

SCHOOL UNIFORMS (GUIDELINES AND ALLOWANCES) BILL

EXPLANATORY AND FINANCIAL MEMORANDUM

INTRODUCTION

1. This Explanatory and Financial Memorandum has been prepared by the Department of Education to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. The Memorandum needs to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. So, where a clause or part of a clause does not seem to require an explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. The cost of school uniforms is consistently cited as a key concern for parents on an annual basis. This has only increased since the cost-of-living crisis. Schools in Northern Ireland have the right, in law, to manage their day-to-day running. This includes Boards of Governors deciding whether to have a school uniform and, if so, what that uniform should be. In practice, while school uniforms are not compulsory, almost all schools here have a school uniform.
4. School uniforms play an important part in the engagement of pupils with their school, promoting a sense of identity, pride and unity and supporting the ethos of the school. They can also ensure pupils from all backgrounds feel welcome, protecting children from social pressures to dress in a particular way and promoting good relations between different groups of pupils. In addition, school uniforms support the safe-guarding policy of a school, making it easier to identify any individuals who should not be on the premises.
5. To support schools, the Department of Education published guidance on uniforms¹ in 2004, with a revised version issuing in 2018. Schools are reminded of this guidance regularly.
6. Many schools in Northern Ireland follow the guidance and work hard to keep the costs of school uniforms as low as possible, however, some schools continue to have uniform policies where certain items of a uniform are expensive; or restrictions are in place on where parents or carers can buy the uniform giving them little or no opportunity to

¹[Circular 201104 - Guidance to Schools on School Uniform Policy \(revised 5 June 2018\)](#) The Circular was first published in 2004 and revised in 2018.

purchase cheaper, sometimes better quality school uniform items from alternative suppliers.

7. Parents should not find the cost of a school uniform a significant outlay, nor should it deter them from applying for a particular school.
8. The aim of the Bill is to ensure that school governing bodies put affordability, comfort and sustainability at the centre of their decision-making when they set their school uniform requirements. Currently schools do not, legally, have to follow the Departmental guidance. This Bill will mean that grant-aided and independent primary and post-primary schools will have to adhere to the guidance which will be given statutory effect.

CONSULTATION

9. A public consultation on the policy proposals to address affordability of school uniform policies ran from 20 June 2024 - 27 September 2024. It was hosted online via Citizen Space and made available in both English and Irish versions. In addition, a children's easy read version was also made available. The Department of Finance's Innovation and Consultancy Services (ICS) also facilitated an event for manufacturers, suppliers and retailers of school uniforms.
10. There were 3,444 responses to the Citizen Space online survey; 4,008 responses from the Education Authority Youth Service consultation engagement with children and young people; 19 further free-standing responses.
11. There was majority support for all the proposals consulted on, with over 77% supporting the Department's guidance being made statutory and 97% supporting the key principles that school uniforms should be affordable, comfortable and sustainable, with policies developed in partnership with pupils and their parents/carers, published and regularly reviewed.

OPTIONS CONSIDERED

12. A range of options were considered, including:
 - making no statutory provision – no impact, does not achieve policy intent therefore ruled out;
 - capping the amount retailers can charge – risks breaching competition law and impacting on open competition, does not achieve policy intent as it is schools not retailers that set the requirements for the range of uniform items therefore ruled out;
 - making the Department of Education's guidance to schools on uniforms statutory – achieves policy intent therefore preferred option, supported in consultation responses.

OVERVIEW

13. The Bill will place a statutory duty on the Department of Education to issue guidelines. As well as having statutory underpinning, such guidelines are binding in relation to the managers of all relevant schools i.e. grant-aided and independent primary and post-primary schools. In addition, the Department is entitled to give directions to ensure

compliance with guidelines in appropriate cases. As with guidelines, such directions are binding.

14. In addition, the Bill amends Article 60 of the Education and Libraries (Northern Ireland) Order 1986, a uniform grant (known as the clothing allowance) can be accessed for the benefit of pupils at independent schools i.e. this can already be accessed for children at grant-aided schools.

COMMENTARY ON CLAUSES

Chapter 1 Department to issue guidelines

15. Clause 1. The Department of Education must issue guidelines about school uniform policies to schools/ review these guidelines from time to time/ may reissue and must reissue if they are revised following review. The guidelines may cover specific or general points schools must take into account when devising or reviewing their uniform policies and may require schools to include additional information – or explanation – as well. The guidelines may state who is to be consulted by schools when devising or reviewing uniform policies and how often the policies are to be reviewed. The guidelines may cover transitions in terms of what applies from a particular date, and also may cover transitional periods for schools e.g. if changing uniform then a lead in time. There is no restriction on the Department covering other [relevant] matters in its guidelines about school uniform policies. In practice this means that clauses 2 to 5 are essentially details of what sorts of things in particular guidelines are going to cover but they do not limit the generality of what could be done under clause 1. Therefore, guidelines could still do things in ways not specifically mentioned in clauses 2 to 5.
16. Clause 2. The guidelines must address unfair costs aspects of uniform policies and cover the comfort & practicality of uniforms/ value for money/ lending of uniforms and use of clothing banks. Unfair costs aspects are defined in clause 8. The guidelines may cover what is reasonable or unreasonable in relation to schools specifying particular suppliers or manufacturers for any particular item or set of clothing, including specific styles or for a specific activity/ occasion. Specific styles are defined in clause 9.
17. Clause 3. The guidelines may set requirements or restrictions on the numbers of items or sets of clothing a school can require pupils to wear. This enables a limit on numbers of branded items. This is subject to a commencement order.
18. Clause 4. The guidelines may set either a maximum cap on or range of the monetary cost for an item or a set of items, or for the total uniform requirements. And the guidelines may state the expectation that schools design their uniform requirements to stay within any such limit. This is subject to a commencement order.
19. Clause 5. This clause expressly allows guidelines, wholly or partly, to be framed by reference to different permutations involving relevant schools and particular pupils or age or year groups. They may also be applied to certain, or all, school terms or years in future. Schools and pupils are defined in clause 10.

20. Clause 6. The manager of a school the guidelines apply to must adhere to them when devising or reviewing the school's uniform policy and when implementing & enforcing the policy. The same applies to any member of staff involved in devising, reviewing, implementing and enforcing the uniform policy. Manager is defined in clause 10. They must publish the policy and any additional information or explanation the Department has required of them under clause 1 on the school's website.
21. Clause 7. The Department may give directions to a manager of a school if satisfied the school has materially not adhered to the guidelines or that pupils are being subjected to disciplinary action/ participatory disadvantage for breaching the uniform policy. The Department becomes satisfied through its own assessment of the published policy, or information via a complaint or in an Education and Training Inspectorate (ETI) report. A complainant must have exhausted the school's internal complaints procedure first. The Department has to ask the relevant manager for the school's perspective and consult them about proposed directions before issuing. If the Department issues a direction about adhering to the guidelines, it may be specific with a deadline for action – this can be for a specific school term or year in future or generally for all school terms or years in future. If the Department issues a direction about pupil discipline or participatory disadvantage measures, it may require the school to end or moderate such measures. By reference to [Article 101](#)(6) of the 1986 Order, directions must be complied with and compliance are enforceable by mandamus (a court procedure). This extends to grant-aided and independent schools equally, even though that Article does not itself relate to both types of schools.
22. Clause 8. Defines that unfair costs aspects mean any aspect of a uniform policy that could – in the Department's view – raise questions about excessive costs of individual or all uniform items or sets of clothing, or limited choice of suppliers. The Department has to particularly consider any evidence of specific vs generic styles and non-affordability for lower income households.
23. Clause 9. Clothing includes footwear; specific styles include brands or logos, unique combinations, colours, fabrics, badges, emblems or markings.
24. Clause 10. References to schools throughout this Chapter mean grant-aided and independent primary and post-primary schools/ pupil means those being educated at such schools/ manager means the Board of Governors in the case of grant-aided schools or the proprietor in the case of independent schools. Manager can, should this be necessary, extend to other persons or authorities in cases where the management of the school could be in different hands e.g. the Education Authority in the case of controlled schools (as a subset of grant-aided schools). The terms grant-aided or independent schools, primary or secondary education are all defined in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 and these definitions also apply in this clause or Chapter respectively.
25. Clause 11. This clarifies that references to the Department in this Chapter mean the Department of Education.

Chapter 2 Nursery ages within guidelines

26. Clause 12. Guidelines will not apply to the providers of education to children under compulsory school age i.e. pre-school providers. Compulsory school age is defined in the Education and Libraries (Northern Ireland) Order 1986. If any regulations are made under clause 13 these will, however, apply.
27. Clause 13. The Department of Education can make regulations which allow school uniform guidelines to apply to pre-school education i.e. the providers of education to children below compulsory school age. Pre-school education is defined in Article 17(8) of the Education (Northern Ireland) Order 1998 as education provided for a child who has attained the age of 2 but is below compulsory school age. This applies whether the provider of pre-school education is connected to a primary school or not. Regulations can amend Chapter 1 and override clause 12 e.g. so that guidelines or some aspect of them can apply to the providers of education to children below compulsory school age. Regulations are subject to draft affirmative procedure in the Assembly.

Part 2 School Clothing Allowances

28. Clause 14. Includes independent schools in Article 60 of the Education and Libraries (Northern Ireland) Order 1986, enabling pupils at independent schools to access the uniform grant administered by the Education Authority - this can already be accessed for pupils at grant-aided schools.

Part 3 Commencement and Short Title

29. Clause 15. Currently all provisions will come into operation the day after the Bill gains Royal Assent, except clauses 3 and 4. These clauses, which relate to limits on styles and capping of costs, are subject to commencement orders.
30. Clause 16. Once this Bill comes into operation it will be referred to as the School Uniforms (Guidelines and Allowances) Act (Northern Ireland) 2025.

FINANCIAL EFFECTS OF THE BILL

31. It is anticipated that it may cost around an additional £2k per annum to provide pupils attending independent schools with access to the clothing allowance. There should not be any further additional expense incurred.
32. As the non-statutory Departmental guidance has been in place since 2004, schools should be familiar with the advice within it. This includes the need to consider affordability, consult with appropriate stakeholders such as parents and pupils, and the majority of the matters that will become statutory requirements once the Bill comes into operation. This should benefit parents/ carers.

HUMAN RIGHTS ISSUES

33. The provisions of the Bill are compatible with the provisions of the European Convention on Human Rights.

EQUALITY IMPACT ASSESSMENT

34. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department considered the policy proposals underpinning the Bill for their impact on equality. The Equality screening exercise on the policy proposals can be accessed via this link: [School Uniform Policy Consultation | Department of Education](#)

SUMMARY OF THE REGULATORY IMPACT ASSESSMENT

35. None required as the Bill does not introduce any new direct regulatory impacts.

DATA PROTECTION IMPACT ASSESSMENT/ DATA PROTECTION BY DESIGN

36. None required as the Bill does not require the processing of personal information.

RURAL NEEDS IMPACT ASSESSMENT

37. The Rural Needs Impact Assessment on the policy proposals underpinning the Bill can be accessed via this link: [School Uniform Policy Consultation | Department of Education](#)

LEGISLATIVE COMPETENCE

38. 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.”



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