

The Equality Act 2006
Part 2: Discrimination on Grounds of
Religion or Belief

Guidance for Schools

This guidance is aimed at helping schools to understand their obligations under Part 2 of the Equality Act 2006, which introduces provisions outlawing discrimination on grounds of religion or belief in areas beyond employment and vocational training. This specifically includes education in schools.

Guidance Contents

General Background and Context

Definitions

How the legislation applies to schools

Exceptions for schools with a religious character

Exceptions for the content of the curriculum

Exceptions for collective worship

Exceptions for Local Education Authorities and public authorities (including
free school transport policies)

Exclusions and School Uniform

GENERAL BACKGROUND AND CONTEXT

Equality legislation has progressed in recent years, giving protection in areas such as race, sex and disability, but discrimination on the grounds of religion and belief has not previously been addressed in the area of goods, facilities, services and education. As part of the Government's programme to level up protection across the equality strands, this was addressed by the Equality Act 2006 ("the Act").

The Act was given Royal Assent on 16 February 2006 and Part 2 sets out new provisions to protect individuals against discrimination on grounds of religion or belief (including lack of religion or belief) when goods, facilities and services are being provided. These provisions extend to the delivery of education and other services by schools and are due (at the time of writing) to come into force in April 2007.

The DfES was closely involved in the development of these provisions. From the outset it was widely accepted that special considerations arose in the case of education because of the strong tradition of schools with a religious character which exist in England, Wales and Scotland and the way in which religion and worship play an everyday part in maintained schools more widely.

In developing the provisions we therefore needed to strike the right balance between combating religious discrimination and the need to protect pupils on the one hand and, on the other, maintaining the position of schools with a religious character (faith schools), upholding current statutory provision for schools more generally and protecting schools against possible vexatious claims as they carry out their normal functions.

To achieve this balance, a number of exceptions to the prohibition of discrimination in respect of the provision of education and schools have been included in the Act.

The Act can be accessed on line at the following HMSO website :

<http://www.opsi.gov.uk/acts/acts2006/20060003.htm>

The Explanatory notes can also be accessed on line at:

<http://www.opsi.gov.uk/acts/en2006/2006en03.htm>

DEFINITIONS

“Religion or Belief” and “Discrimination”

Section 44 of the Act describes what is meant by religion and belief.

Section 45 sets out the definition of discrimination for the purpose of the Act.

For the precise wording of the provisions you will need to refer to the Act through the hyper link above, but a general interpretation is given below.

The Meaning of Religion or Belief

The concepts of religion and belief in the Act will be construed by the courts in accordance with Article 9 of the European Convention on Human Rights, and with existing case law. This means that to benefit from protection under the Act, a religion or belief must have a clear structure and belief system, and should have a certain level of cogency, seriousness, and cohesion, and not be incompatible with human dignity. “Religion” will include for example all the major faith groups and “belief” will include non-religious worldviews such as humanism. Religion will also include denominations or sects within a religion, such as Catholics or Protestants within Christianity. It is not however intended to include political beliefs such as Communism or support for any particular political party.

Lack of religion or belief is also included in the definition of “religion or belief”. This means it will be unlawful to discriminate against someone on the grounds that they do not adhere or sufficiently adhere to a particular religion or belief (even one shared by the discriminator), or indeed any religion or belief at all – such as, for example, an atheist.

What Does Discrimination on Grounds of Religion or Belief Mean?

Discrimination on grounds of religion or belief means treating a person less favourably than another person is or would be treated, because of their religion or belief, or the religion or belief they are perceived to have, their lack of religion or belief, or the religion or belief, or lack of it, of someone else with whom they are associated.

The definition makes it clear that unlawful discrimination can include discrimination against another person of the same religion or belief as the discriminator. This is to ensure that discrimination between, e.g. Orthodox and Reform Jews, or Shia and Sunni Muslims, is caught. It does not, however,

include less favourable treatment on grounds of conduct by a person that is motivated or required solely by his own religion or belief. Thus for example, if a Sunni Muslim refuses to serve Shia Muslim customers in his shop, that would be religious discrimination within Part 2 of the Act. However if a Catholic printer refuses to produce leaflets advertising an abortion clinic, that might be motivated by his own religious belief but would not be based on the religion of the person refused the service, and would not be caught by these provisions.

The definition of discrimination on grounds of religion or belief does not address discrimination on any other ground (such as race, gender or sexual orientation). Each of these is dealt with under other legislation

Discrimination can be either direct or indirect:

Direct discrimination on grounds of religion or belief occurs when someone is given less favourable treatment on those grounds than someone else of another religion or belief, or none, receives or would receive, where there is no relevant difference in their circumstances.

Indirect discrimination on grounds of religion or belief occurs when a provision, criterion or practice is applied to everyone but has the effect of putting people of a particular religion or belief, or none, at a disadvantage, and it cannot reasonably be justified on other grounds. The complainant must actually have suffered that particular disadvantage though: it cannot be merely hypothetical.

Treating someone less favourably because they have taken, or are thought to have taken, any kind of action under the legislation (e.g. made a complaint or given evidence for a complainant) is also unlawful discrimination.

HOW THE LEGISLATION APPLIES TO SCHOOLS

Section 49 of the Act sets out the provisions in relation to educational establishments, which in this context means schools. (Further Education Colleges and Universities are covered by existing regulations¹ and are therefore not covered by these provisions.) For the precise wording of the provisions, please refer to the Act - <http://www.opsi.gov.uk/acts/acts2006/20060003.htm>

Below is a summary of the specific education provisions in this area, how they will affect schools and what schools need to do to comply.

The Act sets out that it is unlawful for maintained schools, independent schools and special schools to discriminate against a person in the following ways:

- (a) in the terms on which it offers to admit him as a pupil,
- (b) by refusing to accept an application to admit him as a pupil, or
- (c) where he is a pupil of the establishment:
 - (i) in the way in which it affords him access to any benefit, facility or service
 - (ii) by refusing him access to a benefit, facility or service,
 - (iii) by excluding him from the establishment, or
 - (iv) by subjecting him to any other detriment.

A "pupil" means any person who receives education at the establishment in question – which in this legislation means schools. (The use of "he" throughout the legislation includes people of both sexes.)

The body responsible for ensuring that no discrimination takes place depends on the type of school. For maintained schools, it will be the LA or governing body, depending on who took the decision or action complained of; whereas for independent schools and special schools not maintained by the LA, the responsible body will be the proprietor of the school.

Many schools will already have in place fair, non-discriminatory policies for dealing with pupils and their parents². They may not need to make any change to these in order to comply with the Act. Indeed, schools often lead the way in our society which is home to people of many cultures, religions and

¹ SI 2003/1660. The Employment Equality (Religion or Belief) Regulations 2003.

² Also includes guardians or carers.

beliefs, by practising and teaching about equality, inclusion and recognising diversity.

However, it is important that schools fully understand the provisions of the Act and are aware of their obligations and duties. Schools are advised to review their policies and practices to make sure these meet the requirements of the Act so that they are not doing anything which would discriminate against pupils on grounds of their religion or belief, or lack of it, or that of their parents¹ - even if they believe that they are already operating in a non-discriminatory way.

The Act provides that schools (unless exempted as detailed later in this guidance) will not be allowed to admit or refuse to admit pupils on the basis of religion or belief and must treat pupils equally irrespective of their own or their parents'¹ religion or belief or lack of it. This also applies to access to benefits, facilities or services. In addition pupils cannot be excluded from school or subjected to any detriment on the basis of their (or their parents'¹) religion or belief or lack of it.

However, there is a long tradition in this country of schools with a religious ethos and character. In addition, there are requirements on all schools to provide religious education, and daily acts of collective worship, most of which in any term must be wholly or mainly of a broadly Christian character (with limited exceptions). Taken alone, the prohibition of discrimination on grounds of religion or belief would create certain difficulties for schools in their proper, day-to-day operation. Some limited exceptions were therefore written into the Act

¹ Also includes guardians, carers, or associates

EXCEPTIONS FOR SCHOOLS OF A RELIGIOUS CHARACTER

(also known, and referred to in this guidance, as FAITH SCHOOLS)

Faith Schools have a significant history as part of the national education system, and with their distinct religious ethos and character, play an important role in diversity of provision. It was never the intention of part 2 of the Equality Act to undermine their position.

By their very nature, faith schools attract applications from pupils on the basis of religion. They may also offer special services, guidance, mentoring, religious visits etc for pupils who share their faith and these may not be extended to or duplicated for other pupils also attending the school. It is therefore clear that many of the everyday activities of faith schools would, without specific provision, be inconsistent with the prohibition of discrimination contained in the Act, leaving these schools open to claims of discrimination as a result of their normal operations.

Without specific exceptions in the legislation, parents¹ could claim that their child had been discriminated against if he or she was not admitted to a faith school on grounds that they did not share the faith of the school. Similarly, parents¹ of an existing pupil not sharing the faith of the school could claim that the pupil had been discriminated against if special arrangements were made for pupils sharing the faith of the school but not for others.

To enable faith schools to continue to operate in accordance with their particular religious ethos, limited exceptions to the non-discrimination provisions have been introduced.

However, whilst some specific exemptions have been provided for faith schools, they must abide by the provisions in the Act which do apply to them.

It is also important to recognise that whilst faith schools have a particular religious ethos and will, on the whole, cater for pupils of parents¹ sharing that faith, this does not mean that they should be inward-looking institutions and have no wider community outlook. All schools have important roles to play in working with other schools and the wider community and in promoting community cohesion. That is why the Education and Inspections Act 2006 placed a new duty on the governing body of all maintained schools to promote community cohesion and gave Ofsted powers to inspect how governing bodies are carrying out this duty.

It is good practice for faith schools to open a number of places each year for children who themselves, or whose parents¹, are of other faiths or no faith, in order to ensure a diverse mix of pupils and to reflect the wider community – and many schools already do this. In 2006 both the Church of England and

¹ Also includes guardians or carers.

Catholic Church pledged to make available 25% of places in new schools to children not of the school's faith. It is also the case that not all faith schools of the same faith necessarily interpret and teach that faith in the same way. Even some faith schools sharing the same religion may have different interpretations of the requirements of their faith, and different needs as a result. All schools should nevertheless practice tolerance and understanding of other religions and beliefs, including the beliefs of the non-religious, when teaching and in their everyday activities.

For the precise wording of the exceptions in this area you will need to refer to section 49 of the Act <http://www.opsi.gov.uk/acts/acts2006/20060003.htm> but in summary: the exceptions mean that maintained schools which have a religious character and independent schools which have a religious ethos (and are registered as such) are not subject to the provisions relating to admissions and pupils' access to benefits, facilities and services.

This means that faith schools will still be able to give priority in admissions to children on the basis of their faith. Schools can also restrict certain services and benefits that they offer to pupils sharing the faith of the school, or can offer them in a different way to pupils of different beliefs or religions - or none. However, it is unlawful for a maintained faith school to leave places unfilled where there are fewer applications than places available. Undersubscribed faith schools must admit all children who apply regardless of their faith. Similarly, where a school gives priority to a proportion of children not of the faith and there are insufficient applicants in this category, places must not be left open and must be filled by children of the faith (and vice versa).

However once pupils have been admitted, schools may not exclude them or subject them to any other detriment, on grounds of their religion or belief, or lack of it, or that of their parents¹. Detriment is a wide concept and is not precisely defined by law. It is open to interpretation by the courts on a case-by-case basis.

Examples of actions faith schools might take and how they would be treated under the Act: (Please note that any references to claims or unlawful acts in the examples below are in relation to the Equality Act only and not to any other education or equality legislation)

Faith schools will still be able to publish oversubscription criteria that give priority to children who are members of or practise their faith. Parents¹ of children who have not been admitted to a faith school simply because they are not members of or do not practise the faith will have no claim that their child has been discriminated against on grounds of religion or belief. (This does not affect the separate statutory right of appeal about a decision not to offer their child a place at the school.)

¹ Also includes guardians, carers, or associates.

Faith schools will still be able to make available to pupils a local religious leader of the school's faith to give advice and counselling. For example, a Church of England school might make available a local vicar to provide advice to its pupils. Even if the parents¹ of a Jewish pupil in attendance at the school objected because a rabbi was not made available to provide advice for their son, they would be unable to claim that he had been discriminated against on grounds of religion or belief.

Faith schools will still be able to organise trips for pupils to their local church or religious shrine. They will not have to organise similar visits to accommodate children of other faiths within the school. A Catholic school need not therefore fear any claim of discrimination by, for example, the parents¹ of a Muslim pupil who object that a visit to a local mosque has not been arranged when a visit to a local Catholic church has taken place.

Faith schools will still be able to maintain practices specific to their religion and ethos. For example, a Jewish school might stipulate that only Jewish pupils are permitted to read aloud certain religious texts during assembly. Atheist parents¹ of a pupil at the school could not claim that their child had been discriminated against simply because he or she was never selected to read these texts aloud.

Faith schools will still be able to mark or celebrate events specific to their religion and ethos. Parents¹ of pupils of other religions will not be able to claim that their children have been discriminated against simply because an equivalent celebration of events of significance to their particular religion is not arranged.

Faith schools can not exclude a pupil on grounds of his or her religion, or that of his or her parents². For example, if a pupil at a Church school decided that she was an atheist and regularly questioned in class the existence of God (but not in a disruptive way that brought her behaviour into question), the school would be acting unlawfully if it were to exclude her on these grounds.

Faith schools cannot treat a pupil less favourably because of their religion or lack of it by, for example, refusing to let them be a prefect or participate in the School Council, putting them in detention or assigning extra homework, or holding them up to ridicule in class because they do not conform to the school's beliefs.

¹ Also includes guardians or carers.

² Also includes guardians, carers, or associates.

EXCEPTIONS FOR THE CONTENT OF THE CURRICULUM

There is a broad exemption in the Act for anything to do with the content of the curriculum. This is to ensure that all schools can continue to deliver the broad-based and inclusive curriculum to which all children are entitled without fear of challenge based on the religious views of particular parents¹ or children.

For the precise wording of the exemption please refer to section 50 of the Act. <http://www.opsi.gov.uk/acts/acts2006/20060003.htm>

The exemption covers anything done by schools in connection with the content of the curriculum. It accordingly covers the National Curriculum, together with elements such as RE which is not part of the National Curriculum but which is required by law to be taught in maintained schools. It includes elements such as the provision of school library books, which are aimed at the delivery of a broad-based and balanced education to pupils. It also extends to independent schools, which do not have to teach the National Curriculum.

Examples of actions schools might take and how they would be treated under the Act : (Please note that any references to claims, legal challenge or unlawful acts in the examples below are in relation to the Equality Act only and not to any other education or equality legislation)

Schools should continue to teach evolution theories in science classes. Parents¹ of pupils whose religion discounts evolution cannot claim that their child is being discriminated against because theories which are not in accordance with their religion are being taught, or because alternative views such as creationism are not given equal weight.

Schools will still be able to use any technology at their disposal to teach all pupils. For example, parents¹ of a pupil whose religion does not allow the use of computers cannot claim that their son or daughter is being unlawfully discriminated against because such technology is used in delivering the curriculum.

¹ Also includes guardians or carers.

Schools will still be able to select literature and texts for study which are challenging, interesting and promote discussion amongst pupils, without being inhibited by fear of legal challenge. For example, a maintained school selects a controversial play to read and enact in year 12 drama which depicts a particular religion in a negative light. The parents¹ of a pupil of that religion at the school may object to the fact that their son is reading something of this nature as part of his studies, but would be unable to make a valid claim of discrimination on grounds of religion or belief.

Please Note : The examples above describe how schools may act in certain situations without falling foul of the provisions in the Act on discrimination on grounds of religion or belief. However, in any case where parents¹ claim that an aspect of the curriculum conflicts with their religion or belief, or lack of it, schools should discuss the matter with parents¹ in order (wherever possible and appropriate, bearing in mind the other obligations on schools), to reach a compromise with which both parties are happy. Cases will vary depending on the particular circumstances and should therefore be considered on a case by case basis.

¹ Also includes guardians or carers.

EXCEPTIONS FOR COLLECTIVE WORSHIP

Under existing education legislation, all pupils in maintained schools are normally required to participate in a daily act of collective worship, the majority of which in any term must be wholly or mainly of a broadly Christian character. Parents¹ have the right to withdraw their children from this activity so that they need not take part in the practising of another (or any) religion if they do not wish it. Schools must comply with this request by excusing those children.

This right also extends to parents¹ of children in maintained faith schools which provide religious education and activities more closely reflecting the school's ethos.

The right also extends to parents¹ of children in Academies although it should be noted that this right is by virtue of the Academy funding agreement and is not set in legislation as it is for maintained schools.

Parents¹ of children in independent schools do not have the same statutory rights to withdraw their children from collective worship, although a school might well permit them to do so.

Section 55 of the Education and Inspections Act 2006 also gives sixth form pupils of maintained schools the right to withdraw from the daily act of collective worship without parental consent.

All acts of collective worship provided by any school are exempted from the prohibition of discrimination under the Act. Please refer to section 50 of the Act for the precise wording.

<http://www.opsi.gov.uk/acts/acts2006/20060003.htm>

This exemption ensures that all schools can continue to provide collective worship in the way legislation requires them to. It also extends to activities organised by or on behalf of the school. Schools can therefore continue to arrange, for example, for children to attend the local church to participate in a harvest festival or Christmas carol service, although parents¹ would of course be expected to be informed of this and the likely content of the service, so they may elect to withdraw their child from that particular activity. Schools will not be required to provide equivalent worship or assemblies for children of all religions and beliefs, although they would be able to do so with agreement from their local SACRE.

Examples of actions schools might take and how they would be treated under the Act: (Please note that any references to claims, legal challenge or unlawful acts in the examples below are in relation to the Equality Act only and not to any other education or equality legislation)

¹ Also includes guardians or carers.

Maintained schools will still be able to provide a daily act of collective worship of a broadly Christian character (or different religion(s) if the school has obtained from their local SACRE a determination to modify their worship arrangements). Parents¹ of pupils who do not wish them to participate may withdraw their children from the collective worship since they have that right. However, parents¹ of other religions or beliefs cannot claim that their children are discriminated against on grounds of religion or belief simply because the school does not provide alternative facilities or services for separate worship by adherents to other religions or beliefs.

Schools can, if they wish, continue to organise other forms of worship for the school community to attend. For example, a school can organise a Christmas service at the local church. Parents¹ of Muslim pupils may object to the fact that a service celebrating Eid-ul-Fitr is never organised but they will be unable to claim that their child has been unlawfully discriminated against on that basis. They should however be given the opportunity to decide whether or not they are happy for their child to join in with any other religious occasion the school organises, and the school should be prepared to discuss with parents¹ the range of provision that is made for attending religious events, just as it would discuss with parents¹ other matters relating to school life.

¹ Also includes guardians or carers.

EXCEPTIONS FOR LOCAL AUTHORITIES AND PUBLIC AUTHORITIES

This is not directly relevant but will be of interest to schools.

Local Education Authorities are bound by the provisions of the Act and, like schools, need to be aware of their duties and obligations.

However, some exemptions have also been included for Local Authorities (see section 51 of the Act) and public authorities (see section 52 of the Act).
<http://www.opsi.gov.uk/acts/acts2006/20060003.htm>

These exemptions have been included because certain everyday functions of LAs and other public authorities (e.g. DfES) might otherwise be brought into question under the prohibition on discrimination contained in the Act.

One such area is the provision of schools. Without an appropriate exemption, the Act would effectively impose a duty on LAs to ensure equality in meeting demand for schools for pupils of different religions or beliefs (or no religion or belief) in any particular catchment area - and that is not the Government's intention under this Act. For example, without an exemption, a group of Catholic parents¹ could claim to have been discriminated against by their LA because there is no Catholic school in the area although there is a Church of England school.

Another key area is the provision of free or subsidised home to school transport by LAs. This, too, is exempt. This is because over and above an LA's duty to provide free home to school transport for all pupils who are attending their nearest relevant school when that is beyond the statutory walking distances, LAs also have considerable scope to decide in which other cases to provide subsidised or free transport. LAs must consider each pupil's case on its merits, taking account of all relevant factors. In practice, LAs often provide subsidised transport for pupils of a particular (often faith) school that is located outside the local area, even if it is not their nearest relevant school. This may be because a parent wishes their child to attend a school of their own faith. It could equally be because the nearest relevant school has a religious ethos which a parent thinks is inappropriate for their child, and the LA therefore enables the child to attend a non-faith school further away. An exemption was accordingly included for LA functions in relation to school transport to prevent LAs from being inundated with claims of discrimination as a result of their decisions in relation to individual requests for free or subsidised home to school transport

Note however that the Act neither creates any new law in the area of free home-to-school transport nor exempts LAs or any other public authority from their obligations under the Human Rights Act. It merely allows LAs to continue to make decisions based on individual cases - as is the position now.

¹ Also includes guardians or carers.

The Education and Inspections Act 2006 up-dated the law on school transport, and requires the Secretary of State to issue guidance¹ to local authorities on their duties and powers relating to home to school transport. The Act requires local authorities in England, when exercising their duties and powers in relation to school travel and transport, to have regard to a parent's wish for their child to be provided with education or training at a particular school or institution, including where that wish is based on the parent's religion or belief. The definition of "religion or belief" follows that of the Equality Act. At the time of writing, guidance to local authorities was due to be published in April 2007.

Examples of actions that might be taken by LAs and how they would be treated under the Act: (Please note that any references to claims, legal challenge or unlawful acts in the examples below are in relation to the Equality Act only and not to any other education or equality legislation)

An LA is lobbied by a group of Muslim parents² and community leaders to set up a maintained Muslim school in the area, or bring an existing independent Muslim school into the maintained sector. There is a well-established maintained Catholic school nearby to serve the Catholic community so they desire a maintained Muslim school for their community. Local Authorities have no powers to set up schools with a religious character and can only offer support for any proposals from providers (* see note below). The exemption for LAs would ensure that any refusal to support proposals for a new school in these circumstances is not wrongly characterised as an act of unlawful discrimination.

* The Education and Inspections Act 2006 gives LAs a duty to respond to parental representations, which might include demands for a new school. In considering how to respond LAs must have regard to guidance from the Secretary of State. Where there is evidence of parental demand for a school, the LA should carefully consider how that demand might be met - for example by supporting the parents to develop proposals of their own, by inviting a third party to come forward with proposals or by holding a competition. The guidance makes clear that it might also be appropriate for the LA put forward to parents another option which involves the establishment of a new school - and that in some circumstances the LA might legitimately decide to take no further action. LAs must be able to demonstrate that they have had regard to the guidance, but the exemption means that they are not obliged to ensure equality in meeting demand for schools for pupils of different religions or beliefs when carrying out their responsiveness duty. Other considerations may outweigh parental demand."

¹ Home to school transport guidance to local authorities will be available at: www.dfes.gov.uk when finalised.

² Also includes guardians or carers.

A Jewish pupil lives near to a community school but his parents,¹ for religious reasons, enrol him at a Jewish school 10 miles away (the nearest Jewish school to their home) and make an application to the LA for free home to school transport, which is approved. Their neighbours, who are non-religious, do not like the SAT results at the local community school and instead enrol their daughter at another community school 10 miles away, also making an application for free home to school transport, which is refused. They then claim to have been discriminated against on grounds of religion or belief, since their neighbour has received free transport but they have not – even though their reason for choosing the distant school was not related to their religion or belief - or lack of it. This is an example of no discrimination having occurred, since in the second parents'¹ case the LA's decision was unrelated to religion or belief. If the nearest suitable school to the non-religious parents'¹ home instead was a faith school, and they sought to secure free home-to-school transport for their daughter to enable her to attend a community school which was further away because they wanted her to be educated in a school without a religious character, the LA should consider their application in the same way as it would that of the Jewish parents¹. The exemption in relation to school transport is not intended to operate to excuse or encourage anything less than even-handed treatment by LAs of parents¹ with non-religious, as distinct from religious convictions.

¹ Also includes guardians or carers.

EXCLUSIONS

A key aspect of the education provisions in Part 2 of the Act is the provision that makes it unlawful to exclude any pupil from school on the basis of religion or belief (or lack of it). There is no exception from this provision.

Existing Government guidance on exclusions makes it clear that pupils should only be excluded from school as a last resort and that exclusions should only be made on grounds of a pupil's behaviour.

Nothing in the Act conflicts with this guidance. Schools cannot exclude pupils merely on grounds of their or their parents'¹ religion or belief - or lack of it, nor for behaviour which would not lead to exclusion if it was not linked to religion or belief. A pupil might, for example, put forward robust views in class discussions in RE based on his own minority religious view or position as an atheist or a humanist. Although it would be unlikely, a school might view this as disruptive or disrespectful and wish to exclude the pupil. Such an act would be discriminatory, unless the pupil's behaviour was so extreme and disruptive as to merit exclusion in its own right.

SCHOOL UNIFORM

Governing bodies decide whether there should be a school uniform and other rules relating to appearance, and if so what they should be.

In setting school uniform/appearance policies, governing bodies must ensure that their policy is fair and reasonable. They should consult widely and engage pupils, parents, prospective pupils and parents, community groups and leaders representing minority racial, national, religious, cultural, and disability groups in the consultation process.

The school uniform/appearance policy should take account of pupils drawn from particular social, religious or racial groups and those with a disability or special educational needs. Governing bodies also have duties under the Human Rights Act 1998 and under anti-discrimination legislation.

¹ Also includes guardians, carers, or associates