Equality Impact Assessment for school clothing and uniform policy and guidance

September 2024

Scottish Government
Riaghaltas na h-Alba

Title of policy:

School clothing and uniform guidance.

Summary of aims and desired outcomes of Policy:

The aim of the policy and supporting guidance on school clothing and uniform is to support schools and education authorities to make local decisions about their school uniform and clothing policies which are responsive to the needs, circumstances and identities of all pupils, reduce costs for families and promote a sustainable approach.

This new policy will contribute to the following National Outcomes:

- “We grow up loved, safe and respected so that we realise our full potential.”
- “We are well educated, skilled and able to contribute to society.”
- “We respect, protect and fulfil human rights and live free from discrimination.”
- “We tackle poverty by sharing opportunities, wealth and power more equally.”
- “We value, enjoy protect and enhance our environment.”

Directorate: Learning Directorate

Division: Improvement, Attainment and Wellbeing

Team: Support and Wellbeing Unit

Executive summary

The Scottish Government has worked with partners to develop national, non-statutory guidance on school clothing and uniform. The guidance aims to support schools and education authorities to design and implement flexible and inclusive uniform and clothing policies that reduce costs for families, promote sustainability and are responsive to the needs, circumstances and identities of all pupils. The guidance is set within the context of the Equality Act 2010 and other relevant legislation.

The Equality Impact Assessment identified that this policy would be of positive benefit to pupils of school age in Scotland. It also identified that it would benefit parents and carers of school age children. The Equality

Impact analysis has supported understanding of issues that impact pupils, parents and carers with protected characteristics and has helped to ensure that these matters are reflected within the guidance on school clothing and uniform.

Background

In 2021, the Scottish Government committed to introducing guidance on school clothing and uniform with the aim of reducing costs for families and addressing equalities issues related to clothing and uniform policies. A public consultation which sought views on school uniform was undertaken between May and October 2022.

The consultation provided an opportunity to influence the development of national policy and guidance on school uniform. It asked for views on uniform policy, including what should be included within the guidance, the role that school uniform plays in day-to-day school life, how best to reduce the cost of school uniforms, and views on draft principles that could be incorporated into national guidance. There were 2,751 responses to the consultation. Of these responses, 2,670 responses were submitted by individuals whilst 81 were submitted by organisations. There were a wide range of organisations represented with responses from local authorities; individual schools; school uniform banks; anti-poverty campaign groups; the independent school sector; school uniform suppliers; third sector organisations and pupil and parent councils.

The overall themes from the consultation were: affordability and cost, equalities and inclusion, sustainability, scope and compliance. Further information about the Scottish Government's consultation is available at this link: School uniform: consultation analysis - gov.scot (www.gov.scot).

Views on school uniform were also sought from pupils. The Children's Parliament engaged with over 100 children, aged between 6 and 11 from 3 primary schools across Scotland. A number of themes emerged from this engagement. These can be summarised as comfort, cost, identity, choice, safety, consequences, and gender. Information from the consultation carried out by the Children's Parliament is available at this link: Consultation on National School Uniform Guidance - Children's Parliament (childrensparliament.org.uk).

Following the consultation, a working group was established to support development of guidance on school uniform and clothing. The working group considered evidence from the consultation and engagement, alongside other sources to help inform and shape the guidance.

Responsibility for school clothing and uniform policy usually sits with individual schools. The purpose of the guidance is to support headteachers, school leaders and education authorities to work collaboratively with pupils, parents and carers, and teachers and school staff to put in place affordable and sustainable polices that support an inclusive and equitable culture which recognises and celebrates difference and promotes a welcoming and comfortable environment for pupils. This will support schools to address unnecessary barriers to participation and engagement of pupils in school education. Aligned to broader policies which support action to tackle child poverty and achieve the aims of Net Zero, the guidance will support families by reducing the cost of school clothing and uniform and promote sustainability by reducing waste and encouraging the reuse of clothing.

The Scope of the EQIA

The introduction of national policy and guidance on school clothing and uniform in Scotland is intended to be of positive benefit to pupils and their families.

The EQIA considered relevant data related to the protected characteristics of age, disability, sex, pregnancy and maternity, gender reassignment, sexual orientation, race and religion and belief.

The data included statistical information from Poverty and Income Inequality in Scotland 2020-23 and Summary statistics for schools in Scotland 2023. It also included consideration of the analysis of the public consultation on school uniform and responses from and the Children's Parliament report on their engagement with pupils on school uniform. Further evidence considered also included, the tackling child poverty delivery plan, Best Start, Bright Futures, the report from Child Poverty Action Group on the cost of the school day, the School Clothing Framework for Action and other evidence on uniform and clothing policies from across Scotland.

Key Findings

The EQIA considered a range of evidence. Broadly, it found that the guidance will be of positive benefit to pupils, parents and carers. In considering each of the protected characteristics, the following evidence was considered, and findings made.

Age

Evidence

The summary statistics for schools in Scotland indicate that in 2023, there were 705,528 pupils attending publicly funded schools in Scotland. These are school age pupils, between the ages of 4 and 19 years of age. Of those, there were 384,725 primary age pupils, 313,061 secondary age pupils and 7,742 pupils who were learning in a special school.

The data from the Poverty and Income Inequality in Scotland 2020-23, indicates that over the last 15 years, the youngest households (household heads aged 16-24) have been consistently more likely to be in relative poverty compared to older households. In 2020-23, 39% of people in households in this group were in relative poverty after housing costs, compared to poverty rates between 17% and 23% for older households.

Consideration

The schools provisions in Part 6 of the Equality Act 2010 do not apply to the protected characteristic of age and therefore it is not strictly necessary for this protected characteristic to be considered as part of this EQIA. However, the guidance relates to all pupils in publicly funded schools in Scotland. Therefore, it is targeted at pupils of a particular age group. The guidance reflects the requirements to involve pupils in decisions about their education, including decisions on school clothing and uniform policies. Additional resources have been developed for pupils to support their understanding of this guidance.

The guidance recognises that the cost of uniform and clothing may affect some households more than others, highlighting the six priority family

types who are at highest risk of child poverty.[1] The guidance is clear that schools should minimise the cost of school clothing and uniform for all families to support the removal of unnecessary barriers to pupils' participation and engagement in school education and address stigma and disadvantage. While the guidance is expected to have a positive impact for all families, those identified in the priority groups, including the youngest households, or those with a child under one, may be more positively impacted than other households.

Disability

Evidence

The summary statistics for schools in Scotland indicate that in 2023, there were 21,956 pupils recorded in publicly funded schools in Scotland who were assessed or declared as having a disability.

Evidence from the school uniform consultation analysis indicates that pupils with a disability may be more likely to be impacted or be impacted differently, by school uniform and clothing policies than pupils without a disability.

The data from the Poverty and Income Inequality in Scotland 2020-23, indicates that the poverty rate after housing costs for people in households with a disabled person was 24%. This compares with 18% in a household without disabled household members. The data notes that disabilities may impact on the ability of a parent or carer to work, and they may face higher costs because of their disability.

Consideration

The guidance is set within the legislative framework of the Equality Act 2010. It supports schools to meet the needs of all pupils and ensure that they eliminate any unnecessary barriers to participation and engagement in school education. The guidance asks schools to recognise and respond to issues related to clothing and uniform that may be experienced by disabled pupils. It makes clear the requirements

[1] Evidence identifies six priority family types as being at highest risk of child poverty: lone parent families, minority ethnic families, families with a disabled adult or child, families with a younger mother (under 25), families with a child under one, and larger families (three or more children) - Tackling child poverty priority families overview - gov.scot (www.gov.scot)

placed on education authorities, managers of grant-aided schools and proprietors of independent schools by the Equality Act 2010, including to ensure that their uniform or clothing policies do not discriminate against pupils on the basis of their disability. It also makes clear the requirements placed on education authorities, managers of grant-aided schools and proprietors of independent schools to provide reasonable adjustments for disabled pupils.[2] The guidance encourages schools to engage with pupils, parents, carers and others to develop and implement flexible and inclusive clothing and uniform policies.

The guidance also recognises that the cost of uniform and clothing may affect some households more than others, highlighting the six priority family types who are at highest risk of child poverty. The guidance makes clear that schools should minimise the cost of school clothing and uniform to support the removal of unnecessary barriers to pupils' participation and engagement in school education and address stigma and disadvantage. While this is expected to have a positive impact for all families, those in the priority groups, such as households with a disabled person, may be more positively impacted than other households.

Sex

Evidence

The summary statistics for schools in Scotland indicate that in 2023, there were 345,698 female pupils and 359,830 male pupils registered in publicly funded schools in Scotland.

Evidence from the analysis of the public consultation on school uniform indicates that uniform and clothing may impact pupils differently because of their sex. The consultation included responses which expressed support for gender neutral uniform items. Not all responses provided a reason for their choice, however, of those that did provide further detail, the most common responses related to choice, flexibility, practicality, participation in physical activity, equality, inclusion and reducing gender stereotyping. The engagement with pupils also included evidence related to sex, with pupils acknowledging uniform posed concerns for them and affected how they learn and play. The report indicates that some girls feel they may not have the same opportunities as boys to

[2] Schedule 13 of the Equality Act 2010

take part in a number of physical activities and that some girls feel pressure to look a certain way for fear of being bullied or made fun of by their peers.

The Gender Inequality and Societal Attitudes Report indicates that there may be a perception that school uniform policies, and their implementation, can produce sexist double standards; for example, with girls and young women being held to stricter standards than boys and young men.[3] Further, research from Lancaster University[4] also found that the cost of uniform or clothing for school may be higher for girls and young women than it is for boys and young men.

The Poverty and Income Inequality in Scotland 2020-23 statistics indicate that in 2020-23, 19% of women and 20% of men were in relative poverty after housing costs. The relative poverty rate amongst single mothers and single women was 29%. In addition, the relative poverty rates amongst married and co-habiting adults were 15% and 16%, respectively.

Consideration

The guidance is set within the legislative framework of the Equality Act 2010. It supports schools to meet the needs of all pupils and ensure that they eliminate any unnecessary barriers to participation and engagement in school education. The guidance recognises that pupils may be impacted differently by clothing and uniform policies because of their sex. It makes clear the requirements placed on education authorities, managers of grant-aided schools and proprietors of independent schools by the Equality Act 2010, including to ensure that their uniform or clothing policies do not discriminate against pupils on the basis of their sex.

The guidance promotes gender equality and supports schools to design and implement gender neutral clothing and uniform policies that support participation and inclusion for all pupils. The guidance aims to support schools to recognise and challenge the impact of harmful gender stereotypes, avoid gendered assumptions about the type of uniform that

[3] Gender Inequality and Societal Attitudes Report: everyday-heroes-briefing3-Gender.pdf (ed.ac.uk)

[4] School Uniform: Dressing Girls to Fail (2021) A Report by Let Clothes Be Clothes for the Department for Education

is preferred and promote flexibility and pupil choice. It also asks schools to ensure that when supporting and encouraging pupils to observe their uniform or clothing policy, their approach promotes gender equality, does not respond differently to pupils because of their sex or gender and supports pupils' freedom to express their gender identity.

The guidance also recognises that the cost of uniform and clothing may affect some households more than others, highlighting the six priority family types who are at highest risk of child poverty. The guidance makes clear that schools should minimise the cost of school clothing and uniform to support the removal of unnecessary barriers to pupils' participation and engagement in school education and address stigma and disadvantage. While this is expected to have a positive impact for all families, those in the priority groups, such as lone-parent families, may be more positively impacted than other households.

Pregnancy and maternity

Evidence

Data from Public Health Scotland indicates that in 2021[5], there were 2,005 teenage pregnancies, where the mother was aged 18 or under. There is a strong correlation between deprivation and teenage pregnancy, with typically higher rates in more materially deprived areas. However, while this data records the number of pregnancies where the mother was under 18, it cannot be assumed that all of the mothers were attending school. Information on the number of pupils attending school who are pregnant, or mothers is not collected.

Consideration

The guidance is set within the legislative framework of the Equality Act 2010. It supports schools to meet the needs of all pupils and ensure that they eliminate any unnecessary barriers to participation and engagement in school education. The guidance encourages schools to have a flexible clothing and uniform policy that supports pregnant pupils and pupils who return to school following the birth of their child.

[5] Table 1: Teenage pregnancies - Year of conception, ending 31 December 2022 - Teenage pregnancies - Publications - Public Health Scotland

Gender reassignment

Evidence

The Scottish Public Health Network (ScotPHN) - Health Care Needs Assessment of Gender Identity Services indicates that in 2017 it was estimated that there were 183 appointed referrals to the Young People's Gender Service Glasgow. Whilst referrals to the service will not reflect the entire population of transgender young people in schools, it provides an indication of the number of children and young people who are receiving support with their transition.

Consideration

The guidance is set within the legislative framework of the Equality Act 2010. It will support schools to meet the needs of all pupils and eliminate unnecessary barriers to participation and engagement in school education. The guidance asks schools to recognise and respond to issues related to clothing and uniform that may be experienced by transgender pupils. It makes clear the requirements placed on education authorities, managers of grant-aided schools and proprietors of independent schools by the Equality Act 2010, including to ensure that their uniform or clothing policies do not discriminate against pupils on the basis of gender reassignment.

The guidance encourages schools to engage with pupils, parents, carers and others to develop and implement flexible and inclusive clothing and uniform policies which take account of the needs, circumstances and identities of all pupils and take a proactive approach to address stereotypes and stigma which can often lead to prejudice or bullying experienced by transgender young people. The guidance signposts to Guidance on supporting transgender young people in Scottish schools which is underpinned by the duties placed on education providers by the 2010 Act and provides advice on the practical application of those duties in a school setting.

Sexual orientation

Evidence

The Scottish Government does not collect information on the sexual orientation of pupils or teachers. However, Stonewall's survey on the experience of young people in secondary schools in 2017, found that

45% of lesbian, gay and bisexual (LGB) pupils report having been bullied at schools in Scotland[6].

The Poverty and Income Inequality in Scotland 2020-23 statistics indicate that the relative poverty rate was higher amongst LGB+ adults at 25% than among straight/heterosexual adults at 19%, or those whose sexual orientation was unknown (21%).

There was limited evidence available from the consultation and engagement on school uniform specifically related to sexual orientation. However, responses did reference equality and identity in a broader sense.

Consideration

The guidance is set within the legislative framework of the Equality Act 2010. It supports schools to meet the needs of all pupils and ensure that they eliminate unnecessary barriers to participation and engagement in school education. The guidance asks schools to recognise and respond to issues related to clothing and uniform that may be experienced by lesbian, gay, bisexual, transgender, queer/questioning and intersex plus (LGBTQI+) pupils. It makes clear the requirements placed on education authorities, managers of grant-aided schools and proprietors of independent schools by the Equality Act 2010, including to ensure that their uniform or clothing policies do not discriminate against pupils on the basis of their sexual orientation.

It encourages schools to engage with pupils, parents, carers and others to develop and implement flexible and inclusive policies which take a proactive approach to address stereotypes and stigma which can often lead to prejudice or bullying experienced by LGBTQI+ pupils.

Race

Evidence

[6] Stonewall | School Report 2017

Information on pupils' ethnicity is collected as part of the annual pupil census and published in the summary statistics for schools in Scotland.[7]

There was limited evidence related to race or ethnicity in the analysis of the consultation on school uniform, however, responses indicate that uniform and clothing may impact pupils differently because of their race or ethnicity. Research[8] also indicates that discrimination related to hair or hairstyles disproportionately affects pupils with Afro-textured hair or hairstyles.

The Poverty and Income Inequality in Scotland 2020-23 statistics indicate that in 2018-23, people from minority ethnic (non-white) groups were more likely to be in relative poverty after housing costs compared to those from the White - British or White - Other groups.

The relative poverty rate was 51% amongst 'Mixed, Black or Black British and Other' ethnic groups, and 50% amongst the 'Asian or Asian British' ethnic group. However, the poverty rate amongst the 'White - Other' group (22%) was also higher than that of the 'White - British' group (18%).

Consideration

The guidance is set within the legislative framework of the Equality Act 2010. It supports schools to meet the needs of all pupils and ensure that they eliminate unnecessary barriers to participation and engagement in school education. The guidance asks schools to recognise and understand issues related to clothing or uniform that may impact pupils from all ethnic groups who belong to their school community. It makes clear the requirements placed on education authorities, managers of grant-aided schools and proprietors of independent schools by the Equality Act 2010, including to ensure that their uniform or clothing policies do not discriminate against pupils on the basis of race or ethnicity. It encourages schools to engage with pupils, parents, carers and others to develop and implement flexible and inclusive policies which enable cultural expression and take a proactive approach to

[7] Figure 22 of Summary statistics for schools in Scotland 2023 - Summary statistics for schools in Scotland 2023 - gov.scot (www.gov.scot)

[8] Hair Equality Report 2019 - https://www.worldafroday.com/wp-content/uploads/2022/09/WADHairEqualityReport2019a.pdf

prevent and tackle stigma, bullying, discrimination or prejudice against all pupils.

The guidance includes a section to support schools to prevent hair discrimination. It highlights that schools should have flexible and inclusive policies that support the needs, circumstances and identities of all pupils. Policies related to hair or hairstyles should be gender neutral, support pupils to feel comfortable with their natural hair and respect their right to express themselves through their choice of hairstyle. It sets out that policies must take account of the requirements of the 2010 Act and not discriminate against pupils on the basis of their protected characteristics.

The guidance also recognises that the cost of uniform and clothing may affect some households more than others, highlighting the six priority family types who are at highest risk of child poverty. The guidance makes clear that schools should minimise the cost of school clothing and uniform to support the removal of unnecessary barriers to pupils' participation and engagement in school education and address stigma and disadvantage. While this is expected to have a positive impact for all families, those in the priority groups, including minority ethnic households may be more positively impacted than other households.

Religion and belief

Evidence

The summary statistics for schools in Scotland indicate that in 2023, there were 124,284 pupils educated in denominational schools in Scotland. It should be noted that information is collected on the number of pupils who learn within a denominational school in Scotland. There is no information collected on the religion or belief of pupils in Scotland.

The analysis of the consultation on school uniform indicates that uniform and clothing may impact pupils differently because of their religion or belief and the wearing of religious items was referenced by some respondents.

The Poverty and Income Inequality in Scotland 2020-23 statistics indicate that 61% of people who identified their religion as Muslim were living in relative poverty after housing costs. This is compared to 16% of those who identify their religion as Church of Scotland; 17% of those

who identify their religion as Roman Catholic and 18% of those identifying with no religion.

Consideration

The guidance is set within the legislative framework of the Equality Act 2010. It supports schools to meet the needs of all pupils and ensure that they eliminate unnecessary barriers to participation and engagement in school education. The guidance asks schools to recognise and understand issues related to clothing or uniform that may impact pupils of all religions or beliefs. It makes clear the requirements placed on education authorities, managers of grant-aided schools and proprietors of independent schools by the Equality Act 2010, including to ensure that their uniform or clothing policies do not discriminate against pupils on the basis of religion or belief. It encourages schools to engage with pupils, parents, carers and others to develop and implement flexible and inclusive clothing and uniform policies which take account of the needs, circumstances and identities of all pupils.

Recommendations and Conclusion

The Equality Impact analysis has supporting understanding of issues that impact pupils, parents and carers with protected characteristics and has helped to ensure that these matters are reflected within the guidance on school clothing and uniform.

Assessment and analysis of the equality impact has concluded that the guidance will have mainly positive impacts on pupils and their families. It will improve outcomes for communities and support the removal of barriers to learning to ensure that pupils can participate and engage with their school education.

The Scottish Government will continue to engage with education authorities, schools, 3rd sector partners and others as appropriate to support implementation of the school clothing and uniform guidance in schools. We will consider further opportunities to support schools to implement this key policy and ensure that we deliver on our commitment to reduce the cost of the school day and support an equal and inclusive approach to school uniform and clothing.

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The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-83601-689-2 (web only)

Published by The Scottish Government, September 2024

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS1497478 (09/24)

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