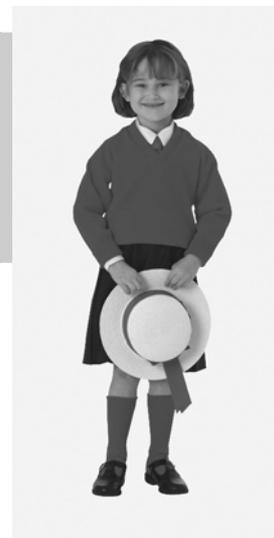


Chapter 8:

Consultation and Review



Introduction

In a world where we are encouraging global citizens to work together, we should start off within small communities, and that includes schools, being a community in itself.⁵⁷²

As previously discussed, the Committee supports the right of school communities to develop dress codes and school uniform policies for themselves. However, the Committee also notes that this right is accompanied by a responsibility for schools to undertake broad and meaningful community consultation, and ensure that their dress code or uniform policy reflects the views of the school community as closely as possible. This chapter discusses effective processes for the development and review of dress codes and school uniform policies in consultation with school communities, and the Committee's recommendations regarding how these processes may be strengthened. It also addresses appropriate responses for schools to employ when their dress codes and school uniform policies are challenged by members of their school communities.

Reviewing Dress Codes and School Uniform Policies

Like other school policies, dress codes and school uniform policies should be regularly reviewed to ensure that they remain responsive to their communities' needs. The Department of Education and Early Childhood Development recommends that schools should provide for their dress codes and school uniform policies to be reviewed as the need arises:

It is advised that a dress code provides for review and amendment, if necessary, to reflect emerging safety issues or significant changes within the school community.⁵⁷³

The Committee heard of a range of circumstances in which changes in school communities might initiate a review of a dress code or school uniform policy. Merrilands P-12 College provided an example of how a school uniform can change with shifting demographics:

In recent years our school has seen an increase in the number of Muslim students and our school uniform was added to in order to meet their cultural requirements.⁵⁷⁴

Galvin Park Secondary College described how changes to the school uniform may be instigated by broader changes in the culture of the school:

The College is undertaking and achieving renewal of curriculum; and, in relation to the present inquiry, renewal and re-imaging itself through a more contemporary, more adult and more flexible dress code.⁵⁷⁵

A comment in the Committee's survey indicated that reviews may also be triggered by commercial considerations, such as changes in the availability of school uniform items or materials:

[Reviews occur] usually when manufacturers no longer [supply] our choice of material eg Fletcher Jones went out of business and we lost our lovely kilt material.⁵⁷⁶

⁵⁷² Mr J. Centeno, Year 10 Student, Balwyn High School, Transcript of Evidence, Public Hearing, Legislative Assembly Chamber, Melbourne, 6 September 2007, p.33.

⁵⁷³ Department of Education and Early Childhood Development 2007, 'Student dress code', section 4.8 (updated May 2006), *Victorian Government Schools Reference Guide*, DEECD, Melbourne.

⁵⁷⁴ Merrilands College School Council, Written Submission, May 2007, p.1.

⁵⁷⁵ Galvin Park Secondary College, Written Submission, June 2007, p.1.

Eltham High School noted that even a school which does not have a uniform must regularly review its dress code to reflect changing priorities and circumstances:

This process should be a dynamic one, with the incorporation of new elements as appropriate, ie the relatively recent understanding of the need for 'Sun smart' dress, clarification on appropriate styles etc.⁵⁷⁷

The Committee heard that both students and parents may pursue a change or review to a dress code or school uniform policy:

...as the time has passed...uniform policies and dress codes have needed redeveloping. As it is usually the students who actually want the change brought about, they should be the ones who notify the school council uniform subcommittee, to initiate a change, via a member of the school representative council.⁵⁷⁸

The school council reviews uniform policy as needed. This is often in response to requests from parents or children to add a new item or style to the range of uniform items.⁵⁷⁹

The Committee believes it is important for schools to publicise the processes that members of the school community may follow to request changes to the dress code or uniform policy. This will ensure that all suggestions may be heard, and responded to appropriately.

The Committee is nevertheless concerned that 'needs-based' reviews of a dress code or school uniform policy alone may not be sufficient to keep the policy up-to-date. For example, Taylors Lakes Secondary College told the Committee that its school uniform policy was not officially reviewed for 12 years. In this time, many variations were 'unofficially introduced', frustrating the staff charged with enforcing the policy, and confusing the students and parents seeking to comply.⁵⁸⁰ Several of the disputes over school uniforms brought to the Committee's attention resulted from such 'unofficial' changes, where students wore a non-compliant item for some time before the policy was enforced.⁵⁸¹

At the same time, the Committee is mindful of the workload that may be placed on schools and their communities if a dress code or uniform policy is reviewed too frequently. Mr John Edney, Year 11 Student, Templestowe College, remarked on the complex implications of school uniform policy reviews:

It was not until we began our investigations for today's hearing that we began to understand the complexities of the purpose of the uniform, and the stringent processes required to change the uniform. This ranges from the cost of changing the uniform, to the school and to the parents, and to the binding contracts with the uniform manufacturers, not to mention the fact that many schools have been associated with particular colours and recognised for these colours.⁵⁸²

The Committee notes that overly frequent reviews of a dress code or school uniform policy may create an undue administrative burden, especially if the school adheres to rigorous community consultation processes as recommended throughout this chapter.

Any review of a dress code or uniform policy must also take into account the expense involved for the school community. Mr Anton Leschen, Regional Programs Manager, The Smith Family, noted that frequent or sudden changes in

⁵⁷⁶ Respondent, Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

⁵⁷⁷ Eltham High School Council, Written Submission, May 2007, p.1.

⁵⁷⁸ Ms E. Forte, Year 12 Student, Lowanna College, Transcript of Evidence, Public Hearing, Legislative Assembly Chamber, Melbourne, 6 September 2007, p.32.

⁵⁷⁹ Marlo Primary School Council, Written Submission, June 2007, p.1.

⁵⁸⁰ Taylors Lakes Secondary College, Written Submission, June 2007, p.1.

⁵⁸¹ For example, J. Metlikovec, 'Banned for \$15 pants', *Herald Sun*, 8 June 2007, p.31; Mr T. Marsh, Parent, Written Submission, June 2007, p.1.

⁵⁸² Mr J. Edney, Year 11 Student, Templestowe College, Transcript of Evidence, Public Hearing, Legislative Assembly Chamber, Melbourne, 6 September 2007, p.32.

uniform policies are of particular concern to families in financial difficulty.⁵⁸³ One school in the Committee's survey noted that the expense to families is a reason for the school to minimise substantial changes to its uniform policy:

Uniform review is kept to a minimum because of the expense involved and small changes are made from time to time rather than drastic moves.⁵⁸⁴

The Committee notes that in South Australia, departmental guidelines for schools recommend that 'any change in dress code should only be implemented after a formal notification period of 6 months and preferably a period closer to 12 months'.⁵⁸⁵ The Committee supports such a recommendation for Victorian schools.

The Committee found that the NSW Department of Education and Training provides specific guidance about an appropriate review cycle for dress codes and school uniform policies:

The school's uniform policy and school uniform requirements should be reviewed at least every five years and amended where necessary. Groups within the school community may also seek a review when circumstances change significantly or issues arise.⁵⁸⁶

The Committee's survey found that while a majority of Victorian schools (62.9%) have a variable cycle for reviewing their dress code or uniform policy, a significant number of schools (28.1%) follow a fixed review cycle. The most common length of the cycle is on an annual basis (23.2%), but a number of schools also reported two, three, four or five-yearly reviews.⁵⁸⁷ The Committee notes that certain elements of dress codes and school uniform policies may be reviewed more or less often than the rest of the policy. For example, the SunSmart Program recommends that elements of a dress code or school uniform policy relating to sun protection should be reviewed every three years.⁵⁸⁸

The Committee agrees that reviews of dress codes and school uniform policies in Victorian schools should remain flexible enough to accommodate any significant emerging needs or concerns. The Committee nevertheless notes that formal reviews are an important way of maintaining consistency and clarity in school uniform policies, and encourages schools to establish a regular review cycle. In the Committee's view, dress codes and school uniform policies should be reviewed every three to five years, to enable schools to invest sufficient time in undertaking appropriate consultation. The Committee also notes that the review of a dress code or school uniform policy should not necessarily seek to make changes to the policy, as such changes may impose costs or inconvenience for the school community. Instead, the review may simply serve as an opportunity to re-affirm the school's commitment to an existing policy, and resolve any inconsistencies that may have arisen between reviews.

Recommendation 8.1: That the Department of Education and Early Childhood Development advise schools to review their dress codes and school uniform policies every three to five years in consultation with their communities, addressing all the issues covered in departmental guidelines.

⁵⁸³ Mr A. Leschen, Regional Programs Manager, The Smith Family, Transcript of Evidence, Public Hearing, Melbourne, 14 May 2007, p.5.

⁵⁸⁴ Respondent, Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

⁵⁸⁵ Department of Education and Children's Services (South Australia) 2007, *Administrative Instructions and Guidelines*, May 2007, DECS, Adelaide, p.108.

⁵⁸⁶ Department of Education and Training (New South Wales) 2004, *School Uniform Policy*, Policy PD/2004/0025/V001, August 2004, DET, Sydney.

⁵⁸⁷ Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

⁵⁸⁸ SunSmart Program, 'Review your school's SunSmart policy', SunSmart website, <<http://www.sunsmart.com.au/browse.asp?ContainerID=1546>>, accessed on 30 October 2007.

'Parent opinion of uniform policy and its implementation is very positive. They value the efforts of the school in providing clear and consistent guidelines that support all students.'

Tallangatta Secondary College School Council

The Importance of Community Engagement

The Committee notes that the School Council is the elected authority charged by law with representing community views in the administration of a school. This entitles councils to act on behalf of their communities in matters related to the development and review of dress codes and school uniform policies. As stated by school uniform manufacturer PSW Pty Ltd:

Ultimately School Councils reflect the values and beliefs of the school community and stakeholders, having been elected democratically by those same stakeholders.⁵⁸⁹

Nevertheless, in setting out the roles and responsibilities of school councils, the Department of Education and Early Childhood Development notes that there are some issues on which school councils should consult more directly with its community, including dress codes and school uniforms:

On some matters council is required to seek community opinion, eg dress code and the school charter...⁵⁹⁰

The Department goes on to explain that with respect to such issues, the Council's mandate to represent community views is not sufficient, but that further consultation is required:

While the elected members of the school council are elected by separate electorates (parents elect parent members, DEET employees elect DEET employee members) they are nevertheless responsible to the total school community. Members therefore have a moral obligation, apart from any legal obligation, to consult with the school community and occasionally beyond the school community to the local community. This of course does not mean that council goes to the community about every decision, but that it needs to be aware of the school community's views.⁵⁹¹

While the Committee recognises the authority of the School Council to make final decisions relating to dress codes and school uniform policies, it agrees that such decisions should involve substantial consideration of the views of the entire school community.

The Committee found a number of reasons why community consultation may be especially important for dress codes and school uniform policies. Above all, dress codes and school uniforms require a high level of compliance not only from students but also from the parents and carers of students at a school. While schools may develop and implement many other policies that do not necessarily affect parents directly, parents are generally responsible for the purchase and maintenance of school uniform items. A number of submissions noted that parents may also have a role to play in the enforcement of a dress code or uniform policy, in ensuring that their children wear their uniforms correctly.⁵⁹² Cooperation from parents is therefore essential to a school uniform policy working in practice.

Several schools noted that it can become difficult to implement a dress code or school uniform policy that does not have parental support, such as the following comment from the Committee's survey:

It is very difficult to maintain adherence to a dress code when parents do not see it as a priority.⁵⁹³

⁵⁸⁹ PSW Pty Ltd, Written Submission, May 2007, p.5.

⁵⁹⁰ Department of Education, Employment and Training 2001, *Making the Partnership Work: Role and Responsibilities*, Office of School Education, DEET, Melbourne, available on DEECD website, <<http://www.eduweb.vic.gov.au/edulibrary/public/schacc/MakePartnership.pdf>>, accessed on 30 October 2007, p.13.

⁵⁹¹ *ibid.*, p.14.

⁵⁹² For example, Ms S. Winter, Parent, Written Submission, May 2007, p.1; Charlton College School Council, Written Submission, June 2007, p.1; Taylors Lakes Secondary College, Written Submission, June 2007, p.2; Whittlesea Secondary College, Written Submission, July 2007, p.2.

⁵⁹³ Respondent, Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

On the other hand, a written submission from Red Cliffs Primary School demonstrated that cooperation from parents can have powerful benefits for a school uniform policy's implementation:

Red Cliffs Primary School adopted a compulsory school uniform policy six years ago. The compulsory school uniform policy has total acceptance from parents and total support from Parent's Club. The policy...has almost 100% compliance. Students wear their uniform with pride.⁵⁹⁴

Several further submissions from schools also boasted that their uniform policy or dress code is strongly supported by their school community.⁵⁹⁵ The Committee notes that effective consultation is likely to increase the level of parental support for a dress code or school uniform policy, providing benefits both for the policy's implementation, and for pride and cohesion within the school community.

The Department's guidelines for school councils also charge them with a general responsibility for 'creating interest in the school within the community'.⁵⁹⁶ Mr Brian Burgess, President, Victorian Association of State Secondary Principals, told the Committee that dress codes and school uniform policies provide a particularly valuable opportunity for schools to engage their communities:

Whilst in one sense it is a low-level issue, it is quite an important way of engaging the community and then perhaps getting them engaged in other aspects of how the school operates. Whilst there are frustrations about school uniforms, I do not think school communities would want to relinquish the opportunity to make the decisions themselves, because they can engage the school community quite solidly in the discussion. Parents feel comfortable talking about a school uniform. They are not that comfortable talking about what year 8 maths should look like. It is a way of getting into it.⁵⁹⁷

While matters relating to teaching and learning may require special professional expertise, all members of a school community can participate confidently in the development or review of a dress code or school uniform policy. Thus, such policies represent an ideal opportunity for schools to strengthen the linkages with their communities, which are recognised as essential to supporting student learning.⁵⁹⁸

Key Stakeholders

The Department of Education and Early Childhood Development recommends that consultation regarding dress codes and school uniform policies should actively involve staff, students and parents:

To enable a dress code to be fully workable, it should accurately reflect the values of its particular school community and should be produced by strong cooperation between students, parents/guardians and teachers.⁵⁹⁹

The Victorian Independent Education Union also agreed that decisions relating to dress codes and school uniforms should be made through consultation with staff, parents and students.⁶⁰⁰ The Committee's survey found that the groups most commonly involved in the development and review of dress codes and school

⁵⁹⁴ Red Cliffs Primary School, Written Submission, May 2007, p.1.

⁵⁹⁵ For example, Rosanna Primary School Council, Written Submission, May 2007, p.1; Spotswood Primary School, Written Submission, June 2007, p.1; Belvedere Park Primary School, Written Submission, June 2007, p.1; Bendigo Senior Secondary College, Written Submission, June 2007, p.1.

⁵⁹⁶ Office of School Education, Department of Education 2006, *Roles and Responsibilities of School Council*, October 2006, Victorian Government, Melbourne, p.1.

⁵⁹⁷ Mr B. Burgess, President, Victorian Association of State Secondary Principals, Transcript of Evidence, Public Hearing, Melbourne, 30 April 2007, p.9.

⁵⁹⁸ Department of Education and Early Childhood Development 2007, 'Principles of Learning and Teaching', available on the DEECD website, <<http://www.education.vic.gov.au/studentlearning/teachingprinciples/onlineresource/p6/default.htm>>, accessed on 30 October 2007.

⁵⁹⁹ Department of Education and Early Childhood Development 2007, 'Student dress code', section 4.8 (updated May 2006), *Victorian Government Schools Reference Guide*, DEECD, Melbourne.

⁶⁰⁰ Victorian Independent Education Union, Written Submission, June 2007, p.1.

'...in some situations, in secondary colleges where they have tried to bring the uniform up to a bit more of a fashionable sort of level...they do it sometimes in consultation with the uniform supplier but not with the students and certainly not with the parents.'

Gail McHardy, Executive Officer, Parents Victoria

Inquiry into Dress Codes and School Uniforms in Victorian Schools

uniform policies are principals, who are involved by 96.0 per cent of schools, teachers (92.4%), parents (91.7%), and the School Council (85.6%).⁶⁰¹ A slightly lower proportion of schools consult with students (79.1%). Some schools also seek input from non-teaching staff (55.2%) or school uniform suppliers (52.4%). Additional groups identified as participants in consultation around school uniforms include other schools in the same network and, in the case of one religious school, the school's religious congregation. Only 3.3 per cent of schools involve a representative of the education system in which they operate (Catholic, government or independent) in their consultation process, and most of these are from the Catholic sector.

The Committee heard further suggestions regarding additional groups that should be consulted in the development or review of school uniform policies. The Law Institute of Victoria suggested that the Committee consider the new school uniform guidelines from the UK Department for Children, Schools and Families. These guidelines require schools to consider the views of minority ethnic and religious groups, as well as groups representing students with special educational needs or disabilities.⁶⁰²

Some jurisdictions in Australia also nominate additional groups to be consulted. For example, the NSW policy statement requires schools to follow a 'formal' consultation process which includes the 'Parents and Citizens Association' and local 'Aboriginal Education Consultative Group' where relevant.⁶⁰³ Dr Mark Rose, Committee of Management, Victorian Aboriginal Education Association Inc, suggested that greater indigenous involvement in consultation may be desirable for some schools:

There is a very good working relationship between the Department and VAEAI, which is great, but in some areas that relationship is very sophisticated, long-standing and well structured. In other places it may not be so good...We are happy to consult with all school councils. I guess if you look at the number of indigenous people on school councils it probably is poorly represented, so that might be something for us to take on board so we can have a say in the school uniform.⁶⁰⁴

The VAEAI also made a recommendation to the Committee regarding consultation between schools and their Local Aboriginal Education Consultative Group:

Schools should be required to consult their Local Aboriginal Education Consultative Group on all aspects of their uniform policies. First and foremost this consultation should establish what Koorie parents can afford to pay for a uniform. It should also examine what constitutes an appropriate dress code and appropriate enforcement measures.⁶⁰⁵

The Committee supports the view that consultation around dress codes and school uniforms should involve a wide range of stakeholders within the school community. The Committee notes that the parents of prospective students should also be given the opportunity to contribute; for example, the parents of primary students about to enter Year 7.

The involvement of students in consultation processes attracted considerable comment in submissions to this inquiry. The Victorian Students' Representative Council (SRC) told the Committee that it strongly supports the involvement of students in decisions about dress codes and school uniform policies:

The recent SRC Congress, representing over 25 000 students from 39 Victorian secondary schools, resolved with overwhelming agreement that the student body

⁶⁰¹ Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

⁶⁰² Law Institute of Victoria, Written Submission, June 2007, p.8.

⁶⁰³ Department of Education and Training (New South Wales) 2004, *School Uniform Policy*, Policy PD/2004/0025/V001, August 2004, DET, Sydney.

⁶⁰⁴ Dr M. Rose, Committee of Management, Victorian Aboriginal Education Association Inc, Transcript of Evidence, Public Hearing, Melbourne, 14 May 2007, p.28.

⁶⁰⁵ Victorian Aboriginal Education Association Inc, Written Submission, May 2007, p.3.

should have a say in decisions about uniforms and that school uniforms should be approved by the SRC before implementation.⁶⁰⁶

During a public hearing in the parliamentary chambers, many students took the opportunity to describe their experiences being consulted on issues associated with school uniforms. A number of students noted that they had been successful in getting changes through School Council, to reflect the needs and preferences of the student body:

We have just recently changed the design of our jumpers... [students] had said [to the leadership group] that they wanted it changed, so we spoke to the principal and other people. We had a survey and went around and talked to every class and asked if they would be interested in changing it. Because the result came back positive, we had to then take it to the school council, and then it became part of the uniform.⁶⁰⁷

For several years many students have tried to get a school scarf as part of our uniform. The majority of students believe that this will make our uniform look more sophisticated and will encourage a sense of pride. This year it was taken to the school council, and we were given feedback that they will allow us to trial a school scarf as long as we can show that we are wearing our uniform correctly — wearing our ties up and our blazers. Hopefully we can do that and we will get a school scarf.⁶⁰⁸

Others noted that they have had less success in implementing the uniform policies sought by student representatives:

At our school a lot of our students are unhappy with our PE uniform, which is a red polo shirt and basketball shorts. We were unhappy with the colours of it, because red is not actually in our school uniform; it is normally navy blue and white. We have put it forward to the school council quite a few times, and it has been knocked back every time because the pants we wanted were able to be bought in other shops, and it wanted them to be bought from our school uniform shop.⁶⁰⁹

An issue for a change in uniform that has been of great importance to the students at our school has been whether girls are allowed to wear knee-high black socks with a winter skirt such as the one I am currently wearing. Currently the situation is that students are only allowed to wear white socks; however, a vast majority of students—almost every student in the school community— as well as a lot of parents think that black socks are acceptable. We have had student petitions which have been sent to school council, but school council has often point-blank refused the change of uniform. Most teachers are extremely strict in the enforcing the rule of no black socks, even over black stockings when they cannot be noticed. This is of great annoyance to students at Kew.⁶¹⁰

The Victorian Parents Council Inc supported the view that students should be involved in decisions relating to dress codes and school uniform policies:

If schools want to have uniforms then it should be part of their leadership strategy to get buy-in for the uniform and how it is worn, not just from parents, but from the students themselves. Students are the ones that need to be engaged in whether they wear a uniform and what it means to their sense of belonging with their peers and broader school group.⁶¹¹

As noted in the following section, the Committee heard from a number of schools that provide opportunities for students to be actively involved in their consultation processes. The Committee notes that some schools involve students not only as contributors, but also as administrators of consultation processes, such as surveys and focus groups.

⁶⁰⁶ Ms G. Kennelly, Student Representative, Victorian Student Representative Council, Transcript of Evidence, Public Hearing, Melbourne, 4 June 2007, p.16.

⁶⁰⁷ Ms N. Harman, Year 9 Student, Kyneton Secondary College, Transcript of Evidence, Public Hearing, Legislative Assembly Chamber, Melbourne, 6 September 2007, p.34.

⁶⁰⁸ Ms S. Cashin, Year 11 Student, Werribee Secondary College, Transcript of Evidence, Public Hearing, Legislative Assembly Chamber, Melbourne, 6 September 2007, p.35.

⁶⁰⁹ Ms E. Forrester, Year 10 Student, Shepparton High School, Transcript of Evidence, Public Hearing, Legislative Assembly Chamber, Melbourne, 6 September 2007, p.35.

⁶¹⁰ Ms E. Koehn, Year 11 Student, Kew High School, Transcript of Evidence, Public Hearing, Legislative Assembly Chamber, Melbourne, 6 September 2007, p.35.

⁶¹¹ Victorian Parents Council Inc, Written Submission, June 2007, p.2.

'When changes to the uniform are being considered, consultation with all families, teachers and students is undertaken and student comment noted and considered. This includes consideration for dress requirements for those students from culturally diverse backgrounds.'

Euroa Secondary College School Council

Inquiry into Dress Codes and School Uniforms in Victorian Schools

In the Committee's survey, one primary school reported that its students' input into the school uniform policy would be 'minimal' because of their age.⁶¹² However, the Committee found that although a higher proportion of secondary schools include students in consultation around dress codes and uniform policies (89.6%), the proportion of primary schools that consult with students is nonetheless significant (73.0%).⁶¹³ Throughout public hearings and written submissions for this inquiry, the Committee was impressed by the quality of contributions provided by students, at both primary and secondary level. In particular, the Committee notes that primary students were as capable as secondary students of engaging in insightful, relevant discussion around the mock '*School Uniform Bill 2007*', during a public hearing at Parliament House. The Committee therefore does not believe that student age should be a barrier to participation in consultation, but acknowledges that it may change the nature of the consultation processes required.

The Committee suggests that student consultation may be a valuable resource for schools when developing school uniform policies. The Committee also believes that participation in a school community is an important precursor to participation in a democratic society. A dress code or school uniform policy may therefore represent a readily accessible opportunity for students to explore their rights and responsibilities as individuals and members of a community, and understand the possibilities and limitations of active citizenship within their school.

Consultation and Communication

The Department of Education and Early Childhood Development advises that schools should give some thought to an appropriate consultation process for their dress codes and school uniform policies, to reflect the importance of the issue:

Introduction of a student dress code is a major decision for the school and for the parents/guardians of children attending the school. In developing a student dress code policy, the school council should give careful consideration to the form of consultative process that will be undertaken.⁶¹⁴

The Department goes on to recommend that the consultation process should guarantee that teachers, students, parents and carers all have the opportunity to express their views. It also notes that the process should make provision for these views to be given 'careful consideration', before a decision is made. The Department suggests that the process for consultation should be identified in the dress code or school uniform policy itself, or recorded in school council minutes.⁶¹⁵

The Committee found that schools apply a variety of methods for consultation when developing and reviewing their dress codes or uniform policies. For example, Ranfurly Primary School reported that its introduction of a compulsory school uniform policy in 2006 came in response to a survey of the school community.⁶¹⁶ Eumemmerring College Council reported that its stance on uniform policy is decided by a school council vote.⁶¹⁷ A written submission from Taylors Lakes Secondary College detailed an extensive review of its uniform policy conducted in 2005 by a joint subcommittee of students, parents and staff. The review included two surveys of the school community on their views on uniforms and preferences for its design, resulting in a report and recommendations which were submitted to the School Council for ratification.⁶¹⁸ Ms Skye Shayne, Year 6 Student, Belvedere

⁶¹² Respondent, Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

⁶¹³ Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

⁶¹⁴ Department of Education and Early Childhood Development 2007, 'Student dress code', section 4.8 (updated May 2006), *Victorian Government Schools Reference Guide*, DEECD, Melbourne.

⁶¹⁵ *ibid.*

⁶¹⁶ Ranfurly Primary School Council, Written Submission, May 2007, p.1.

⁶¹⁷ Eumemmerring College Council, Written Submission, May 2007, p.1.

⁶¹⁸ Taylors Lakes Secondary College, Written Submission, June 2007, pp1-2.

Park Primary School, described a similar consultation process, which occurred in her school in 2005:

The discussion about what students wear to school was a joint process between students, parents and the school council. A special committee was set up to organise the school uniform policy. There were surveys and questionnaires asking for people's opinions and ideas on suitable styles and colours. The final recommendations were taken to school council for approval before they were introduced to the school community.⁶¹⁹

The Committee also heard examples of consultation processes from schools that do not have uniforms. For example, St Kilda Park Primary School noted that its casual dress code is the subject of regular dialogue between the school and its community:

Like all school policies, the policy of casual student dress is considered on a regular basis through discussion at school council, staff meetings and parent and student forums. Comment is also invited through the school newsletter.⁶²⁰

At Princes Hill Secondary College, the school dress code has been discussed extensively at parent and student forums. At times, these discussions have addressed propositions that a school uniform should be introduced, which have been subsequently rejected by consensus from the parent and student bodies.⁶²¹

The Department of Education and Early Childhood Development also advises schools to give consideration to effective communication with their communities when reviewing their dress codes or school uniform policies. The Department notes that items to be communicated include the consultation processes for the review; associated timelines; and any 'significant financial costs' that might be associated with proposed changes to the policy. The Department recommends that these matters be communicated to all relevant stakeholders, including the school uniform suppliers if applicable.⁶²²

Other Australian jurisdictions make more specific requirements or recommendations regarding the communication of dress codes and school uniform policies to school communities. In New South Wales, for example, schools are advised to be proactive in communicating their expectations about student clothing to all members of their communities:

Consideration must be given to effective ways of communicating about the school uniform requirements with different groups of parents. This may include, for example, use of interpreters or use of community media as well as school newsletters.⁶²³

The Committee supports the current departmental guidelines regarding communication with school communities during the development or review of dress codes and school uniform policies. The Committee also encourages schools to consider the needs of culturally and linguistically diverse communities in any information they provide relating to dress codes and school uniform policies, as in all important school communications.

The Committee commends the many schools that make significant efforts to consult and communicate with their communities when developing and reviewing their dress codes and uniform policies. The Committee is aware that some exemplary models of consultation between school councils and their communities on other issues have been promoted through the Department of Education and

⁶¹⁹ Ms S. Shayne, Year 6 Student, Belvedere Park Primary School, Transcript of Evidence, Public Hearing, Legislative Council Chamber, Melbourne, 6 September 2007, p.21.

⁶²⁰ St Kilda Park Primary School, Written Submission, June 2007, p.1.

⁶²¹ Ms H. Stokes, President, Princes Hill Secondary College School Council, Transcript of Evidence, Public Hearing, Carlton North, 31 July 2007, p.3.

⁶²² Department of Education and Early Childhood Development 2007, 'Student dress code', section 4.8 (updated May 2006), *Victorian Government Schools Reference Guide*, DEECD, Melbourne.

⁶²³ Department of Education and Training (New South Wales) 2004, *School Uniforms in New South Wales Government Schools*, DET, Sydney, p.8.

Early Childhood Development.⁶²⁴ The Committee recommends that the Department enhance its guidelines around dress codes and school uniform policies by incorporating examples of successful consultation models.

Recommendation 8.2: That the Department of Education and Early Childhood Development incorporate into its guidelines for dress codes and school uniform policies examples of best practice in consultation and communication between schools and their communities.

Managing Challenges

The Committee believes that effective consultation is an important way in which schools may minimise conflict over dress codes and school uniform policies within their communities. Nevertheless, as parent Ms Jacinta Covington noted in her written submission, the views of school communities on dress codes and uniform policies cannot be expected to be unanimous:

What does it mean for a community to have a view? Members of communities have views. A community may reach a broad consensus on an issue. Rarely does a community have a unanimous view.⁶²⁵

Schools may therefore be faced with instances where an individual parent or student holds a view on the dress code or school uniform that differs from the community consensus. Some possible responses to such situations are outlined below.

Exemptions and Variations

In many cases where an individual has special needs with respect to a dress code or school uniform policy that differ from those of the broader community, it may be appropriate for an exemption or variation to be negotiated. As noted in Chapters 3 and 4, this may be especially applicable where an objection to the policy is based on a student or parent's religious belief or cultural background, or a particular physical feature or health condition. As further noted in Chapter 4, exemptions may also be applied in the case of a genuine philosophical or conscientious objection. However, the Committee acknowledges that such objections are likely to be rare, and that they will probably involve some form of discussion or mediation beyond the school's standard exemption process.

The Department of Education and Early Childhood Development advises schools to provide information about exemptions in their dress codes or uniform policies. This should include the potential grounds for exemptions, including any that may be specific to the local conditions, and procedures by which exemptions may be requested and granted.⁶²⁶ Many schools noted that they grant exemptions in response to a note from the student's parents. However, Ms Gail McHardy, Executive Officer, Parents Victoria, observed that a note from parents may sometimes conceal deeper issues around how compliance with the dress code or uniform policy is addressed at home:

... we are the first ones to say we have examples where some families find it a bit easier if the child is very strong-willed, that they will just write the note saying, 'It's okay to wear the jeans,' or whatever and feel a bit bullied into doing [it], because it does happen in some families. It is easier just to sign the note... because no-one is perfect.⁶²⁷

⁶²⁴ Office of School Education, Department of Education 2006, *Good Practice: Community Consultation*, October 2006, Victorian Government, Melbourne.

⁶²⁵ Ms J. Covington, Parent, Written Submission, May 2007, p.5.

⁶²⁶ Department of Education and Early Childhood Development 2007, 'Student dress code', section 4.8 (updated May 2006), *Victorian Government Schools Reference Guide*, DEECD, Melbourne.

⁶²⁷ Ms G. McHardy, Executive Officer, Parents Victoria, Transcript of Evidence, Public Hearing, Melbourne, 30 April 2007, pp.41-42.

The Committee notes that contact with parents may therefore also be part of the exemption process, to confirm that the reasons for the exemption are genuine.

The Department assigns decisions regarding individual exemptions to 'the management role of the principal'.⁶²⁸ Nevertheless, the Committee recommends that principals take the views of their communities into account as much as possible when considering requests for exemptions from community-developed dress codes or uniform policies. The Law Institute of Victoria also suggests that schools should be required to give reasons for rejecting an application for an exemption to a dress code or school uniform policy, in light of the *Human Rights Charter* and equal opportunity laws.⁶²⁹ The Committee supports this view, and further suggests that individual exemptions should be noted in subsequent policy discussions or reviews, in case they indicate a need for broader policy changes.

Recommendation 8.3: That the Department of Education and Early Childhood Development publish further guidelines regarding best practice processes for considering exemptions to dress codes and school uniform policies, including a requirement that reasons for the refusal of an application for exemption be provided to the student and/or parent involved.

Finding an Alternative School

The Committee heard the view that if a parent or student disagrees with a dress code or school uniform policy developed by a school community, they should seek another school. The Victorian Association of State Secondary Principals presented the view that uniform policies that have been developed through proper consultation with the school community should be a condition of enrolment at a school:

In terms of appropriate enforcement of sanctions, we believe that it should be approved by your school council and then backed by the region and the centre; by which I mean the Department of Education. Once approved, it should be a condition of enrolment and be non-negotiable.⁶³⁰

A similar view was expressed in a number of written submissions from government schools. Rowville Secondary College argued that compliance should be a condition of enrolment, in order to reduce the time spent on uniform-related disputes:

Our School Council believes that when a local community has determined its stance on uniform, it is perfectly reasonable that provided appropriate exemption policies and support structures are in place...support for the college policy should be a condition of enrolment. Too much time debating the uniform takes resources away from the core educational business – students and their learning.⁶³¹

Wangaratta High School agreed that adherence to a uniform policy should be a condition of enrolment and asked that the school be 'unreservedly' supported in this by the Department.⁶³² Similar comments from government schools were also received in the Committee's survey.⁶³³

Mr Andrew Smith, Deputy Chief Executive, Association of Independent Schools of Victoria, indicated that compliance is widely understood to be a condition of enrolment in schools in the independent sector:

In attending those schools parents and students agree to abide by the policies of those schools, and schools will have appropriate responses to that, but it is a commitment that

⁶²⁸ Department of Education and Early Childhood Development 2007, 'Student dress code', section 4.8 (updated May 2006), *Victorian Government Schools Reference Guide*, DEECD, Melbourne.

⁶²⁹ Law Institute of Victoria, Written Submission, June 2007, p.6.

⁶³⁰ Mr B. Burgess, President, Victorian Association of State Secondary Principals, Transcript of Evidence, Public Hearing, Melbourne, 30 April 2007, p.4.

⁶³¹ Rowville Secondary College School Council, Written Submission, June 2007, p.2.

⁶³² Wangaratta High School Council, Written Submission, June 2007, p.2.

⁶³³ Respondents, Education and Training Committee, *Dress Codes and School Uniforms in Victorian Schools Survey*, August – September 2007.

'Individuals have choices about which schools they can attend. They shouldn't have the right to undermine a school's reputation on setting high standards and having specific dress codes. If we are to allow individuals to do as they please why set any standards at all?'

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you make as a parent, I think, and as a student if you are attending an independent school.⁶³⁴

The parents of students at independent schools in Victoria agreed that it is acceptable for schools to exclude students on the basis of non-compliance with uniform policies:

...wearing a uniform demonstrates the pride you have in your school. And if your school is advocating that you wear a uniform and you do not feel that that is appropriate, then you are at the wrong school; you should be leaving.⁶³⁵

The Committee notes that the issues faced by independent schools on this matter will differ from those faced by government schools, given that choice is one of the fundamental principles of the independent education sector.

For government schools, the Department of Education and Early Childhood Development's guidelines note that a school's dress code should be 'made clear to parents/guardians and students prior to enrolment, thereby providing a basis of assent'.⁶³⁶ This does not, however, indicate whether students may be excluded from enrolment if they or their parents do not agree to the school's policies. The SA Department of Education and Children's Services is the only education department in Australia to address refusal of enrolment directly in its guidelines for dress codes and school uniform policies:

Principals must not refuse enrolment on the ground that the student does not have the required dress code or because his or her parents state that the student will not observe the dress code.⁶³⁷

In the United Kingdom, the Department for Children, Schools and Families suggests that rules about a school uniform may form part of a Home School Agreement (HSA).⁶³⁸ The HSA is a written agreement, signed by the school principal, parents and sometimes students at the time of enrolment, serving as a formal record of all parties' commitment to the school's rules, policies and standards. However, the Department also advises that UK schools are prohibited by law from refusing enrolment to a student due to their own, or their parents', failure or refusal to sign the HSA.⁶³⁹ The Committee heard from two Victorian government schools that have instituted similar contracts, although it was not clear in their submissions what the consequences may be if a parent or student refuses to sign.⁶⁴⁰

The Committee believes that for many parents and students joining a new school, a commitment to the dress code or school uniform policy may provide a way to demonstrate their willingness to support and participate in the school community. At the same time, the Committee also believes that students and families have an obligation to comply with the rules and policies of the school in which they enrol. The Committee therefore accepts that schools may refer any families not willing to comply with the dress code or uniform policy at the time of enrolment, to the Department of Education and Early Childhood Development for mediation.

⁶³⁴ Mr A. Smith, Deputy Chief Executive, Association of Independent Schools of Victoria, Transcript of Evidence, Public Hearing, Melbourne, 14 May 2007, p.34.

⁶³⁵ Ms J. Silver, Executive Officer, Victorian Parents Council Inc, Transcript of Evidence, Public Hearing, Melbourne, 14 May 2007, p.10.

⁶³⁶ Department of Education and Early Childhood Development 2007, 'Student dress code', section 4.8 (updated May 2006), *Victorian Government Schools Reference Guide*, DEECD, Melbourne.

⁶³⁷ Department of Education and Children's Services (South Australia) 2007, *Administrative Instructions and Guidelines*, May 2007, DECS, Adelaide, p.109.

⁶³⁸ Department for Children, Schools and Families (United Kingdom) 2007, *DCSF Guidance to Schools on School Uniform and Related Policies*, DCSF, London.

⁶³⁹ Department for Children, Schools and Families (United Kingdom) 2007, 'Home-School Agreement', *The Standards Site*, DCSF website, <http://www.standards.dfes.gov.uk/parentalinvolvement/hsa/hsa_law/?version=1>, accessed on 12 November 2007.

⁶⁴⁰ Taylors Lakes Secondary College, Written Submission, June 2007, p.2; Rowville Secondary College, *Student Dress Code*, copy supplied by Rowville Secondary College School Council, Written Submission, July 2007.

Mediation

The Committee notes that there are a number of reasons why disputes over dress codes and school uniform policies may arise. In many cases, the school may be able to work with parents and students to ascertain the underlying reasons for non-compliance, and negotiate mutually acceptable solutions. Parents Victoria's written submission noted that discussion or even disputes over uniform policies provide schools with a useful opportunity to deepen their understanding of the communities they serve:

Consultation challenges or concerns should not be ignored or feared but seen as an opportunity to draw information from the current school community members.⁶⁴¹

The Committee nevertheless notes that there will be circumstances in which an objection to a dress code or school uniform policy cannot be resolved at the local level, and may be referred to a system representative.

The Committee requested information from each of the regional offices of the Department of Education and Early Childhood Development regarding the complaints over school dress codes or uniform policies that had been brought to their attention. Their responses reveal that 117 such complaints were referred to the regional offices in 2006. The Committee acknowledges that differences in reporting practices between regional offices may mean that additional complaints have not been recorded. The most common departmental response to complaints in 2006 was referral back to the school principal. Other responses included investigation of the issue by the department, or discussion with parents about the school's rights in implementing a dress code or uniform policy.⁶⁴²

While the Committee acknowledges the efforts of departmental officers in resolving the uniform-related issues brought to their attention, the Committee also heard some evidence to suggest that the current level of mediation offered by the Department of Education and Early Childhood Development may not always be sufficient. As previously noted, the Committee heard a case study of one particularly significant dispute over the uniform policy at a Victorian government secondary school. The parents involved expressed discontent with the way in which their complaint was handled when referred to the Department, as shown in the following comment:

[The Regional Director's] letters did not answer very many of our questions. They only stated we should discuss the issue with the school Principal. After two meetings with her...I told the [departmental] office I was not prepared to do that unless one of their staff members were present. At no time was this done. In fact I had to put everything in writing, but there is no onus on the school or the DET office to also do this.⁶⁴³

The issue of departmental mediation has also been raised more generally in a recent report from Parents Victoria. The report indicates similar difficulties to those outlined in the submissions received by the Committee, within the broader community of parents of students at government schools:

Parents reported high levels of stress and frustration resulting from their experience of complaint handling within DE&T...Few parents were provided with information regarding relevant DE&T policies and none were provided with copies of the complaint handling procedures. Parents believed that their complaints were not taken seriously by principals or investigated by the Department.⁶⁴⁴

Parents Victoria's report proposes a number of solutions to these issues, including the adoption of the principle of open disclosure; the introduction of appeal

⁶⁴¹ Parents Victoria, Written Submission, June 2007, p.2.

⁶⁴² Information supplied by the regional offices of the Department of Education and Early Childhood Development, in response to a request from the Education and Training Committee for data on the number and type of cases and complaints associated with dress codes and school uniforms over the period January 2005 to June 2007.

⁶⁴³ Ms B. Johns, Parent, Written Submission, May 2007, p.11.

⁶⁴⁴ Parents Victoria, *Complaint Procedures and Dispute Resolution in Victorian Government Schools*, August 2006, Parents Victoria, Melbourne, p.1.

'...the implementation of a school uniform policy leaves unanswered what would or could the school do if students and/or parents chose to deliberately disregard it.'

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procedures for parents; the development of a systems improvement process to prevent problems recurring; and the establishment of an independent Commissioner to resolve complaints.⁶⁴⁵ The Department considered the findings and proposed solutions in the report as part of its review of complaint handling procedures undertaken in 2006. Additional measures subsequently introduced by the Department include the dissemination of a model parent complaint policy to schools; strengthening of guidelines for parents and departmental employees; and the establishment of a central unit with responsibility for complaints handling processes within the Department.⁶⁴⁶

The Committee agrees that the Department has a potentially valuable role to play in mediating disputes relating to dress codes and school uniform policies that may arise between schools and their communities. The Committee believes that the above changes implemented by the Department will help to improve how such disputes are resolved in future. However, the Committee also notes the importance of relevant documentation, including departmental guidelines and individual dress codes and school uniform policies, in the resolution of disputes, as noted in the Department's current guidelines:

It should be noted that legislative requirements, the Department of Education and Training advice and individual school council student dress code policies are used by such bodies as the Ombudsman in resolving disputes referred to them by aggrieved parties.⁶⁴⁷

The Committee believes that the improvements to departmental guidelines recommended throughout this report will support the general changes to departmental mediation and dispute resolution processes. Greater consistency in the dress codes and uniform policies developed by schools will make it significantly easier for the Department's regional offices to assess them, and determine appropriate levels of support. Such improvements are also likely to help both schools and parents understand the nature of the support they can expect from the Department in the event of a disagreement or dispute.

Recommendation 8.4: That the Department of Education and Early Childhood Development review the recent changes to complaints handling within the Department to ensure that they address concerns about the resolution of disputes relating to dress codes and school uniform policies.

Conclusion

The Committee feels that it is imperative that schools involve their communities in the development and review of their dress codes and school uniform policies. As parents and carers are responsible for purchasing uniforms and helping children dress for school, gaining their 'buy-in' makes enforcing a dress code or school uniform policy significantly easier. The Committee also believes that a policy which is developed and reviewed consultatively is less likely to be subject to time-consuming challenges and disputes. Furthermore, as demonstrated in Chapter 4, schools may need to demonstrate the consultative nature of their dress code or school uniform policy to satisfy legal requirements for 'reasonableness' under the *Equal Opportunity Act 1995*.

The Committee found that many Victorian schools are making considerable efforts to undertake effective consultation and communication with their communities around their dress codes and school uniform policies. However, the Committee also believes that there is still room for improvement in the consultation and

⁶⁴⁵ *ibid.*

⁶⁴⁶ Ms J. Allan MP, correspondence to Parents Victoria, available on Parents Victoria website, <<http://www.parents victoria.asn.au/Allan-letter.pdf>>, accessed on 20 November 2007.

⁶⁴⁷ Department of Education and Early Childhood Development 2007, 'Student dress code', section 4.8 (updated May 2006), *Victorian Government Schools Reference Guide*, DEECD, Melbourne.

communication processes followed by many Victorian schools, as well as in the processes for handling challenges, where they arise. The Committee believes that clearer guidance around consultation and improved mediation services are some ways in which the Department of Education and Early Childhood Development may support the relationship between schools and their communities, with respect to dress codes and uniform policies. The Committee notes that increased cooperation in relation to dress codes and school uniform policies may also serve to strengthen such relationships in other areas of schooling.

