

**Report on the need for a Guidance Note to Schools when reviewing
their policies on School Uniforms**

**prepared by the Minister for Integration, Conor Lenihan T.D., and
jointly launched by Minister for Education and Science, Batt
O’Keeffe T.D. and Minister for Integration, Conor Lenihan T.D.**

Submitted to

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1. Background Note

1.1 Context

This Report has been written to consider the matter of pupils and students wearing the hijab in schools.

The matter is a topical one, largely due to public controversy which arose earlier this year, following publication in the Irish Times of correspondence between the Department of Education and Science and the Principal of a school in Gorey, Co. Wexford. An opinion poll carried out by the Irish Times following its publication of the correspondence demonstrated that there are different views held on the matter.

In this particular case, the school principal had been able to accommodate a pupil in allowing her to wear a hijab, but was concerned that, if the pupil transferred to another school, in the absence of national guidelines or policy, the pupil could encounter difficulties in a new school.

The parents of the pupil raised similar concerns, and neither was satisfied with the policy of the Department of Education and Science to leave issues of uniform, etc to be decided by local school managements.

Parents are accepted as the primary educators of their children, in religious and secular matters. Parents also have a right to make choices in the matter of their children's education, type of school etc.

It is important to emphasise that children are entitled to an education in a safe, secure environment, free from outside influences or pressures.

Schools reflect the diversity of Irish society today. Accordingly, it is not uncommon for schools to have pupils from ten, twenty or more nationalities. Equally, schools cater for

pupils of different religions. 92% of schools are under the patronage of one religion. It is clear that this fact has not operated to exclude pupils of different religions from those schools or schools operating under other patronage arrangements.

1.2 Legislation

The Education Act 1998 sets out the specific role of the board of management of a school. The Act specifies in section 15 (2) that

“A board shall perform the functions conferred on it and on a school by this Act and in carrying out its functions the board shall -

(e) have regard to the principles and requirements of a democratic society and have respect and promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society”.

No cases have been taken under the Equal Status Act about this issue, although the general thrust of the legislation (particularly that of a ban on religious discrimination) cannot be ignored.

The Council of the European Union's Common Basic Principles for Immigrant Integration Policy are worth noting, particularly the first principle:

“Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of member states”

1.3 Other considerations

The issue of a school uniform is one for school authorities to design a policy on, following local consultations with the various members of the school community.

It is worthwhile to recall that no difficulties had been reported around the wearing of the hijab and approaches taken locally appeared, and still appear, to be working. On occasions when the Department was asked by some schools about the matter, it has consistently responded that other schools had allowed the wearing of a hijab, with the proviso that the colour reflects that of the school uniform.

Whilst Ireland can learn from other countries, their experience does not provide a clear cut answer to the question as each state has evolved an individualised approach to these sorts of issue to suit their conditions. Regardless of what approach is taken, the topic has been controversial, and continues to generate controversy.

Apart from the one case to which I have referred, there has been no public controversy on the wearing of the hijab.

2. Consultation Process

2.1 Process

I undertook to consult with many of the key stakeholders in the area, in order to devise a formal set of Departmental guidelines which may be used for future reference.

All primary and post- primary schools were consulted. In addition, I decided to also consult with the bodies that represent the various interests in the primary and post-primary school sectors in line with the normal approach of the Department of Education and Science

The consultation process is described in detail below.

Third level institutions and other representative bodies at third level were not consulted, on the basis that this issue has never arisen in that sector.

I am grateful to all who responded on this issue, particularly the school principals for whom the timing of my request coincided with the end of year examinations and planning for the new school year.

I would also like to thank those who met with myself and my officials, and those who took the time to make written submissions.

2.2 Results

As was to be expected, divergent views emerged on the need for guidelines, ranging from those who favoured the idea to those who, for reasons to do with the independence of schools from central direction, opposed the concept of national guidelines.

The view of those schools which allow the wearing of a hijab is that such practice has not caused difficulty.

There was also some concern expressed that the hijab is worn by some women as recognition of a second class status in society and is enforced by some parents to emphasise the lower status of women.

Such an approach by parents is not acceptable in Irish society which recognizes equality between the sexes. Schools should seek to counteract such attitudes in their work in the area of intercultural understanding.

It is important to note that, from a health and safety perspective, some issues do arise regarding wearing various types of clothing during certain classes, with which schools have to deal on a day to day basis. This report does not deal with those issues as these clearly are a matter to be settled by schools on an individual basis.

2.3 Some general observations

School uniforms are generally viewed by schools as a means of providing a group identity for pupils, thus eliminating possible competition amongst students in matters of dress and the wearing of jewellery, etc.

Uniform policy is normally settled following discussion between the various members of the school community and is well known to prospective students and their parents.

Adherence to a school policy on uniform is usually part of the school's code of behaviour, which appears always to be available to students and parents in writing, so as to avert possible conflicts and areas of disagreement between pupils and school authorities.

Over time, of course, the make up of school populations' changes and no doubt uniforms evolve to reflect that change, in addition, perhaps, to changes in fashions.

Uniform and jewellery issues have also been impacted on by the enactment of health and safety legislation. For example, a number of schools have banned wearing jewellery of any type for this reason.

2.4 Niqab and burka

During my discussion with the various parties, the wearing of a niqab or a burka was also raised.

The overall view was that such items should not be permitted. The unanimous professional view is that by obscuring facial view, an artificial barrier between teacher and pupil is created, making proper interaction between them impossible.

The point was made that in university settings, wearing the niqab is sometimes permitted. However, the comparison between a university and school setting is not valid even if only on the grounds that students are more mature and that interaction usually takes place in large lecture halls or small tutorial groups rather than in the conventional classroom setting.

In so far as I can establish no instance of controversy has arisen on this point to date.

2.5 Staff clothing

Similarly, no issue of controversy has arisen regarding this point.

This is an issue that school managements should consider, and they may then think it appropriate or not to develop a policy for staff.

2.6 Conclusion

Despite the generally satisfactory position regarding admission of girls who wear the hijab to schools, I believe that each school should examine its policy to ensure that the approach it takes does not operate to exclude such pupils.

It seems clear that where schools have permitted the wearing of the hijab, in a colour which is similar to the ordinary school uniform, no problems have been encountered. The important consideration here is that all parties involved are clearly aware of the position.

3. Recommendations

As a result of-

- the consultation process outlined above
- the feedback received from all parties, and
- the legal position in Ireland and policy in the EU

I make the following recommendations:

1. The current system, whereby schools decide their uniform policy at a local level, is reasonable, works and should be maintained.
2. In this context, no school uniform policy should act in such a way that it, in effect, excludes students of a particular religious background from seeking enrolment or continuing their enrolment in a school. However, this statement does not recommend the wearing of clothing in the classroom which obscures a facial view and creates an artificial barrier between pupil and teacher. Such clothing hinders proper communication.
3. Schools, when drawing up uniform policy, should consult widely within the school community.
4. Schools should take note of the obligations placed on them by the Equal Status Acts before setting down a school uniform policy. They should also be mindful of the Education Act, 1998. As previously mentioned, this obliges boards of management to take account of “the principles and requirements of a democratic society and have respect and promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society”.