

September 2017

Dear Principal / Head Teacher

As Commissioner for Children and Young People it is my role to safeguard and promote the rights and best interests of children and young people in Northern Ireland.

My founding legislation requires me to keep under review law, practice and services as they relate to children and young people. In order to fulfil this duty, I am empowered to speak out about any issue which concerns the rights or best interests of children.

It is on this basis that I recently spoke publicly on the application of school uniform policy, specifically in relation to haircuts, the costs of school uniform and piercings. I have received feedback from some education professionals, parents and pupils regarding my contribution to this debate and I wish to put in writing my position so that there can be no ambiguity.

Legally, I understand that school uniforms, which includes issues such as haircuts, are not governed by any legislation but that it falls to each school to determine their own uniform requirements and associated policy. This was reinforced by the Court in their judgement in the Ballyclare High School case<sup>1</sup>. However, the Court were also clear that uniform policy “must be a living instrument and there must be in place appropriate mechanisms for change and/or engaging the voice of the pupil and engaging all the other properly invested voices”<sup>2</sup>.

The Department of Education Circular 2011/04 gives guidance to schools on uniform policy. It suggests that schools should ensure their uniform policy is fair and reasonable, in practical and financial terms and, as suggested by the Court, it should be consulted on with all interested parties. School Councils are the obvious, but not the only, vehicle by which this can be achieved with children and young people. The Circular further states that the Department expects schools to give a high priority to the costs of the uniform when setting their policy and advises that a school should not sanction a child by excluding them if they are unable to comply with the policy because of financial constraints.

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<sup>1</sup> <http://www.niccy.org/media/1261/ballyclare-judgement.docx>

<sup>2</sup> Para 48 Ibid

However, I remain concerned that school uniform policies can be inflexible and pupils are being sanctioned in a way which is disruptive to their education and potentially breaches their right to an education.

My overwhelming concern regarding recent cases which appeared in the media regarding haircuts and piercings, was the sanctions that were applied - in that the child was placed in isolation for a number of days and suspended respectively.

In June 2016 the United Nations Committee on the Rights of the Child gave their assessment of the performance of the United Kingdom in relation to the realisation of children's rights, set against the standards contained in the United Nations Convention on the Rights of the Child<sup>3</sup>. They recommended, at paragraph H.72(d) that the use of isolation rooms be abolished. I fully support their call and it is something that I intend to take up with the Minister for Education when our Executive is re-established.

A child who is in isolation or suspended, albeit with school work to do, is not having their right to an education met under Article 2 of the First Protocol of the European Convention in Human Rights. This is reinforced by Articles 28 and 29 of the UNCRC which make it clear that the fulfilment of the right to an education is about much more than being provided with books and worksheets. Isolation denies the child the opportunity to engage in the classroom setting alongside their peers and further denies the opportunity to develop the pupils' talents and abilities to their fullest potential.

I fully appreciate the need for uniforms and the ethos behind them. However, I believe that schools need to be reasonable and to consider the real costs of them and the fact that it is worn for a limited number of hours per day, five days per week. A haircut, and piercings, where they are legal and comply with local guidance, are forms of self-expression for young people which exists inside and outside school hours and assists with building their self-image, confidence and esteem, something which can only be good for a young persons' wellbeing. I question how a haircut, unless *offensive*, or a piercing, which can easily be covered for health and safety reasons, can negatively impact on a child's ability to engage with their education or can be viewed as a threat to the cohesiveness of a school community.

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<sup>3</sup><http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhskHOj6VpDS%2f%2fJqg2Jxb9gncnUyUgbnuttBweOlylfyYPkBbwffitW2JurgBRuMMxZqnGgerUdpjxij3uZ0bjQBOLNTNvQ9fUIEOvA5LtWOGl>

I would therefore also ask each of you, as school leaders, to review your school uniform policy to ensure that the views and voices of pupils and their parents and carers are heard and to show flexibility and pragmatism in the application of the policy, namely to:

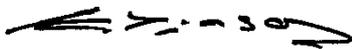
1 – Make sure that parents are able to avail of the most affordable options for school uniforms and are not required to purchase expensive items from particular suppliers or from your school directly if this is your policy

and

2 – Make sure a breach of your uniform policy is met with a proportionate discipline that does not breach the fundamental right of a child to education, specifically that isolation is not used as a sanction within your school for uniform infringements or any other matters.

I and my Office are, of course, very happy to discuss this further with you.

Yours sincerely



Koulla Yiasouma  
**Commissioner**

Cc Department of Education