

Part 5—Dress codes

77—Dress code

- (1) In this Part—

parents has the meaning ascribed by the Act and, in relation to a school, means the parents of students attending the school.
- (2) The Minister may issue administrative instructions in relation to—
 - (a) dress codes to be adopted by schools; and
 - (b) the means by which school councils are to consult with parents and students in determining dress codes,and the Minister may, by further administrative instruction, vary or revoke such administrative instructions.
- (3) The school council of a school may—
 - (a) in accordance with any administrative instructions issued under subregulation (2)(a); and
 - (b) after consulting with parents and students of the school in accordance with any administrative instructions issued under subregulation (2)(b) and having regard to their views,determine a dress code for the school.
- (4) The head teacher of a school must, on the adoption by the school of a dress code, inform the parents of each student of the school and, on the later enrolment of a student at the school, inform the parents of that student, in writing—
 - (a) of the dress code of the school; and
 - (b) of the parents' right to request the exemption of the student from that dress code.
- (5) The head teacher may, on being requested in writing by a parent of a student to exempt the student from the dress code of the school, so exempt the student.
- (6) Subject to subregulation (5), the head teacher of a school must enforce the dress code of the school and may take appropriate disciplinary action in relation to wilful and persistent breach of that dress code but the dress code may not be enforced by the suspension, exclusion or expulsion of a student from the school or by otherwise precluding the student from participating in the educational programme of the school.
- (7) Where this regulation provides for an act to be carried out by or in relation to the parents of a student, the regulation will, in relation to a student who is not less than 18 years of age, be taken to provide that the act is to be carried out by or in relation to that student.

School dress code

Education Regulations

Education Regulation 77 on school dress codes provides as follows-

- the right for school councils to determine school dress policy
- consultation entitlements and processes
- enforcement obligations and exemption conditions.

The exercise of these functions is conditional on either specific regulatory provisions or administrative instructions issued by the Minister pursuant to sub-regulation (2) of the Regulation.

The Minister has issued the following administrative instructions which must be read in conjunction with Education Regulation 77.

Planning the dress code

Dress options

A school dress code must observe health, safety and decency standards, and be practical in its application to a wide range of physical activities and weather conditions.

In the past schools have pursued several options, namely:

- a defined "school uniform" for all
- a defined "dress code" for all
- a defined "uniform" or dress code for a specific section of the student body viz a uniform for junior secondary level and another code which may be no uniform, for the senior secondary level
- no prescribed "uniform" or dress code
- a prescribed "uniform" but not actively encouraged to be worn.

The school dress code can, therefore, be in the form of 'uniform', 'colour code' or 'mix and match clothing,' with the school's preference being determined by the council after wide consultation.

Consultation/decision making

In deciding to change or make alterations to the school dress code, councils must ensure that all student and parent groups in their community are consulted. Structures to contact, for example, Aboriginal students, students with non-English speaking backgrounds, students at risk, impoverished students, adult students, and for ensuring that both sexes are represented in each group need to be in place along with ways to process and act on input.

Awareness

When deciding a school dress code councils must be aware of relevant Acts of Parliament and policies and procedures issued and/or promoted by the department. These are intended to improve the learning environment and outcomes of students so that schools are supportive, positive, non-discriminatory, equitable and safe.

Legislation, policies and guidelines which councils must be aware of are:

- Education Act 1972, in particular, section 75 dealing with compulsory attendance provisions
- Regulations under the Education Act
- Equal Opportunity Act 1984
- Occupational Health Safety and Welfare Act 1986 and Regulations and Codes under the Act
- Department of Education, Training and Employment's Administrative Instructions and Guidelines
- National Policy for the Education of Girls in Australian Schools, Schools Commission, 1987
- School Discipline; The Management of Student Behaviour
- Anti-Racism policy (Policy Statement No. 2)
- Student Participation policy (Policy Statement No. 3)
- Sexual Harassment
- Parents and Schools (Policy Statement No. 6).

A sound knowledge of these will allow appropriate decision making on the school dress code.

Resulting issues

Gender

The issue of gender incorporates the notion of girls having a right to choose. Girls should have a right to choose clothing, and to choose clothing to allow for freedom of movement, level of comfort, for safety and in consideration of climatic factors, and specific circumstances such as pregnancy.

An inflexible dress code policy based on sex could be in breach of the Equal Opportunity Act.

Itinerant and mobile students

Schools with these students must have a flexible dress code with provision for exemptions.

Culture

School dress code policy must consider the values of students and parents/care givers of other cultural backgrounds.

Poverty

A common reason given against having a dress code is that it can highlight socio-economic differences of students and families. The financially disadvantaged who could include single-parent low income families, unemployed adult students or families and many Aboriginal students may have some misgivings having to apply for exemption or get second hand clothing.

The school must be aware of and sensitive to these students, their cultural values and how their backgrounds and economic circumstances may make it difficult for some of them to observe the school's dress code policy.

Adult students

Councils may need to address the issue of the increasing number of students of post-compulsory age in schools. Canvassing opinion and careful consultation will be necessary in determining the most appropriate dress code for this group.

Changing dress code

In the interests of parents and retailers, 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.

Costs of dress code

In making decision about dress code, school councils must have regard to the cost of compliance and should endeavour to keep such costs as low as is practical.

Some strategies presently in existence are:

- second hand clothing service
- uniform exchange service
- bulk buying/ordering of clothing by the school
- financial assistance in the form of loans, time payment or subsidy
- loan of dress code clothing which the student returns when he/she outgrows them or leaves the school
- provision for those in financial need.

Implementing the dress code

Exemption

Principals may exempt students from the dress code upon written request from the parent. Principals must inform parents of this right.

Grounds on which parents may seek exemption are:

- religious
- cultural or ethnic
- new students (time to purchase, wear previous uniform)
- itinerant students
- financial hardship
- genuine medical or family sickness reasons
- any other additional grounds as the school council may determine.

These students and their parents will require sensitive and careful consideration by the principal to minimise the possibility of conflict. In the case of adult students, they may seek exemption on their own behalf.

Non-compliance with the dress code

The department's Student Behaviour Management policy makes it clear that the department does not consider non-compliance with a school's dress code policy a serious enough offence to deny a student access to learning. Consequently, suspension, exclusion or expulsion as a disciplinary measure is not permitted. This is supported by Education Regulation 77(6)

All students have a right to learning and discipline for an issue that is under parent control should not disadvantage them.

Encouraging positive reinforcement and responsible behaviour is the preferred approach.

Some strategies to handle students for wilful and persistent breaches of the uniform code could be:

- speak to the student (preferably in private) to encourage him/her to observe the dress code. Provide advice to the parents via a diary note, phone call from the principal, letter to parents.
- verbal warning to student. Negotiation with student and parents.
- establish exclusion zones for non-uniform wearers e.g. no hat, no play outside or play in the shade.
- extra duties
- detention

Attachment 2

- include the student in decision -making processes, for example, a review of dress code policy.

It is suggested that schools have spare clothing for those students not exempted from the dress code to change into.

Enrolment

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.