

COMMITTEE: RACE ADVISORY FORUM

DATE: 9th FEBRUARY 2004

SUBJECT: UPDATE ON PUPILS DRESS CODE

REPORT BY: CORPORATE DIRECTOR - LIFELONG LEARNING

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IMPLICATIONS:

LEGAL	✓	COMMUNITY SAFETY
EQUALITIES	✓	ENVIRONMENT
FINANCIAL		CONSULTATIONS
STAFFING		OTHER

WARDS AFFECTED:

PURPOSE

1. To update members on the issue of a Luton High School's ruling on pupils' dress code.

RECOMMENDATION(S)

2. RACE ADVISORY FORUM Committee is recommended to note the actions already taken by the Council.

BACKGROUND

3. The department received a formal complaint in June 2003 in connection with the ruling on pupils' dress code and have written to the Head and Chair of Governors of the school on three occasions and direct to the Chair of Governors on a fourth occasion. These letters have advised the school and its' governing body of the implications of the Race Relations (Amendment) Act 2000, of the Council's policies on equality and diversity and have pointed out that the ruling banning the wearing of head coverings appears to be indirect discrimination.

REPORT

4. As Members of the Forum will be aware, pupils' dress is a matter for the Headteacher and Governing Body to determine and the department has now been informed that the governing body addressed this matter at their meeting on the 27th January 2004 and agreed to "*review their school uniform policy to include the wearing of head coverings*". We understand that a revised school uniform policy will be presented to the governing body at their meeting in March 2004.

PROPOSAL/OPTION

5. The Department has fulfilled its' responsibilities to the School and its' Governing Body and the Forum is advised to direct any additional concerns to the School.

LEGAL IMPLICATIONS

6. The Race Relations (Amendment) Act 2000, which is the Government's response to the Stephen Lawrence inquiry, outlaws racial discrimination in public authority functions and places both general and specific duties on local authorities to promote equality of opportunity and promote good relations between people of different racial groups. In addition, schools have the General Statutory Duty, in the carrying out of its functions, to have due regard to the need to –

- a) eliminate unlawful racial discrimination and
- b) to promote equality of opportunity and good relations between persons of different racial groups

and the specific duty to –

- a) prepare and maintain a Race Equality Policy and
- b) assess the impact of its policies, including its Race Equality Policy, on pupils, staff and parents of different racial groups, including in particular the impact on attainment levels of such pupils and
- c) monitor by reference to their impact on such pupils, staff and parents, the operation of such policies including, in particular, their impact on the attainment levels of such pupils

7. The Human Rights Act 1998 protects the rights of minority ethnic pupils, including Travellers and the LEA is also expected to apply the UN Convention on the Rights of the Child.

EQUALITIES IMPLICATIONS

8. The definition of unlawful indirect discrimination obtained from the C.R.E is "*where a school's rules on uniform do not allow for a particular racial group's customs and cannot be justified in terms of the school's needs*".

LIST OF BACKGROUND PAPERS
LOCAL GOVERNMENT ACT 1972, SECTION 100D

9. Race Relations (Amendment) Act 2000
10. The C.R.E's publication 'A Guide for Schools'