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Te Kāhui Tika Tangata
Human Rights Commission

School uniform guidelines



This guide has been published by Te Kāhui Tika Tangata
- the New Zealand Human Rights Commission.

Acknowledgements

This guide was created as a result of a hui with some students and staff on school uniform and dress code policies. The hui was held in August 2021 at Parliament and was co-hosted by Race Relations Commissioner Meng Foon and Members of Parliament Ingrid Leary and Adrian Rurawhe. Following this, a series of engagement hui were held in late 2021 with schools across the motu to gather further information to assist the development of these guidelines.

The Commission would like to thank students and teachers from the following schools who generously shared their ideas, experiences and recommendations with us: Beckenham Te Kura o Pūroto, Dunedin North Intermediate, Onslow College, Porirua College, Queen Margaret College, St Peter's College (Gore), Tawa College, Te Kura Kaupapa Māori o Ngā Mokopuna, Wakatipu High School, Wellington College, Wellington High School.

Comments made by students in the engagement hui are referenced throughout the guidelines.

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May 2022



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About this guide

What's in it?

This booklet provides non-binding guidance on school uniform policies from a Te Tiriti o Waitangi (Te Tiriti) and human rights lens.

Schools in Aotearoa New Zealand have an obligation to uphold Te Tiriti in their policies and procedures. They must also give effect to the relevant student rights and take all reasonable steps to eliminate racism, bullying and other forms of discrimination. This makes it is important to consider Te Tiriti and human rights when making uniform polices. Doing so ensures that important aspects of students' identities such as culture, religion and accessibility are respected and supported.

Who's it for?

This guide provides advice to school boards and schools in Aotearoa New Zealand. There is currently no legislation in place specifically dealing with school uniforms or other aspects of students' appearance at school. However there are general principles that can be used to prevent discrimination, uphold a school's Te Tiriti obligations and give effect to students' human rights when creating and implementing school uniform policies.

How can we use it?

By providing guidance we hope schools, students and their whānau are able to navigate what can sometimes be difficult conversations about school uniforms and students' appearances at school.

Uniforms play an important part of many school cultures, so getting uniform policies right is key to ensuring students feel safe and comfortable at school to focus on their learning.

Allowing for adaptation to uniform policies, where possible, is a way to ensure individual and collective mana is valued and student wellbeing is supported.

Why should we use it?

Many schools in Aotearoa New Zealand have school uniforms. They can be a great way to distinguish students and instil a sense of community and pride in their school. School uniforms can also help reduce bullying from peers based on clothing and appearance. This makes it important that students are able to have their rights upheld, while fulfilling their responsibilities of wearing school uniform.

Using this guide to create inclusive uniform policies can improve student mental health and wellbeing by allowing them to feel that their whole self is recognised and respected. This makes students feel comfortable and able to fully participate in all aspects of their schooling life. When students feel valued, they are more likely to trust in and engage with school rules and policies. They are also less likely to have attendance issues which impacts their learning and achievement.

For whānau and the school community, consulting and involving them in the decision-making process means that they feel engaged and involved in their child or young person's schooling life. For schools, inclusive policies can also result in less time spent managing non-compliance issues.



School uniforms should be affordable

The issue of the cost of school uniforms was out of scope for these guidelines however it was a consistent issue raised by students and one we know can be a challenging cost for whānau to meet. The upfront costs of uniforms and the affordability of maintaining them over the student's schooling lifetime can be a significant burden for many whānau. This makes it imperative for schools to prioritise access to affordable, good-quality uniforms for all students. This should be done in a way that upholds the dignity of all involved. Students who feel respected and valued at school are more likely to be able to fully engage and participate in their education.



What rights need to be considered?

Te Tiriti o Waitangi

Te Tiriti o Waitangi recognises Māori tino rangatiratanga. Schools and school boards must fulfil their Te Tiriti obligations by upholding the following rights in school uniform policies.

Article two affirms for Māori the right to self-determination over themselves and their taonga. In practice, Māori students should be able to wear items that are taonga to them. This can include tā moko, pounamu or hei tiki. As these taonga are tapu (sacred), they should be able to be worn visibly and either with, or instead of, traditional uniform items (e.g., wearing a hei tiki instead of a tie).

Article three guarantees Māori oritetanga (equality). Where Pākehā symbols of status in uniform are expected (e.g., a tie), Māori students should be able wear Māori symbols of status instead (e.g., taonga).

For the rangatira present at Waitangi during the signing of Te Tiriti, the oral promises that were made were of equal importance to the written promises. Today, these oral promises comprise article four, ritenga, which guarantees Māori the freedom of religion. Māori men traditionally had long hair which holds deep spiritual significance. Taonga can include Māori hair styles and length, therefore schools should not impose traditional western norms on Māori students but instead, accommodate these beliefs.

For school boards, honouring Te Tiriti means working in partnership with mana whenua, Māori students, their whānau, hapū and iwi. This partnership should be evident in all processes, decision-making and actions. For school uniform policies, this means working in partnership from the creation of inclusive school uniform policies through to implementation and review.

Human Rights instruments and legislation

Schools must set clear, accessible rules and expectations when making and implementing school uniform policies. Several domestic and international human rights instruments that identify key rights and responsibilities regarding children and young people, can be useful to guide schools in their decision making. Using these instruments ensures schools can develop policies and procedures that are 'rights-based'. Uniform policies need to be flexible so they can be adapted in certain cases to ensure everyone's rights are being met. Any restrictions on students' rights should be reasonable and the rationale clearly articulated to students.



Human Rights Act 1993

Under the Human Rights Act, schools and school boards must make decisions that are consistent with their human rights obligations. Students must be treated equally and their rights upheld and protected.

The Human Rights Act prohibits discrimination on a number of grounds including:

- sex (including gender)
- religious belief
- colour
- race
- age
- ethnic or national origins
- disability

Schools may fail to meet these requirements if their uniform policy directly or indirectly discriminates against students on one of the grounds listed above. Therefore it is essential for schools to consider and reflect the diverse needs and characteristics of their school community in their uniform policy.



New Zealand Bill of Rights Act 1990

The New Zealand Bill of Rights Act sets out the rights and fundamental freedoms all people in Aotearoa New Zealand are entitled to enjoy. This includes the right to freedom from discrimination, freedom of expression, freedom of manifestation of religious of belief and the rights of minorities. Any person who belongs to an ethnic, religious, or linguistic minority in Aotearoa New Zealand cannot be denied the right to enjoy their culture, religion or language.

These rights may only be subject to limits that are reasonable, prescribed by law, and can be demonstrably justified in a free and democratic society. School uniform policies must respect these rights and protect students' rights to comply with religious or cultural customs.

United Nations Convention on the Rights of the Child

Aotearoa New Zealand has signed up to the Children's Convention which affirms the following rights for all children and young people:

- to be free from discrimination (article 2)
- to have their best interests treated as a primary consideration in all actions concerning them (article 3)
- if they are disabled, to enjoy a full and decent life in conditions which ensure dignity, promote self-reliance and facilitate their active participation in the community (article 23)
- to their own religion, beliefs, culture and language (article 14 and 30)
- to freedom of expression (article 13)
- to a good quality education that is consistent with their human dignity and which helps develop their personality, talents and abilities to the full (article 29)

Establishing rights-based school uniform policies enables schools to fulfil their rights obligations and supports students to reach their full potential.

Related legislation

The **Education and Training Act 2020** states that school boards may, after consulting with their school community, make bylaws (including school uniform policies) that they consider necessary or desirable for the control and management of the school.¹

In governing a school, the board's primary objectives are to ensure that the school²:

- is a physically and emotionally safe place for all students and staff;
- gives effects to Te Tiriti o Waitangi, including working to ensure that their plans, policies, and local curriculum reflect local tikanga Māori, mātauranga Māori, and te ao Māori;
- gives effect to relevant student rights set out in the Education and Training Act, the New Zealand Bill of Rights Act, and the Human Rights Act;
- takes all reasonable steps to eliminate racism, stigma, bullying, and any other forms of discrimination within the school;
- is inclusive of, and caters for, students with differing needs.

Boards must also ensure that the policies and practices for their school reflect New Zealand's cultural diversity.³ These provide clear rights-based obligations school boards must meet in any decisions and actions regarding school uniform policies.

¹ Education and Training Act 2020, s 126.

² Ibid, s 127.

³ Ibid, s 133.



Human rights-based principles to developing school uniform policies

Participation and consultation

Engage with students, whānau and the school community on uniform policies

School boards must consult with the school community on all policies. Students and their whānau should be given the opportunity to input and feedback as they are the most impacted by these decisions. This should be an iterative process to ensure everyone feels heard and included.

What this could look like:

The school board could hold a few hui with students and whānau on the proposed changes. A survey could also be sent out and a regular review date of the uniform policy could be set (i.e., reviewed every 3 years).

"Sometimes we don't even know why the uniform or rules have changed. It's a bit frustrating cos we had to buy a whole new uniform."

Diversity

Uphold students' right to enjoy and express their cultural and religious identity

Schools should reflect and accommodate the diversity of their students in their uniform policies. This can be achieved by including items of cultural or religious significance as part of the uniform and/or allowing adaptations.

Some adaptations to uniform should be explicitly excluded

Schools should take care to explicitly exclude certain symbols or regalia that perpetuate or represent hate (i.e. swastikas or confederate flag-type memorabilia). These exclusions should be made in consultation with the school community. Schools should make clear why they have allowed for

some adaptations to uniform to uphold students' human rights and prevent discrimination (i.e. taonga), and help people understand why other things are explicitly excluded (i.e. iron cross).

What this could look like: Include a specific provision in the policy permitting students to wear items of cultural or religious significance with, or instead of, uniform items (e.g. hijab, tā moko, ie faitaga).

"Schools should allow people to be themselves and express their culture, religion and identity"

"Some cultures have different approaches to hair and schools shouldn't enforce Pākehā norms onto other cultures. Hair is tapu. There's a difference between enforcing clothing standards and hair standards – one is enforcing how someone dresses between school hours, the other is your body 24/7... it's important to respect body autonomy."

Non-discrimination

Uphold non-discrimination obligations

Schools need to consider their obligation to not discriminate unlawfully. This means being sensitive to the needs of different cultures, races, religions, experiences of disability, ages, genders and sexual orientation among their students. Schools should act reasonably to accommodate these needs.

What this could look like: Ensure uniform designs are universally accessible including adjustments to accommodate impairments and cultural or religious customs (e.g. allowing pants instead of shorts to be worn as part of the sports uniform to accommodate religious customs). A clear process should be established to allow for individual exceptions to be raised when required. This process should be clearly communicated to the school community.



Inclusive

Be adaptable and flexible

Schools should provide uniform options that can be worn by all students regardless of impairment, health condition, ethnicity, sex or gender identity.

What this could look like: Consider providing one pool of non-gendered uniform options and allowing students to pick and choose which items they feel most comfortable wearing. Schools can apply to a trust fund to support students who cannot afford additional or different uniform items (e.g. a new uniform set for a transgender student).

"Having a choice on how to present yourself and wearing what you feel comfortable in is important for learning and growing"

"Everyone should be able to mix and match and wear what they want. It's important for showing identity"

Accessibility

Consider the cost

Ensure that the uniform is financially accessible and does not create a barrier or unreasonable burden on students and their whānau.

What this could look like: Consider allowing students to wear any uniform items all year round and not prescribing specific uniform items for specific terms or year levels (e.g. no set summer/winter, or junior/senior uniform). Schools can also minimise the number of uniform items with school branding to allow students to buy items from cheaper suppliers (e.g. plain black shorts from the Warehouse rather than from a uniform supplier).

"Most year 13s don't wear uniform because it's too small by then and it's expensive to buy new uniform"

"Uniforms are way too expensive. Shorts are \$70 on top of catholic school fees and school donations. A lot of people can't afford to pay for all the costs of school"

Reasonable

Restrictions should be pragmatic, and health and safety focussed

Any restrictions on students' uniform options or appearance should be reasonable and for genuine health and safety or security reasons.

What this could look like: Consider what restrictions are included in the uniform policy and the rationale behind them. Seek feedback from students and the school community, and if the restriction is maintained, communicate the reasons for the decision clearly with students and whānau.

"Nail polish and [hair] length restrictions are silly and don't distract anyone... In the real world it wouldn't be an excuse to say you didn't get your work done because someone else had brightly coloured hair."

"The rules are made based on tradition rather than practicality."

"Most school uniform rules are gendered, it's sexist. [On prescribed skirt lengths] ... who's attracted to kneecaps anyway"





Proportionate

Consequences for non-compliance should be proportional

Any methods of enforcement and consequences for breaching school uniform policies should not impact students' learning. Students overwhelmingly stated that their education was the most important thing and should be the priority.

What this could look like: Consider following a [restorative practice](#) approach to resolve any conflicts.

"Appearances don't make a big impact on learning or other students. Pulling someone out of class or calling them out in front of class is far more disruptive than the clothes they're wearing. If someone is breaching the dress code teachers could privately and not during school time say, "can you put a jumper over it" or "can you not wear that to school again" – a conversation rather than a telling off."

"Being in class is more important than being in the correct uniform"

"Sometimes teachers call people out in front of the class... it's unclear and inconsistent, the punishments. Some teachers are much stricter than others. The relationship with the teacher is harmed by disagreements over uniform"





IN PRACTICE: some possible scenarios

We discussed a range of school uniform scenarios with a deputy principal and what their school's response would be.

A student states that they cannot cut their hair due to religious reasons

This wouldn't impact the school's uniform policy. We just need it to be tidy. For health & safety reasons the student would need to tie it back for specific subjects.

A Muslim student starts at the college but does not own a hijab in school colours and cannot buy one

Most likely the school will work with the family and the school would offer to pay for it. If not, the school will make a provision for the student to wear whatever colour they have in the interim until a solution can be found.

If the student or their family is uncomfortable with the school paying, the school will work to find an alternative solution. Otherwise, it's likely that they will allow the student to wear whatever they are comfortable with as it doesn't impact their learning.

The school prefers that a student comes into school wearing incorrect uniform rather than not come in at all. The school tries its best to accommodate and support students to learn.



A student wears a hei tiki over their school uniform and it's important for them to not remove or hide it

Our school recognises the mana of it and what it means to the student. It impacts their wellbeing if they have to hide it. Students can wear taonga (any cultural or religious jewellery) out and won't be required to take it off. In a review of the uniform policy, students proactively asked for it to be explicitly stated in the school uniform policy and prospectus that taonga could be worn openly.

A transgender student changes the uniform items they wear to reflect their gender identity, but the parents disagree.

For the school it's about supporting the student's journey and it's up to the student when they want to involve parents. Students have the right to confidentiality between them and the school counsellor. It's not the school's role to inform the parents about the student's identity journey.

Sometimes counsellors keep uniform items in their office for trans students to change in to at school. The school's LGBTQI club set up a clothes swap so that trans students could get clothes from other genders if they couldn't afford to buy some themselves. Donated school uniforms are also offered to trans students so there is no cost. The school also applies to a trust fund to support students into a variety of things so the school can purchase uniforms for students if they need/want brand new items. It's about student wellbeing and supporting them to feel safe and comfortable at school.



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