reports of the UK of Great Britain and NI', 2 June 2023, at para 11(a)-(c).

<sup>3</sup> NI Human Rights Commission, 'Submission to the Department of Education on the School Uniform Policy Consultation' (NIHRC, 2024).

sense of equality and inclusivity by reducing socioeconomic disparities and peer pressure related to clothing.<sup>4</sup> It is also acknowledged that uniforms can foster a more inclusive environment where students from all backgrounds feel a sense of belonging.

The Commission encourages the Committee for Education to review its submission to the Department of Education consultation on school uniform guidance.<sup>5</sup> In its submission, the Commission highlighted a number of areas where human rights standards and principles could further strengthen school uniform policy and ensure a rights-based approach is adopted across all schools in NI. To avoid duplication, the following letter briefly summarises the Commission's previous advice into four overarching points which remain relevant to the current Bill. The Commission would encourage the Committee to seek the integration of these points into the Bill, to ensure the underpinning policy framework is consistent with international human rights obligations.

## **1) Human rights-based approach**

The Department of Education, and schools and governing bodies performing a public function, are required to comply with duties under the European Convention on Human Rights (ECHR), enforced directly by the Human Rights Act 1998. That includes during the development and implementation of school uniform policy. The Commission notes that the Bill does not mention human rights and would encourage the Committee to review our previous submission, that highlights the full range of its obligations regarding access to education and the rights of the child.<sup>6</sup> In particular, the Commission encourages the Committee to seek explicit reference to the 'best interests of the child' principle in the current Bill, in accordance with the UN Convention on the Rights of the Child (UN CRC).<sup>7</sup>

## **2) Participation of children and young people**

The Commission welcomes the Department of Education's commitment to strengthening engagement with children and young people regarding school uniform policy.<sup>8</sup> This is consistent with the best interests principle and Article 12 of the UN CRC, which recognises respect for the views of the child as a fundamental right.<sup>9</sup> However, it is not clear why the Bill does not include a statutory commitment regarding consultation with children and young people. The Commission considers this would provide considerable assurance that the

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<sup>4</sup> NI Assembly, 'Explanatory and Financial Memorandum: School Uniforms (Guidelines and Allowances) Bill - Bill 12/22-27'. Available at: <https://www.niassembly.gov.uk/globalassets/documents/legislation/bills/executive-bills/mandate-2022-2027/school-uniforms/su-efm---as-introduced---fpv.pdf>.

<sup>5</sup> NI Human Rights Commission, 'Submission to the Department of Education on the School Uniform Policy Consultation' (NIHRC, 2024).

<sup>6</sup> NI Human Rights Commission, 'Submission to the Department of Education on the School Uniform Policy Consultation' (NIHRC, 2024).

<sup>7</sup> Article 3(1), UN Convention on the Rights of the Child 1989.

<sup>8</sup> Department of Education, 'Public Consultation Document: School Uniform Policy' (DE, 2024), at paras 2.41 – 2.47.

<sup>9</sup> CRC/C/GC/12, 'UN CRC Committee General Comment No.12 on the right of the child to be heard', 20 July 2009, at para 85; CM/Rec(2012)2, 'CoE Committee of Ministers Recommendation to Member States on the participation of children and young people under the age of 18', 28 March 2012.

Department and schools in NI will put children and young people at the centre of policy-making in this area.

### **3) Non-discrimination and inclusivity**

The Commission notes that the Bill does not highlight the duty on schools and governing bodies to prohibit discrimination under Article 14 ECHR, among international standards and domestic equality commitments. Given the lack of reference to this in the Department's consultation on the underpinning policy framework, this remains a concern. To ensure consistency with a human rights-based approach, the Commission reiterates the importance of ensuring that schools and governing bodies are sufficiently aware of their legal obligations in respect of non-discrimination in the development, implementation and monitoring of their policies. The Commission would encourage the Committee to request the incorporation of the Department's non-discrimination and equality duties into the current Bill. The Commission considers that, at a minimum, the inclusion of an additional principle on 'inclusivity' could provide some assurance that these duties will be considered by all schools when developing their school uniform policy.

### **4) Data collection, monitoring and review**

Robust data collection and monitoring are essential to ensure that legislation is effectively targeted and achieving its intended outcomes. In 2023, the UN CRC Committee reiterated the need for the UK Government and NI Executive to improve the collection and analysis of data regarding education and children in disadvantaged situations.<sup>10</sup> It recommended the NI Executive "strengthen its data-collection system with regard to both qualitative and quantitative indicators to encompass all areas of the [UN CRC] and ensure that the data are disaggregated by age, sex, disability, geographical location, ethnic origin, nationality and socioeconomic background".<sup>11</sup> Noting the absence of data collection and reporting requirements in the Bill, the Commission encourages the Committee to consider the inclusion of a duty on schools to collect and report disaggregated data to the Department on the implementation of their school uniform policy. This would assist in the identification of any direct or indirect discrimination and inform ongoing analysis regarding the impact on children's rights.

I hope that this information is helpful. If we can provide any further assistance, please don't hesitate to contact me.

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<sup>10</sup> CRC/C/GBR/CO/6-7, 'UN CRC Committee on the Sixth and Seventh Reports of the UK of Great Britain and NI', 2 June 2023, at para 12(b).

<sup>11</sup> CRC/C/GBR/CO/6-7, 'UN CRC Committee on the Sixth and Seventh Reports of the UK of Great Britain and NI', 2 June 2023, at para 12(a).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A. Kilpatrick', with a stylized flourish at the end.

**Alyson Kilpatrick**  
**Chief Commissioner**