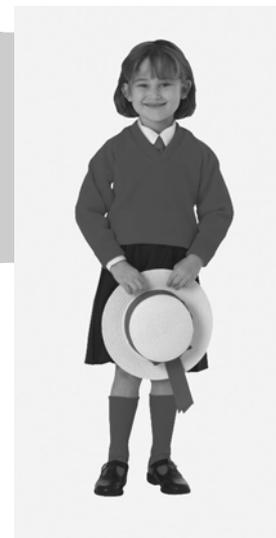


# Chapter 5:

## Enforcement and Sanctions



### Introduction

School policies and rules are just like laws; in order for these policies to work, they must be able to be enforced.<sup>290</sup>

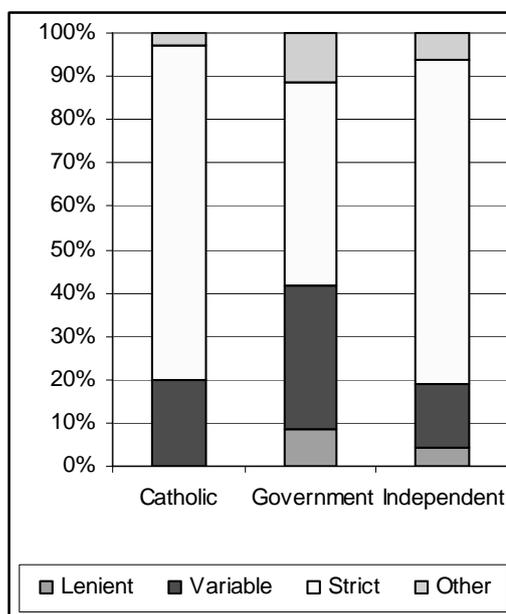
The enforcement of dress codes and school uniform policies in Victorian schools has been a contentious issue in this inquiry. Many government schools reported that they do not receive sufficient support from the Department of Education and Early Childhood Development in enforcing their dress codes and school uniform policies, and sought stronger departmental backing. On the other hand, the Committee also heard arguments that strict enforcement is inappropriate for dress codes and school uniform policies, and that enforcement should be the subject of ongoing negotiation between schools, students and their communities. With these considerations in mind, the Committee investigated the major issues relating to the enforcement of dress codes and uniform policies in Victorian schools.

### Attitudes to Enforcement

The Committee's survey asked principals to describe the enforcement of their dress code or school uniform policy as 'strict', 'variable' or 'lenient'.<sup>291</sup> The majority of respondents (62.3%) described the enforcement of their dress code or school uniform policy as 'strict: high standards of compliance enforced'. Enforcement was reported as variable (dependent on circumstances or teachers' discretion) in 25.1 per cent of schools, and lenient (seldom or never enforced) in 4.9 per cent. The survey data showed some differences in levels of enforcement across different sectors and year levels, as shown in Figures 5.1 and 5.2.

A much higher proportion of schools in the Catholic (77.1%) and independent (75.0%) sectors described their uniform policy as 'strictly enforced', compared with schools in the government (47.0%) sector. The vast majority of schools

**Figure 5.1: Types of enforcement of dress codes and school uniform policies in Victorian schools, by sector (%) (2007)**



Source: Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

<sup>290</sup> Ms A. Mullan, Year 12 Student, Kew High School, Transcript of Evidence, Public Hearing, Legislative Assembly Chamber, Melbourne, 6 September 2007, p.11.

<sup>291</sup> Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

'[Enforcement of the uniform policy] is one of the most challenging things we have to keep on top of in terms of our day-to-day running of the school. The school's authority is constantly being questioned.'

Committee Survey

## Inquiry into Dress Codes and School Uniforms in Victorian Schools

reporting 'lenient' or 'variable' enforcement were in the government sector, with no Catholic schools reporting 'lenient' enforcement at all. Special schools are the only ones more likely to have 'lenient' or 'variable' rather than 'strict' enforcement. While all other schools are most likely to 'strictly' enforce their dress codes and uniform policies, the proportion of 'strict enforcement' is highest at secondary level (76.6%) and lowest at primary level (57.4%).<sup>292</sup>

In the survey, 43 respondents (7.5%) opted to make an alternative comment about the enforcement of their dress code or school uniform policy, rather than select one of the options provided. Most of these comments indicated that the school uniform is optional or recommended, and therefore not enforced. Four respondents indicated that their SunSmart policy is 'strictly' enforced but that enforcement of the school uniform is otherwise 'flexible' or 'lenient'. Three expressed a 'friendly and understanding' approach to enforcement, exercising leniency when circumstances at home make compliance difficult, such as 'if the weather is miserable and washing has piled up'.<sup>293</sup>

The Committee believes that the importance of 'strictly' enforcing a dress code or school uniform policy depends on the rationale behind it. If schools choose to have a uniform in order to create a disciplined learning environment and a neat, well-presented public image, then strict enforcement may be necessary. For schools whose dress code or uniform policy is underpinned more by considerations of practicality and cost, a more relaxed approach to enforcement may be preferable.

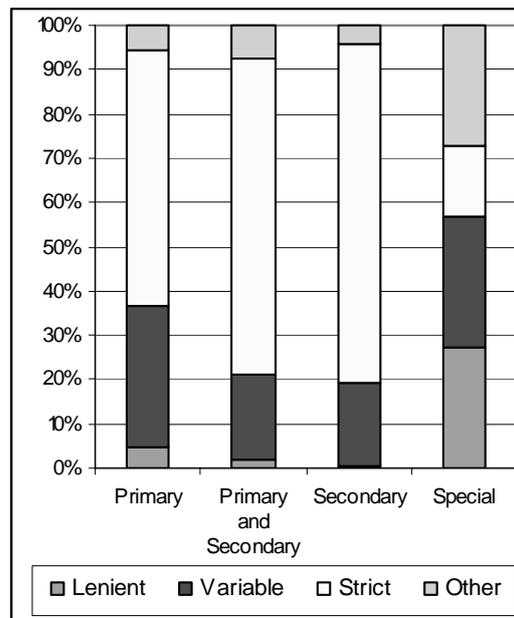
Comments in the Committee's survey indicated that schools with high numbers of students at risk of disengagement from learning are likely to prioritise student engagement and attendance over the enforcement of dress codes or school uniform policies. For example:

I have students with multiple piercings, dreadlocks and tattoos. They come to school every day without fail – even if a little hungover. A strictly enforced uniform policy would disengage these kids from school and learning. We would lose them. What matters most?<sup>294</sup>

Similarly, one primary school reported that challenging family circumstances sometimes present significant enough barriers to school attendance, which could be exacerbated by a strict uniform policy:

Pastoral care issues are very important, and knowledge of the family circumstance. At times a student may be in a home situation that is in crisis, and simply coming to school may be the primary objective, and the strict enforcement of 'correct' uniform may be a blocker.<sup>295</sup>

Figure 5.2: Types of enforcement of dress codes and school uniform policies in Victorian schools, by level (%) (2007)



Source: Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

<sup>292</sup> *ibid.*

<sup>293</sup> Respondents, Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

<sup>294</sup> *ibid.*

<sup>295</sup> *ibid.*

Another primary school indicated that prioritising attendance does not mean that a school uniform policy is not enforced; only that non-punitive measures may be applied:

We have enough of a challenge in getting our children to school, many from Koorie families, thus emphasis on uniform is important but I would seek support for the children rather than punish [them].<sup>296</sup>

The Committee acknowledges the effect that the strict enforcement of a school uniform policy may have on some students' attendance and engagement, and commends the above schools in their efforts to adapt their enforcement procedures to the needs of their students.

The Committee also notes that even schools without uniforms usually place some limitations on student dress. They therefore also need to determine appropriate levels of enforcement as part of the development of their student dress code. As many of the limitations contained in a general dress code are made for reasons of health and safety, some may need to be 'strictly' enforced. Of the 16 schools in the survey indicating that they have a 'General dress code' only, three reported having 'strict' enforcement, with the majority (56.2%) reporting that enforcement is 'variable'.<sup>297</sup>

## The Importance of Consistency

Although the Committee accepts that variance might reasonably exist between schools' attitudes to enforcement of a dress code or school uniform policy, a number of submissions noted the importance of consistent approaches to enforcement *within* schools. The Committee heard throughout the inquiry that inconsistent enforcement of a school uniform policy can cause resentment in the school community. Mr Anton Leschen, Regional Programs Manager, The Smith Family, told the Committee that inconsistent enforcement of a school uniform policy may be particularly resented by families who struggle to meet its cost:

...a school seems to tolerate deviation from the rule for a while and then attempts a 'clean-up', much to the students' disappointment. The rush is then on for students to return to their full uniform in an attempt to avoid detention or humiliating schoolyard rubbish duty...an unwavering school uniform policy is vital in ensuring that the huge expense of secondary school uniforms is validated.<sup>298</sup>

One comment in the Committee's survey also noted the difficulties experienced by teachers attempting to enforce the school uniform in a school where not all teachers implement the policy consistently:

Our school has a uniform policy; however, it can only be enforced if ALL staff are on board. It is extremely difficult to be a teacher who enforces uniform wearing when others do not, and allow the students to be 'out of uniform'. Uniform is really an all or nothing issue.<sup>299</sup>

Students too noted the importance of consistent enforcement of a school's dress code or uniform policy:

We believe that, whether students have a good or bad track record, the punishment should remain the same... In our school we recognise that it is important to enforce the use of school uniform, but perhaps it is not as well executed as it could be... Some teachers are lenient in the discipline, and others enforce the policy brutally. Also, the student is another variable in enforcement equalisation. If the student has a good track record, the teacher may let it slide.<sup>300</sup>

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<sup>296</sup> *ibid.*

<sup>297</sup> Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

<sup>298</sup> Mr A. Leschen, Regional Programs Manager, The Smith Family, Transcript of Evidence, Public Hearing, Melbourne, 14 May 2007, pp.3-4.

<sup>299</sup> Respondent, Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

<sup>300</sup> Mr R. Nyaguy, Year 10 Student, Sandringham College, Transcript of Evidence, Public Hearing, Legislative Assembly Chamber, Melbourne, 6 September 2007, p.13.

'There is something disheartening about being told off for wearing the wrong coloured socks. The colour of my socks has got nothing to do with who I am or what I am capable of.'

Ruby Franklin, Year 7 Student, Eltham High School

The Committee believes that dress codes and school uniform policies should set out clear expectations regarding how they will be enforced. It is especially important that schools expecting high standards for enforcement of the dress code or uniform policy also set out processes by which short- and long-term exemptions may be formally requested. These expectations should be developed in consultation with, and actively communicated to, students, parents, teachers and other members of the school community.

The Department of Education and Early Childhood Development's current guidelines do not outline how an infringement of a dress code or school uniform policy should be defined, or how strict or lenient schools should be in enforcing their policies. In the Committee's view, additional advice may be desirable, to ensure that school leaders recognise the need to clearly articulate expected standards for compliance and enforcement.

**Recommendation 5.1:** That the Department of Education and Early Childhood Development require schools to establish, in consultation with their communities, clear expectations regarding compliance with their dress codes and school uniform policies, to ensure that a consistent approach to enforcement is applied throughout the school.

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## Impact on the School Environment

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A common complaint heard by the Committee was that the enforcement of a school uniform policy can be time-consuming for teachers. A comment from Mr Brian Burgess, Victorian Association of State Secondary Principals, suggests that this is especially true for trivial, everyday infractions:

...the policing of school uniforms is a very time-consuming process for schools, mostly at the low level, 'I've left it in the wash,' or, 'The dog ate it,' or something along those lines.<sup>301</sup>

The Committee found that in some schools, teachers are asked to enforce uniform policies to a minute level of detail. For example:

Recently our school has started to crack down on socks...They have been going through mainly the younger year levels and getting them to take off their shoes to make sure they do not have colours, stripes or symbols on their socks, even below the shoe lines, and even those who wear pants.<sup>302</sup>

One parent also lamented the impact on teacher professionalism in a school where enforcement of the uniform has been made a high priority:

The staff at our school have become uniform police rather than educators. What a waste of their skills!<sup>303</sup>

Indeed, submissions from schools without a uniform, including Spensley Street Primary School and Eltham High School, noted that one of the benefits of not having a school uniform is that it enables teachers and principals to focus on more important matters.<sup>304</sup> A teacher from Princes Hill Secondary College made a similar comment:

...after working in schools with uniforms I am very grateful to be in a school where the large investment in time and energy required to enforce uniform policy is not needed. We can spend our time teaching rather than policing.<sup>305</sup>

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<sup>301</sup> Mr B. Burgess, President, Victorian Association of State Secondary Principals, Transcript of Evidence, Public Hearing, Melbourne, 30 April 2007, p.2.

<sup>302</sup> Mr N. Dubbeld, Year 10 Student, Warragul Regional College, Transcript of Evidence, Public Hearing, Legislative Assembly Chamber, Melbourne, 6 September 2007, p.16.

<sup>303</sup> Ms K. Clarke & Mr L. Challis, Parents, Written Submission, June 2007, p.1.

<sup>304</sup> Spensley Street Primary School Parent Association, Written Submission, May 2007, p.1; Eltham High School Council, Written Submission, May 2007, p.1.

<sup>305</sup> Princes Hill Secondary College, Written Submission, May 2007, p.7.

The Committee supports the view that the enforcement of a dress code or school uniform policy should not be expected to constitute a significant element of a teacher's workload.

On the other hand, some submissions claimed that school uniforms improve general student behaviour, thereby reducing the need for teachers to spend time on other disciplinary issues.<sup>306</sup> Both primary and secondary students also made comments to this effect:

When students have school uniform on, they are ready to work and are not silly because they are representing the school. When they do not wear uniform, they go silly and think they do not have to do anything; they think it is a free day where they can do anything they want.<sup>307</sup>

It sets boundaries between school, home, work and leisure. Once a student puts on a school uniform, they are in school mode; once they take the school uniform off, they are in home or leisure mode. It helps to keep students in an appropriate frame of mind during the school day.<sup>308</sup>

In the United States, school discipline has been associated with compulsory school uniforms. When the Long Beach Unified School District, California, became the first US district to introduce compulsory school uniforms in 1994, dramatic improvements were reported in student behaviour.<sup>309</sup> After visiting the district, the then US president Bill Clinton endorsed compulsory uniforms in a 1996 address to the nation:

We have a basic, old-fashioned bottom line. We must get violence out of our schools, and we must put discipline and learning back in our schools. If it means teenagers will stop killing each other over designer jackets, then our public schools should be able to require their students to wear school uniforms. If it means that the schoolrooms will be more orderly, more disciplined, and that our young people will learn to evaluate themselves by what they are on the inside instead of what they're wearing on the outside, then our public schools should be able to require their students to wear school uniforms.<sup>310</sup>

It should be noted, however, that the introduction of the compulsory school uniform policy in Long Beach was simultaneously backed by a renewed commitment to the enforcement of student discipline. Academics David Brunnsma and Kerry Rockquemore have therefore dismissed the causal relationship between school uniforms and behaviour claimed by the Long Beach District, suggesting instead that the accompanying emphasis on discipline was responsible for the improvement.<sup>311</sup>

Students from schools without uniforms assured the Committee that students in uniform are not necessarily better behaved. This comment from a student at Princes Hill Secondary College suggests that the association between school uniforms and student discipline is fallacious:

Schools with a strict dress code and uniform give the impression that they have a strong disciplinary system, but all schools put as much energy into applying a strong code of conduct, and lack of uniform does not mean that student conduct is any worse than in a uniformed school.<sup>312</sup>

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<sup>306</sup> For example, Mr P. Moore, Teacher, Written Submission, March 2007, p.1; Carrum Downs Primary School Council, Written Submission, June 2007, p.1.

<sup>307</sup> Ms A. Beattie, Year 6 Student, Stockdale Road Primary School (Traralgon), Transcript of Evidence, Public Hearing, Legislative Council Chamber, Melbourne, 6 September 2007, p.9.

<sup>308</sup> Mr L. Deegan, Year 10 Student, Warragul Regional College, Transcript of Evidence, Public Hearing, Legislative Assembly Chamber, Melbourne, 6 September 2007, p.13.

<sup>309</sup> R. Schachter 2005, 'Do clothes make the student?', *District Administration*, May 2005, p.46.

<sup>310</sup> W. Clinton, then President, United States 1996, *The President's Radio Address*, The American Presidency Project website, <<http://www.presidency.ucsb.edu/ws/index.php?pid=52449>>, accessed on 2 October 2007.

<sup>311</sup> D.L. Brunnsma & K.A. Rockquemore 1998, 'Effects of Student Uniforms on Attendance, Behavior Problems, Substance Abuse, and Academic Achievement', *The Journal of Educational Research*, September – October 1998, p.51.

<sup>312</sup> Ms M. Halloran-Mackay, Year 7 Student, Princes Hill Secondary College, Transcript of Evidence, Public Hearing, Carlton North, 31 July 2007, p.5.

'Our school juggles continually the strong push from some middle class parents that our uniform ought to look like a private school uniform, balanced with a sense that it's contradictory to our school philosophy to be having endless punitive discussions about something as peripheral to real learning as how a student dresses.'

Committee Survey

## Inquiry into Dress Codes and School Uniforms in Victorian Schools

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The Committee acknowledges that Victorian schools with and without uniforms generally maintain high standards for student behaviour, and this has certainly been the Committee's observation in its dealings with schools during current and previous inquiries.

As well as the impact on teaching time, some schools noted the effect of enforcing a school uniform policy on relationships between teachers and students. This came through strongly in a written submission from Sandringham College, which does not require students at its senior campus to wear a school uniform:

The environment the College provides and continues to develop also stresses the building and maintaining of positive, more adult learning relationships between teachers and students. Taking away the discipline aspects of uniform enforcement assists with this.<sup>313</sup>

An anecdote from Ms Jacinta Cashen, President, Victorian Council of School Organisations, describing one principal's transition from a school with a uniform to one without, also supported this view:

...he was wondering why he felt so good and happy...He realised it was because at this school he did not have to spend his time in the morning asking students to put their jackets on properly or point out that they were not wearing the right shoes. Instead he was able to engage in a conversation about who they were and what they were up to and how they were going. He really noticed the significant community difference between a school that had a uniform and one that did not.<sup>314</sup>

Written submissions from Princes Hill Secondary College and Eltham High School also suggested that not having a school uniform contributes to improved teacher-student relationships.<sup>315</sup>

Nevertheless, the Committee also heard suggestions that protection of teacher-student relationships should not inhibit the enforcement of dress codes and school uniform policies. Ms Ashleigh Mullan, Year 12 Student, Kew High School, told the Committee that the enforcement of a school uniform policy is an entirely appropriate element of the professional relationship between teachers and their students:

At the end of the day, a teacher-student relationship involves teaching and learning. It is a professional relationship. They are not there to be your best friend, and therefore should not have to think twice when enforcing a uniform policy.<sup>316</sup>

Mr Brian Burgess, President, Victorian Association of State Secondary Principals, took this argument further, suggesting that interactions over the enforcement of dress codes or uniform policies could even provide an opportunity to initiate more meaningful contact with students:

...a subtle benefit for some was that the uniform or lack of it was an excuse for a principal or an assistant principal to begin a conversation with a student, which often leads on to other matters that are impacting on the student and their schooling.<sup>317</sup>

Mr Lochlin Deegan, Year 10 Student, Warragul Regional College, also dismissed the claims that the enforcement of a school uniform policy will damage teacher-student relationships, suggesting that the effect of enforcement on relationships 'will come down to a particular student's behaviour and mindset'.<sup>318</sup> The Committee concurs that the attitudes of both teachers and students will be the most critical

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<sup>313</sup> Sandringham College, Written Submission, June 2007, p.1.

<sup>314</sup> Ms J. Cashen, President, Victorian Council of School Organisations, Transcript of Evidence, Public Hearing, Melbourne, 4 June 2007, p.24.

<sup>315</sup> Princes Hill Secondary College, Written Submission, May 2007, p.8; Eltham High School, Written Submission, May 2007, p.1.

<sup>316</sup> Ms A. Mullan, Year 12 Student, Kew High School, Transcript of Evidence, Public Hearing, Legislative Assembly Chamber, Melbourne, 6 September 2007, p.12.

<sup>317</sup> Mr B. Burgess, President, Victorian Association of State Secondary Principals, Transcript of Evidence, Public Hearing, Melbourne, 30 April 2007, p.2.

<sup>318</sup> Mr L. Deegan, Year 10 Student, Warragul Regional College, Transcript of Evidence, Public Hearing, Legislative Assembly Chamber, Melbourne, 6 September 2007, p.13.

factors in determining the effect of the enforcement of a dress code or school uniform policy on teacher-student relationships.

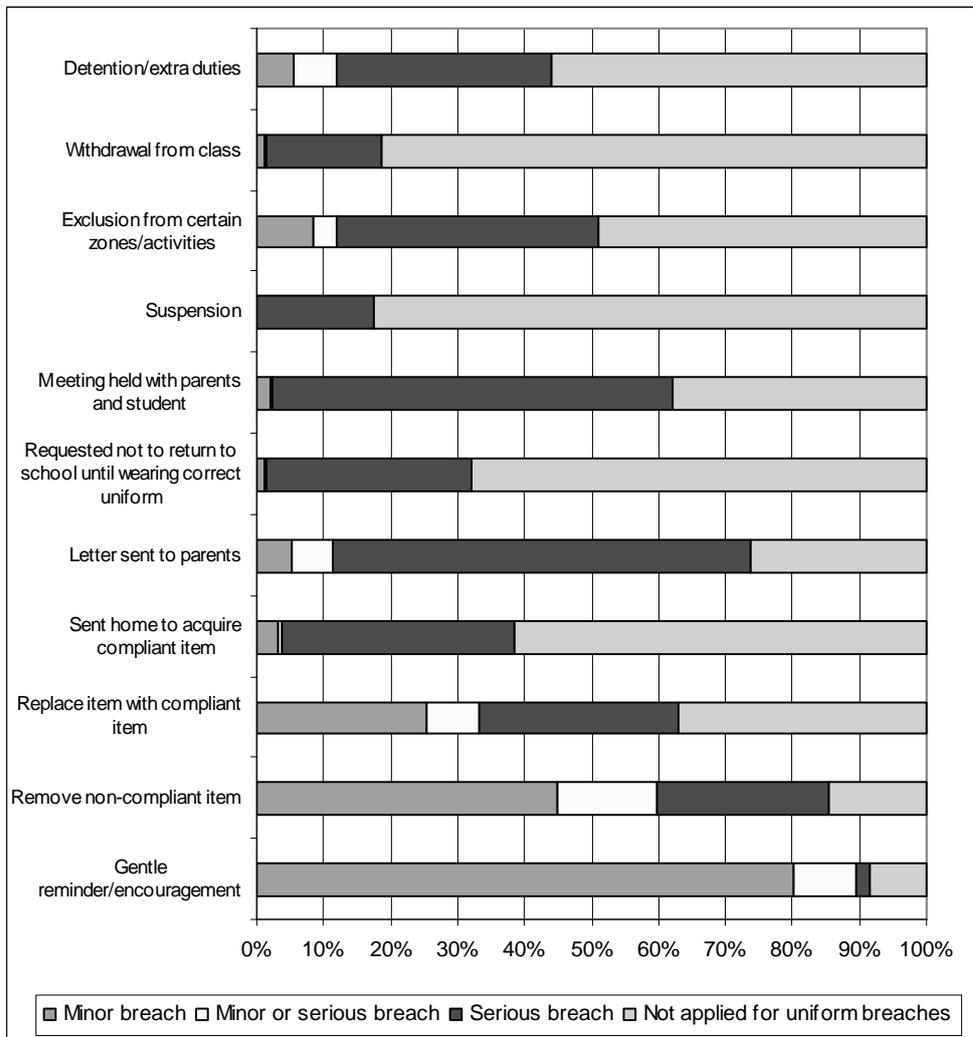
## Appropriate Sanctions

The Department of Education and Early Childhood Development advises schools that sanctions applied to breaches of dress codes and school uniform policies should reflect the statewide policy on student discipline:

The disciplinary measures used to enforce a school council dress code must be consistent with the school's student code of conduct and with the statewide *Student Discipline Procedures* 1994. The disciplinary measures used should reflect the graded series of sanctions contained in discipline procedures, the gravity and repetition of breaches, and considerations of the age and personal circumstances of students.<sup>319</sup>

Sanctions applied for breaches of a dress code or uniform policy typically have one or both of the following objectives: to punish the student for non-compliance with a school rule, or to remedy the breach by getting the student into correct uniform. The Committee's survey investigated how a range of such sanctions are currently applied in Victorian schools (refer Figure 5.3).

**Figure 5.3: Types of sanctions applied to minor and serious breaches of dress codes and uniform policies in Victorian schools (%) (2007)**



Source: Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

<sup>319</sup> Department of Education and Early Childhood Development 2007, 'Student dress code', section 4.8 (updated May 2006), *Victorian Government Schools Reference Guide*, DEECD, Melbourne.

'...part of being a young person in the community is testing social norms and boundaries and schools and communities should demonstrate a degree of tolerance of this behaviour.'

Kera Burnham, Victorian Student Representative Council

## Inquiry into Dress Codes and School Uniforms in Victorian Schools

Gentle reminders or encouragement are the sanctions most often used for minor breaches of a dress code or school uniform policy, applied in such cases by 89.5 per cent of schools. The next most common sanction for minor breaches is the removal of the non-compliant item (59.6%), sometimes accompanied by replacement with a compliant item supplied by the school. For serious breaches of a dress code or uniform policy, a letter to parents is the sanction most commonly applied (68.4%), followed by a meeting with parents and the student (60.2%). Suspension is the sanction applied by the smallest proportion of schools for breaches of the dress code or school uniform policy, and is only applied in cases of a serious breach.<sup>320</sup>

Primary and secondary schools are almost equally likely to use a gentle reminder or encouragement for a minor breach of their dress code or uniform policy, but primary schools are more likely to apply such measures to serious breaches as well. Stricter sanctions, including suspension, withdrawal from class and detention, are all applied much more frequently in secondary schools.<sup>321</sup>

The Committee discussed with students the types of sanctions they believe should be applied for breaches of school uniform policies and whether such sanctions should be the same as for breaches of other school rules. Views on both sides of the debate were heard from primary students. Ms Amanda Beattie, Year 6 Student, Stockdale Road Primary School, presented the view that all breaches of school rules are a student's choice, and should therefore all be treated similarly:

We think that students who misbehave [with respect to uniform] should be treated the same as others who break school rules, because misbehaving can be caused by a number of things, but generally it is all about choices. We also believe there should be similar punishments for breaking uniform rules as there are for our normal school rules. They are the school rules and every student must obey them.<sup>322</sup>

Ms Georgia Boyle, Year 6 Student, Essendon Primary School, took an opposing view, arguing that infractions against a school uniform policy should be treated differently from other types of misbehaviour:

The punishment should vary. It should not be compared to someone who has physically hurt another student.<sup>323</sup>

Secondary students agreed that the more serious sanctions that may be applied for breaches of other school rules should not be applied to breaches of a dress code or school uniform policy. For example:

Enforcement of the uniform policy should not involve measures that would adversely affect a student's learning, such as withdrawal from class, suspension or expulsion. These measures would better suit a more serious breach of rules, such as bullying. Enforcement procedures that are deemed inappropriate will not be accepted. They will cause resistance, and therefore the uniform policy will not be followed. Disciplinary measures that would be deemed appropriate are things such as verbal reminders to students, detention or communication with parents.<sup>324</sup>

The prevailing view in departmental policies throughout Australia is that positive reinforcement is a more appropriate means of enforcing dress codes and school uniform policies than punitive measures. This view was also articulated by Mr Fred Ackerman, President, Victorian Principals Association in a recent media article:

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<sup>320</sup> Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

<sup>321</sup> *ibid.*

<sup>322</sup> Ms A. Beattie, Year 6 Student, Stockdale Road Primary School (Traralgon), Transcript of Evidence, Public Hearing, Legislative Council Chamber, Melbourne, 6 September 2007, p.8.

<sup>323</sup> Ms G. Boyle, Year 6 Student, Essendon Primary School, Transcript of Evidence, Public Hearing, Legislative Council Chamber, Melbourne, 6 September 2007, p.7.

<sup>324</sup> Ms A. Mullan, Year 12 Student, Kew High School, Transcript of Evidence, Public Hearing, Legislative Assembly Chamber, Melbourne, 6 September 2007, p.12.

If people are coming to this issue from the point of view of punishment...they're on the wrong tram...You won't get blind adherence to wearing a uniform by using draconian practices.<sup>325</sup>

The following comment from Mr John Gow, Principal, Mont Albert School, suggests that positive reinforcement may be especially effective for younger students:

In primary schools most children like to conform and the wearing of the uniform helps them to feel accepted and that they belong. I realise that in secondary schools this may not be the case and that sanctions may be necessary.<sup>326</sup>

The following comment from Ms Amber Harry, Year 6 Student, Belvedere Park Primary School, supports the idea that primary students prefer to comply with uniform policies:

When our school has an assembly, the principal and teachers give praise to the students for wearing their school uniforms and tell them how good they look...If you recognise or reward the students who do wear school uniform, the students who do not wear the uniform will get upset and will want to wear the uniform so they can also be recognised.<sup>327</sup>

The Committee's survey received a comment from a special school, which also enforces its uniform policy through 'positive reinforcement and house points' for its students.<sup>328</sup>

The Committee heard suggestions that secondary students may be more likely to deliberately rebel against rules for student dress and appearance.<sup>329</sup> Therefore, compliance with dress codes and school uniform policies among older students may be best encouraged through negotiated approaches to sanctions. The Victorian Student Representative Council, which represents secondary students from across Victoria, emphasised that students should be involved in determining systems and sanctions for the enforcement of dress codes and school uniform policies, and even in their implementation:

In some cases, punishments imposed by a representative panel of students are more effective than those imposed by teachers or principals. However, this process would need to be carefully managed and completely transparent to avoid placing undue pressure on students involved.<sup>330</sup>

The kinds of systems favoured by the Student Representative Council would be flexible enough to reflect the nature and circumstances of individual offences, and tiered so that harsher sanctions would only be applied after 'giving students the chance to make good'.<sup>331</sup> The Committee encourages schools to involve students in decision-making about the enforcement of their dress codes and school uniform policies.

The Committee also notes that breaches of dress codes and school uniform policies may not always be the fault of the student. Parents and carers may be responsible, either deliberately or inadvertently, for a student not wearing the full, correct uniform. The Committee was advised of a number of such cases where

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<sup>325</sup> Mr F. Ackerman, President, Victorian Principals Association, cited in C. Milburn, 'Call for a tough stand on uniforms', *The Age*, 7 May 2007.

<sup>326</sup> Mont Albert School, Written Submission, May 2007, p.1.

<sup>327</sup> Ms A. Harry, Year 6 Student, Belvedere Park Primary School, Transcript of Evidence, Public Hearing, Legislative Council, 6 September 2007, p.9.

<sup>328</sup> Respondent, Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

<sup>329</sup> For example, Dr M. Rose, Committee of Management, Victorian Aboriginal Education Association Inc, Transcript of Evidence, Public Hearing, Melbourne, 14 May 2007, p.29; Ms E. Bromham, Written Submission, June 2007, p.1; Mr J. Goodman, Assistant Principal, Princes Hill Secondary College, Transcript of Evidence, Public Hearing, Carlton North, 31 July 2007, p.3; Mr S. Smith, Year 11 Student, Yea High School, Transcript of Evidence, Public Hearing, Legislative Assembly Chamber, Melbourne, 4 June 2007, p.20; Ms L. Forrest, Year 11 Student, University High School, Transcript of Evidence, Public Hearing, Legislative Assembly Chamber, Melbourne, 4 June 2007, p.9.

<sup>330</sup> Mr D. Flakemore, Student Representative, Victorian Student Representative Council, Transcript of Evidence, Public Hearing, Melbourne, 4 June 2007, p.17.

<sup>331</sup> *ibid.*

students were penalised by the school due to the differing views of their parents and staff at the school. For example:

When the school first contacted us about this, we explained to them that ... I will get him another pair but not yet. Firstly, I cannot afford to continually go out and buy shoes and secondly he was nearly out of them and it was close to the end of term... They stuck him in time out which I later found out was for a week. Sitting in a room all day doing nothing just because of his shoes. If I kept him home for a week and sat him in his room doing nothing because I did not have black polishable shoes, what would have been said and done then.<sup>332</sup>

While a number of secondary schools remarked that schools should punish students for breaches of uniform policy even when they are caused or supported by their parents,<sup>333</sup> several others noted that such sanctions would not be effective in securing compliance.<sup>334</sup> The Committee believes that mediation and support are preferable in these circumstances.

The Committee notes that meetings or other communication with parents is currently the most common response to serious breaches of dress codes or uniform policies in Victorian schools.<sup>335</sup> The Committee believes that by adopting a supportive and conciliatory approach to such communication, schools can readily resolve most disputes relating to dress codes and school uniform policies. It is essential that during such discussions, schools seek to uncover the underlying reasons for non-compliance, and work with students and their families to find a mutually acceptable solution. The Committee notes that if such issues cannot be resolved at a local level, mediation services may be available, as discussed in Chapter 8.

## Exclusion and Suspension

The Committee found that the most contentious of possible sanctions for breaches of dress codes or school uniform policies is the exclusion of students from learning opportunities. The Department of Education and Early Childhood Development advises schools to take care that students' studies are not adversely affected by the enforcement of a dress code or school uniform policy. Sanctions involving exclusion from school activities will therefore not normally be appropriate:

Any infringement of a dress code is not usually linked with interference to the rights of other students or the capacity of a teacher to teach a class, and therefore withdrawal from classroom instruction (or other school activities) will not normally apply. Exception to this would include issues of safety or issues relating to students representing the school in the community for optional educational activities.<sup>336</sup>

The Committee found that a similar stance on exclusion is taken by all jurisdictions in Australia that have policy statements on dress codes and school uniform policies, as well as by the Catholic Education Commission of Victoria.<sup>337</sup> The Committee notes that in Queensland, legislation limits the sanctions that may be applied to breaches of dress codes or school uniform policies to: after school or lunchtime detention; exclusion from activities in which the student is representing the school; or exclusion from any activity that is not an essential school educational program.<sup>338</sup>

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<sup>332</sup> Ms T. Marshall & Mr D. Marshall, Parents, Written Submission, July 2007, p.1.

<sup>333</sup> For example, Eumemmerring College Council, Written Submission, May 2007, p.1; Whittlesea Secondary College, Written Submission, July 2007, p.2.

<sup>334</sup> Ms J. Covington, Written Submission, May 2007, p.8; Pakenham Hills Primary School Council, Written Submission, May 2007, p.1; Hawkesdale P-12 College School Council, Written Submission, May 2007, p.1.

<sup>335</sup> Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

<sup>336</sup> Department of Education and Early Childhood Development 2007, 'Student dress code', section 4.8 (updated May 2006), *Victorian Government Schools Reference Guide*, DEECD, Melbourne.

<sup>337</sup> Catholic Education Commission of Victoria Ltd, Written Submission, May 2007, p.2.

<sup>338</sup> Section 362, *Education (General Provisions) Act 2006* (Queensland).

The Committee heard a range of additional views against the exclusion of students for breaches of dress codes and school uniform policies. A number of written submissions from parents argued against exclusion,<sup>339</sup> as did several students at public hearings.<sup>340</sup> It is interesting to note that students often take a broad view of what they consider to be essential educational activities. For example, when debating the Committee's mock '*School Uniform Bill 2007*', students from Warragul Regional College suggested that withdrawal of privileges (including exclusion from extracurricular activities and excursions) should be considered an appropriate disciplinary measure for the enforcement of dress codes and school uniforms.<sup>341</sup> Other students spoke against Warragul Regional College's proposed amendment to the 'Bill':

I personally believe excursions are very important learning paths that allow students to embrace another way of learning, such as going to a French cafe, to say, 'Parlez vous Français?' or something like that. It is a very important part of learning to realise that you can learn out of the classroom situation.<sup>342</sup>

If it is to do with an excursion to do with a certain subject, a certain class, getting taken away from that because of something you are not wearing could affect your learning. Therefore I do not really agree with this either.<sup>343</sup>

One of the strongest opponents of exclusion practices was Dr Mark Rose, Committee of Management, Victorian Aboriginal Education Association Inc:

...core learning is really important for all kids and exclusion practices because of the wrong colour pants or the wrong jumper is totally inappropriate.<sup>344</sup>

The Law Institute of Victoria strongly argued against enforcing a dress code or school uniform policy through student suspension or expulsion:

The Law Institute of Victoria submits that a student should *never* be suspended or expelled from school, on the basis of a breach of school uniform policy.<sup>345</sup>

In the Institute's view, a dress code or school uniform policy enforced by suspension or expulsion would not constitute a 'reasonable limit' under the *Equal Opportunity Act 1995* or the *Charter of Human Rights and Responsibilities Act 2006*.<sup>346</sup> However, Dr Helen Szoke, Chief Executive Officer, Victorian Equal Opportunity and Human Rights Commission, suggested that the appropriateness of suspension depends on its intended outcome:

Suspension on the grounds of uniform would depend on what the suspension is trying to achieve in relation to the interests of the individual and the interests of the school community.<sup>347</sup>

In considering the impacts of suspension or other forms of exclusion, the Committee notes that many students who breach school uniform policies are already more likely to be at risk of exclusion and disengagement from schooling than those who comply with such policies. The following comment from the Parents

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<sup>339</sup> For example, Ms L. McCurdy, Parent, Written Submission, April 2007, p.4; Port Melbourne Primary School Parents and Friends Association, Written Submission, June 2007, p.2; Ms K. Rolands, Parent, Written Submission, June 2007, p.2.

<sup>340</sup> For example, Mr R. Nyaguy, Year 10 Student, Sandringham College, Transcript of Evidence, Public Hearing, Legislative Assembly Chamber, Melbourne, 6 September 2007, p.13; Mr A. Dowsett, Year 12 Student, Princes Hill Secondary College, Transcript of Evidence, Public Hearing, Carlton North, 31 July 2007, p.18.

<sup>341</sup> Ms M. Young, Year 10 Student, Warragul Regional College, Transcript of Evidence, Public Hearing, Legislative Assembly Chamber, Melbourne, 6 September 2007, p.14.

<sup>342</sup> Ms L. Forrest, Year 11 Student, University High School, Transcript of Evidence, Public Hearing, Legislative Assembly Chamber, Melbourne, 6 September 2007, p.14.

<sup>343</sup> Ms J. Longmuir, Year 9 Student, Kyneton Secondary College, Transcript of Evidence, Public Hearing, Legislative Assembly Chamber, Melbourne, 6 September 2007, p.14.

<sup>344</sup> Dr M. Rose, Committee of Management, Victorian Aboriginal Education Association Inc, Transcript of Evidence, Public Hearing, Melbourne, 14 May 2007, p.26.

<sup>345</sup> Law Institute of Victoria, Written Submission, June 2007, p.5.

<sup>346</sup> *ibid.*

<sup>347</sup> Dr H. Szoke, Chief Executive Officer, Victorian Equal Opportunity and Human Rights Commission, Transcript of Evidence, Public Hearing, Melbourne, 30 April 2007, p.21.

'I do not understand why enforcement needs to be such an issue for people. I have heard people say that the department does not back up schools when they say they are having trouble enforcing a school uniform. I think those people need to go back and talk to their students.'

Jacinta Cashen,  
President, Victorian  
Council of School  
Organisations

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Victoria online forum suggests that punishing these students through exclusion may only distance them further from schooling:

As for punishing students who are constantly out of uniform, for whatever reason, I don't see this as appropriate. Especially if the student is not wearing uniform as a type of protest toward the school. In these cases, most students are likely to be disengaged with the school anyway, and any measures against them, serious or otherwise, will only increase their feelings of ill-will.<sup>348</sup>

The Victorian Aboriginal Education Association Inc made similar comments in its written submission:

VAEAI strongly believes that schools must therefore take into account a wide range of considerations when developing measures for non-compliance with dress codes and must recognise that for some students, it is an achievement for them to be attending school. Schools should use positive incentives to encourage students to comply with school uniform policies. This means refraining from, as much as possible, punishing students for failing to wear uniforms as it can be counterproductive to raising their academic performance...The Education Department should advise schools not to suspend students for non-compliance with uniform policies. Any disciplinary actions taken against students should be determined on a case by case basis...<sup>349</sup>

Dr Rose, Committee of Management, Victorian Aboriginal Education Association Inc expanded this argument in a public hearing, noting that there are better alternatives to exclusion for students already at risk of disengagement:

There can be alternatives. Again, you have got to look at the cause. Is it a defiance of the rule? In that case a sanction is necessary, without any question, but a sanction can be community service within a school, it can be personal learning, developing, writing a paper — if it is defiance. If it is because of economic needs, no sanction is warranted. It is tough. They both look the same, but that is where the principal needs to know the kid. If it is rebellion — I know that can be a bit healthy, too — a sanction which is in-house and of value to the school community is far more smarter and strategic than, say, one that takes a kid out of learning. No-one wins then.<sup>350</sup>

Nonetheless, the Committee heard a significant number of concerns from schools, stating that they need greater powers to enforce their dress codes and school uniform policies. These concerns appeared throughout all forms of evidence to the inquiry, including written submissions, survey comments and public hearings. Mr Jim Alsop, a government secondary school principal, explained that these powers should include the power to exclude students, in all circumstances except where non-compliance is related to cost:

School Councils need full powers to exclude students who do not comply (notwithstanding reasonable pricing and compassion for financial considerations).<sup>351</sup>

Often, such comments and concerns were accompanied by requests that enforcement of school uniform policies receive stronger support from the Department of Education and Early Childhood Development. Mr Brian Burgess, President, Victorian Association of State Secondary Principals, indicated that departmental support for enforcement is one of the biggest issues currently facing government secondary schools with respect to dress codes and school uniform policies.<sup>352</sup>

Schools provided a variety of reasons for believing that stronger departmental backing for the enforcement of school uniform policies is important. One school suggested that insufficient departmental support is damaging the reputation of the government school sector:

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<sup>348</sup> Ms S. Healy, 'Should school uniforms be compulsory?', *Parents Victoria online forum*, 10 September 2007, Parents Victoria website, <<http://www.cybertext.net.au/pv/discussion.htm>>.

<sup>349</sup> Victorian Aboriginal Education Association Inc, Written Submission, May 2007, p.6.

<sup>350</sup> Dr M. Rose, Committee of Management, Victorian Aboriginal Education Association Inc, Transcript of Evidence, Public Hearing, Melbourne, 14 May 2007, p.27.

<sup>351</sup> Mr Jim Alsop, School Principal, Written Submission, June 2007, p.1.

<sup>352</sup> Mr B. Burgess, President, Victorian Association of State Secondary Principals, Transcript of Evidence, Public Hearing, Melbourne, 30 April 2007, p.9.

Schools need more support from the Department of Education and Training to enforce uniform. Schools are judged by the community on uniform standards, and a lack of government support for uniforms helps undermine state schools.<sup>353</sup>

Charlton College School Council believes that the limitations on the powers of schools in enforcing their uniform policies prevent school staff from fulfilling their responsibilities:

Our council believes that we should be given greater powers to enforce the uniform policy. At the moment our Principal and staff have the responsibility to enforce the policy, but in reality have very few powers if parents and students wish to disregard the uniform policy of the school.<sup>354</sup>

Eumemmerring College Council also argued that strong enforcement of a dress code or uniform policy supports compliance with other school rules:

Strong enforcement of the uniform code is necessary to establish an environment where students accept the need to conform to school rules...Schools need a clear mandate to enforce a dress code.<sup>355</sup>

The Committee notes the frequency with which these and similar comments appeared in evidence to the inquiry and the level of frustration apparent within them.

The Committee found that in practice, Victorian students are regularly being excluded from school activities for breaches of dress codes and uniform policies.<sup>356</sup> Survey results show that 26.4 per cent of Victorian government secondary schools are prepared to suspend students for serious breaches of their dress codes or school uniform policies.<sup>357</sup> Students may be suspended for serious infractions of dress codes and school uniform policies in an even greater proportion of secondary schools in the Catholic (46.2%) and independent (34.4%) sectors.<sup>358</sup>

The survey findings are borne out by evidence in written submissions to the inquiry. A 2005 government school newsletter contains a message from the principal stating that students may be suspended for breaches of the school's uniform policy:

Any students wearing different coloured t-shirts next term may be suspended from school as the wearing of the wrong colour will be seen as an act of defiance.<sup>359</sup>

Written submissions from other government schools also state that students can be suspended for breaches of the dress code or uniform policy, if such breaches are sufficiently serious.<sup>360</sup>

Mr Brian Burgess, President, Victorian Association of State Secondary Principals provided an explanation for the apparent discrepancy between government policy and current practice in schools. Mr Burgess reported that as such, suspensions for breaches of school uniform policy do occur, but typically 'on the grounds of non-compliance with an instruction from the principal'.<sup>361</sup> Departmental guidelines allow for a student to be suspended if he or she 'fails to comply with any reasonable and

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<sup>353</sup> Respondent, Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

<sup>354</sup> Charlton College School Council, Written Submission, June 2007, p.1.

<sup>355</sup> Eumemmerring College Council, Written Submission, May 2007, p.2.

<sup>356</sup> Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

<sup>357</sup> Includes secondary and primary/secondary schools.

<sup>358</sup> Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

<sup>359</sup> Whittlesea Secondary College Newsletter, 22 June 2005. Copy supplied by Ms B. Johns, Parent, Written Submission, May 2007, p.17.

<sup>360</sup> For example Lyndhurst Secondary School, Written Submission, May 2007, p.2; Princes Hill Secondary College, Written Submission, May 2007, p.4.

<sup>361</sup> Mr B. Burgess, President, Victorian Association of State Secondary Principals, Transcript of Evidence, Public Hearing, Melbourne, 30 April 2007, p.5.

'At the moment, really, the government policy is that students should not be disallowed educational opportunities on the basis of not wearing a uniform...In a private school, if you do not wear a uniform you are not in the school, so why should we be treated any differently?'

Brian Burgess, President, Victorian Association of State Secondary Principals

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clearly communicated instruction of a principal or teacher'.<sup>362</sup> Such practices are typically reflected in school uniform policies as follows:

Where the College feels ongoing, unwarranted uniform non-compliance has become of a defiant nature, regular disciplinary measures may be invoked (including detention, time out, suspension, withdrawal of privileges, non-attendance at school and interschool activities).<sup>363</sup>

The Committee's survey also found that in Victorian schools, sending a student home to change into the correct uniform is a more commonly applied sanction than formal exclusion measures, such as withdrawal from class or suspension.<sup>364</sup> Results showed that 74.9 per cent of secondary schools (including 69.6% of government secondary schools), 55.5 per cent of primary/secondary schools and 10.1 per cent of primary schools would send students home to change, most often in the case of a serious breach of the dress code or school uniform policy. Written submissions from schools similarly noted that students may be sent home to change into the correct uniform.<sup>365</sup> In addition, 32.8 per cent of Victorian schools indicated that they would request a student not to return to school until they are in correct uniform.<sup>366</sup> The Committee found many examples of such practices within various school uniform policies across all three sectors. For example:

Ongoing non-compliance (without written and satisfactory explanation from parents/guardians) will be met with a letter sent home requesting an immediate rectification of the problem... Further non-compliance will be met with a letter sent home requesting non-attendance until a conference takes place (Year Level Manager, parent, student).<sup>367</sup>

The fourth time (in one term) a student is out of uniform without a note, the Deputy Principal – Students will immediately contact parents and they will come and collect the student from school. The student will stay at home until the uniform is worn correctly.<sup>368</sup>

Again, this type of sanction is far more common in the secondary sector, with 61.1 per cent of secondary schools and 42.0 per cent of primary/secondary schools indicating they would request a student not to return to school until they are in correct uniform. This compares with only 5.7 per cent of primary schools.<sup>369</sup>

It appears to the Committee that schools are currently enforcing dress codes and school uniform policies in a climate of some uncertainty. While many schools apply the full range of sanctions to breaches of their school uniform policies that would be applied to breaches of other school rules, it appears that many others feel unable to do so because of a perceived lack of departmental support. The Committee believes that clearer guidance on the issue will ensure that schools have accurate expectations for departmental support, as well as assist schools in considering the issues and implications around the various sanctions that they may choose to apply.

<sup>362</sup> Department of Education and Early Childhood Development 2007, 'Student discipline procedures', section 4.7, (updated April 2005), *Victorian Government Schools Reference Guide*, DEECD, Melbourne.

<sup>363</sup> Portland Secondary College, *School Uniform Policy*, Portland Secondary College website, <[http://www.portlandsc.vic.edu.au/about/info\\_for\\_parents.html#uniform](http://www.portlandsc.vic.edu.au/about/info_for_parents.html#uniform)>, accessed on 14 November 2007.

<sup>364</sup> Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

<sup>365</sup> For example, Lyndhurst Secondary School, Written Submission, May 2007, p.2; Mooroolbark College Written Submission, September 2007, p.1.

<sup>366</sup> Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

<sup>367</sup> Portland Secondary College, *School Uniform Policy*, Portland Secondary College website, <[http://www.portlandsc.vic.edu.au/about/info\\_for\\_parents.html#uniform](http://www.portlandsc.vic.edu.au/about/info_for_parents.html#uniform)>, accessed on 14 November 2007.

<sup>368</sup> Catholic College Wodonga, *Code of Conduct*, Catholic College Wodonga website, <<http://www.ccw.vic.edu.au/ccwprofile/policies/Code%20of%20Conduct.pdf>>, accessed on 14 November 2007.

<sup>369</sup> Comparable figures for the government sector are: secondary schools, 47.0%; primary and secondary schools, 24.0%; and primary schools, 6.0%. Source: Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

The Committee further notes that during consultation for its recent revisions to its guidelines on school uniform related policies, the UK Department for Children, Schools and Families received similar complaints to those received by this inquiry. Some contributors called for greater departmental support for schools in enforcing their dress codes and uniform policies, as well stronger guidance on the issue of exclusion.<sup>370</sup> The Department therefore revised its guidelines to permit exclusion for breaches of school uniform policies, in certain cases:

A head teacher can discipline a pupil for breach of uniform/appearance policy. However, DCSF does not consider exclusion to be an appropriate response to breaches of school uniform/appearance policy, **except** where they are persistent and defiant. Where a pupil repeatedly refuses to comply with school uniform policy even if they do not otherwise display poor behaviour, we believe that exclusion could be an appropriate response, depending on the circumstances of the case.<sup>371</sup>

The revised UK guidelines also provide detailed advice on sending students home to change non-compliant clothing. This includes information on an appropriate period of absence, considerations of parental availability, and the difference between an authorised absence from school and a formal exclusion.<sup>372</sup>

While the Committee believes that exclusion from learning opportunities should always be seen as a last resort, the Committee generally supports the position outlined in the recently revised UK guidance to schools on school uniform and related policies. The Committee therefore recommends that the Department of Education and Early Childhood Development consider similar revisions to its guidelines for the enforcement of dress codes and school uniform policies in Victorian schools. Such revisions should clarify the sanctions from which schools may choose in enforcing their dress codes and school uniform policies, and the circumstances in which they may be applied. In doing so, the Department should give consideration to all forms of enforcement, including those that involve the exclusion of students from schooling.

**Recommendation 5.2:** That the Department of Education and Early Childhood Development publish detailed guidelines regarding acceptable sanctions for infringements of dress codes or school uniform policies. This should involve discussion of specific sanctions, including various forms of exclusion, and the circumstances in which they may be applied.

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## Conclusion

The Committee found that a number of matters relating to the enforcement of a dress code or school uniform policy need to be determined through consultation between schools and their communities. Most importantly, schools and communities must establish shared standards for the enforcement of the code or uniform policy, to ensure that expectations regarding compliance are as consistent as possible across all parties involved. In most schools, these expectations will be supported by a system of appropriate sanctions, which should also reflect the standards of the school community, including the students.

The Committee also believes that it is important for expectations relating to the enforcement of dress codes or school uniform policies to be made clear at a systemic level. The Committee found that there is currently a discrepancy between expectations among schools and the perceived level of support provided to them by the Department of Education and Early Childhood Development. In the Committee's view, clearer departmental guidelines, as suggested in recommendations throughout this report, will greatly assist schools in developing

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<sup>370</sup> Department for Children, Schools and Families (United Kingdom) 2007, *Guidance to Schools on School Uniform Related Policies – Consultation Response and Summary Report*, DCSF, London.

<sup>371</sup> Department for Children, Schools and Families (United Kingdom) 2007, *DCSF Guidance to Schools on School Uniform and Related Policies*, DCSF, London.

<sup>372</sup> *ibid.*

dress codes and school uniform policies that meet both systemic and community expectations, and which can therefore receive full departmental backing.