

School Uniforms (Guidelines and Allowances) Bill

[AS INTRODUCED]

LEGISLATIVE COMPETENCE

At Introduction the Minister of Education had made the following statement under section 9 of the Northern Ireland Act 1998:

“In my view the School Uniforms (Guidelines and Allowances) Bill would be within the legislative competence of the Northern Ireland Assembly.”

School Uniforms (Guidelines and Allowances) Bill

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BILL

TO

Make provision for binding guidelines on school uniform policies to be issued by the Department of Education and to extend eligibility for school clothing allowances payable by the Education Authority.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by His Majesty as follows:

PART 1

SCHOOL UNIFORM POLICIES

CHAPTER 1

DEPARTMENT TO ISSUE GUIDELINES

5 *Content of guidelines*

Guidelines as to policies on school uniforms

1.—(1) The Department of Education—

(a) must—

(i) issue guidelines about school uniform policies applying at schools, and

10 (ii) review such guidelines from time to time, and

(b) may reissue such guidelines (and must do so if they are revised following review).

(2) Guidelines from the Department may include provision setting out what—

15 (a) particular or general factors are to be taken into account when devising or reviewing such policies, and

(b) associated or additional explanation or information requires to be presented together with or separately from such policies.

(3) Guidelines from the Department may include provision stating—

- (a) who is to be consulted when such policies are being devised or reviewed, and
 - (b) how often such policies are to be reviewed.
- (4) Guidelines from the Department about such policies may—
- (a) include transitory, transitional or saving provision, and
 - (b) allow or require there to be transitory, transitional or savings arrangements in such policies (or for changes to them).
- (5) Nothing in the rest of this Chapter limits what the Department may put into guidelines about such policies.

Particular matters for inclusion in guidelines

- 2.—(1) Guidelines under this Chapter must include provision addressing unfair costs aspects of school uniform policies.
- (2) Guidelines under this Chapter are to include provision informing such policies as to—
- (a) comfort and practicality of clothing for pupils, and
 - (b) in relation to affordability and accessibility—
 - (i) value for money of clothing for pupils, and
 - (ii) loans of, and use of clothing banks for, clothing for pupils.
- (3) Guidelines under this Chapter may include provision on what is to be regarded as reasonable (or unreasonable) in requirements in such policies for pupils to wear—
- (a) clothing obtained from particular suppliers or made by particular manufacturers,
 - (b) either (or both)—
 - (i) particular items or sets of clothing, or
 - (ii) items or sets of clothing of specific styles, or
 - (c) different items or sets of clothing for different activities or occasions.

Express limit on specific styles by guidelines

3. Guidelines under this Chapter may include provision regulating (or restricting) numbers of—
- (a) items of clothing, or
 - (b) sets of clothing,
- which school uniform policies are permitted to require, by reference to specific styles, to be worn by pupils.

Capping of expense as something for guidelines

4. Guidelines under this Chapter may include provision—
- (a) fixing monetary amounts (as maximums or ranges) in relation to—
 - (i) particular items or sets of clothing, or
 - (ii) all items or sets of clothing needed by individual pupils, and

- ## Variety of schools and pupils under guidelines

- 15
- Adherence to guidelines*

- (a) the policy, and
- (b) whatever associated or additional explanation or information is required to be presented too.

40 (a) the terms of the school uniform policy applying at the school, or
(b) information in—

- (i) a complaint coming to the Department from any source, or
- (ii) a report prepared with respect to the school under Article 102(6A) of the Education and Libraries (Northern Ireland) Order 1986.

5 (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.

(4) The Department is to—

- 10 (a) invite representations from the manager of the school so as to inform the Department's assessment of such information, and
- (b) consult the manager on proposals for directions before giving them to the manager.

15 (5) Directions given by the Department to the manager of the school in relation to adherence to guidelines may include the instruction that the failure is (in specific respects) to be rectified—

- (a) by particular times, or
- (b) for or in connection with—
 - (i) particular school terms or years in future, or
 - (ii) future school terms or years generally.

20 (6) Directions given by the Department to the manager of the school in relation to disciplinary measures or participatory disadvantages may include the instruction that they are to be—

- (a) ended (wholly or partly), or
- (b) moderated (in specific respects).

25 (7) Directions given by the Department to the manager in relation to—

- (a) adherence to guidelines, or
- (b) disciplinary measures or participatory disadvantages,

30 create the same duty in every case, and are enforceable in every case in the same way, as mentioned (in different circumstances) in Article 101(6) of the Education and Libraries (Northern Ireland) Order 1986.

Definitions as to guidelines

Meaning of unfair costs aspects

35 **8.—**(1) The reference in this Chapter to unfair costs aspects of school uniform policies is to any aspects of school uniform policies which, in the Department's view, could in any way raise questions as to—

- (a) excessive costs of school uniforms, including by virtue of costs of—
 - (i) particular items or sets of clothing, or
 - (ii) all items or sets of clothing needed by individual pupils, or
- 40 (b) 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.

(2) The Department is, in reaching its view as to such excessive costs, to have special regard to any evidence it has on—

- (a) significantly higher costs of school uniforms comprising clothing of specific styles (chiefly as compared to such uniforms comprising more generic styles), and
- (b) widespread problems as to non-affordability of school uniforms to lower income households (including in light of the sorts of financial constraints that are commonly understood to prevail in such households).

Meaning of clothing and styles

9. In this Chapter—

- (a) the references to clothing include footwear, and
- (b) the references to clothing of specific styles include clothing—
 - (i) of particular makes or brands (or having particular logos), or
 - (ii) of unique combinations, colours or fabrics (or with unique badges, emblems or markings).

Schools and related expressions

10.—(1) For the purposes of this Chapter—

- (a) a school is an institution, namely a grant-aided school or an independent school, which provides (either or both) primary education or secondary education,
- (b) a pupil of a school is a person who is receiving primary education or secondary education at the school, and
- (c) a manager of a school is the person or authority responsible for the management of the school, including where known as—
 - (i) the Board of Governors, or
 - (ii) the proprietor.

(2) To be construed in accordance with Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 are—

- (a) a reference in this section to a grant-aided school or an independent school, and
- (b) the references in this Chapter to primary education and to secondary education.

References to the Department

11. In this Chapter, “the Department” is the Department of Education.

CHAPTER 2

NURSERY AGES WITHIN GUIDELINES

No application to children below compulsory school age

12.—(1) By virtue of this section—

- (a) nothing in the preceding Chapter enables guidelines to apply, and
- (b) nothing in guidelines under the preceding Chapter is to be taken to apply,

with respect to children who are under compulsory school age.

(2) The reference in this section to compulsory school age has the meaning mentioned in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986.

5 (3) This section is subject to regulations made under this Chapter (for which see the next section).

Power to extend application to pre-school education

13.—(1) The Department of Education may make regulations which, despite the previous section—

- 10 (a) enable guidelines under the preceding Chapter to apply, and
(b) cause guidelines under the preceding Chapter to be taken to apply,
with respect to children who are receiving pre-school education.

(2) The reference in this section to pre-school education—

- 15 (a) has the meaning given by Article 17(8) of the Education (Northern Ireland) Order 1998 (which relates to education at certain schools or other premises), and

- (b) includes primary education within the meaning given by the second limb (but not the first limb) of the relevant definition in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986,

20 as each of these elements is informed by the meaning of compulsory school age mentioned in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986.

(3) Regulations under this Chapter may include—

- (a) consequential or ancillary provision, and
25 (b) provision amending, or modifying the effect of, the preceding Chapter.

(4) Regulations under this Chapter may not be made unless a draft of them has been laid before, and approved by a resolution of, the Assembly.

PART 2

SCHOOL CLOTHING ALLOWANCES

30 **Extension of Article 60(1) of the 1986 Order**

14. In the Education and Libraries (Northern Ireland) Order 1986—

- (a) in the title of Article 60, for “grant-aided” substitute “certain”, and
(b) in paragraph (1) of Article 60, after “grant-aided school” insert “,
independent school”.

School Uniforms (Guidelines and Allowances)

PART 3

COMMENCEMENT AND SHORT TITLE

Commencement

5 **15.**—(1) Sections 3 and 4 come into operation on such day or days as the Department of Education may by order appoint.

 (2) The rest of this Act comes into operation on the day after receiving Royal Assent.

Short title

10 **16.** This Act may be cited as the School Uniforms (Guidelines and Allowances) Act (Northern Ireland) 2025.

School Uniforms (Guidelines and Allowances) Bill

[AS INTRODUCED]

A Bill to make provision for binding guidelines on school uniform policies to be issued by the Department of Education and to extend eligibility for school clothing allowances payable by the Education Authority.

Introduced by: Mr Paul Givan, Minister of Education

On: 18 February 2025

Bill Type: Executive Bill

ACCOMPANYING DOCUMENTS

**An Explanatory and Financial Memorandum is printed separately as
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