

## **CEL CIS's response to the Scottish Government's Statutory School Uniform Guidance consultation**

**September 2022**

CEL CIS, the Centre for Excellence for Children's Care and Protection, is based at the University of Strathclyde and is a leading improvement and innovation centre. We improve children's lives by supporting people and organisations to drive long lasting change in the services they need, and the practices used by people responsible for their care. We welcome the opportunity to respond to the Scottish Government's consultation on Statutory School Uniform Guidance (the guidance). Our response, based on research evidence, practice experience and feedback from our long-standing cross organisational networks, maintains a sharp focus on the impact and implementation of national and local school uniform policies on children and young people with care experience, with a particular focus on the impact of poverty and stigma.

### **Context**

Over 13,000 children are 'looked after' by Scottish local authorities, and over 7,000 young people are eligible for 'aftercare'.<sup>1</sup> This includes young people who are care leavers, and children who are living with foster carers, in residential care, with kinship carers, or living at home with one or both of their birth parents whilst the family is receiving support from social work; all of these young people are care experienced. There are a further 2,104 children 'at risk of significant harm' and thus on a Child Protection Register in Scotland. Furthermore, there are children who need care and protection who may not yet be identified or recorded within formal child protection systems.<sup>2</sup>

All of these children need care and protection but their individual circumstances and needs will vary. All children and young people in need of care and protection have encountered difficulties in their lives, often experiencing trauma, abuse, and neglect.

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<sup>1</sup> Scottish Government (2022) [Children's social work statistics 2020-2021](#). Edinburgh: Scottish Government

<sup>2</sup> Gilbert, R., Spatz-Widom, C., Browne, K., Fergusson, D., Webb, E. & Janson, S. (2009) 'Burden and consequences of child maltreatment in high-income countries.' *The Lancet* 373: 68-81.

Education outcome indicators show that the gap between the attainment and achievement of 'looked after' children, and that of their peers, remains unacceptably large<sup>3</sup>. The COVID-19 pandemic, and the associated public health protection response, has disproportionately impacted children and families in 'vulnerable situations'<sup>4</sup>, who are already subject to equality and disadvantage and with this in mind, we welcome the opportunity to submit information to inform the development of the guidance, and a Scottish statutory school uniform policy.

## **Policy alignment and The Promise**

Scotland is a nation committed to respecting the rights of all children, with concerted effort underway to incorporate the United Nations Convention on the Rights of the Child (UNCRC, 1989) into domestic law.

Furthermore, in 2020, Scotland's Independent Review of Care concluded with the publication of [The Promise](#), which set out ambitions for transforming policy, practice and culture for children and families in Scotland, to ensure that every child grows up loved, safe and respected. There are several significant commitments and conclusions within The Promise which are important to uphold and address during the development of this guidance on school uniform.

The consultation document sets out that equalities considerations aligned to protected characteristics should be included within the scope of the guidance. Care experience is not a protected characteristic under the [Equality Act 2010](#), however, 'Looked After Children'<sup>5</sup> are named within the [Education \(Additional Support for Learning\) \(Scotland\) Act 2004 \(as amended 2009\)](#) as a specific group of children and young people who should routinely be considered for additional support. On this basis, we consider that the needs of care experienced children, as well as all other groups named within the Additional Support for Learning Act, must also be included within the scope of this guidance.

The Promise acknowledges that the current 'care system' operates within a complex legislative landscape, of which education is part<sup>6</sup>. Work to keep The Promise is shaped by a series of 3-year plans, outlining priorities and actions across each period. The first of these plans, '[The Plan 21-24](#)', asserts that there should be cohesive policy alignment in initiatives and frameworks across Scotland, and that policy development should reflect

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<sup>3</sup> Scottish Government (2022) [Education Outcomes for Looked After Children 2020-21](#); Edinburgh: Scottish Government

<sup>4</sup> United Nations (2020) [The Sustainable Development Goals Report 2020](#); New York: United Nations Publications

<sup>5</sup> 'Looked after' children are those currently in the care of the local authority, while 'care experienced' children are those who have at any time been in the care of the local authority.

<sup>6</sup> Independent Care Review (2020) *The Promise* (page 25)

the realities of people's lives. In developing new statutory guidance on school uniform there is an opportunity to make progress towards this aim and strengthen the mechanisms which are used to ensure equity and inclusion for care experienced learners within education.

We note the draft principles set out in the consultation which will inform the guidance. These would be strengthened by a clearer underpinning of children's rights, and an acknowledgement of The Promise, and Scottish Government's commitment to realising the ambitions within The Plan in the Government's Implementation Plan. All children have a right to education, as set out under Articles 28 and 29 of the UNCRC. The guidance must ensure these rights are upheld, and there are no barriers raised through requirements associated with school uniform, particularly its cost.

The guidance recognises that some settings misuse exclusion as a compliance measure related to uniform, and states that this should not take place. The most recent statistics relating to Education Outcomes for Looked After Children<sup>7</sup> show that the exclusion rate for 'looked after' children is more than six times the rate of all pupils. These figures indicate an added risk factor that this group of children face in regard to inclusion in school, and we urge the acknowledgment of the ambition of The Promise to eradicate the exclusion of care experienced children and young people by 2030.

## **Poverty and related stigma**

The number of children living in poverty in Scotland is high and increasing. The most up-to-date published national data indicates that over 1 in 4 children (260,000 children, 26%) were living in relative poverty in 2019-20, an increase from 210,000 (18%) in 2014-15.<sup>8</sup> Children's economic rights are a fundamental part of UNCRC<sup>9</sup>. The UNCRC enshrines children's rights not simply to survive, but to develop to their full potential; requiring an adequate standard of living that ensures they can develop physically, mentally and socially, meeting their best interests and best health. When children live in poverty, all of these rights are eroded. Evidence shows a disproportionate impact of poverty on children

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<sup>7</sup> Scottish Government (2022) [Education Outcomes for Looked After Children 2020-21](#) Edinburgh: Scottish Government

<sup>8</sup> Scottish Government (2021) [Poverty and Income Inequality in Scotland](#). Table 3 at Tab '1 Rel AHC' <https://data.gov.scot/poverty/xls/All%20single%20year.xlsx>

<sup>9</sup> General Assembly of the United Nations (1989) [Convention on the Rights of the Child](#). Geneva: General Assembly of the United Nations

in need of care and protection.<sup>10</sup> Poverty does not cause child abuse and neglect, and the vast majority of families living with poverty love and care for their children. However, there is a complex link between poverty, child abuse and neglect, and the cumulative effect of stresses and difficulties of living with poverty may be the tipping point for some families.<sup>11</sup>

People living in poverty also face the impact of poverty-related stigma, resulting in unwarranted social exclusion and shame.<sup>12</sup> As the cost-of-living crisis continues to escalate, so too does the scale and experience of poverty. This is in the wake of the COVID-19 pandemic, the pressures of which have been compounded for some families by the stigma they experience around poverty<sup>13</sup>.

For children, the impact of poverty related stigma can affect social relationships and sense of self. All children strive to form friendships, belong to social groups and take part in activities. Poverty can not only restrict children's direct access to opportunities, leaving them marginalised, but also has a pervasive impact on their feelings and confidence. Children experience embarrassment, anxiety, shame, worry and sadness: high emotional costs, affecting self-esteem and self-worth.<sup>14</sup> Any additional pressure on financial costs due to school uniform, or the possibility of feeling further stigma as a result of lack of access to school uniform must be avoided. Such pressure may impact on children's feelings about school, school attendance and socialisation and involvement in formal and informal extra-curricular activities.

There is a long-established compelling evidence base showing that a prerequisite for a good education is access to the curriculum and regular school attendance.<sup>15</sup> Learners benefit from practising skills daily, and educators can offer support, safety, and positively build relationships with the learners they see each day. It follows that all children who go to school regularly are more likely to succeed socially, emotionally and economically in later in their adult life. Whilst the majority of care experienced learners both want to attend school and do, for some children and young people issues relating to poverty and stigma may act as barriers to attending school, their opportunities to enjoy learning and

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<sup>10</sup> Bywaters, P, Skinner, G, et al. (2022) [The Relationship Between Poverty and Child Abuse and Neglect: New Evidence](#), Nuffield Foundation.; Bywaters, P, et al., (2016) [The relationship between poverty, child abuse and neglect: an evidence review](#), York: Joseph Rowntree Foundation.

<sup>11</sup> Scullin, K & Galloway, S (2014) [Challenges from the frontline: Supporting families with multiple adversity at time of austerity](#), Barnardo's & NSPCC.

<sup>12</sup> Lister, R. (2015). 'To count for nothing': poverty beyond the statistics. *Journal of British Academy*, 3, 139-165

<sup>13</sup> McHardy, F., Robertson, L., Cloughton, B. & White, G. (2021) [Living through a pandemic: Experiences of low-income families in Renfrewshire and Inverclyde](#). Poverty Alliance & Get Heard.

<sup>14</sup> Ridge, T. (2011) 'The Everyday Costs of Poverty in Childhood: A Review of Qualitative Research Exploring the Lives and Experiences of Low-Income Children in the UK' *Children & Society*, 24, 73-84; <https://cpag.org.uk/child-poverty/effects-poverty>

<sup>15</sup> Scottish Government (2019). [Included, Engaged and Involved Part 1](#).

socialising with peers, and a school's ability to engage with children and families.

### **Financial implications of school uniform**

No child should be in a position of worrying about their school uniform, yet the risk of being affected by such worries is increasing. As the cost of living crisis escalates, families who previously managed to stay abreast of the rising tide of poverty may now be less able to do so. Research by the Children's Society with approximately 1000 parents across the UK indicated the average cost of a school uniform is £315 for a primary school aged child, and £337 for a secondary school aged child in 2020.<sup>16</sup> The financial impact of buying and replacing school uniform for children places additional pressure on already stretched household budgets. Nearly a quarter (23%) of the parents surveyed by the Children's Society advised that the cost of school uniform had meant their child had worn ill-fitting, unclean or incorrect uniform, sometimes leading to children being bullied, or even excluded from school. Uniform policies which only permit clothing from specified suppliers, branded items and/or strict rules around specific colours and styles of footwear and clothing risk placing unnecessary further strain on household budgets. The work of the Children's Society on this issue has contributed to [legislative change](#) and new [statutory guidance](#) in England, to ensure schools consider cost when setting school uniform policies.

We acknowledge that there is a means-tested school clothing grant that some families can access, and we are supportive of this. It is important to note however that not all families qualify for this important benefit. As the cost of living crisis continues to escalate, and there is a risk that eligibility for such grants may not keep pace with changes in what families can afford. There are circumstances in which particular problems can be experienced by kinship carers in meeting requirements to evidence that they are the carer for a child in order to access the grant, especially where eligibility depends on a carer being in receipt of Child Benefit. Often when a child comes to live with a kinship carer, another person (often a birth parent) will be in receipt of Child Benefit. Family dynamics in such circumstances are often sensitive and complex, and kinship carers may be reluctant to submit a competing claim for Child Benefit against another member of their family or network, and if they do, unless the original claimant gives up their entitlement in advance, there is an in-built three-week delay for the entitlement recipient to change. This can lead to

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<sup>16</sup> The Children's Society (2020) The Wrong Blazer 2020: Time for action on school uniform costs. <https://www.childrenssociety.org.uk/information/professionals/resources/the-wrong-blazer>

considerable delay accessing the school uniform grant, which no support in the meantime.

Additionally, in some local authority areas, the amount of the clothing grant is insufficient to cover the cost of the items specified in school uniform policies.

In addition to this, the school clothing grant is a one-off annual payment. Growing children often need clothes and footwear replaced within the year which can add additional burden to family finances.

Despite the lack of accurate, up to date figures, it is known that a significant minority of care experienced learners move and live outside their home local authorities<sup>18,19</sup>. Some move to be closer to where their brothers, sisters or other family members live. Others move away temporarily as part of the plan to meet their needs at the time, and then return home. There are some children who live in 'shared care' arrangements who may have two homes that they move between on certain days of the week or the month. These arrangements are unique to each individual child's circumstances and needs, but all require complex and robust planning. Some children may require additional uniform items, or even two separate uniforms depending on where their education takes place. The guidance should reflect the complex living arrangements of some children and ensure that there is clarity that non-compliance with uniform policy due to these circumstances should not result in any punitive action for children.

The Child Poverty (Scotland) Act 2017 sets out targets for addressing child poverty and requirements for Scottish Government and local authorities to report on their plans to do so, and have established a statutory Poverty and Inequality Commission to report on any progress made. Local authorities should embed decision making around local school uniform policy from a children's rights and anti-poverty perspective. Its inclusion in this planning framework will provide an additional lens through which to consider school uniform policy, ensuring that as many mitigations as possible are in place so that school uniform is never a barrier to children and young people's school attendance. Furthermore, as [Corporate Parents](#), local authorities have a statutory responsibility to ensure that they are enhancing the wellbeing and upholding the rights of care experienced children and young people. Any new or updated local school uniform policies should also be considered as part of Corporate Parenting structures and planning. This adds an additional layer of protection and oversight in this area for children and families and provides opportunities for local authorities to strengthen their response to supporting children and families in need of care and protection.

## Providing support to children and families

The draft guidance states “It is recognised that school uniform plays an important part in the engagement of pupils with school, in promoting a sense of identity, belonging and connectedness to school.” There is a limited evidence base for this<sup>17,18</sup> and we urge schools, local authorities and Scottish Government to use this guidance as an opportunity to view school uniform policies through the lens of promoting equity, reducing stigma and supporting families.

Children and families who took part in [Cost of the School Day](#) research in Glasgow in 2015<sup>19</sup> and Dundee in 2018<sup>20</sup> acknowledged that in terms of school clothing, school uniform was the cheapest option and minimises differences between children. There is no indication this has since changed, and we therefore support national and local policies that encourage school uniform for all pupils, if everything possible has been done to ensure that uniform policies are *affordable, flexible, equitable* and *inclusive*. We note in the draft guidance that there is a principle which states that uniform approaches should ‘reflect a sustainable approach’. We warmly welcome any measure which mitigates or minimises the impact on the environment or climate. Alongside this though we recognise that sustainable clothing is often more expensive. Any additional costs associated with sustainability policies must not act as a financial barrier for families.

Public bodies and public services can contribute to poverty-related stigma through approaches and/or language which are punitive and which ‘other’ people experiencing poverty. This encompasses a hugely broad range of institutional practices which include, for example children being singled out in school because they don’t have the ‘right’ equipment for the day ahead and instead could stimulate new practices whereby, for example, parents and learners and educators see a cared for second-hand uniform item as a sustainable choice rather than a sign of not being able to afford new items.

The [Cost of the School Day resources](#) set out a number of factors that schools should consider in the development and implementation of

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<sup>17</sup> <https://educationendowmentfoundation.org.uk/education-evidence/teaching-learning-toolkit/school-uniform>

<sup>18</sup> <https://mripriestley.wordpress.com/2014/11/05/formal-school-uniform-and-school-ethos/>

<sup>19</sup> <https://cpag.org.uk/sites/default/files/Cost%20of%20the%20School%20Day%20Glasgow%20-%20Full%20Report.pdf>

<sup>20</sup> <https://cpag.org.uk/sites/default/files/Cost%20of%20the%20School%20Day%20Dundee%20-%20Full%20Report.pdf>

uniform policy.<sup>21</sup> There are also several suggested supports and initiatives that schools can implement to reduce the financial and social burden on children and families. We support these recommendations and also encourage local authorities to undertake Equality Impact Assessments (EQIAs), which include the views of children and families, in the development or update of any local uniform policy.

Thank you for providing us with this opportunity to respond. We hope the feedback is helpful; we would be happy to discuss any aspect in further detail.

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<sup>21</sup> <https://education.gov.scot/improvement/practice-exemplars/cost-of-the-school-day/> ;  
<https://cpag.org.uk/scotland/cost-school-day/reports-publications>