

# EDUCATION (GUIDANCE ABOUT COSTS OF SCHOOL UNIFORMS) BILL

## EXPLANATORY NOTES

### What these notes do

These Explanatory Notes relate to the Education (Guidance about Costs of School Uniforms) Bill as brought from the House of Commons on 12 March 2021 (HL Bill 176).

- These Explanatory Notes have been provided by the Department for Education, with the consent of Baroness Lister of Burtersett, the Peer in charge of the Bill, in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each Clause of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes should be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

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## Overview of the Bill

- 1 The Bill will impose a duty on the Secretary of State for Education to issue statutory guidance on the cost aspects of school uniform, to which relevant schools must have regard. The guidance will apply to relevant state-funded schools in England, namely, maintained schools (including maintained special schools); academies (including special academies and alternative provision academies); non-maintained special schools; and pupil referral units.

## Policy background

- 2 At present, school uniform policy, including its cost, is a matter for a school's governing body or academy trust. The Department for Education has published non-statutory guidance on school uniform.
- 3 The Department for Education's non-statutory guidance was last updated in 2013 to give extra emphasis to the importance of cost considerations. The Department for Education's non-statutory guidance makes clear that schools should give highest priority to the consideration of cost and value for money for parents.
- 4 In November 2015, the Government published the 'Better Markets Plan'. This included a commitment to put the Department for Education's existing school uniform guidance on costs on a statutory footing:

“The government wants to ensure that effective competition is used to drive better value for money and will therefore put existing best practice guidance for school uniform supply in England on a statutory footing”.
- 5 This Bill will enable the Department for Education to make its guidance on the cost considerations of school uniform statutory.

## Legal background

- 6 There is no existing primary legislation specifically relating to school uniform or other aspects of appearance. Decisions about individual schools' uniform policies are a matter for the school's governing body or academy trust. However, as set out above, the Department for Education publishes non-statutory guidance on school uniform to support schools with this.
- 7 The Bill inserts new section 551A into Chapter III (Other Provisions about Schools) of Part X (Miscellaneous and General) of the Education Act 1996. This new section imposes (in subsection (1)) a statutory duty on the Secretary of State to issue guidance to relevant schools in England on the costs aspects of school uniform policies, to which the appropriate authority of those schools must have regard (see definitions under 'Commentary on provisions of Bill' below).

## Territorial extent and application

- 8 The Bill extends to England and Wales and will apply to England only.
- 9 See the table in Annex A for a summary of the position regarding territorial extent and application in the United Kingdom. As the Bill is a Private Members' Bill, the English votes provisions in the Standing Orders of the House of Commons relating to Public Business do not apply.

*These Explanatory Notes relate to the Education (Guidance about Costs of School Uniforms) Bill as brought from the House of Commons on 12 March 2021 (HL Bill 176)*

# Commentary on provisions of Bill

## Clause 1: Issuing guidance

- 10 This Clause inserts new section 551A into Chapter III (Other Provisions about Schools) of Part X (Miscellaneous and General) of the Education Act 1996.
- 11 Subsection (1) imposes a statutory duty on the Secretary of State to issue guidance to the appropriate authorities of relevant schools on the costs aspects of school uniform policies. This duty only applies to schools in England.
- 12 Subsection (2) provides a broad definition of the costs aspects of school uniform policies. It provides that the “costs aspects of school uniform policies” means “any aspects of school uniform policies that the Secretary of State considers relevant to the costs of school uniforms”.
- 13 Subsection (3) sets out who has to comply with the guidance issued by the Secretary of State – namely the appropriate authority of a relevant school. The meaning of ‘appropriate authority’ is set out in subsection (6) (see paragraph 16 below) and the meaning of ‘relevant school’ is set out in paragraph 15 below. The requirement imposed on the appropriate authority by subsection (3) is to have regard to the guidance issued by the Secretary of State when developing and implementing their school uniform policies.
- 14 Subsection (4) allows the Secretary of State to revise the guidance from time to time.
- 15 Subsection (5) explains which schools are covered by the Bill. They are: Academy schools (including special academies), alternative provision Academies, maintained schools (which include community, foundation or voluntary schools and community or voluntary special schools not in a hospital), non-maintained special schools and pupil referral units.
- 16 Subsection (6) explains what ‘appropriate authority’ means in the Bill – for Academy schools, alternative provision Academies and non-maintained special schools, the proprietor; for maintained schools, the governing body; and for pupil referral units, the local authority.

## Clause 2: Extent, commencement and short title

- 17 Clause 2 covers extent and commencement. The Bill extends to England and Wales and applies to England only. It will come into force two months after the day on which it is passed.

## Commencement

- 18 The Bill will come into force two months after the day on which it is passed.

## Financial implications of the Bill

- 19 In and of itself the Bill does not have any financial implications. We do not believe this Bill will impose an additional cost on schools or the Department for Education.
- 20 The Department for Education will undertake any impact assessments on the draft statutory guidance on school uniform costs provided for by the Bill, where appropriate.

## Parliamentary approval for financial costs or for charges imposed

21 The Bill does not require a money resolution or a ways and means resolution.

## Compatibility with the European Convention on Human Rights

22 The Department for Education has examined the compatibility of the provisions in the Bill with the Convention (in particular Article 1 of Protocol 1 (right to property); Article 2 of Protocol 1 (right to education) and Article 14 (prohibition of discrimination)) and believes that the Bill's provisions are compatible with the Convention rights.

## Related document

23 The following document is relevant to the Education (Guidance about Costs of School Uniforms) Bill and can be read at the stated location:

- Current School Uniform Guidance (updated September 2013)  
<https://www.gov.uk/government/publications/school-uniform>

# Annex A – Territorial extent and application in the United Kingdom

24 The Bill extends to England and Wales and applies to England only.<sup>1</sup>

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Legislative Consent Motion needed?
Clause 1	Yes	No	No	No	No
Clause 2	Yes	No	No	No	No

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<sup>1</sup> References in this Annex to a provision being within the legislative competence of the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly are to the provision being within the legislative competence of the relevant devolved legislature for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.

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These Explanatory Notes relate to the Education (Guidance about Costs of School Uniforms) Bill as introduced in the House of Lords on 12 March 2021 (HL Bill 176).

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