

# EDUCATION (GUIDANCE ABOUT COSTS OF SCHOOL UNIFORMS) ACT 2021

## EXPLANATORY NOTES

### What these notes do

These Explanatory Notes relate to the Education (Guidance about Costs of School Uniforms) Act 2021 which received Royal Assent on 29 April 2021 (c. 20).

- These Explanatory Notes have been prepared by the Department for Education, with the consent of Mike Amesbury MP, in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Act will mean in practice; provide background information on the development of policy; and provide additional information on how the Act will affect existing legislation in this area.
- These Explanatory Notes should be read alongside the Act. They are not, and are not intended to be, a comprehensive description of the Act.

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## Overview of the Act

- 1 The Act imposes a duty on the Secretary of State to issue statutory guidance on the cost aspects of school uniform, to which relevant schools must have regard. The guidance will apply to relevant state-funded schools in England (namely, maintained schools (including maintained special schools); academies (including special academies and alternative provision academies); non-maintained special schools; and pupil referral units).

## Policy background

- 2 At present, school uniform policy, including its cost, is a matter for a school's governing body or academy trust. The Department for Education has published non-statutory guidance on school uniform.
- 3 The Department for Education's non statutory guidance was last updated in 2013 to give extra emphasis to the importance of cost considerations. It makes clear that schools should give high priority to the consideration of cost and value for money for parents.
- 4 In November 2015, the Government published the 'A Better Deal:' plan. This included a commitment to put the Department for Education's existing school uniform guidance on costs on a statutory footing:

“The government wants to ensure that effective competition is used to drive better value for money and will therefore put existing best practice guidance for school uniform supply in England on a statutory footing”.

- 5 This Act enables the Department for Education to make guidance on the cost considerations of school uniform statutory.

## Legal background

- 6 There is no existing primary legislation specifically relating to school uniform or other aspects of appearance. Decisions about individual schools' uniform policies are a matter for the school's governing body or academy trust. However, as set out above, the Department for Education publishes non-statutory guidance on school uniform to support schools with this.
- 7 The Act inserts new section 551A into Chapter III (Other Provisions about Schools) of Part X (Miscellaneous and General) of the Education Act 1996. This new section imposes a statutory duty on the Secretary of State to issue guidance to the appropriate authorities of relevant schools in England on the costs aspects of school uniform policies, to which those authorities must have regard (see definitions under 'Commentary on provisions of Act' below).

## Territorial extent and application

- 8 The Act extends to England and Wales and applies to England only.

## Commentary on provisions of Act

### Section 1: Guidance about the costs of school uniforms: England

- 9 This section inserts new section 551A into Chapter III (Other Provisions about Schools) of Part X (Miscellaneous and General) of the Education Act 1996.

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- 10 Sub-section (1) imposes a statutory duty on the Secretary of State to issue guidance to the appropriate authorities of relevant schools on the costs aspects of school uniform policies. This duty only applies to schools in England.
- 11 Sub-section (2) provides a broad definition of the costs aspects of school uniform policies. It provides that the 'costs aspects of school uniform policies' means 'any aspects of school uniform policies that the Secretary of State considers relevant to the costs of school uniforms'.
- 12 Sub-section (3) sets out who has to comply with the guidance issued by the Secretary of State – namely the appropriate authority of a relevant school. The meaning of 'appropriate authority' is set out in sub-section (6) (see paragraph 15 below) and the meaning of 'relevant school' is set out in paragraph 14 below. The requirement imposed on the appropriate authority by sub-section (3) is to have regard to the guidance issued by the Secretary of State when developing and implementing its school uniform policy.
- 13 Sub-section (4) allows the Secretary of State to revise the guidance from time to time.
- 14 Sub-section (5) explains which schools are covered by the Act. They are: Academy schools (including special academies), alternative provision Academies, maintained schools (which include community, foundation or voluntary schools and community or voluntary special schools not in a hospital), non-maintained special schools and pupil referral units.
- 15 Sub-section (6) explains what 'appropriate authority' means in the Act – for Academy schools, alternative provision Academies and non-maintained special schools, the proprietor, for maintained schools, the governing body and for pupil referral units, the local authority.

## Section 2: Extent, commencement and short title

- 16 Section 2 covers extent and commencement. The Act extends to England and Wales and applies to England only. It will come into force two months after Royal Assent.

## Commencement

- 17 The Act comes into force on 29 June 2021; two months after the day on which it received Royal Assent.

## Related documents

- 18 The following document is relevant to the Education (Guidance about Costs of School Uniforms) Act 2021 and can be read at the stated location:
  - Current School Uniform Guidance (updated September 2013)  
<https://www.gov.uk/government/publications/school-uniform>

## Annex A – Territorial extent and application in the United Kingdom

The Act extends to England and Wales and applies to England only.

<b>Provision</b>	<b>Extends to E &amp; W and applies to England?</b>	<b>Extends to E &amp; W and applies to Wales?</b>	<b>Extends and applies to Scotland?</b>	<b>Extends and applies to Northern Ireland?</b>
Section 1	Yes	No	No	No
Section 2	Yes	No	No	No

## Annex B – Hansard References

19 The following table sets out the dates and Hansard references for each stage of the Act's passage through Parliament.

Stage	Date	Hansard Reference
<i>House of Commons</i>		
Introduction	05 February 2020	<a href="#">Vol. 671 Col. 315</a>
Second Reading	13 March 2020	<a href="#">Vol. 673 Col. 549</a>
Public Bill Committee	16 September 2020	<a href="#">Col. 1-14 of the Education (Guidance About Costs of School Uniforms) Public Bill Committee.</a>
Report and Third Reading	12 March 2021	<a href="#">Vol. 630 Col. 1137</a>
<i>House of Lords</i>		
Introduction	12 March 2021	<a href="#">Vol. 810 Col. 1984</a>
Second Reading	19 March 2021	<a href="#">Vol. 811 Col. 537</a>
Committee of the whole House	16 April 2021	<a href="#">Vol. 811 Col. 1607</a>
Report	22 April 2021	<a href="#">Vol. 811 Col. 1987</a>
Third Reading	28 April 2021	<a href="#">Vol. 811 Col. 2249</a>
Royal Assent	29 April 2021	<a href="#">House of Commons Vol. 693 Col. 519</a>
		<a href="#">House of Lords Vol. 811 Col. 2413</a>

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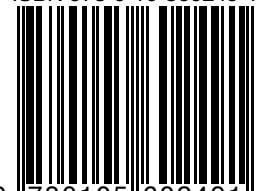
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ISBN 978-0-10-560249-1



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