

DEPUTY DIRECTOR-GENERAL, SCHOOLS

NEW SOUTH WALES
DEPARTMENT
OF EDUCATION
AND TRAINING



Early Childhood and Primary Education
Secondary Education
Technical and Further Education
Vocational Education and Training
Higher Education
Adult and Community Education

DGL 07/598

Ms K Ellingford
Executive Officer
Education and Training Committee
Parliament of Victoria
Spring Street
EAST MELBOURNE VIC 3002

Dear Ms Ellingford

I refer to your letter dated 30 April 2007 to the Director-General of Education and Training, Mr Michael Coutts-Trotter, regarding the Victorian Parliamentary Inquiry into Dress Codes and School Uniforms. As the senior officer in the Department with responsibility in this matter I have been asked to reply to you.

The Department of Education and Training supports the wearing of school uniforms by students and the upholding of high standards of dress by students and staff. The Department recognises that NSW has a long history of school uniforms or dress codes being decided by the local school community.

I have, in response to your queries, attached information about the Department's School Uniform Policy. A copy of this policy can be found at https://www.det.nsw.edu.au/policies/student_admin/uniforms/school_uniform/PD20040025.shtml.

For any further enquiries please contact Ms Elizabeth Callister, R/Director Student Welfare on (02) 9266 8258 or at elizabeth.callister@det.nsw.edu.au.

I trust that this information is of assistance.

Yours sincerely

A handwritten signature in black ink that reads "Trevor Fletcher".

Trevor Fletcher
DEPUTY DIRECTOR-GENERAL, SCHOOLS

24 May 2007

NSW DEPARTMENT OF EDUCATION AND TRAINING

VICTORIAN PARLIAMENTARY INQUIRY INTO DRESS CODES AND
SCHOOL UNIFORMS

ISSUE:

Whether you have any state /territory legislation or government policies associated with school uniforms and dress codes and what was the impetus for such legislation or policies

RESPONSE:

In 2003 the NSW Government announced its intention to issue a revised enforceable school uniform policy applicable to all public schools and developed in consultation with parents. The policy document provides a framework based on the *NSW Occupational Health and Safety Act 2000*, *NSW Anti Discrimination Act 1977* and the *Education Act 1990*.

Other NSW Department of Education and Training policies associated with school uniforms and dress codes are:

Student Welfare Policy

https://www.det.nsw.edu.au/policies/student_serv/student_welfare/stude_welf/PD20020052.shtml

Protection from the Sun: Guidelines to Assist in Implementing the Student Welfare Policy

https://www.det.nsw.edu.au/policies/student_serv/student_health/protec_sun/PD20020055.shtml

Code of Conduct

https://www.det.nsw.edu.au/policies/staff/ethical_behav/conduct/PD20040020.shtml

Student Discipline in Government Schools

https://www.det.nsw.edu.au/policies/student_serv/discipline/stu_discip_gov/PD20060316.shtml

ISSUE:

Regulation and practices associated with the procurement of school uniforms in your jurisdiction (including, for example, arrangements with manufacturers and suppliers and the school's role in supplying school uniform items)

RESPONSE:

Schools who enter into contracts for the supply of the preferred uniform with individual firms do so in accordance with the regulations for public tendering. Section 6.2 of the School Uniform Policy details the steps principals are required to follow when making arrangements with clothing suppliers and when changing those arrangements. The Department's purchasing and procurement guidelines are to be followed where consideration is given to any preferred supplier arrangements.

ISSUE:

Whether any financial assistance is available for students and/or families who cannot afford the costs of school uniforms

RESPONSE:

The Student Assistance Scheme (SAS) provides support for students attending NSW government schools. The Scheme enables financial assistance to be provided to eligible families of primary or secondary school students for school related expenses such as uniforms or excursions.

ISSUE:

Any examples of legal or other action arising from school uniform or dress code policies (for example, breaches of anti-discrimination requirements or injury claims such as sunburn or injuries from items of clothing or jewellery)

RESPONSE:

There have been no significant issues involving breaches of anti-discrimination legislation or injury claims referred to the Department's legal services section.

Many of the government schools in NSW have created individual crests or logos which are regularly used to distinguish particular clothing items on a school basis. Such items can form part of a school's uniform policy.

Schools often enter into arrangements with individual manufacturers or retailers of school uniforms regarding their use of school logos. On occasion disputes may occur between schools and third parties in relation to the

continuing use of the logo by those third parties. Generally such issues are resolved by negotiation between the parties.

Another issue relates to the wearing of Muslim headdress by students in government schools. The Department of Education and Training's position on the wearing of the hijab is informed by the NSW Anti-Discrimination Act 1977, under which it is unlawful for an education authority to discriminate on grounds of race, ethno-religion, sex, pregnancy, disability, age, homosexuality, transgender status, responsibility as a carer or marital status.

School uniform requirements should be developed with this requirement in mind. In addition, guidelines make provisions for long term exemptions if an aspect of the school uniform prevents students from complying with requirements relating to their ethno-religious backgrounds. Many government schools include the headwear that is worn by groups within the school community as a part of the school uniform.

ISSUE:

Appropriate enforcement processes and student sanctions for non-compliance with a school's uniform policy or dress code

RESPONSE:

The preferred approaches for ensuring students wear the school uniform is through positive reinforcement and encouraging responsible behaviour. Suspension or expulsion solely for non-compliance with uniform requirements is not to occur. Student enrolment cannot be contingent upon adherence with the school uniform policy.

Positive approaches to recognise and encourage students who do wear the school uniform include:

- formal recognition of groups of students at assemblies or by other means
- personal letters of recognition to the parents and the students by the principal
- positive comments in school reports about individual students who support the ethos, have pride in their school and who represent it well
- reminders of students in practical classes that standards of dress have been agreed upon for occupational health and safety reasons
- involvement of student representative councils and other student bodies in developing, discussing and promoting school uniforms.

Responses to students who do not wear the uniform must be appropriate. They should be clarified, agreed upon by the school community and documented. Responses must be fair and consistent. They must not prevent students from continued participation in essential curriculum activities except where exclusion is necessary for reasons of safety. In this situation, alternative educational activities must be provided.

ISSUE:

Any examples of where individual students and/or parents simply refuse to comply with a school uniform or dress code policy, the reasons for non-compliance and the way in which these issues were dealt with

RESPONSE:

In promoting the wearing of the school uniform, principals must be sensitive to economic, personal, social and cultural factors affecting individual students and their families. Where a student seeks variation to an agreed uniform for some of the above reasons, resolution of the matter may be pursued through short or long term exemptions for the individual.

Long term exemptions may be provided when:

- an aspect of the school uniform requirements prevents students from complying with a requirement relating to their ethno-religious background
- the student has a particular health condition that requires a modification of an aspect of uniform
- the student is disadvantaged in complying with an aspect of the uniform because of other personal circumstances outlined in anti-discrimination and equal opportunity legislation.

Principals may be faced with conscientious or "principled" objections by individual parents to their child's wearing of a school uniform, or of an individual item specified within school uniform requirements.

Objections may be based on sensitive issues such as cultural or family traditions, family circumstances or financial issues which may not be easily disclosed. These objections must be respected and non-confrontational approaches must be used to resolve the situation. Strategies such as exemptions may be employed in these circumstances.