



## BRIEFING PAPER

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# Education (Guidance about Costs of School Uniforms) Bill 2019-21

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## Summary

The [\*Education \(Guidance about Costs of School Uniforms\) Bill 2019-21\*](#) was introduced by Mike Amesbury MP following the Private Members' Bills Ballot held on 9 January 2020. Second Reading debate in the Commons took place on 13 March 2020, and Committee Stage was held on 16 September. Report stage and Third Reading were held on 12 March 2021. The Bill is supported by the Government.

The Bill requires statutory guidance to be published on how schools should design and implement their uniform policies, with particular regard to the cost of uniform. [Guidance](#) is currently published by the Department for Education, but is not on a statutory footing.

There is no currently legislation in place on school uniform. However, the Department for Education strongly encourages that schools have a uniform and expects schools to take account of its guidance.

Concerns about the cost of school uniform have been raised regularly in recent years, by select committees, the Children's Commissioner for England, and in particular by the Children's Society. The charity has published reports highlighting that concerns about uniform costs can lead to children wearing ill-fitting, dirty, or incorrect uniform, and in some cases affect parents' choice of school for their child.

In 2015, the Government announced that it would legislate to put current best practice guidance on a statutory footing, including that exclusivity arrangements with retailers for uniforms should be avoided. However, no relevant legislation has been laid before Parliament.

Schools policy is a devolved issue. The provisions in this Bill would have affect in England.

### **Private Members' Bills Ballot**

At the start of each new parliamentary year, all backbench MPs are invited to enter a ballot. The few MPs who are lucky in the draw may each bring in a Bill of their choosing. Mike Amesbury was drawn in first position in the [ballot held on 9 January 2020](#).

# 1. Current rules relating to school uniform in England

## 1.1 Are schools required to have uniforms?

There is currently no legislation in place relating to school uniform in England. Schools are not required to have a uniform policy at all, although the Department for Education (DfE) strongly recommends that they do so. School governing bodies decide what a school's uniform policy should be.

## 1.2 Guidance on affordability

While there are no requirements in place on uniform, the Department for Education strongly encourages schools to have a uniform and expects schools to take account of its [published guidance](#). The Department believes uniform "can play a valuable role in contributing to the ethos of a school and setting an appropriate tone."<sup>1</sup>

The guidance states that a school's uniform policy should be clearly set out, be subject to reasonable requests for variation, and that any changes should take into account the views of parents and pupils.

A key section provides more detail on the actions the Government expects schools to take in ensuring that school uniform is affordable, with particular reference to keeping branded items to a minimum and that uniform items should be widely available and inexpensive:

No school uniform should be so expensive as to leave pupils or their families feeling unable to apply to, or attend, a school of their choice, due to the cost of the uniform. School governing bodies should therefore give high priority to cost considerations. The governing body should be able to demonstrate how best value has been achieved and keep the cost of supplying the uniform under review.

When considering how the school uniform should be sourced, governing bodies should give highest priority to the consideration of cost and value for money for parents. The school uniform should be easily available for parents to purchase and schools should seek to select items that can be purchased cheaply, for example in a supermarket or other good value shop. Schools should keep compulsory branded items to a minimum and avoid specifying expensive items of uniform e.g. expensive outdoor coats.

Governing bodies should be able to demonstrate that they have obtained the best value for money from suppliers. Any savings negotiated with suppliers should be passed on to parents wherever possible. Schools should not enter into cash back arrangements. Exclusive single supplier contracts should be avoided unless regular tendering competitions are run where

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<sup>1</sup> Department for Education, [School uniform: Guidance for governing bodies, school leaders, school staff and local authorities](#), September 2013, p4

more than one supplier can compete for the contract and where best value for parents is secured.<sup>2</sup>

The Department for Education's [guidance on general procurement issues](#) for schools and academies provides more information.<sup>3</sup>

In 2015, the Competition and Markets Authority [wrote to head teachers, school governing boards and school uniform suppliers](#) to remind them of their obligations to parents under competition law.<sup>4</sup>

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<sup>2</sup> As above, p5

<sup>3</sup> Department for Education, [Buying for schools](#), February 2020

<sup>4</sup> Competition and Markets Authority, [Letter from the CMA to schools and school uniform suppliers on competition law](#), 15 October 2015

## 2. Proposals for change

### 2.1 Best practice guidance: Government proposal for statutory footing (2015)

In November 2015, the HM Treasury publication, [A better deal: boosting competition to bring down bills for families and firms](#), indicated that the Government would legislate to put current best practice guidance, including avoiding exclusivity arrangements for uniforms, on a statutory footing:

2.5 The government wants to ensure that families get the best value for school uniforms. A 2015 Department for Education survey found that nearly one-fifth of parents and carers reported that they had suffered financial hardship as a result of purchasing their child's school uniform. The survey found that parents and carers are significantly less likely to report that they have experienced hardship if schools allow them to purchase uniforms from a variety of suppliers. 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**. This will ensure that schools deliver the best value for parents by avoiding exclusivity arrangements unless regular competitions for suppliers are run. (pg 11)

No legislation, however, was subsequently put before Parliament to implement this change.

In [response](#) to a Parliamentary Question in July 2019, the Schools Minister, Nick Gibb, stated that the Government "intends to put the school uniform guidance on a statutory footing when a suitable legislative opportunity arises."<sup>5</sup>

The Minister repeated the commitment in a [Westminster Hall debate](#) shortly before Parliament dissolved for the 2019 General Election, stating that "if a Conservative Government are returned with a functioning majority, I am sure that we will give urgent priority to legislating on the matter in question... the Government have made a commitment to legislate on the issue, which we intend to honour."<sup>6</sup>

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<sup>5</sup> [PO 279414, 24 July 2019](#)

<sup>6</sup> [HC Deb 5 Nov 2019 c275-276WH](#)

## 3. Uniform costs and support

### 3.1 How much does school uniform cost?

#### DfE report: Cost of School Uniform (2015)

The legislative proposals were prompted by the Department for Education research report on the [Cost of School Uniform](#), published in June 2015.

The report set out the following findings on school uniform costs:

The average total expenditure on school uniform for the 2014/15 school year to date (so up to the end of February 2015) was £212.88. <sup>1</sup> This was less expensive for those in primary school (£192.14 for boys and £201.04 for girls) than in secondary school (£231.01 for boys and £239.93 for girls).

The average total expenditure was also less expensive when items could be purchased from any shop (£188.82).<sup>7</sup>

Additionally, the report included the following on PE kit costs:

The average total expenditure on PE kit to date based on the items required in 2015 was £87.67. This was less expensive for those in primary school (£66.23 for boys and £62.60 for girls) than in secondary school (£130.52 for boys and £103.63 for girls).

As with school uniform, the average total expenditure was also less expensive when items could be purchased from any shop (£63.13).<sup>8</sup>

#### VAT

In September 2017, the issue of VAT for school uniform was raised in the House:

**Sarah Jones:** Our children go back to school this week, and parents are still paying a fortune for branded school uniforms. Cutting VAT on uniforms for older children would save some £200 million, but this cannot be done under current EU law. My constituents have asked me to ask Ministers to raise this matter whenever the negotiations turn to VAT.

**Mr Steve Baker:** The hon. Lady raises an interesting point, which I know has been heard by those on the Treasury Bench and will be heard by the Chancellor. However, I would gently point out to her that VAT raised £120 billion in 2016 and provides essential funding for public services, including education.<sup>9</sup>

#### Work and Pensions Committee: letter to Secretary of State (2019)

In July 2019, the Work and Pensions Committee and Education Committee held a joint evidence session on [school holiday poverty](#).<sup>10</sup>

Following the session, the chair of the Work and Pensions Committee, Frank Field, sent a [letter to the Secretary of State for Education](#), stating

<sup>7</sup> Department for Education, [Cost of School Uniform 2015](#), June 2015, p9-10

<sup>8</sup> As above, p10

<sup>9</sup> [HC Deb 7 Sep 2017 c298](#)

<sup>10</sup> Work and Pensions and Education Committees, [Oral evidence: School holiday poverty](#), 3 July 2019, HC 2459

that the testimony at the session from parents and parental support organisations was “profoundly distressing” and raised the issue of school uniform costs, in particular schools using particular providers for generic items.

The letter asked the Secretary of State to consider what the Government to support parents dealing with high uniform costs. It further stated that the committees would return to the wider issue later in the year, with further evidence sessions and a report.<sup>11</sup>

### Children’s Society reports (2015 & 2018)

The Children’s Commission on Poverty, supported by the Children’s Society, published [The Wrong Blazer: Time for action on school uniform costs](#) in 2015, a report that highlighted concerns about uniform costs, recommended making the DfE guidance statutory, as well as that the Government should explore a school uniform cost cap.

In August 2018, the Children’s Society published an [update to the report](#), based on a survey of 1,000 parents, which highlighted uniform costs:

The report, *The Wrong Blazer 2018: Time for action on school uniform costs*, an update of The Children’s Society’s survey from 2015, reveals families are shelling out more on school uniforms with an average of £340 per year for each child at secondary school – an increase of 7% or £24 since 2015. Parents of primary school children spent on average £255, an increase of 2% since 2015. [...]

The high cost of uniforms can be put down in part to school policies that make parents buy clothing from specialist shops rather than giving them the choice of buying items at cheaper stores such as supermarkets or high-street chains. Where parents have to buy two or more items of school uniform from a specific supplier, spending was found to be an average of £71 per year higher for secondary school children and £77 higher for primary school children<sup>12</sup>

The [full report](#) also drew attention to a range of impacts of the uniform costs identified in the survey. This included the choice of school (7% of respondents), a child wearing ill-fitting uniform (11%), and parents cutting spending on food and basic essentials (17%). The range of findings from the report suggested that concern were increasing since the society’s previous report three years earlier.<sup>13</sup>

In the report the Children’s Society recommended again that the Government make the DfE guidance statutory, and also that the Government should end the freeze on key benefits and tax credits for families with children.<sup>14</sup>

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<sup>11</sup> The letter was also addressed to the Secretary of State for Work and Pensions, on related issues. Work and Pensions Committee, [letter to Rt Hon Amber Rudd MP and Rt Hon Gavin Williamson MP](#), 25 July 2019

<sup>12</sup> Children’s Society, [School uniform costs force families into debt](#), 23 August 2018

<sup>13</sup> Children’s Society, [The Wrong Blazer 2018: Time for action on school uniform costs](#), August 2018, p6

<sup>14</sup> As above, p9

## Schoolwear Association research (2020)

The Schoolwear Association, which represents retailers, manufacturers, and others involved in the supply of school uniform, published [research on the cost of school uniform](#) in March 2020.

The Association surveyed retailers who supply around 12% of state secondary schools in England.

The Association's analysis of responses found that:

- The average cost of compulsory school uniform and sportswear items was £101.19 per pupil.
- On average, the spend per pupil of compulsory items was £36.24 per year – as not all items need to be replaced annually

This basket cost was derived from the average cost for boys' and girls' compulsory school-specific uniform and sportswear – with an average of 6.1 garments being required for an average sized pupil starting secondary school.<sup>15</sup>

## Other reports

The following reports have also discussed issues relating to school uniform costs:

- Office of Fair Trading report – [School Uniforms Survey](#) (2012)
- Children's Commissioner for England - ["It might be best if you looked elsewhere"](#) report on school admissions (2014) (see pages 28-30 on school uniform costs)

## 3.2 Help with costs

Local authorities and academy trusts may choose to provide school clothing grants or to help with the cost of school clothing in cases of financial hardship. Individual schools may run their own schemes to provide assistance.

The Department for Education provides a link on [help with school clothing costs](#), through which parents can search for support in their local area.

A response to a Parliamentary Question provides an overview of the Government's position:

**Grahame Morris:** To ask the Secretary of State for Education, if he will make it his policy to introduce a scheme to support (a) low income families and (b) families with multiple school-age children with the cost of (i) compulsory uniforms, (ii) school equipment and (iii) school-based activities.

**Nadhim Zahawi:** Through the pupil premium, which is worth more than £2.4 billion each year, schools receive significant additional grant funding to support the children of low-income families. The grant allocation is based on the number of eligible pupils attending the school each January. Therefore, greater

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<sup>15</sup> Schoolwear Association, [Largest survey of school uniform prices reveals £100 basket cost](#), 3 March 2020

numbers of pupils claiming free school meals (FSM) generate greater grant funding for the school.

School leaders are free to use the money in any way that they choose to benefit their pupils. This may include providing financial support for uniform and equipment purchase, school trips and activities. We understand how important it is for pupils to be ready to learn and to participate in school activities. We know that many schools use the pupil premium to help their pupils with these necessities.

The department publishes uniform guidance, which places great emphasis on schools giving the highest priority to cost considerations. The high cost of a school uniform should not leave pupils or their families feeling unable to apply to, or attend, a school of their choice. Some English local authorities provide discretionary grants to help with buying school uniforms, using their own eligibility criteria.

We publish clear rules about school charging parents for elements of their child's education. This states that schools cannot:

- charge registered pupils for education provided as part of the school's duties to provide the national curriculum
- charge parents for materials and equipment needed to take part in education during the school day, unless the parent wishes to own the item.

Where a school trip involves education for which the school cannot charge, the school must fully remit the cost of any board and lodgings for pupils eligible for FSM.<sup>16</sup>

The Library briefing on the [Pupil Premium](#), SN 6700, provides further information on this funding.

## 4. The Bill

### 4.1 Announcement and Government support

Early in 2020, Mike Amesbury [announced](#) that, following his first position draw in the Private Member's Bills Ballot, he would introduce a Bill to improve the affordability of school uniform.<sup>17</sup>

The Education Secretary, Gavin Williamson, [tweeted](#) on 4 February 2020 that the Government would support the Bill:

Delighted that the Government is backing @MikeAmesburyMP's Bill on school uniform costs - uniforms should always be affordable and should never put families off applying to a particular school<sup>18</sup>

First reading of the [Education \(Guidance about Costs of School Uniforms\) Bill 2019-21](#) took place on 5 February 2020.

### 4.2 The Bill

The Bill has two clauses.

**Clause 1** would insert a new section 551A to the *Education Act 1996*.

The clause requires the Secretary of State to issue guidance to the appropriate school authorities in England about the cost of school uniform. This is interpreted to include any aspects of uniform policy that the Secretary of State considers relevant to costs.

The guidance would apply to:

- Academies (including free schools)
- Alternative provision academies
- Local authority maintained schools
- Non-maintained special schools
- Pupil referral units (PRUs) not in a hospital

The relevant bodies of these schools would be required to have regard to this statutory guidance when developing and implementing their uniform policy. These would be:

- Proprietors of academies, alternative provision academies, or non-maintained special schools
- Governing bodies of local authority maintained schools
- The local authority in the case of PRUs

**Clause 2** sets out that the Bill extends to England and Wales.

As schools policy is devolved, however, the Bill would in practice apply only in England, and the guidance required by clause 1 is for England only.

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<sup>17</sup> Mirror, [New school uniform law could see parents save hundreds on kitting out kids](#), 1 February 2020

<sup>18</sup> Rt Hon Gavin Williamson MP, tweeted at [19:10, 4 February 2020](#).

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The clause also would require that the Bill came into force two months after being passed.

## 5. Passage through Parliament

### 5.1 Commons Second Reading

The Bill's [Second Reading debate](#) was held in the Commons on 13 March 2020, with the purpose of the Bill receiving support from across the House.

Mike Amesbury opened the debate and introduced the purpose of his Private Member's Bill, stating that the Bill would introduce "a legal requirement for schools and their governing bodies to make affordability the top priority when setting uniform policies" and that the Bill "gives teeth to those good intentions" contained in the current school uniform [guidance](#).<sup>19</sup>

Mr Amesbury supported the principle of school uniform and for schools to be able to enforce uniform policy, while raising concerns about cost, for example relating to the cost of branded uniforms. Mr Amesbury said the Bill was about "being fair while being smart, and making a real difference to families who are struggling."<sup>20</sup>

The then shadow Education Secretary, Angela Rayner, spoke on the Bill for Labour, endorsing the measures as relieving financial pressured on parents, and to "ensure that no child is priced out of school."<sup>21</sup>

Speaking for the Government, the Schools Minister Nick Gibb confirmed that the Government supported the Bill and stated that "school uniform has so many positive benefits for pupils and schools alike, and I, along with many of the House today, greatly value its contribution to school life."<sup>22</sup>

Mr Gibb further stated that the Government would be "talking to schools, suppliers of uniforms and all the stakeholders about making statutory the guidance that has already been drafted."<sup>23</sup>

### 5.2 Committee Stage

[Committee Stage](#) in the Commons was held on 16 September 2020. The Bill again received wide support and issues around branded items of clothing, as well as deals between schools and uniform suppliers were considered.

The Schools Minister addressed the issues of branding and single suppliers of uniforms, and set out the Government's view:

**Nick Gibb:** I do not think it is the role of Government to set a numerical limit on the number of branded items in any school uniform. The principle should be that it is the role of Government and Parliament to set a framework and then to respect the autonomy of decision making at a local level. On a practical level, I do not think that such a limit would work. [...]

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<sup>19</sup> HC Deb 13 Mar 2020 c552

<sup>20</sup> As above, c553

<sup>21</sup> As above, c583

<sup>22</sup> As above, c583-4

<sup>23</sup> As above, c586

I do not believe that we should ban single-supplier arrangements for the supply of school uniform, but they should be transparent and competitive, securing best value for parents. [...] The Government are clear on the role of single suppliers. Often those are small and medium-sized businesses that play an important role in supporting schools and parents. They are the familiar face of school uniform on our high streets and should not be undervalued in that role.<sup>24</sup>

The Bill was agreed without amendment.

### 5.3 Report Stage and Third Reading

The Bill's [Report Stage and Third Reading](#) debate were held in the Commons on 12 March 2021. The debate covered a range of topics related to the affordability and sourcing of school uniform.

The Schools Minister stated that the Government's planned statutory guidance would retain the existing position that branded items be kept to a minimum, and would additionally "specify that their use should be limited to low-cost or long-lasting items."<sup>25</sup>

The Minister reiterated that the Government do not intend to ban sole-supplier contracts, and that statutory guidance would set out when schools were expected to implement the new requirements. The Minister stated that this would not be done abruptly, and that "schools will not be required to make sudden changes to their uniform policy for September 2021."<sup>26</sup>

The Bill was passed, unamended, after Third Reading, and proceeded to its Lords stages.

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<sup>24</sup> [PBC 16 September 2020 c12](#)

<sup>25</sup> [HC Deb 12 March 2021 c1180](#)

<sup>26</sup> As above, c1181

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