



Northern Ireland  
Assembly

## Research and Information Service Research Paper

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# Inclusion and School Uniform: Religious Observance, Disability, Gender and Race

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This research paper explores the potential implications of school uniform policies for issues relating to inclusion i.e., religious, disability, gender and race. It is intended to inform the scrutiny of the School Uniforms (Guidelines and Allowances) Bill.

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## Key Points

This paper addresses some of the cultural and demographic issues related to school uniform in the context of the current School Uniform (Guidelines and Allowances) Bill passing through the Northern Ireland Assembly. It details the impacts of school uniforms on various groups e.g., absenteeism for disabled students and reasonable adjustments to school uniform that would allow those students to partake.

This paper focuses on religious observance, disability, gender and race to build on some of the points raised during the Consultation process for the School Uniforms (Guidelines and Allowances) Bill, introduced to the Assembly on 18 February 2025, and other stakeholders' comments on the Bill.

Through this Research Paper, comparative examples from guidance in England, Scotland, Wales, and the Republic of Ireland will be given.

### Religious Observance

- Northern Ireland's current uniform guidance advises schools to accommodate religious dress requirements (e.g. headscarves, turbans) as far as possible, in line with human rights law.<sup>1</sup>
- In comparison, the guidance in Wales, which is statutory, requires schools to make necessary adjustments to school uniforms for religious beliefs.<sup>2</sup>
- England's guidance encourages sensitivity to religious dress and allows restrictions for legitimate reasons such as safety or school order.<sup>3</sup>
- Scotland's guidance similarly encourages respecting pupils' religious needs to create an inclusive environment.<sup>4</sup>

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<sup>1</sup> Department of Education, [Circular 201104 - Guidance to Schools on School Uniform Policy \(revised 5 June 2018\).pdf](#)

<sup>2</sup> RaISe, [Assembly Research and Information Service Research Paper - School Uniforms \(Guidelines and Allowances\) Bill](#) (25 April 2025)

<sup>3</sup> Department for Education, [Developing school uniform policy - GOV.UK](#) (updated 29 April 2024)

<sup>4</sup> Scottish Government, [School uniform and clothing in Scotland: Guidance for schools and education authorities](#) (September 2024)

- The Republic of Ireland (ROI) has no specific uniform rules on religious dress at national level, though schools are expected not to exclude pupils based on religion.<sup>5,6</sup>

## Disability

- School uniform requirements can disadvantage students with disabilities or special educational needs.
- Northern Ireland's current guidance advises schools to avoid indirect discrimination, where a uniform rule applies to all pupils but disproportionately disadvantages certain groups e.g., requiring buttons that may create difficulties for pupils who have a disability. Schools are also encouraged to make reasonable adjustments to accommodate diverse needs.<sup>7</sup>
- Flexible school uniforms, to meet disability-specific adaptations, could create potential positive benefits for pupils with disabilities according to the Department's recent screening accompanying the Bill.<sup>8,9</sup> This means allowing alternative fastenings, fabrics or garments for those with physical disabilities or sensory issues.<sup>10,11</sup> Schools, for example, may adapt a uniform for a pupil with a severe eczema or allergy to certain fabrics.<sup>12</sup>
- In Northern Ireland, the Special Educational Needs and Disability (Northern Ireland) Order 2005 (SENDO) governs disability rights in education, which requires schools to make reasonable adjustments for disabled pupils.<sup>13</sup>

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<sup>5</sup> Irish Legal Guide, [Equal Status Act, 2000, Section 4](#) (Accessed on 16 June 2025)

<sup>6</sup> Irish Human Rights and Equality Commission. *Religious Discrimination in Education*. Dublin: IHREC, 2023, [Religious discrimination in education | IHREC - English](#)

<sup>7</sup> Department of Education, [Circular 201104 - Guidance to Schools on School Uniform Policy \(revised 5 June 2018\).pdf](#)

<sup>8</sup> Equality Commission, [Consultation Response - Department of Education consultation on School Uniform Policy](#) (02 October 2024)

<sup>9</sup> Department of Education, *EQUALITY AND HUMAN RIGHTS POLICY SCREENING FOR REVIEW OF SCHOOL UNIFORM*, [ED1 24 220187 Completed Screening form of School Uniform Policy.pdf](#) (Revised February 2024)

<sup>10</sup> As directly above.

<sup>11</sup> National Eczema Society, [Eczema and school](#) - National Eczema Society (2021)

<sup>12</sup> As directly above.

<sup>13</sup> Equality Commission for Northern Ireland. *A Short Guide to the Special Educational Needs and Disability Order (NI) 2005*, [Equality Commission NI](#) (Updated March 2010)

- England's guidance states that schools must accommodate necessary uniform variations for disabilities (otherwise it may constitute unlawful discrimination).<sup>14</sup> Wales and Scotland's guidance also emphasise that uniform policies should not disadvantage or exclude disabled learners.<sup>15,16</sup> ROI's uniform policies are dependent on schools, but they must adhere to the Equal Status Acts (2000-2018).<sup>17</sup> There does not appear to be any official guidance detailing specific disability accommodations in ROI.

## Gender

- Traditional uniform policies often prescribe different attire for boys and girls i.e., trousers for boys and skirts for girls.
- Gender norms can, therefore, be reinforced and inequities created. Harassment of girls in skirts – such as upskirting – is an issue, as well as limited participation in physical activities.<sup>18,19</sup>
- Wales' statutory guidance (2019) requires that there should be no separate uniform requirements for boys and girls – all students must be offered the same options. Failing to allow a pupil to wear the uniform aligning with their gender identity could be unlawful discrimination on the basis of gender reassignment.<sup>20</sup>
- Scotland's 2024 guidance directs schools to provide gender-neutral uniform choices and uphold each pupil's right to choose items they are comfortable in.<sup>21</sup>

<sup>14</sup>Department for Education, [Developing school uniform policy](#) - GOV.UK (Updated 29 April 2024)

<sup>15</sup> Welsh Government, [School uniform and appearance: policy guidance for governing bodies \(WG23-17\) \[HTML\] | GOV.WALES](#) (Updated 02 May 2023)

<sup>16</sup> Scottish Government, [School uniform and clothing in Scotland: Guidance for schools and education authorities](#) (September 2024)

<sup>17</sup>Irish Human Rights and Equality Commission, *Disability and Education*, [Education | IHREC - English](#), (Accessed on 8 July 2025)

<sup>18</sup> Plan International UK, *Street Harassment Report*, 2018. [download](#)

<sup>19</sup> Ryan, M., Ricardo, L. I. C., Nathan, N., Hofmann, R., & van Sluijs, E. (2024). *Are school uniforms associated with gender inequalities in physical activity?* Journal of Sport and Health Science, 13(4), 590–598. <https://doi.org/10.1016/j.jshs.2024.02.003>

<sup>20</sup> Welsh Government, [School uniform and appearance: policy guidance for governing bodies \(WG23-17\) \[HTML\] | GOV.WALES](#) (Updated 02 May 2023)

<sup>21</sup> Scottish Government, [Key considerations - School uniform and clothing: Guidance for schools and education authorities - gov.scot](#) (12 September 2024)

- English schools are advised that while they may have different boys' and girls' uniforms, any distinctions must be justified and girls' uniforms should not be more expensive or onerous than that of boys, to avoid sex discrimination.<sup>22</sup>
- In ROI, there is no such rule or guidance. Schools are still able to enforce gender-distinct uniforms, though some have begun adopting unisex options.

## Race

- Uniform policies can indirectly discriminate against racial minorities, e.g., bans on cultural headwear.<sup>23</sup>
- Some research has suggested that 46% of children with Afro hair faced school policies penalising their natural hairstyles – an increase from 27% in one generation.<sup>24</sup>
- Asian women may face indirect discrimination due to being unable to (or not wanting to) wear a uniform that requires dresses or skirts.<sup>25</sup>

## Comparative Context

- England and Wales have issued statutory guidance on school uniforms.
- Affordability is the focus of England's guidance whilst affordability and inclusivity is the focus in Wales.
- NI, Scotland and ROI have non-statutory guidance to date.
- Each jurisdiction's approach to cultural inclusivity appears to vary: Wales legislates inclusivity (e.g. mandating gender-neutral uniforms and taking into account religious and cultural needs). Scotland's guidance places emphasis on equity and reducing barriers (including gender or disability), England on the Equality Act 2010 responsibilities and cost (with an

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<sup>22</sup> Department for Education, [Developing school uniform policy - GOV.UK](#) (Updated 29 April 2024)

<sup>23</sup> Equality and Human Rights Commission, [Preventing hair discrimination in schools | EHRC](#) (Updated 27 October 2022)

<sup>24</sup> World Afro Day, *Teaching: Diversity & Inclusion*, [PowerPoint Presentation](#) (2022)

<sup>25</sup> Educational Institute of Scotland, [Anti-Racist Policy Booklet | EIS](#) (Last modified 23 February 2024)

expectation of inclusivity), and ROI grants autonomy to schools within anti-discrimination laws.

### Impact of Inclusion

- According to the Department of Education in Northern Ireland, school uniforms can play the role of “ensuring that pupils of all races and backgrounds feel welcome”.<sup>26</sup>
- Uniform policies risk indirect discrimination if they fail to accommodate religious dress, disability-related needs, gender identity or racial and cultural identity.
- There can be legal implications for schools of not having inclusive policies.
- Non-inclusive uniforms can lead to absenteeism as well as mental health issues e.g., for disabled students who struggle with uniforms or transgender students who are unable to wear the uniform that matches their identity.<sup>27,28,29,30.</sup>
- The inclusion of mandatory skirts for girls in school uniform policies can leave girls vulnerable to harassment and “upskirting” as well as negatively affect their ability to participate fully in physical activity and sport.
- The opportunity to learn in clothing students are comfortable in, regardless of their background e.g., gender or religion is “the first step” in an inclusive education.<sup>31</sup>

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<sup>26</sup> Department of Education (2011), [Circular 201104 - Guidance to Schools on School Uniform Policy \(revised 5 June 2018\).pdf](#)

<sup>27</sup> Ruari-Santiago McBride, *Grasping the Nettle: The Experiences of Gender Variant Children and Transgender Youth Living in Northern Ireland*, [Gender Variant Children and Transgender Youth in Northern Ireland](#) (February 2013)

<sup>28</sup> Equality Commission for Northern Ireland, *Key Inequalities in Education: Final Statement* (Belfast: ECNI, 2017), [EducationKeyInequalities-FinalStatement.pdf](#)

<sup>29</sup> Horton, C. (2023) “Euphoria”: Trans children and experiences of prepubertal social transition’, *Family Relations*, 72(4), pp. 1890–1907, <https://doi.org/10.1111/fare.12764>

<sup>30</sup> Scottish Government, [Supporting Transgender Pupils In Schools: Guidance for Scottish Schools](#) (August 2021)

<sup>31</sup> Malazo, Jhustine, and Natividad, Lexter. [UNIFORMITY VS INDIVIDUAL EXPRESSION: A CASE ON SCHOOL UNIFORM POLICY AND THE INFLUENCE OF PERENNIALISM AND LIBERALISM TEACHING PHILOSOPHIES](#) by Jhustine Malazo, Lexter Natividad :: SSRN (14 February 2025)

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# 1 Introduction

## 1.1 Context

Whilst not mandatory, school uniforms are a longstanding feature of Northern Ireland's education system - with nearly all schools requiring a set school uniform despite there being no legal obligation to do so. The aim is often to instil a sense of identity and equality among pupils.<sup>32</sup> In the discussion of uniform policy, inclusivity is a key consideration, particularly in relation to religion, gender and disability and race.

The public consultation in 2024 on NI's uniform policy raised questions beyond the cost of uniforms in relation to flexibility and inclusion, including their appropriateness and fairness for all students.

The paper is prepared by the Research and Information Service (RaISe) of the NI Assembly to inform the Education Committee's scrutiny of the proposed legislation. It aims to evaluate the impact of school uniforms on protected groups under equality legislation. It also compares NI's approach with statutory and non-statutory guidelines in England, Scotland, Wales, and the Republic of Ireland, drawing on government publications, equality impact assessments, and academic research.

## 1.2 Scope of Study

This study concentrates on four main protected characteristics - religion, disability, gender (including gender identity) and race - as they relate to school uniform rules. These categories reflect areas where uniform policies may intersect with cultural norms, legal or human rights, including, for example, religious dress requirements, accommodations for disabilities, and gender-neutral dress options. The analysis primarily covers the policy context in NI,

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<sup>32</sup> Northern Ireland Assembly, *School Uniforms (Guidelines and Allowances) Bill- Explanatory and Financial Memorandum*, [su-efm---as-introduced---fpv.pdf](#) (18 February 2025)

including the Department of Education's guidance and the proposals under the School Uniforms (Guidelines and Allowances) Bill.

A comparative overview of relevant policies in other UK jurisdictions and ROI has been included, particularly regarding:

- **Statutory vs. Non-statutory Guidance:** whether governments have issued binding rules on school uniforms or only informal guidance, and what these rules involve for inclusivity measures.
- **Inclusivity:** policies do not discriminate on grounds of religion or belief, disability, sex, or gender identity.

## 2 Current School Uniform Policy in Northern Ireland

In Northern Ireland, the current guidance is non-statutory and schools have discretion to determine their own uniform policies.<sup>33</sup> The School Uniforms (Guidelines and Allowances) Bill aims to make the guidance statutory.<sup>34</sup> The Bill as introduced does **not** explicitly mention inclusion i.e. in relation to gender equity, gender-neutral uniforms, inclusion, race, religion, or disability. Section 2 refers to “comfort and practicality,” but this is not defined in relation to equality or inclusion.<sup>35</sup>

The Department of Education (DE) has issued guidance to schools - the DE Circular 2011/04, “Guidance to Schools on School Uniform Policy” (re-issued with updates in 2018).<sup>36</sup> This document outlines principles for boards of governors and principals, who have the authority to decide whether to have a school uniform and what it should be, to consider when devising a uniform policy.<sup>37</sup> The DE guidance advises schools on good practice e.g., consulting with parents, but the

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<sup>33</sup> Department of Education, [Circular 201104 - Guidance to Schools on School Uniform Policy \(revised 5 June 2018\).pdf](#)

<sup>34</sup> Northern Ireland Assembly, *School Uniforms (Guidelines and Allowances) Bill -Explanatory and Financial Memorandum*, [su-efm---as-introduced---fpv.pdf](#) (18 February 2025)

<sup>35</sup> As directly above.

<sup>36</sup> Department of Education, [Circular 201104 - Guidance to Schools on School Uniform Policy \(revised 5 June 2018\).pdf](#)

<sup>37</sup> As directly above.

Department, given that the guidelines are not statutory, does not monitor or enforce rules.<sup>38</sup>

## 2.1 Equality Considerations and Guidelines

Section 75 of the Northern Ireland Act 1998 requires public authorities to promote equality of opportunity across nine protected categories, which includes religion, gender, disability and race.<sup>39</sup> It is a point of consideration for schools that their requirements for school uniforms do not negatively impact any particular group.

Education authorities, accordingly, must submit an Equality Scheme to the Equality Commission for Northern Ireland (ECNI) to set out how they will fulfil their Section 75 duties.<sup>40</sup> They must ensure policies, including uniform policies, are screened for equality impact. If a policy is found to have a significant potential impact on equality of opportunity or good relations, it should undergo a full Equality Impact Assessment (EQIA).<sup>41</sup>

As part of their duties, public authorities must also produce and review Disability Action Plans, reporting to the Equality Commission on how they promote positive attitudes towards disabled people and encourage their participation in public life.<sup>42</sup>

The Equality Commission for Northern Ireland advises that while schools have the authority to set uniform policies, they should regularly review them to ensure they do not lead to discrimination. The Commission emphasises that school

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<sup>38</sup> Northern Ireland Assembly, *School Uniforms (Guidelines and Allowances) Bill- Explanatory and Financial Memorandum*, [EFM - As Introduced](#) (18 February 2025)

<sup>39</sup> Northern Ireland Act 1998, Section 75, [Northern Ireland Act 1998](#)

<sup>40</sup> Equality Commission NI, [ECNI - Section 75 duties for Public Authorities - Equality Commission NI](#) (Accessed on 17 June 2025)

<sup>41</sup> Department of Education NI, [Equality | Department of Education](#) (Accessed on 17 June 2025)

<sup>42</sup> Department for Communities, *DfC Equality: Annual Report to the Equality Commission for Northern Ireland*, [DfC Equality | Department for Communities](#) (Accessed on 17 June 2025)

uniform guidelines should consider the diverse needs of pupils across various equality grounds.<sup>43,44,45</sup>

### 2.1.1 Developing Guidelines

In its response to the School Uniforms Bill Consultation, the Equality Commission states that when developing guidelines under the proposed legislation, the Department of Education should ensure compliance with statutory equality duties under Section 75. In doing so, the Department of Education should also take into account all relevant anti-discrimination laws, including the Race Relations (NI) Order 1997, the Sex Discrimination (NI) Order 1976, the Disability Discrimination Act 1995, and the Fair Employment and Treatment (NI) Order 1998. These guidelines should ensure that uniform policies do not create barriers for various protected backgrounds e.g., pupils from particular racial backgrounds or students with disabilities, allowing them to fully participate in school life.<sup>46</sup>

Schools in Northern Ireland do not report directly to the Equality Commission, but the managing authorities of schools, such as the Department of Education and the Education Authority, are responsible for ensuring that school-level policies, including uniform policies, comply with Section 75 statutory duties.<sup>47</sup> Section 75 of the Northern Ireland Act 1998 requires public authorities to promote equality of opportunity across various protected characteristics, including disability, gender, and race. The Department of Education's equality scheme outlines how these duties are fulfilled.<sup>48</sup> Additionally, the Equality Commission for Northern Ireland monitors compliance and provides guidance on policy development.<sup>49</sup>

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<sup>43</sup> Equality Commission for Northern Ireland, [Consultation Response - Department of Education consultation on School Uniform Policy](#) (02 October 2024)

<sup>44</sup> Equality Commission for Northern Ireland, *Statement on Key Inequalities in Education in Northern Ireland*. Belfast: ECNI, [EducationKeyInequalities-FinalStatement.pdf](#) (2017)

<sup>45</sup> Equality Commission for Northern Ireland, [ECNI - The Equality Commission's education policy priorities and recommendations for Northern Ireland](#) (2022)

<sup>46</sup> Equality Commission, [Consultation Response - Department of Education consultation on School Uniform Policy](#) (02 October 2024)

<sup>47</sup> Equality Commission, *Section 75 of the Northern Ireland Act 1998 A Guide for Public Authorities*, [untitled](#) (April 2010)

<sup>48</sup> Department of Education, [Equality | Department of Education](#) (Accessed 16 June 2025)

<sup>49</sup> Equality Commission for Northern Ireland, [Consultation Response - Department of Education consultation on School Uniform Policy](#) (02 October 2024)

The Department of Education in Northern Ireland has received criticism from various groups, such as from the Children's Law Centre, for not thoroughly conducting an Equality Impact Assessment (EQIA) in relation to the proposed statutory uniform bill, despite its legal obligation under Section 75 of the Northern Ireland Act 1998.<sup>50,51</sup> Section 75 requires public authorities to assess the impact of policies on protected groups to ensure fairness and equality of opportunity. Concerns have been raised about whether the Department has fully adhered to this requirement.<sup>52,53</sup>

### 2.1.2 Consulting with Pupils

The School Uniforms (Guidelines and Allowances) Bill states:<sup>54</sup>

*(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.*

Please note that this clause specifies only that the guidance may include provision relative to the consultation.

NI's current guidance, in practice, states that schools are advised to consult with pupils, parents and relevant groups when changing uniform policy, to ensure it does not disadvantage those of a particular religion, gender, racial background, and disability status.<sup>55</sup>

In its response to the consultation, the Children's Law Centre, CLC, stresses the importance of meaningful child participation in policy-making processes. Quoting

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<sup>50</sup> As cited directly above.

<sup>51</sup> Children's Law Centre, *Consultation Response: School Uniforms*, <https://childrenslawcentre.org.uk/?mdocs-file=7608> (September 2024), p11-12.

<sup>52</sup> As directly above.

<sup>53</sup> Equality Commission for Northern Ireland, [Consultation Response - Department of Education consultation on School Uniform Policy](#) (02 October 2024),

<sup>54</sup> Northern Ireland Assembly. *School Uniforms (Guidelines and Allowances) Bill: As Introduced*, [Draft](#) (18 February 2025)

<sup>55</sup> Department of Education, [School Uniform Policy Consultation | Department of Education](#) (24 September 2024)

Article 12 of the UNCRC, it affirms that “children have the right to have their voices heard in all matters concerning them,” and adds that “these proposals directly affect children and young people and so children and young people must be consulted in relation to them.”<sup>56</sup>

## 2.2 Impact on Protected Groups – Equality and Inclusion

The Department of Education's existing guidance on school uniforms in Northern Ireland highlights equality and inclusion, advising schools to ensure their uniform policies do not indirectly discriminate against pupils and pointing to the relevant equality legislation.<sup>57</sup> Schools must bear in mind equality laws when setting uniform rules.

Schools are reminded of the concept of indirect discrimination through Section 6 (titled “Equality and Other Issues”): what seems to be a neutral uniform requirement could be unlawful if it disproportionately disadvantages pupils of a certain religion, gender, or race (without a justifiable reason).<sup>58</sup>

For example, a rule that indirectly penalises those who wear specific religious garments would need careful justification.<sup>59</sup> The guidance explicitly advises schools to “promote harmony and equality among different groups in the school”.<sup>60</sup> It also references the Human Rights Act 1998, noting that pupils have the right to manifest their religion or belief and that schools should accommodate this where feasible (Annex 1 of the Circular).<sup>61</sup>

The Bill's Explanatory and Financial Memorandum, whilst primarily focused on cost, does also acknowledge the benefits of uniforms “promoting good relations between different groups of pupils.”<sup>62</sup>

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<sup>56</sup>Children's Law Centre, Children's Law Centre. *Consultation Response: School Uniforms*, <https://childrenslawcentre.org.uk/?mdocs-file=7608> (September 2024) p14

<sup>57</sup> Department of Education, [Circular 201104 - Guidance to Schools on School Uniform Policy \(revised 5 June 2018\).pdf](#)

<sup>58</sup> As directly above.

<sup>59</sup> As directly above.

<sup>60</sup> As directly above.

<sup>61</sup> As directly above.

<sup>62</sup> Northern Ireland Assembly, SCHOOL UNIFORMS (GUIDELINES AND ALLOWANCES) BILL, [su-efm---as-introduced---fpv.pdf](#) (18 February 2025)

### 2.2.1 Non-Statutory Guidance in Northern Ireland

In essence, NI's legislative and policy framework encourages flexibility and sensitivity to religious needs, as well as to gender and the needs of pupils with disabilities and students of different racial groups.

The current NI approach relies on schools' adherence to this guidance as it is non-statutory. Therefore, there is variation in how schools address specific issues like religious accommodations or gender-neutral options. Some schools have already taken steps, such as allowing female students to wear trousers or permitting religious head coverings as part of the uniform - aligning with the DE guidance.<sup>63</sup>

However, in the absence of legislation, compliance is dependent on schools. The School Uniforms (Guidelines and Allowances) Bill arose from concerns that not all schools were fully implementing the guidance's principles on cost.<sup>64</sup> The Bill however has not explicitly addressed some of the issues that emerged during the consultation in relation to inclusion and flexibility.

### 2.2.2 Impact Assessments

As part of developing the School Uniforms (Guidelines and Allowances Bill, the Department of Education conducted impact assessments to examine how the proposed changes might affect selected Section 75 equality groups (i.e. protected groups) in Northern Ireland. These included a Child Rights Impact Assessment and an Equality and Human Rights Policy Screening, whose findings were published alongside the 2024 consultation.<sup>65,66</sup>

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<sup>63</sup> Queen's University Belfast. *Experiences of education among minority ethnic groups in Northern Ireland*, [Filetoupload\\_1862560\\_en.pdf](#) (June 2023)

<sup>64</sup> Northern Ireland Assembly, *School Uniforms (Guidelines and Allowances) Bill- Explanatory and Financial Memorandum*, [EFM - As Introduced](#) (18 February 2025)

<sup>65</sup> Department of Education, [School Uniform Policy Consultation.pdf](#) (2024)

<sup>66</sup> Department of Education, *DEPARTMENT OF EDUCATION EQUALITY AND HUMAN RIGHTS POLICY SCREENING FOR REVIEW OF SCHOOL UNIFORM*, [ED1 24 220187 Completed Screening form of School Uniform Policy.pdf](#) (February 2024)

The assessments deemed that the introduction of statutory uniform guidelines report would have a “minor” positive impact on Section 75 protected groups of children and recommended that the guidance be developed in consultation with equality and rights stakeholders to ensure full alignment with Section 75 duties.<sup>67,68,69</sup>

Concerns were identified by stakeholder organisations, including equality advocacy groups and education representatives as well as Equality Commission for Northern Ireland (ECNI) and the Northern Ireland Human Rights Commission (NIHRC), regarding the depth and transparency of the assessment.<sup>70,71</sup> The Equality Commission emphasised the need for greater scrutiny to ensure the policy fully considers the needs of all protected equality groups.<sup>72</sup>

It is, therefore, important to evaluate the specific needs of these groups, and how these manifest in terms of school uniform. The following sections explore specific cultural and equality dimensions i.e., religious observance, disability, gender and race.

### 3 Religious Observance

Since education is a devolved matter, each UK nation sets its own school uniform policy guidelines. However, Article 9 of the Human Rights Act 1998 applies across the UK, protecting pupils' right to manifest their religion or belief, such as wearing religious clothing or symbols.<sup>73,74</sup> Schools may limit this right for

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<sup>67</sup> As directly above.

<sup>68</sup> Department of Education, *Final Analysis of School Uniform Consultation*, [School Uniform Consultation report - FINAL\\_0.pdf](#) (December 2024)

<sup>69</sup> Equality Commission for Northern Ireland, [Consultation Response - Department of Education consultation on School Uniform Policy](#) (2024)

<sup>70</sup> As directly above.

<sup>71</sup> Northern Ireland Human Rights Commission, [Publication - NIHRC Submission to the Department of Education on the School Uniform Policy Consultation | Northern Ireland Human Rights Commission](#) (2024)

<sup>72</sup> Equality Commission, [Consultation Response - Department of Education consultation on School Uniform Policy](#) (02 October 2024)

<sup>73</sup> Legislation.gov.uk, [Human Rights Act 1998](#) (Accessed on 10 June 2025)

<sup>74</sup> Equality Human Rights, [Article 9: Freedom of thought, belief and religion | EHRC](#) (Last updated 03 June 2021)

legitimate reasons, including safety, maintaining order, or protecting the rights of others.<sup>75</sup>

### 3.1 Current Guidelines in Northern Ireland

In Northern Ireland, the current guidance from the Department of Education is to make adjustments for religious groups where possible.<sup>76</sup> The School Uniform (Guidelines and the Allowances) Bill does not explicitly mention protected groups and their requirements.

In Northern Ireland, schools are expected to act reasonably and accommodate religious requirements within uniform policies, in line with Section 75 of the Northern Ireland Act 1998. The current guidance states:

“It may be possible for many religious requirements to be met within a school uniform policy and schools should accommodate these where they can.”<sup>77</sup>

The NI Human Rights Commission (NIHRC), in its advice to the Department, has recommended that the statutory guidance specifies that schools and governing bodies should be sensitive (as well as give thought to how a policy could disrupt a pupil’s right to manifest their religion or belief under Article 9(2) of the ECHR) to the requirements of various religions and make “reasonable” accommodations for those needs.<sup>78</sup>

The Equality Commission reminds schools to bear in mind indirect discrimination in regards to school uniform.<sup>79,80</sup> It also reminds schools whilst religion may not be covered under equality law in Northern Ireland, some students may still be

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<sup>75</sup> As directly above.

<sup>76</sup> Guidance to Schools on School Uniform, [Circular 201104 - Guidance to Schools on School Uniform Policy \(revised 5 June 2018\).pdf](#)

<sup>77</sup> As directly above.

<sup>78</sup> Northern Ireland Human Rights Commission, [NIHRC-response-DE-Consultation-on-School-Uniform-Policy.pdf](#) (September 2024)

<sup>79</sup> Guidance to Schools on School Uniform, [Circular 201104 - Guidance to Schools on School Uniform Policy \(revised 5 June 2018\).pdf](#)

<sup>80</sup> Equality Commission for Northern Ireland. *Different Types of Discrimination in Schools*, [ECNI - Schools, Education Service Providers, Equality Commission, Northern Ireland](#) (2025)

protected due to race if, for example, they are Muslim and from an Arabic background.<sup>81,82</sup>

They Equality Commission goes on to say:

“Good practice extends beyond the mere letter of the law to include pupils who are disadvantaged because they are trans-gender, or because of their religious belief and political opinion.”<sup>83</sup>

However, there are also protections under the Human Rights Act, 1998 or the European Convention on Human Rights (Article 9).<sup>84,85</sup>

### 3.2 Equality Considerations in Other Jurisdictions

In England, Scotland, and Wales, schools must also comply with the Equality Act 2010, which prohibits direct and indirect discrimination based on religion or belief.<sup>86</sup>

The Department for Education (DfE) in **England** advises that “it should be possible for most religious requirements to be met within a school uniform policy,” and schools should engage in dialogue to meet these needs.<sup>87</sup>

In England, schools must consider pupils’ rights under the Human Rights Act 1998 to manifest their religion or belief alongside obligations under the Equality Act 2010 which prohibits discrimination on grounds of religion or belief.<sup>88</sup>

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<sup>81</sup> Equality Commission for Northern Ireland, [ECNI - Schools, Education Service Providers, Equality Commission, Northern Ireland](#) (2025)

<sup>82</sup> Equality Commission for Northern Ireland. *Different Types of Discrimination in Schools*, [ECNI - Schools, Education Service Providers, Equality Commission, Northern Ireland](#) (2025)

<sup>83</sup> Equality Commission for Northern Ireland,, [ECNI - Schools, Education Service Providers, Equality Commission, Northern Ireland](#) (2025)

<sup>84</sup> UK Legislation, [Human Rights Act 1998](#) (Accessed on 1 July 2025)

<sup>85</sup> Council of Europe, European Convention on Human Rights, [European Convention on Human Rights](#) (Accessed on 1 July 2025), p11

<sup>86</sup> National Education Union, [Dress code | National Education Union](#) (Last updated 15 July 2024)

<sup>87</sup> Department for Education, *Guidance for Schools: Developing school uniform policy*, [Developing school uniform policy - GOV.UK](#) (Updated 29 April 2024),

<sup>88</sup> As cited directly above.

However, in **Wales** where school uniform guidance is statutory, a governing body may be found to be discriminating if it does not accommodate religious dress needs.<sup>89</sup> It may be “religious practice for a pupil to wear a particular item of clothing”.<sup>90</sup>

Wales’ statutory guidance (and previous non-statutory guidance) suggests “consulting community and faith organisations, parents and children and the Equality and Human Rights Commission”.<sup>91</sup><sup>92</sup> Failure to allow an item that is a recognised religious practice (such as a Sikh turban or Jewish kippah) could be unlawful indirect discrimination or a breach of the pupil’s religious freedom.

The **Scottish** Government’s guidance (2024) likewise emphasises that policies should promote equality - explicitly addressing religion and belief - and that requirements should not discriminate or exclude on these grounds.<sup>93</sup>

Scotland’s guidance also says that consulting community and faith representatives can help schools “build on current good practice” as well as develop it.<sup>94</sup>

Schools across the other UK jurisdictions i.e., England, Scotland and Wales, may impose limits for genuine reasons e.g. asking that long religiously-mandated hair or scarves be tied back in labs or P.E. for safety - as long as such rules are applied fairly and only as necessary.<sup>95,96,97</sup>

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<sup>89</sup> Welsh Government, [School uniform and appearance: policy guidance for governing bodies \(WG23-17\) \[HTML\] | GOV.WALES](#) (Last updated 02 May 2023), p7

<sup>90</sup> As cited directly above.

<sup>91</sup> Welsh Government, [School uniform and appearance: policy guidance for governing bodies \(WG23-17\) \[HTML\] | GOV.WALES](#) (Last updated 02 May 2023), p16

<sup>92</sup> Welsh Government, *Guidance for governing bodies on school uniform and appearance policies*, [CONTENTS Page](#) (July 2011), p2

<sup>93</sup> Scottish Government, [School uniform and clothing: Guidance for schools and education authorities - gov.scot](#) (12 September 2024)

<sup>94</sup> Scottish Government, [School uniform and clothing in Scotland: Guidance for schools and education authorities](#) (12 September 2024), p5

<sup>95</sup> Scottish Government, [School uniform and clothing: Guidance for schools and education authorities - gov.scot](#) (12 September 2024)

<sup>96</sup> National Education Union, [Dress code | National Education Union](#) (Last updated 15 July 2024)

<sup>97</sup> Welsh Government, [School uniform and appearance: policy guidance for governing bodies \(WG23-17\) \[HTML\] | GOV.WALES](#) (Last updated 02 May 2023), p9, p14

The **Republic of Ireland (ROI)** has no specific uniform rules on religious dress at the national level, though schools are expected not to exclude pupils based on religion.<sup>98</sup>

In ROI, where over 90% of schools are under religious patronage (mostly Catholic), a 2008 governmental recommendation made clear that no uniform policy should “in effect, exclude students of a particular religious background” from attending or continuing at a school.<sup>99</sup>

Notably, ROI policy-makers agreed that while hijabs or turbans should be accommodated, clothing that fully obscures the face (such as a niqab) could be restricted in class to ensure open communication.<sup>100,101</sup>

Schools in ROI are encouraged to consult widely and heed the Equal Status Acts 2000-2018 (Ireland’s anti-discrimination law) and the Education Act’s requirement to respect diversity of beliefs when setting uniform rules.<sup>102,103</sup>

### 3.3 Accommodations for religious observance

This section of the Paper considers the types of accommodations for religious observance that might be required.

A school’s uniform code can intersect with students’ religious observance in various ways. Some faiths require adherents to wear particular attire or symbols

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<sup>98</sup> Irish Human Rights and Equality Commission, [Religious discrimination in education | IHREC - English](#) (Accessed on 1 July 2025)

<sup>99</sup> Teachers Union of Ireland, [TUI Welcomes School Uniform Policy Recommendations](#) (23 December 2008)

<sup>100</sup> As cited directly above.

<sup>101</sup> Irish Independent, [Row erupts over wearing of hijabs in our schools | Irish Independent](#) (14 September 2014)

<sup>102</sup> Teachers’ Union of Ireland, [TUI Welcomes School Uniform Policy Recommendations](#) (2008, September 23)

<sup>103</sup> Honohan, I., & Rougier, N. (2010). *Tolerance and cultural diversity discourses in Ireland* [Country report]. Robert Schuman Centre for Advanced Studies, European University Institute, ([PDF](#)) [Tolerance and Cultural Diversity Discourses in Ireland](#)

(for example, Sikhs wearing turbans or Kara bracelets, Muslim girls wearing the hijab, or Christians wearing crosses), or to observe modest dress standards.<sup>104</sup>

### 3.3.1 Head Coverings

Schools commonly adapt uniform rules to include religious headgear. In Scotland an accommodation is specifying that items like hijabs, turbans, or kippot (Jewish skullcaps) can be worn.<sup>105</sup>

Some schools may have applied their uniform policy by stating that religious headgear should be in school colours.<sup>106</sup> For instance, a school may state that if a headscarf is worn, it should be navy blue or black to correspond with the uniform palette. This ensures uniformity in appearance while allowing religious expression.

In England, Scotland and Wales, schools are generally expected to permit religious head coverings based on the Equality Act 2010, ensuring uniform policies do not discriminate based on religion or belief.<sup>107,108</sup>

### 3.3.2 Religious Symbols and Jewellery

Some faiths involve wearing items of religious significance (like the Sikh kara bangle, or a Christian cross necklace, or a Hindu rakhi bracelet). No jewellery rules can cause issues with these practices.

Following the 2008 High Court case in Wales (involving a Sikh student, Sarika Singh, who was excluded for wearing her kara) where indirect discrimination was

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<sup>104</sup> Department for Education, [Developing school uniform policy - GOV.UK](#) (Last updated 29 April 2024)

<sup>105</sup> Scottish Government, [Key considerations - School uniform and clothing: Guidance for schools and education authorities - gov.scot](#) (12 September 2024)

<sup>106</sup> The John Roan School, [School Uniform | Parent Handbook + | Parents | The John Roan School](#) (January 2025)

<sup>107</sup> Equality and Human Rights Commission, [Preventing hair discrimination in schools | EHRC](#) (27 October 2022)

<sup>108</sup> Welsh Government, [School uniform and appearance: policy guidance for governing bodies \(WG23-17\) | GOV.WALES](#) (Last Updated on 2 May 2023)

proved <sup>109</sup>, many schools across the UK reviewed their policies to explicitly permit the kara as an exception to jewellery bans. Likewise, schools may allow other religious jewellery e.g., necklace with a cross or Star of David, provided it is kept underneath the uniform and not oversized.

Thus, a blanket ban on all jewellery without exception could be seen as unreasonable if it forces a pupil to violate a tenet of their faith. The Welsh government has previously advised that if in PE class any necklaces (religious or not) are a safety risk, the student might be asked to tape it or temporarily remove it.<sup>110,111</sup>

### 3.3.3 Modesty Requirements

Some religions encourage or require modest dress e.g., for female adherents past puberty (for example, covering arms and legs, or not wearing form-fitting clothing). Uniforms that include skirts may conflict if the skirts are knee-length but a family believes in ankle-length garments, or if the uniform's cut is considered too revealing. A school might offer a longer skirt option or allow girls to wear uniform trousers instead of a skirt.

In NI, some all-girls schools now permit trousers as part of the official uniform in addition to skirts - a measure originally advocated also for gender equality and warmth, but it doubles as an accommodation for those who prefer more coverage.

In one instance in England, a school reversed its decision and added an ankle-length skirt option to its uniform so that Muslim girls could adhere to their interpretation of hijab while still wearing official attire.<sup>112</sup>

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<sup>109</sup> Watkins- Singh, R, Casemine, [Watkins-Singh, R \(on the application of\) v Aberdare Girls' High School & Anor | \[2008\] EWHC 1865 \(Admin\) | England and Wales High Court \(Administrative Court\) | Judgment | Law | CaseMine](#) (Accessed on 02 June 2025)

<sup>110</sup> Welsh Government, *Guidance for governing bodies on school uniform and appearance policies*, [CONTENTS Page](#) (July 2011), p11

<sup>111</sup> Welsh Government, [School uniform and appearance: policy guidance for governing bodies \(WG23-17\) | GOV.WALES](#) (Last Updated on 2 May 2023)

<sup>112</sup> The Guardian, [School drops legal action after Muslim girl told her skirt was too long | Secondary schools | The Guardian](#) (16 March 2021)

### 3.3.4 Example Accommodations

Potential accommodations for religious observance could include:

- **Skirts:** knee-length skirts may conflict with the beliefs of Muslim girls who cover their legs completely. Longer skirts or trousers would help alleviate this concern.<sup>113</sup>
- **Sleeves:** long sleeves for modesty e.g. for Muslim girls.<sup>114</sup>
- **Head coverings:** Sikh boys wearing turbans or Jewish boys wearing a yarmulke, and Muslim girls covering their hair. Permitting religious headscarves in school colours (leading to no issues)<sup>115,116</sup>
- **Allowing certain jewellery:** Sikh bracelet/ kara.<sup>117,118</sup>
- **Football team colours:** Guidance in Scotland recommends discouraging the wearing of football team colours to promote inclusivity.<sup>119</sup>

The Welsh guidelines state that an item required by religion e.g., head covering could be permitted in school colours to blend with the uniform and schools should continually review such policies to ensure they do not inadvertently exclude students from particular faith.<sup>120</sup>

The National Education Association in America highlights how standardised PE uniforms that do not allow for religious dress (e.g., modest clothing, hijabs) can result in Muslim students being excluded from participation or forced to choose

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<sup>113</sup> MEND, *MEND's Easy Read Guide Nurturing Muslim Identities in Schools: Religious Dress*, [ERG-Schools-Religious-Dress.pdf](#) (2022), p12, p14

<sup>114</sup> As directly above.

<sup>115</sup> Teachers Union of Ireland, [TUI Welcomes School Uniform Policy Recommendations](#) (23 September 2008)

<sup>116</sup> Equality Human Rights, [Preventing hair discrimination in schools | EHRC](#) (Last updated 27 October 2022)

<sup>117</sup> Department for Education, [School uniforms: guidance for schools - GOV.UK](#) (Last updated 29 April 2024)

<sup>118</sup> Scottish Government, [School uniform and clothing: Guidance for schools and education authorities - gov.scot](#) (12 September 2024)

<sup>119</sup> As cited directly above.

<sup>120</sup> Welsh Government, [School uniform and appearance: policy guidance for governing bodies \(WG23-17\) \[HTML\] | GOV.WALES](#) (Last updated 02 May 2023), p6-p7

between their religious identity and school activities.<sup>121</sup> Having long sleeved shirts and full-length gym trousers would help aid inclusion.<sup>122</sup>

### 3.3.5 Exceptions

By contrast, clothing that fully obscures the face, such as the niqab or burqa, has been treated differently due to potential communication issues.<sup>123,124.</sup>

In the Republic of Ireland (ROI), for example, the Department of Education in 2008 affirmed that while the hijab (headscarf) is allowed in schools, attire covering the face is not appropriate in class due to communication barriers.<sup>125</sup> The Irish recommendations stated that no uniform policy should exclude students of a particular religious background, but made exceptions dependent on what they deemed necessary to student and teachers' needs e.g., face-veils are not permitted on the basis that teachers need to see students' faces.

Case law has helped define the balance between religious rights and uniform codes.

## 3.4 Case Law

Equality legislation differs across the jurisdictions. Therefore, each jurisdiction has made decisions according to their legislative requirements.

Case law in Great Britain has reinforced this balance i.e., policies respect individual rights while allowing schools to maintain reasonable regulations for uniformity and communication.

For example, courts have upheld a school's right to set some limits (such as not allowing a full face veil (niqab) for communication reasons, or requiring a

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<sup>121</sup> National Education Association, [PE Dress Codes Leave Many Muslim Students on the Bench | NEA](#) (23 October 2017)

<sup>122</sup> As directly above.

<sup>123</sup> Irish Examiner, [Govt 'ducking religious clothes in school ruling'](#) (23 September 2008)

<sup>124</sup> Teachers Union of Ireland, [TUI Welcomes School Uniform Policy Recommendations](#) (23 September 2008)

<sup>125</sup> As directly above.

particular style of hijab to match uniform colours) but have also struck down policies that were not justified.

A number of court cases in Great Britain are described in Appendix 1 of this paper. These cases are indicative examples of equality legislation being upheld in regards to school uniform or where a school's needs were taken into account, and so certain adaptations to the school uniform were not upheld.

### 3.4.1 Case Law in Northern Ireland

In Northern Ireland, case law related to religion and school uniforms is shaped by equality legislation and human rights considerations. While there is no widely known case specifically addressing religious attire in school uniforms, broader legal discussions have touched on religious expression in schools.

- **JR87 Case:** This case challenged the mandatory Christian religious education and collective worship in controlled schools, arguing that it failed to recognise pluralism and did not provide a neutral education. The High Court ruled that the exclusively Christian nature of religious education and worship violated human rights protections, reinforcing the importance of religious freedom in schools.<sup>126</sup>
- **Equality Commission for Northern Ireland Guidance:** The Equality Commission for Northern Ireland advises that schools should regularly review uniform policies to ensure they do not result in discrimination. This includes accommodating religious attire where possible.<sup>127,128,129</sup>
- **Indirect Discrimination:** The Equality Commission has highlighted cases where uniform policies could indirectly discriminate against religious groups. For example, a school policy banning head coverings could

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<sup>126</sup> Judiciary NI, [Summary of Judgment - Court delivers decision on the challenge to teaching arrangements for religious education.pdf](#) (05 July 2022)

<sup>127</sup> Equality Commission, [Consultation Response - Department of Education consultation on School Uniform Policy](#) (02 October 2024), p2

<sup>128</sup> Equality Commission for Northern Ireland, [ECNI - Schools, Education Service Providers, Equality Commission, Northern Ireland](#) (Accessed on 16 June 2025)

<sup>129</sup> Equality Commission for Northern Ireland, [ECNI - Religious/political discrimination when using a service](#) (Accessed on 16 June 2025)

disadvantage Sikh students who are required to wear a turban as part of their faith.<sup>130</sup>

The research literature provides limited evidence on how school uniform policies affect pupils' religious observance but the above examples illustrate the need for flexibility in school uniform options. Restrictions on religious dress may also negatively impact students' identity and wellbeing. Schools must consider inclusivity carefully, as failing to accommodate religious observance could lead to legal challenges.

## 4 Disability

### 4.1 Legal Framework Across the UK and Ireland

For pupils with disabilities or additional needs, certain uniform items or rules may pose difficulties.

In Northern Ireland, the Special Educational Needs and Disability Order (SENDO) 2005 legally requires schools not to treat a disabled pupil less favourably due to their disability. Schools must also make *reasonable adjustments* to ensure pupils can access education and associated services on an equal footing.<sup>131</sup>

The Equality Act 2010, which applies to England, Scotland, and Wales, reinforces similar principles in ensuring equal access to education for students with disabilities.<sup>132</sup> While SENDO is specific to Northern Ireland, the overarching principles of non-discrimination and inclusion in school uniform policies are widely recognised across the UK.

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<sup>130</sup> As directly above.

<sup>131</sup> Equality Commission for Northern Ireland, *A short guide to the Special Educational Needs and Disability Order (NI) 2005 (as amended)*, [SENDOshortguide2010.pdf](#), p2

<sup>132</sup> Department for Education, [Equality Act Advice Final.pdf](#) (May 2014), p29

- **UK Equality Act (2010):** Schools **across Great Britain** must make reasonable adjustments, including uniform adaptations, ensuring disabled pupils are not disadvantaged.<sup>133</sup> This means that if any aspect of the uniform places a disabled student at a substantial disadvantage, the school must consider modifying the requirement or offering an alternative uniform option - so long as it is reasonable to do so.<sup>134</sup>
- **Welsh Statutory Guidance (2022):** Requires school uniform policies to accommodate disabilities, ensuring pupils are not excluded due to uniform rules.<sup>135</sup>
- **Republic of Ireland's Equal Status Acts (2000–2018):** Schools must take reasonable steps to accommodate disabled pupils or risk being challenged for disability discrimination.<sup>136</sup>

Inflexible uniform policies can disproportionately affect students with physical or sensory disabilities, such as requiring restrictive fabrics that cause discomfort or mandating certain footwear that may not accommodate mobility needs.

## 4.2 Accommodations for Disability

The School Uniform (Guidelines and Allowances) Bill as introduced primarily focuses on affordability and guidelines for school uniforms, and whilst its reference to principles in its provisions includes “comfort” on Clause 2, it is unclear if this is sufficient to include the needs of students with disabilities.<sup>137,138</sup>

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<sup>133</sup> Department for Education, [Developing school uniform policy - GOV.UK](#) (Updated 29 April 2024)

<sup>134</sup> Equality and Human Rights Commission, [reasonable adjustments for disabled pupils 1.pdf](#)

<sup>135</sup> Welsh Government, [School uniform and appearance: policy guidance for governing bodies \(WG23-17\) | GOV.WALES](#) (Last updated on 2 May 2023).

<sup>136</sup> Irish Human Rights and Equality Commission, *Disability and Education*, [Education | IHREC - English](#) (Accessed 7 July 2025)

<sup>137</sup> Northern Ireland Assembly, [Bill - As Introduced](#) (18 February 2025)

<sup>138</sup> School Uniforms (Guidelines and Allowances) Bill, [Draft](#) (18 February 2025), p2

Making uniforms more accessible can help students feel more comfortable and engaged in school life - boosting well-being and a sense of belonging.<sup>139,140</sup>

One of the biggest reported barriers to attendance for young people with SEND is school uniform.<sup>141</sup>

The National Autistic Society's 2023 Education Report found that: "Sensory overload can cause autistic young people to have significant issues at school, leading to stress, anxiety and poor attendance."<sup>142</sup> Autistic students can find uniforms physically irritating which makes them feel overwhelmed and unable to focus due to sensory overload.<sup>143</sup> Making reasonable adjustments to school uniform policy for an autistic pupil would reduce the impact of sensory differences.<sup>144</sup>

SEND students may struggle with:

- Stiff collars and blazers
- Buttoning
- Putting on skirts or trousers
- Restrictive ties
- Labels too tickly/painful/itchy
- Types of socks and shoes may be too uncomfortable.<sup>145</sup>

Schools in NI must make reasonable adjustments under the Disability Discrimination Act 1995 and SENDO 2005 and comply with subsequent equality

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<sup>139</sup> Department for Education (DfE), [What are reasonable adjustments and how do they help disabled pupils at school? – The Education Hub](#) (10 April 2023)

<sup>140</sup> Jordaan, W., Diedericks, L., van Niekerk, K., & Kruger, S. (2024). *Investigating the influence of the properties of school uniforms on children with sensory overreactivity*. *Clothing and Textiles Research Journal*, 42(3), 205–221, <https://doi.org/10.1177/0887302X231187777>

<sup>141</sup> SEND North East Lincolnshire, [NELC SEND Local Offer | School Uniform and children and young people with Special Educational Needs and Disabilities - NELC SEND Local Offer](#) (Accessed 16 June 2025)

<sup>142</sup> National Autistic Society, [NAS Education report 2023](#), p5

<sup>143</sup> National Autistic Society, [NAS Education report 2023](#), p17

<sup>144</sup> National Autistic Society, *Reasonable adjustments for autistic pupils' sensory differences.*, [National Autistic Society](#) (Article reviewed on 6 June 2025)

<sup>145</sup> SEND North East Lincolnshire Council, [NELC SEND Local Offer | School Uniform and children and young people with Special Educational Needs and Disabilities - NELC SEND Local Offer](#) (Accessed 16 June 2025)

legislation to ensure students with disabilities are not disadvantaged in uniform requirements.<sup>146,147,148</sup>

Examples of adjustments include:

- **Mobility challenges:** permitting plain black trainers or orthopaedic footwear instead of rigid dress shoes.<sup>149,150</sup>
- **Wheelchair users:** allowing soft-collared shirts or pullovers instead of stiff blazers to prevent pressure sores.<sup>151,152,153</sup>
- **Dexterity impairments:** providing Velcro-fastened attire in place of buttons or ties for students with limited hand movement as well as elastic

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<sup>146</sup> Education Authority. *Accessibility Planning: Guidance for Schools*. Children and Young People's Services – SEND Implementation Team, [Accessibility Planning: Guidance for Schools](#) (July 2024)

<sup>147</sup> Equality Commission for Northern Ireland, *A short guide to the Special Educational Needs and Disability Order (NI) 2005 (as amended)*, [SENDOShortguide2010.pdf](#), p2

<sup>148</sup> Northern Ireland Assembly, *Official Report (HANSARD) School Uniforms (Guidelines and Allowances) Bill: Northern Ireland Human Rights Commission*, [committee-36229.pdf](#) (27 May 2025)

<sup>149</sup> SEND and You, [sendandyou.org.uk/wp-content/uploads/2022/03/Reasonable-Adjustments.pdf](#) (March 2022)

<sup>150</sup> SEND North East Lincolnshire Council, [NELC SEND Local Offer | School Uniform and children and young people with Special Educational Needs and Disabilities - NELC SEND Local Offer](#) (Accessed 16 June 2025)

<sup>151</sup> As cited directly above.

<sup>152</sup> UK Parliament, *Select Committee on the Equality Act 2010 and Disability* *The Equality Act 2010: the impact on disabled people*, [House of Lords - The Equality Act 2010: the impact on disabled people - Select Committee on the Equality Act 2010 and Disability](#) (24 March 2016)

<sup>153</sup> Hong, S., Hong, Y., Cho, W., Park, J., Jeong, S., & Yun, M. (2024). Adaptive Clothing for People with Spinal Cord Injury in Activities of Daily Living, Occupational Management, and Sports. *Proceedings of the Human Factors and Ergonomics Society Annual Meeting*, 68(1), 1292-1297. <https://doi.org/10.1177/10711813241260318> (Original work published 2024)

waistbands, and sensory-friendly fabrics, aligning with principles set in the UK Equality Act 2010 and Special Educational Needs and Disability Order (SENDO) (2005) in NI, which mandate reasonable accommodations.<sup>154,155,156,157</sup>

- **Sensory sensitivities:** offering soft-seamed, tag-free, breathable fabrics for pupils with sensory processing disorders.<sup>158</sup>
- **Medical needs:** accommodating alternative clothing where necessary (e.g., breathable fabrics for skin conditions).<sup>159,160</sup>

## 5 Gender

This section considers the evidence from the research literature on the impact of uniforms on gender. These impacts can be categorised under the following headings:

- Physical activity
- Female stereotypes
- Harassment
- Gender identity

Gender in regards to school uniforms has also been examined in the previous RalSe paper *School uniforms: Cost, gender and behavioural considerations*.<sup>161</sup>

<sup>154</sup> Fonseca Silva, J. *Adaptive Fashion as an Expression of Inclusion and Identity in Children with Special Sensory Needs*. *Iconic Research and Engineering Journals*, vol. 5, no. 11, May 2022, pp. 351–356, [Adaptive Fashion as an Expression of Inclusion and Identity in Children with Special Sensory Needs](#), (Accessed 12 June 2025), p352

<sup>155</sup> SEND North East Lincolnshire Council. (n.d.), [NELC SEND Local Offer | School Uniform and children and young people with Special Educational Needs and Disabilities - NELC SEND Local Offer](#) (Accessed 16 June 2025)

<sup>156</sup> Legislation.gov.uk, [Equality Act 2010](#) (Accessed on 6 June 2025)

<sup>157</sup> Equality Commission for Northern Ireland, *A short guide to the Special Educational Needs and Disability Order (NI) 2005 (as amended)*, [SENDShortguide2010.pdf](#), p2

<sup>158</sup> Fonseca Silva, J. *Adaptive Fashion as an Expression of Inclusion and Identity in Children with Special Sensory Needs*. *Iconic Research and Engineering Journals*, vol. 5, no. 11, May 2022, pp. 351–356, [Adaptive Fashion as an Expression of Inclusion and Identity in Children with Special Sensory Needs](#), (Accessed 12 June 2025), p352

<sup>159</sup> As directly above.

<sup>160</sup> National Eczema Society, *Eczema and school* - National Eczema Society (2021)

<sup>161</sup> McMurray, S. (n.d.), . Northern Ireland Assembly, *School uniforms: Cost, gender and behavioural considerations*, [School Uniforms: Cost](#), (27 May 2021)

As highlighted in that research paper, Happel argues that a school uniform (particularly one that demands skirt-wearing solely for females) are physical markers of sex and gender which serve to confirm 'traditional' gender identities.<sup>162</sup> They have, therefore, implications for how girls are treated, viewed, and how they are able to move. Skirts restrict movement in real ways; wearers must negotiate how they sit, how they play, and how quickly they move. Skirt-wearing, consciously and unconsciously, imposes considerations of modesty and immodesty, in ways that trousers do not.<sup>163</sup>

Body image distress increases when girls are required to wear skirts or fitted uniforms, particularly during adolescence and in relation to sports, contributing to anxiety and reduced confidence.<sup>164,165,166</sup>

When giving evidence to the Education Committee regarding the Bill, the Northern Ireland Commissioner for Children and Young People (NICCY) stated: "neutrality, inclusivity and equality are key fundamentals to the bill" and that uniform should not differ by gender.<sup>167</sup>

## 5.1 Physical Activity

In Northern Ireland, the Department of Education guidance on school uniform policy states that, for girls, in particular:<sup>168</sup>

"PE uniform can be perceived as a barrier to participation in PE. Schools should be aware of this and sensitive to concerns pupils might have about body image – particularly during transition and teenage years."

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<sup>162</sup> Happel, A. (2013). *Ritualized girling: school uniforms and the compulsory performance of gender*. Journal of Gender Studies, 22(1), 92–96. <https://doi.org/10.1080/09589236.2012.745680>

<sup>163</sup> As cited directly above.

<sup>164</sup> As cited directly above.

<sup>165</sup> Plan International, [Plan-UK-State-of-Girls-Rights-report-2024\\_Updated.pdf](#), (2024), p45

<sup>166</sup> Reidy, J. (2021). *Reviewing school uniform through a public health lens: Evidence about the impacts of school uniform on education and health*. Public Health Reviews, 42, 1604212, <https://doi.org/10.3389/phrs.2021.1604212>

<sup>167</sup> MSN News, 10 June 2025, [DUP blasts 'woke ideology' after Children's Commissioner supports legal right for boys to wear skirts in school](#) (Accessed 12 June 2025)

<sup>168</sup> Department of Education (2011), [Circular 201104 - Guidance to Schools on School Uniform Policy \(revised 5 June 2018\).pdf](#), p4

The guidance suggests that schools might consider the use of shorts or ‘skorts’ instead of gym skirts and PE pants.<sup>169</sup>

The notion of skirts restricting movement has been frequently raised with regard to girl’s participation in Physical Education in school. In Northern Ireland there is a significant association between gender and meeting physical activity (PA) guidelines at post-primary level.

Post-primary males are more likely to meet daily PA guidelines than females (16% versus 10%) and female decline in undertaking PA is significantly more dramatic than that of their male peers during adolescence.<sup>170</sup>

A 2020 report from Plan International on the state of girl’s rights in the UK, which was based on a survey of 1,000 teenagers and young women aged 14 to 21 across the UK, found school uniforms to be an area of concern and frustration for girls, particularly double standards on sports uniform rules<sup>171</sup>:

*“In our school, we had sports in the last two periods and we weren’t allowed to leave in our PE kit because it wasn’t ‘appropriate.’ The boys left all the time in their PE kit...” (Belfast participant).*

A 2020 study in global trends on physical activity among adolescents found that across all regions, girls were less active than boys.<sup>172</sup> In 2016, joint research by the Youth Sport Trust and Women in Sport surveying over 26,000 students from 138 secondary schools in England and Northern Ireland found that whilst both

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<sup>169</sup> As cited directly above.

<sup>170</sup> Connolly, S., Carlin, A., Johnston, A., Woods, C., Powell, C., Belton, S., O’Brien, W., Saunders, J., Duff, C., Farmer, O., & Murphy, M. (2020). *Physical activity, sport and physical education in Northern Ireland school children: A cross-sectional study. International Journal of Environmental Research and Public Health*, 17(18), 6849, <https://doi.org/10.3390/ijerph17186849>, p11

<sup>171</sup> Plan International, *The State Of Girls’ Rights In The UK*, [Girls rights in the UK | Plan International UK](https://www.planinternational.org.uk/girls-rights-in-the-uk/), (2020), p48

<sup>172</sup> Guthold, R Stevens, GA, Riley, M and Bull, FC(2020) *Global trends in insufficient physical activity among adolescents: a pooled analysis of 298 population-based surveys with 1.6 million participants The Lancet Child and Adolescent Mental Health* Volume 4, Issue 1, P23-35, January 01, 2020, [https://doi.org/10.1016/S2352-4642\(19\)30323-2](https://doi.org/10.1016/S2352-4642(19)30323-2), p33

boys and girls understood the significance of an active lifestyle, there was a “disconnect between girls’ attitudes and behaviour.”<sup>173</sup>

Many factors can influence the declining participation of girls in PA as they get older including the pressure of academic school work, lack of encouragement from teachers and parents, and lack of choice with regard to options for PE.<sup>174</sup> Self-consciousness and the impracticality of some P.E. uniforms have also been cited as a barrier to participation in PA in school.

There is evidence suggesting that PE kit policies can impact participation and engagement, particularly for girls. Research of over 15,000 young people in a 2024 survey by Youth Sport Trust in England indicates that many girls feel uncomfortable in their PE uniforms, with only one in four girls aged 11-13 feeling confident in their PE kit.<sup>175,176</sup>

Additionally, 58% of girls expressed a desire for more PE kit options.<sup>177</sup> A study from Bristol University suggests that allowing pupils to wear PE kit all day may improve comfort and inclusivity, which could lead to better engagement.<sup>178</sup>

While there is no definitive proof that wearing PE kit throughout the day directly increases attendance, the available research does indicate that greater choice and comfort in PE kit can positively influence participation.<sup>179</sup>

Girls are often reported to be less comfortable than boys in their uniform and have less access to playground resources.<sup>180</sup>

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<sup>173</sup> Women in Sport., [Gender Gap: Attitudes towards physical activity in teenagers](#), (November 2017), p3

<sup>174</sup> Women in Sport., [Gender Gap: Attitudes towards physical activity in teenagers](#), (November 2017), p6

<sup>175</sup> Association for Physical Education, [New research finds girls' confidence and enjoyment in physical activity plummets as puberty begins. - Association for Physical Education](#) (15 October 2024)

<sup>176</sup> Youth Sport Trust, [Girls Active National Reports - Youth Sport Trust](#) (2024)

<sup>177</sup> As directly above.

<sup>178</sup> UK Parliament, *Written evidence submitted by Inclusive Sportswear*, [committees.parliament.uk/writtenevidence/133917/pdf/](#) (28 April 2021)

<sup>179</sup> As directly above.

<sup>180</sup> Johnston-Coutts, Hayley (2017). Gender and School Uniform: A Case Study in fairness and equity. Monash University. Thesis. <https://doi.org/10.4225/03/59acafe72e300>

The lower participation rates of girls in PA in school and more generally is reflected internationally.

A 2024 study across 135 countries found that restrictive uniforms correlate with lower physical activity levels among primary school-aged girls, though the findings indicate correlation rather than direct causation.<sup>181</sup>

Switching to activity-friendly uniforms increases fitness and comfort. Australian findings in the study (as well as another study of 15 schools in Australia<sup>182</sup>) found that girls engage less in playground activities when wearing traditional attire, with formal school uniforms acting as a barrier to participation in games and physical education. There seem to be consistently lower physical activity levels for girls in countries enforcing rigid uniform policies, especially in primary schools, highlighting systemic gender disparities in access to movement-friendly attire.<sup>183</sup>

An Australian study by Norrish, Farringdon, Bulsara and Hands in 2012 recorded the number of steps undertaken by primary school girls and boys over a one month period. For two weeks the students wore their formal uniform (dress for girls, shorts for boys), and for two weeks they wore their sports uniform (shorts for both genders). The results showed that only the girls' physical activity levels were affected by the type of uniform they wore, with girls doing significantly less exercise when wearing a dress than when wearing the shorts.<sup>184</sup> A further Australian study that explored children's perceptions of the factors that impact on their ability to engage in lunchtime play at school revealed that 10 to 13 year old girls stated that their uniform was a factor (boys did not mention uniform). When girls were asked why they chose certain activities over others, uniform was

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<sup>181</sup>Ryan, M., Ricardo, L. I. C., Nathan, N., Hofmann, R., & van Sluijs, E. (2024). *Are school uniforms associated with gender inequalities in physical activity?* Journal of Sport and Health Science, 13(4), 590–598. <https://doi.org/10.1016/j.jshs.2024.02.003>

<sup>182</sup>Dudley, D.A., Cotton, W.G., Peralta, L.R. et al. *Playground activities and gender variation in objectively measured physical activity intensity in Australian primary school children: a repeated measures study.* BMC Public Health 18, 1101 (2018). <https://doi.org/10.1186/s12889-018-6005-5>

<sup>183</sup>Ryan, M., Ricardo, L. I. C., Nathan, N., Hofmann, R., & van Sluijs, E. (2024). *Are school uniforms associated with gender inequalities in physical activity?* Journal of Sport and Health Science, 13(4), 590–598. <https://doi.org/10.1016/j.jshs.2024.02.003>

<sup>184</sup>Norrish, H., Farringdon, F., Bulsara, M., & Hands, B. (2012). *The effect of school uniform on incidental physical activity among 10-year old children.* Asia-Pacific Journal of Health, Sport and Physical Education, 3(1), 51-63, <https://doi.org/10.1080/18377122.2012.666198>

identified as a significant restriction to playing certain types of activities, such as basketball.<sup>185</sup>

Another study conducted in Australia in 2015 by Watson, Elliott, and Mehta, reported on focus group discussions with girls from two South Australian co-educational primary schools (aged 12 to 13 years). The children were asked what they thought was the most important facilitator and barrier to engaging in physical activity during their lunch times. A key theme that the girls identified as a barrier to their participation was the gendered school uniform. The researchers write that, “most girls acknowledged the restrictive nature of dresses and skirts when engaging in physical activity, stating that clothing more appropriate for physical activity would encourage participation. The girls also recognised the gendered nature of the school uniform, making it easier for boys to be active”.<sup>186</sup>

## 5.2 Female Stereotypes

Bragg and Ringrose (2023) explore the broader implications of school uniform policies, particularly their role in shaping gender norms and power structures within educational settings. The study highlights concerns regarding gendered uniform regulations and the policing of girls' attire, drawing connections to the wider discourse on equity, autonomy, and systemic inequalities in schools.<sup>187</sup>

These findings reinforce the need for schools, policymakers, and communities to address the intersection of uniform policies with issues of safety and gender-based violence. Implementing stricter surveillance measures, educational programmes, and legal deterrents can play a pivotal role in protecting students while fostering a secure learning environment.

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<sup>185</sup> Stanley, R.M., Boshoff, K., & Dollman, J. (2012). *Voices in the playground: a qualitative exploration of the barriers and facilitators of lunchtime play*. Journal of Science and Medicine in Sport, 15(1), 44-51, <https://doi.org/10.1016/j.jsams.2011.08.002>, p46

<sup>186</sup> Watson, A., Elliott, J., & Mehta, K. (2015). *Perceived barriers and facilitators to participation in physical activity during the school lunch break for girls aged 12 -13 years*. European Physical Education Review, 21(2), 257-271, <https://doi.org/10.1177/1356336X14567545>

<sup>187</sup> Bragg, S., Ringrose, J. (2023). *Intervening in School Uniform Debates: Making Equity Matter in England*. In: Shanks, R., Ovington, J., Cross, B., Carnarvon, A. (eds) School Uniforms. The Cultural and Social Foundations of Education. Palgrave Macmillan, Cham. [https://doi.org/10.1007/978-3-031-32939-5\\_4](https://doi.org/10.1007/978-3-031-32939-5_4)

An analysis of school uniform policies in Scotland regarding gender found that there were generally more rules and prescriptive policies for girls. Many policies mentioned the length of girls' skirts using language that centred on the idea of decency or modesty which suggests a placing of normative categories on girls and young women using school uniform policies.<sup>188</sup> The notion of maintaining modesty and female students having to behave in a way that protects from exposing themselves while wearing their school uniform is frequently discussed by academics.

In their paper on girls' school uniform choices, Mergler and Carris highlight that in the younger years, students often take part in play based activity on the floor or sit on the floor cross-legged for circle time and reading activities. This is difficult to do in a dress, and requires girls to ensure they are 'being modest' and not exposing themselves. During a school day a number of other occasions arise for which the wearing of skirts is impractical, for example clearing up classrooms, helping to mount pictures and other work on walls, sitting on high stools in a science lab, as well as presenting in front of the class and being called up to write on the board.<sup>189</sup> The authors highlight that females should be free to focus on their learning, without being required to regularly consider the issue of modesty and immodesty.

The 2020 report by Plan International mentioned previously further highlighted that girls can feel self-conscious in prescribed clothing<sup>190</sup>:

*"Girls have told us about concerns around feeling self-conscious when school shirts are see-through and certain designs of skirts which blow up in the wind."*

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<sup>188</sup> European Educational Research Association, [School Uniform Policy in Scottish schools: Control and Consent - EERA Blog](#) (13 January 2021)

<sup>189</sup> Mergler, A and Cariss, S (2020) *Girls School Uniform Choices*. [Why-Options WEBSITE-1.pdf](#)

<sup>190</sup> Plan International, *The State Of Girls' Rights In The UK*, [Girls rights in the UK | Plan International UK](#), (2020), p48

Girls' uniforms can sometimes be more rigidly enforced than that of boys'.<sup>191</sup> For example, in 2024 dozens of girls in a Welsh school had their skirts measured for length and were sent home if their skirts were too short.<sup>192</sup>

School dress code controversies often garner widespread media attention both in the UK and internationally. Many of the controversies centre on children being sent home for not adhering to their school's uniform policy. While male students are also often sent home for issues like inappropriate haircuts and footwear<sup>193</sup>, the controversies often centre on the length of girls uniform skirts. Recently, in a secondary school in Dorset, England, students protested when a video on sexual harassment and ways to stay safe stated that girls should consider the length of their skirts and this could be a factor in boys verbally harassing them:

*"When you are breaking school uniform and having your skirts far too short then that's going to tempt boys to say silly things isn't it?"*<sup>194</sup>

The school has since apologised. In 2019, the Priory School in Lewes, England updated its uniform policy to include a rule which dictated that all students must wear trousers. The reason for the updated guidelines, in addition to catering for pupils who identify as transgender, was over "concerns" regarding the length of skirts worn at the academic institution.<sup>195</sup>

Commentators have highlighted that through these school policies and terminology such as decency and modesty, there is an implication that women

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<sup>191</sup> Bragg, S., Ringrose, J. (2023). *Intervening in School Uniform Debates: Making Equity Matter in England*. In: Shanks, R., Ovington, J., Cross, B., Carnarvon, A. (eds) *School Uniforms. The Cultural and Social Foundations of Education*. Palgrave Macmillan, Cham. [https://doi.org/10.1007/978-3-031-32939-5\\_4](https://doi.org/10.1007/978-3-031-32939-5_4)

<sup>192</sup> *Nation. Cymru*, (10 June 2024), [Dozens of girls sent home from school following uniform crackdown](#) (Accessed 12 June 2025)

<sup>193</sup> BBC News, 17 March, 2017, [Commissioner criticises school on haircut punishment - BBC News](#) (Accessed 12 June 2025)

<sup>194</sup> *Bournemouth Echo*, 24 April 2021, [Teacher's short skirt comments spark protest on school grounds | Bournemouth Echo](#) (Accessed 30 May 2025)

<sup>195</sup> *The Independent*, 5 September 2019, [Parents set for school gate protest against gender neutral uniforms | The Independent | The Independent](#) (Accessed 30 May 2025)

should be hyper cognisant about their physical identity and that it places the onus on girls to prevent inappropriate reactions from their male classmates.<sup>196</sup>

Recently in response to media reports of primary schools encouraging girls to wear shorts under their school uniforms and an increasing trend in secondary schools for girls to wear shorts under their skirts or summer dresses to prevent 'up-skirting', the chief inspector of schools in England, Amanda Spielman stated that:

*"I think it's really important we don't slide into a national culture that's essentially victim-blaming. In a primary school, I would very much hope we can find solutions in addressing any cultural problems that could be making girls feel uncomfortable doing normal things that every child should be doing in the playground..."*<sup>197</sup>

If wearing trousers, the literature supports that girls would want trousers that are specifically for them as opposed to the standard male trousers i.e., comfortable, stylish and made specifically for girls.<sup>198</sup>

### 5.3 Harassment

School uniforms have long been associated with discipline, equality, and identity within educational institutions. However, research in Plan International's 2018 report highlighted the increased vulnerability of schoolgirls wearing certain types of uniform to sexual harassment, including upskirting, as noted earlier.<sup>199</sup>

Plan International's report cited that more than one in three girls received unwanted sexual attention such as being groped, stared at, catcalled and wolf-whistled while wearing school uniform.<sup>200</sup>

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<sup>196</sup> The Atlantic, 20 October 2015, [The Movement Against Sexist and Discriminatory School Dress Codes - The Atlantic](#) (Accessed 30 May 2025)

<sup>197</sup> *The Guardian*, 15 June 2021, [Ofsted chief warns against victim blaming in 'modesty' shorts row | Edexcel](#) (Accessed 30 May 2025)

<sup>198</sup> Mergler, A., [School Uniforms: Reinforcing Harmful Gender Stereotypes - Girls' Uniform Agenda](#) (24 June 2018)

<sup>199</sup> Plan International UK, *Street Harassment Report*, [download](#), (2018), p6

<sup>200</sup> As cited directly above.

A systematic literature review published in *Trauma, Violence, & Abuse* reveals that upskirting is not merely an isolated act but a gendered form of violence against women and girls. This perspective challenges traditional legal narratives that classify it as an act of voyeurism for personal gratification. The study calls for more comprehensive research, engaging with both victims and perpetrators, and examining the role of digital platforms in the dissemination of non-consensual images.<sup>201</sup>

Data from the Crown Prosecution Service (CPS) underscores the severity of the issue. Since the introduction of the Voyeurism (Offences) Act, prosecutions for upskirting have doubled, with a significant number of cases involving teenage girls in school uniforms. Offenders employ discreet methods, such as hidden cameras in shoes or shopping baskets, to capture illicit images. The CPS urges vigilance and reporting, emphasising that awareness and legal action are key to prevention.<sup>202,203</sup>

### 5.3.1 Amendment to Bill

Upskirting is a criminal offence across the UK and ROI. Schools have been reconsidering uniforms accordingly. In NI, an amendment to the current Bill has been introduced by Clare Sugden, MLA, to counter the risk of upskirting.

Claire Sugden's amendment to the School Uniforms (Guidelines and Allowances) Bill aims to address concerns about upskirting and student safety.<sup>204</sup> Sugden's amendment specifically focuses on protecting students from upskirting, proposing that uniform guidelines include measures to prevent inappropriate

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<sup>201</sup>Lewis, R., & Anitha, S. (2023). Upskirting: A Systematic Literature Review, *Trauma, Violence & Abuse* 24(3), pp 2003–2018, White Rose Research Online, [Upskirting: a systematic literature review](#)

<sup>202</sup> Crown Prosecution Service, [Voyeurism \(Offences\) Act 2019](#) (12 April 2019)

<sup>203</sup>Crown Prosecution Service, [UPSKIRTING: Public urged to report offenders as prosecutions double](#) | [The Crown Prosecution Service](#) (3 December 2021)

<sup>204</sup> Committee for Education, Northern Ireland Assembly, "Official Report: Minutes of Evidence – School Uniforms (Guidelines and Allowances) Bill: Northern Ireland Youth Assembly," 3 June 2025, AIMS Portal, [Minutes Of Evidence Report](#)

photography and safeguard student privacy. The amendment aligns with broader efforts to strengthen protections for school-aged children, particularly in light of increasing reports of harassment and non-consensual image-sharing.<sup>205</sup>

## 5.4 Gender identity

Gender-specific uniform rules - such as requiring skirts for girls or trousers for boys - can negatively impact not only cisgender girls but also transgender, non-binary, and gender-fluid pupils.<sup>206</sup> They are linked to increased anxiety, absenteeism, and bullying among transgender and non-binary youth.<sup>207,208</sup>

These impacts are not only social but legal: indirect discrimination claims may arise if gendered uniform policies disadvantage transgender or non-binary pupils, potentially violating equality and human rights protections.<sup>209,210,211,212,213</sup>

Commentators have highlighted that school uniform policies that have separate rules for boys and girls can undermine students' rights to gender neutrality, fluidity

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<sup>205</sup>As cited directly above.

<sup>206</sup> Horton, C. (2023) "*Euphoria*": *Trans children and experiences of prepubertal social transition*, Family Relations, 72(4), pp. 1890–1907, <https://doi.org/10.1111/fare.12764>

<sup>207</sup> Ruari-Santiago McBride, *Grasping the Nettle: The Experiences of Gender Variant Children and Transgender Youth Living in Northern Ireland*, [Gender Variant Children and Transgender Youth in Northern Ireland](#) (February 2013)

<sup>208</sup> Equality Commission for Northern Ireland, *Key Inequalities in Education: Final Statement* (Belfast: ECNI, 2017), [EducationKeyInequalities-FinalStatement.pdf](#) (October 2017)

<sup>209</sup> Northern Ireland Human Rights Commission, [NIHRC-response-DE-Consultation-on-School-Uniform-Policy.pdf](#) (September 2024), p4, p30

<sup>210</sup> Stonewall, *Celebrating Difference and Building Belonging: Making Sure Non-Binary Students Feel Valued at School and College*, [Celebrating difference and building belonging: making... | Stonewall](#) (October 2023)

<sup>211</sup> Paechter, C., Toft, A., & Carlile, A. (2021). *Non-binary young people and schools: Pedagogical insights from a small-scale interview study*. Pedagogy, Culture & Society, 29(5), 695–713 <https://doi.org/10.1080/14681366.2021.1912160>

<sup>212</sup> Cumming-Potvin, W. M. (2023). *The politics of school dress codes and uniform policies: Towards gender diversity and gender equity in schools*. International Journal of Educational Research, 122, Article 102239, <https://doi.org/10.1016/j.ijer.2023.102239>, p4

<sup>213</sup> Estyn. *Celebrating Diversity and Promoting Inclusion: Good Practice in Supporting Lesbian, Gay, Bisexual and Transgender (LGBT) Learners in Schools and Colleges*. Estyn, [Thematic survey report](#) (October 2020)

and experimentation and potentially undermine the message of inclusivity and LGBTQ+ support for which many schools increasingly advocate.<sup>214</sup>

Currently research on the experience of transgender and gender non-conforming youth (TGNC) with regard to school uniform policy in Northern Ireland is limited.

A small study carried out by Queen's University Belfast researchers in 2017 suggests that single-sex arrangements and gender normative uniform and haircut policies in NI schools impose gender stereotypes on TGNC youth. This leaves those students with the 'option' of going to school every day 'in drag', as one interviewee put it, or breaking school rules, which in turn makes them vulnerable to informal (e.g. name calling) and formal (e.g. detention) sanctions. Interviewees who transgressed uniform and/or hair policies experienced homophobic and transphobic abuse from pupils and teachers either frequently or on an almost daily basis.<sup>215</sup>

Research carried out in 2013 on the experiences of gender variant and transgender children living in Northern Ireland suggests that wearing a uniform that does not correspond to their gender identity can 'be a cause of stress, anxiety and discomfort for young transgender people who are highly sensitive and generally distressed by their gendered appearance.'<sup>216</sup> Research by the Department of Education in 2016 found that of those pupils who identify as transgender, many also experience issues and difficulties around participation in sport and school activities, the wearing of school PE uniforms and the use of toilet facilities.<sup>217</sup>

It is suggested that this:

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<sup>214</sup> McBride, R. S., & Schubotz, D. (2017). *Living a fairy tale: the educational experiences of transgender and gender non-conforming youth in Northern Ireland*. *Child Care in Practice*, 23(3), 292–304. <https://doi.org/10.1080/13575279.2017.1299112>

<sup>215</sup> As directly above.

<sup>216</sup> Ruari-Santiago McBride, *Grasping the Nettle: The Experiences of Gender Variant Children and Transgender Youth Living in Northern Ireland*, [Gender Variant Children and Transgender Youth in Northern Ireland](#) (February 2013), p30

<sup>217</sup> Department of Education, [Post-primary school experiences of 16-21 year old people who are Lesbian, Gay, Bisexual and/or Transgender \(LGB&T\) | Department of Education](#) (April 2016)

“poor experience at school has a knock-on effect on transgender young people’s mental health, attendance and ability to learn. Almost three quarters of transgender pupils’ report that experiences at school have a negative or very negative impact on their emotional wellbeing and educational experiences including attainment (38.5%), attendance (41.5%) and career planning (35.9%).”<sup>218</sup>

#### 5.4.1 The legal context

In Northern Ireland, transgender people have protection against unlawful discrimination in the areas of employment, vocational training and the provision of goods, facilities and services (in certain limited areas), as well as in the disposal or management of premises. As the Education Authority explains in its Guidance for Schools, EOTAS Centres and Youth Service on Supporting Transgender Young People:<sup>219</sup>

“However, unlike Great Britain,<sup>220</sup> there is no clear legal protection from discrimination for transgender pupils in education. Guidance from the Equality Commission for Northern Ireland outlines that although schools in Northern Ireland have a responsibility not to discriminate against pupils on the protected grounds of sex, sexual orientation, race or disability *‘the law does not apply to age, religious belief and political opinion and gender reassignment in schools’*.”<sup>221</sup>

The Education Authority goes on to explain: <sup>222</sup>

“This means that aggrieved pupils do not have protection against discrimination on the grounds of gender reassignment in the field of education in schools or by

<sup>218</sup> Education Authority, [Guidance for Schools, EOTAS Centres and Youth Service on Supporting Transgender Young People](#), (2021), p13

<sup>219</sup> Education Authority, [Guidance for Schools, EOTAS Centres and Youth Service on Supporting Transgender Young People](#), (2021), p14

<sup>220</sup> In Great Britain, the Equality Act 2010 provides legal protection from discrimination of pupils proposing, undergoing or who have completed a process of gender reassignment. In order to be protected under the Act, a pupil will not necessarily have to be undertaking a medical procedure to change their sex but must be taking steps to live in the opposite gender, or proposing to do so

<sup>221</sup> Equality Commission for Northern Ireland, [ECNI - Schools, Education Service Providers, Equality Commission, Northern Ireland](#) (2025)

<sup>222</sup> Education Authority, [Guidance for Schools, EOTAS Centres and Youth Service on Supporting Transgender Young People](#) (2021), p14

qualifications bodies, although school staff are protected under sex discrimination law. The Equality Commission for Northern Ireland has recommended changes to equality law in Northern Ireland to strengthen protection for transgender children in schools.”<sup>223</sup>

Similarly, in 2021 the Department for Communities’ Expert Advisory Panel published a report to inform the development of a Gender Equality Strategy. The report identified that:

“There are significant gaps in protection from discrimination for LGBTQIA people in school. This specifically affects gender minorities, where there is no statutory duty on schools to provide support to trans children and young people, often forcing them back into the closet and leading to them experiencing discrimination from peers and staff.”<sup>224</sup>

The report identified this is a specific gap in NI equality legislation.<sup>225</sup>

However, the Equality Commission NI does say:

“Good practice extends beyond the mere letter of the law to include pupils who are disadvantaged because they are trans-gender, or because of their religious belief and political opinion.”<sup>226</sup>

Although not statutory in NI, recommendations from the Children’s Law Centre, NI Human Rights Commission (NIHRC) and Equality Commission NI advocate

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<sup>223</sup> The Equality Commission for Northern Ireland, *Summary: Gender Equality Policy Priorities and Recommendations*, [GenderPolicyPriorities-Summary.pdf](#) (November 2016)

<sup>224</sup> Department for Communities, *Gender Equality Strategy Expert Advisory Panel Report. Department for Communities*, [Gender Equality Strategy](#) (Published March 2021), p156

<sup>225</sup> As cited directly above.

<sup>226</sup> Equality Commission for Northern Ireland, [ECNI - Schools, Education Service Providers, Equality Commission, Northern Ireland](#) (2025)

against rigid, gendered uniform rules and encourage consultation with affected pupils and equality stakeholders when developing policies.<sup>227,228,229</sup>

However, there still could be legal complications as students in NI may have protections under the European Convention on Human Rights, the Human Rights Act, 1998 and the 1998 amendment to NI's Sex Discrimination Act to include gender reassignment.<sup>230,231,232</sup>

The NIHRC cites the European Convention on Human Rights:

"The NIHRC recommends that the revised statutory guidance specifically references international obligations on non-discrimination, including Article 14 of the ECHR."<sup>233,234</sup>. This states:

"the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour,

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<sup>227</sup> Children's Law Centre, [Can I choose which uniform to wear at school? – Children's Law Centre](#) (Accessed on 16 June 2025)

<sup>228</sup> Northern Ireland Human Rights Commission, *Submission to the Department of Education on the School Uniform Policy Consultation*, [NIHRC-response-DE-Consultation-on-School-Uniform-Policy.pdf](#) (September 2024), p30

<sup>229</sup> Equality Commission for Northern Ireland, [Consultation Response - Department of Education consultation on School Uniform Policy](#) (October 2024)

<sup>230</sup> House of Commons Library, [Gender recognition and the rights of transgender people - House of Commons Library](#) (16 July 2020)

<sup>231</sup> UK Legislation, [Human Rights Act 1998](#) (Accessed 10 July 2025)

<sup>232</sup> UK Legislation, [Sex Discrimination \(Gender Reassignment\) Regulations \(Northern Ireland\) 1999](#) (Accessed 10 July 2025)

<sup>233</sup> Northern Ireland Human Rights Commission, *Submission to the Department of Education on the School Uniform Policy Consultation*, [NIHRC-response-DE-Consultation-on-School-Uniform-Policy.pdf](#) (September 2024), p16

<sup>234</sup> Council of Europe, [European Convention on Human Rights](#) (Accessed on 1 July 2025), p13

language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status”.<sup>235</sup>

The NIHRC and Stonewall UK recommend gender-neutral and non-discriminatory policies for inclusivity, and the Equality Commission also emphasises inclusive policies.<sup>236,237,238</sup>

The NIHRC proposes, for example, an:

“inclusive uniform policy that does not directly or indirectly discriminate on the basis of gender or gender identity.”<sup>239</sup>

#### 5.4.2 Guidance

In 2019 the EA released guidance on how to support transgender youth in educational settings. The guidance states that, despite the aforementioned gap in equality law protection, schools should ensure that transgender young people are not singled out for different and less favourable treatment from that given to other young people and that schools should also ensure that transgender young people do not suffer unfair or less favourable treatment because of a school’s policies or practices, where possible. The guidance addresses the issue of school uniform stating that:

*Schools can either have a gender-neutral uniform policy or a sex specific uniform policy. In either case, it is recommended that schools adopt a flexible approach to meet the needs of a pupil who is transgender. Generally, if the school has a*

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<sup>235</sup> Northern Ireland Human Rights Commission, *Submission to the Department of Education on the School Uniform Policy Consultation*, [NIHRC-response-DE-Consultation-on-School-Uniform-Policy.pdf](#) (September 2024), p14

<sup>236</sup> Northern Ireland Human Rights Commission, *Submission to the Department of Education on the School Uniform Policy Consultation*, [NIHRC-response-DE-Consultation-on-School-Uniform-Policy.pdf](#) (September 2024), p4, p30

<sup>237</sup> Equality Commission for Northern Ireland, [Consultation Response - Department of Education consultation on School Uniform Policy](#) (02 October 2024),

<sup>238</sup> Stonewall, *Celebrating Difference and Building Belonging: Making Sure Non-Binary Students Feel Valued at School and College*, [Celebrating difference and building belonging: making... | Stonewall](#) (October 2023).

<sup>239</sup> Northern Ireland Human Rights Commission, [Publication - NIHRC Submission to the Department of Education on the School Uniform Policy Consultation | Northern Ireland Human Rights Commission](#) (September 2024)

*specific dress code for boys and girls, a transgender pupil should be allowed to wear the clothing that corresponds to their gender identity, regardless of their sex assigned at birth, unless there is a good reason not to.*<sup>240</sup>

The guidance further state that as a matter of good practice, schools may wish to introduce a 'gender neutral uniform option' and that this type of policy can benefit all children, regardless of whether they are transgender or experiencing gender identity issues. Schools are also urged to consider clothing worn by transgender pupils when participating in swimming lessons (for example, allowing the pupils to wear skirted swimsuits, rash vests or shorts).<sup>241</sup>

### 5.4.3 Gender Neutral School Uniform Policies

Gender-neutral uniform policies are linked to greater inclusion, reduced bullying, and improved mental health outcomes for trans and non-binary pupils.<sup>242,243</sup>

Research suggests that schools report improved attendance and wellbeing for trans and non-binary students, and that gender-neutral uniforms could cause a reduction in uniform-related complaints.<sup>244,245,246,247</sup>

Gender neutral school uniform policies are, therefore, increasingly being seen as a means to mitigate some of the issues with sex specific school uniforms including unhelpful gender stereotypes, limiting movement and participation in

<sup>240</sup> Education Authority (Northern Ireland), [Guidance for Schools, EOTAS Centres and Youth Service on Supporting Transgender Young People](#) (Last updated 15 January 2021), p43

<sup>241</sup> Education Authority (Northern Ireland), [Guidance for Schools, EOTAS Centres and Youth Service on Supporting Transgender Young People](#) (Last updated 15 January 2021), p43-p44

<sup>242</sup> Educating for Equality, [Exploring Gender Expression in School Uniform Policies - CPD for schools | Educating for Equality](#) (2023)

<sup>243</sup> Ruari-Santiago McBride, Aoife Neary, Breda Gray & Vanessa Lacey, (Dublin: Transgender Equality Network Ireland; Limerick: University of Limerick), *The post-primary school experiences of transgender and gender diverse youth in Ireland*, [0309-UL-Report-Body\\_online.pdf](#) (2020)

<sup>244</sup> Queensland Human Rights Commission. Trans @ School: A Guide for Schools, Educators, and Families of Trans and Gender Diverse Children and Young People, [QHRC TransAtSchool\\_forschools.pdf](#) (Revised 2024)

<sup>245</sup> Wales Centre for Public Policy, [Evidence-review-The-impact-of-policy-and-practice-in-education-settings-on-the-wellbeing-and-educational-outcomes-of-trans-children-and-young-people.pdf](#) (January 2025), p48

<sup>246</sup> Sky News, [School bans girls from wearing skirts as it brings in gender-neutral uniform | UK News | Sky News](#) (6 Sept. 2017)

<sup>247</sup> BBC, [Welsh school uniforms to be cheaper and gender neutral - BBC News](#) (10 July 2019)

school activities and restricting some students' personal and gender expression at a formative time in their lives. However, the introduction of these policies has not been without controversy.

The previously aforementioned case of the Priory School in Lewes, England introduced what it described as a gender neutral school uniform policy which obliged all students to wear trousers. Parents and children of the school argued that:

*"It's not a gender-neutral uniform, it's a male uniform. A gender-neutral uniform would allow boys to wear skirts and girls to wear skirts and both to wear trousers".<sup>248</sup>*

Commentators have highlighted that "only offering students a 'male uniform' without the option of wearing a skirt or alternative was felt to repress female-identifying students' self-expression and offer a 'male' standard for what is permissible."<sup>249</sup>

They go on to explain that "it could be argued that a 'trousers only' policy is not, in fact, gender-neutral and that a gender-neutral uniform would mean simply changing the wording in school rules so that the existing uniform of the school is available to all students, regardless of their gender identity."<sup>250</sup> The option for children to choose between all of the options within the school uniform policy allows students to explore what they are comfortable in their self-identity.<sup>251</sup>

In 2016 the Independent school Brighton College adopted such a policy by removing its traditional uniform rules and replacing them with a "trouser uniform" and a "skirt uniform" that can be worn by any pupil.<sup>252</sup>

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<sup>248</sup>Griffiths, K, [Can school uniforms include everyone? | by Kerry Griffiths | Twinkl Educational Publishers | Medium](#) (20 November 2019)

<sup>249</sup> As cited directly above.

<sup>250</sup> As cited directly above.

<sup>251</sup> As cited directly above.

<sup>252</sup> *The Guardian*, [Brighton College alters uniform code to accommodate transgender pupils | Brighton | The Guardian](#) (20 January 2016)

The issue of gender neutral uniform policies has also been raised in Northern Ireland. In 2019 a Belfast grammar School announced that it was undertaking a review of its uniform policy with gender-neutral uniforms being explored as part of the review. In 2020, Derry and Strabane Council passed a motion with cross party support to encourage schools to introduce gender neutral school uniform policies.<sup>253</sup> In 2020 a single sex grammar school in Londonderry/Derry introduced the option for girls to wear trousers or skirts following an initiative by the Student Council and after an overwhelming majority vote (87.4%) among students in favour of the move.<sup>254</sup>

#### 5.4.4 Guidance in Other Jurisdictions

The Welsh Government was the first of the four regions in the UK to introduce statutory guidance on school uniforms which includes adopting a gender neutral policy. According to the policy, schools can no longer have separate uniform codes for boys and girls, so that trousers or shorts, for example, will be available for either to wear.<sup>255</sup> School will also need to consider whether flexibility is needed in relation to uniform to meet the needs of a pupil who is undergoing gender reassignment and highlights that failure to allow a pupil to wear uniform that reflects their gender identity may constitute discrimination on the basis of gender reassignment under the Equality Act (2010).<sup>256</sup>

**Wales:** Statutory guidance requires gender-neutral options, prohibiting policies that disadvantage pupils based on gender identity.<sup>257,258</sup>

**England:** The current guidance on uniform school policy in England which was published in 2013 states that in formulating its school uniform policy, a school should consider its obligations not to discriminate unlawfully. For example, it is

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<sup>253</sup> *Derry Journal*, [All Derry & Strabane schools urged to end 'outdated tradition' of mandatory skirts or trousers](#) (04 November 2020)

<sup>254</sup> *Derry Journal*, [Derry girls will wear the trousers as St. Cecilia's students vote overwhelming for new uniform option](#) (14 February 2020)

<sup>255</sup> Welsh Government, [School uniform and appearance: policy guidance for governing bodies \(WG23-17\) \[HTML\] | GOV.WALES](#) (Last updated 2 May 2023)

<sup>256</sup> As directly above

<sup>257</sup> As directly above.

<sup>258</sup> As directly above.

not expected that the cost of girls' uniform is significantly more expensive than boys or vice-versa as this may constitute unlawful sex discrimination which is covered under the Equality Act 2010.<sup>259</sup>

Schools are also asked to bear in mind the concept of "indirect" discrimination. This involves the application of a requirement, which, although applied equally to everyone, puts certain people at a particular disadvantage because of their gender, race, sexual orientation, religion or belief or gender reassignment. The guidance states that such a requirement will need to be justified as a proportionate way of achieving a reasonable objective if it is to be lawful, and the policy will need to be flexible enough to allow for necessary exceptions.<sup>260</sup>

**Scotland:** Guidance advises that uniform policies should avoid reinforcing gender stereotypes and should allow pupils to choose attire that aligns with their comfort and identity.<sup>261</sup>

**Republic of Ireland: The Equal Status Acts (2000-2018)** apply to schools and prohibit discrimination in education.<sup>262</sup> Schools should ensure that uniform policies do not discriminate based on gender, religion, or other protected grounds.<sup>263,264</sup> While there is no explicit statutory requirement for gender-neutral uniforms, schools are expected to respect diversity and accommodate students fairly.<sup>265,266</sup>

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<sup>259</sup> Department for Education, [Developing school uniform policy - GOV.UK](#) (Updated 29 April 2024)

<sup>260</sup> As cited directly above

<sup>261</sup> Scottish Government, [Key considerations - School uniform and clothing: Guidance for schools and education authorities - gov.scot](#) (12 September 2024)

<sup>262</sup> Irish Human Rights and Equality Commission, [A Guide to the Equal Status Acts 2000-2018 / IHREC - English](#) (Accessed on 16 July 2025)

<sup>263</sup> Department of Education and Youth, [Schools and the Equal Status Act \(File Format PDF 700KB\)](#) (17 January 2020)

<sup>264</sup> Irish Legal Guide, [Equal Status Act, 2000](#) (Accessed on 16 June 2025)

<sup>265</sup> Irish Human Rights and Equality Commission, *Human Rights and Equality in the Provision of Goods and Services: Education*, [Education - IHREC - Irish Human Rights and Equality Commission](#) (Accessed on 16 June 2025)

<sup>266</sup> Irish Human Rights and Equality Commission, [embedding\\_equality\\_in\\_school\\_development\\_planning.pdf](#) (Accessed on 16 June 2025)

## 6 Race

Disciplinary action for non-compliant cultural dress has been shown to affect minority students' sense of belonging, and in some contexts uniform exclusion has led to school dropout.

### 6.1 Current Guidelines in Northern Ireland

Section 75 of the Northern Ireland Act 1998 includes race as a protected characteristic, but there does not appear to be any substantive analysis of racial implications in uniform policy.

### 6.2 Current Guidance in Great Britain and ROI

The Department for Education (DfE) has issued guidance urging schools to consider the impact of uniform policies on different racial groups. Schools should permit a range of culturally significant attire and train staff to avoid stereotyping pupils' appearances.<sup>267,268</sup>

The House of Commons Library research paper on racial discrimination in schools notes that schools must comply with the Equality Act 2010, ensuring they do not unlawfully discriminate against pupils based on race.<sup>269</sup> The Equality Act 2010 (applying Across England, Scotland and Wales) prohibits indirect discrimination, which includes bans on Afro hair, braids, or religious head coverings unless justified by health or safety concerns.<sup>270</sup>

Schools have a public sector equality duty to eliminate discrimination and foster good relations between pupils of different racial backgrounds.<sup>271</sup> Schools must

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<sup>267</sup> Department for Education, [Developing school uniform policy - GOV.UK](#) (April 2024)

<sup>268</sup> Equality and Human Rights Commission, [Preventing hair discrimination in schools | EHRC](#) (27 October 2022)

<sup>269</sup> House of Commons Library, *Racial discrimination in schools*, Research Briefing, [CDP-2023-0049.pdf](#) (6 March 2023)

<sup>270</sup> Equality and Human Rights Commission, [Preventing hair discrimination in schools | EHRC](#) (October 2022)

<sup>271</sup> Equality and Human Rights Commission, *Public Sector Equality Duty Guidance for Schools in England*, [Equality Duty Guidance for Schools in England](#) (Last revised July 2014)

ensure policies explicitly accommodate pupils' racial and cultural identities to foster an inclusive learning environment.<sup>272</sup> Milton Keynes Council in England, for example, has made some suggestions for an inclusive dress code:

- “Asian salwar (trousers) and kameez (shirt) in school colours if pupils and their parents choose to wear traditional clothing.”<sup>273</sup>
- “The production of a list of uniform items which includes salwar, kameez and hijab scarf and states colour options.”<sup>274</sup>

In ROI, schools have to heed the Equal Status Act in terms of race. Though, school uniforms does not seem to be explicitly mentioned.<sup>275</sup>

### 6.3 Evidence of impacts from the Research

The House of Commons research (March 2023) cited above highlighted concerns about racial discrimination in schools, including exclusion rates and disciplinary disparities affecting ethnic minority pupils. Black pupils are more likely to be excluded or disciplined for uniform violations compared to their white peers.<sup>276,277</sup>

The Educational Institute of Scotland states that Asian women may face indirect discrimination due to being unable to (or not wanting to) wear a uniform that requires dresses or skirts.<sup>278</sup>

Research confirms that uniform policies can indirectly discriminate against racial minorities, particularly through bans on Afro-textured hair and cultural headwear.<sup>279</sup>

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<sup>272</sup> As directly above.

<sup>273</sup> Milton Keynes City Council, *Equality and Diversity Part 2: Information and Guidance for Schools and Settings in Milton Keynes*, [Milton Keynes City Council](#) (2024), p14

<sup>274</sup> As directly above.

<sup>275</sup> Irish Human Rights and Equality Commission, *Race and Education*, [Education | IHREC - English](#) (Accessed on 16 July 2025)

<sup>276</sup> House of Commons Library, [Racial discrimination in schools - House of Commons Library](#) (March 2023)

<sup>277</sup> Intercultural Development Research Association, [Confronting Hair Discrimination in Schools – A Call to Honor Black History by Protecting Student Rights - IDRA](#) (February 2025)

<sup>278</sup> Educational Institute of Scotland, [Anti-Racist Policy Booklet | EIS](#) (2025)

<sup>279</sup> Equality and Human Rights Commission (EHRC), [Preventing hair discrimination in schools | EHRC](#) (2022)

Studies highlight that uniform policies disproportionately affect Black students, reinforcing racial biases in school environments (Joseph-Salisbury & Connelly, 2018).<sup>280</sup> The regulation of hair may be viewed as a form of racialised disciplinary power that is disproportionately enacted on Black pupils.<sup>281</sup>

A study by De Montfort University and World Afro Day surveyed 1,000 respondents and found that one in six children have a negative experience at school due to their Afro-textured hair.<sup>282</sup> Additionally, 46% of children with Afro hair faced school policies penalising their natural hairstyles - an increase from 27% in one generation.<sup>283,284</sup>

## 7 Summary

This paper has considered the current guidance on school uniforms relating to the theme of inclusion, the legislative framework, examples of guidance in other jurisdictions, and the existing research literature. It has focused on the issues of: religious observance; disability; gender and race. There is relatively limited research evidence on the impact of failure to accommodate these demographic characteristics, with the exception of gender, but there are indications that failure to account for different forms of inclusion could result in the following adverse effects for schools and pupils:

- The risk of legal challenges to schools on the grounds of indirect discrimination and/or conflicting with the Section 75 duties and other equality and human rights obligations
- The risk of excluding or marginalising students based on race, gender identity, religion, or disability or other factor, negatively impacting their participation in education

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<sup>280</sup> Joseph-Salisbury, R. and Connelly, L. 'If Your Hair Is Relaxed, White People Are Relaxed. If Your Hair Is Nappy, They're Not Happy': Black Hair as a Site of 'Post-Racial' Social Control in English Schools. *Social Sciences* 2018, 7(11), 219, <https://doi.org/10.3390/socsci7110219> (1 November 2018)

<sup>281</sup> As directly above.

<sup>282</sup> De Montfort University Leicester, [New report suggests UK schools are discriminating against pupils with Afro-textured hair](#) (16 May 2016)

<sup>283</sup> As cited directly above.

<sup>284</sup> World Afro Day, *Teaching: Diversity & Inclusion*, [PowerPoint Presentation](#) (2022), p7

- Negative impacts on attendance, mental health, and school participation
- Reduction in the opportunity to protect girls from harassment through upskirting and other forms of abuse
- The risk of discouraging girls' participation in sport through mandated PE kits which do not meet their needs.

Finally, it is important to consider if the current wording of the Bill i.e., Clause 2 regarding “comfort” explicitly meets the needs of pupils with disabilities.

## Appendix 1

### Case 1

In a Welsh case, a Sikh girl was initially barred from wearing a Kara bracelet, which the court found was an unjustified interference with religious expression.

In Wales, new statutory guidance (2022) explicitly warns that a governing body may be discriminatory if it “does not accommodate religious needs concerning dress”, noting that if a certain item is a recognised religious practice, it should normally be allowed (perhaps in school colours or with some modifications).<sup>285</sup> The Welsh guidance also adds that face coverings which obscure communication may be treated differently, but any such rules must be carefully justified.

### Case 2

A notable UK case is *R (Begum) v Denbigh High School* (House of Lords, 2006). In this case, a Muslim pupil (Shabina Begum) claimed her rights were infringed when her school did not allow her to wear a jilbab (full-length Islamic gown) beyond the approved uniform options. The school already permitted a shalwar kameez (loose trousers and tunic) with hijab as a compromise uniform for Muslim girls. The Law Lords ultimately upheld the school’s policy, finding that the school had taken great care to devise an inclusive uniform that respected Muslim beliefs in an “inclusive, unthreatening” way. Lord Bingham noted the uniform was acceptable to mainstream Muslim opinion and that making an exception for the jilbab could undermine cohesion and equality among students. In other words, the school’s need to promote social cohesion and avoid undue pressure on other pupils was held to justify the restriction especially as the school had consulted local mosques and already accommodated religious dress to a significant extent.<sup>286</sup>

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<sup>285</sup> UK Parliament, [WEARING OF THE SIKH KARA IN SCHOOLS - Early Day Motions - UK Parliament](#) (Tables on 05 February 2008)

<sup>286</sup> House of Lords, [R Begum v Denbigh.doc](#) (22 March 2006)

The Begum ruling illustrates that a proportionate approach- where schools include reasonable religious variants in the uniform - is likely to withstand legal challenge, whereas outright bans with no effort to accommodate could be found unlawful.

### Case 3

Earlier precedent was set in *Mandla v Dowell-Lee* (House of Lords, 1983), a case concerning a Sikh student's turban. There, a boy was refused admission to a UK school because the uniform rules required him to cut his hair and remove his turban, conflicting with his faith. The House of Lords ruled this was unlawful indirect racial discrimination, holding that Sikhs constitute an ethnic group protected under race discrimination law.

The *Mandla* case effectively established that requiring only short hair and no head covering, while apparently neutral, put Sikh pupils at a particular disadvantage and could not be justified.

As a result, it became clear that uniform policies must allow articles of faith like turbans (and, by extension, other religious dress) unless a school can show a very strong justification to the contrary.<sup>287</sup>

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<sup>287</sup> *Mandla v Dowell Lee* [1983] ICR 385; see also case summary #1418, *Oxbridge Notes, Mandla v Dowell Lee* (updated 7 January 2024) [#1418 - Mandla v Dowell Lee \[1983\] ICR 385 Case Summary](#) (Updated 07 January 2024) and 'Download 268', *Studocu, Mandla and another v Dowell Lee and another* [1983] 2 AC 548, [1983] 1 All ER 1062 (2018/2019 academic year), [Download 268 Mandla and another v Dowell Lee and another - \[1983\] 2 AC 548, \[1983\] 1 All ER 1062, - Studocu](#)