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Department of Education

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## Department of Education consultation on School Uniform Policy

The Commission notes the intention of the Minister to introduce statutory guidance so that all governing bodies will be required to review their current school uniform policy and ensure costs are manageable for parents/carers.

We welcome any potential contribution the proposed policy can make in furthering equality and avoiding the emergence or widening of inequality. We highlight that any policy on school uniforms should be cognisant of the different needs of pupils from across the equality grounds. We further highlight **Section 75 considerations** to be taken into account in the continued development of this policy.

### Policy Recommendations

We continue to emphasise that Government actions to address poverty and social exclusion should positively impact across a range of equality groups. Whilst socio-economic disadvantage is not a specified ground under the equality legislation in Northern Ireland, the barriers and inequalities experienced by equality groups can be exacerbated by poverty and social exclusion. Improving access to, and progression within, education is a key driver of economic and social wellbeing. It is also a route out of poverty and to improved social mobility and inclusion for some groups protected by the equality laws.

We note research that suggests that school uniforms costs represent a financial burden for many parents<sup>1</sup>, and note the stakeholder

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<sup>1</sup> For example, [The National Parent Survey 2023](#) and [Irish League of Credit Unions \(ILCU\) \(2022\)](#)

engagement data presented in the Department's policy and consultation documents. It is important that data on how specific issues impact on different equality groups is also presented, and considered in the development, implementation and monitoring of all policies.

The Commission has longstanding recommendations on the need for policies to be designed with stakeholder involvement, and for processes around policy development to be transparent and regularly reviewed. As such, commitments in the consultation to developing school uniform policies in partnership with pupils and parents/carers, and to publishing and regularly reviewing those policies, are welcomed.

We note the intention that guidance will make it compulsory for Board's of Governors to demonstrate e.g. how they have kept the costs of their uniforms as low as possible, and how they have considered costs in designing their uniform policy, among other duties. We highlight the need to monitor on a rolling basis the implementation of any guidance published to ensure understanding of, and adherence to, each policy, considering also if the policy overall, and in each school, is delivering the intended impact. We highlight this mindful of the limitations of other legislation, for example the Addressing Bullying in Schools Act, where duties on Board of Governors have to our knowledge not been monitored. It is therefore not possible for the Department or others to easily assess on a rolling basis if further supporting actions are required to assist or ensure Boards to comply with their Duties.

To ensure policies, guidance or legislation have the impact they are intended to have, it is essential that mechanisms are put in place to assess implementation and impact of policies, guidance and legislation.

The Commission has developed extensive Education policy positions, which include recommendations and evidence on a wider range of issues of potential interest. Please see:

<https://www.equalityni.org/Education/Policy>

For further information on the Commission's positions in relation to poverty and socio-economic disadvantage, see

<https://www.equalityni.org/Delivering-Equality>

## **Section 75 advice**

### **Timeliness of Section 75 screening**

The Department's equality scheme commits to undertaking equality assessments as early as possible, so that the assessments may inform policy proposals. In this regard, the Commission has advised the Department that equality assessments should be issued alongside policy consultations.

This consultation was launched on 20 June 2024 without an equality assessment (screening and/or Equality Impact Assessment). While the Commission notes that the Department subsequently followed Commission advice and undertook and published a screening document, it is unclear when the screening assessment was conducted and published as it has not been signed or dated.

### **Data/Evidence**

There is some limited Section 75 data presented in the screening assessment. However much of this is school census data and its relevance to the policy is not clear. While data relating to pupils eligibility for free school meals (FSM) is provided by community background it is not available for children in other Section 75 groups such as disability/SEN, sex, race.

The Department could also have considered other external data relating to the prevalence of poverty in NI such as [Poverty in Northern Ireland 2022 | Joseph Rowntree Foundation \(jrf.org.uk\)](#)

### **Assessment of impacts**

Some impacts have been identified based on the data provided with the Department concluding that the policy will '*...apply equally to all Section 75 groups*'... and will have a 'minor' positive impact in relation to religious belief, racial group, age, sex and disability.

The purpose of conducting screening/EQIAs is for public authorities to consider equality impacts, mitigation measures and/or opportunities to further promote equality of opportunity. This can include taking positive action to better promote equality for specific groups where it is lawful to do so.

### **Mitigation / consideration of alternative policies**

Part eight (Mitigation) of the Department's screening template appears to have been removed and there is therefore no mitigation considered, nor consideration of alternative policies.

## **Section 75 Monitoring**

We note that the Department, within its screening of the policy, has committed that “schools will be required to complete a return to the Department every three years demonstrating how they have followed the guidance”. We are concerned, however, that there are no Section 75 monitoring arrangements outlined in the corresponding section of the screening and no indication of how gaps in data will be addressed.

**Gaps in data** that the Department has identified in the screening form, should be addressed in this section of the screening form so that the Department will have the necessary information/data moving forward

The Commission remains available to discuss any specific equality issues identified. For further information on Section 75 considerations, please contact Mairead Starrs ([mstarrs@equalityni.org](mailto:mstarrs@equalityni.org))

**Equality Commission for Northern Ireland**

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