

The Muslim Faith and School Uniform

Wearing the Hijab and other
Islamic Dress in Schools

NUT Guidelines



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FOREWORD FROM THE GENERAL SECRETARY



Our cultural diversity is our greatest asset and strength. It combines and unites a multiplicity of talents, abilities, insights and skills without which we would be deprived of an essential part of our humanity. At the same time, it constantly challenges us to become what we are supposed to be – human beings united in diversity.

In the light of the importance of our respect for cultural diversity as well as recent political developments, the NUT has produced the first ever national guidelines on the Muslim faith and school uniform in Britain. Schools are at the heart of promoting social progress, equality and justice and thus of enhancing the lives of future generations. These guidelines are designed to support and complement this process of teaching and learning in an environment that is inclusive of and safe for all.

The guidelines focus on the practical application of faith and belief to school uniform. Whilst the guidelines particularly elaborate principles and practical strategies on the requests for wearing Muslim dress in schools, the guidelines would apply equally to requests from other faith groups.

I commend the guidelines to you.

A handwritten signature in purple ink that reads "Steve Sinnott." The signature is written in a cursive, flowing style.

Steve Sinnott
General Secretary

“In Britain, we have a proud tradition of supporting free speech and allowing people to follow their own beliefs. The British way is to support religious freedom.”

Fiona MacTaggart, Home Office Minister, 18 December 2003

Introduction

Schools should welcome all children, enabling them to benefit from everything that education has to offer. Pupils may come from a wide diversity of backgrounds and communities. Schools should be safe environments for all.

Schools in England and Wales have a strong record of responding positively to issues related to cultural diversity, including in relation to school dress/uniform policies. The attacks on the World Trade Centre in New York on 11 September 2001 and in London in July 2005, the wars in Afghanistan and Iraq and the on-going instability in the Middle East have led to a growing anti-Islamic sentiment in Britain amongst some sections of society. This context has important consequences for the public services of our society. The expression of one’s religious faith, in particular the Muslim faith, has acquired a new dynamic. In the light of these developments, the principles of respect, social cohesion and harmony need to be re-stated and re-affirmed.

In the absence of any national guidelines on the wearing of the *hijab* – the Muslim headscarf (see Glossary of Terms at the end of this document) and other forms of religious dress in schools, the National Union of Teachers has published its own. These guidelines have been drawn up after widespread consultation, including the convening by the NUT of a ‘think-tank’ on the wearing of the *hijab*. The work of this seminar forms the basis of this guidance.

The context for this guidance also includes a number of cases reported in the media where there have been disputes between pupils and their parents and schools on the wearing of the *hijab* in schools. One particular case, for example, has led to an intense public debate on the issue of the wearing of the *hijab* in schools following its route through the legal process.

The NUT is committed to working for equality in schools and within education more broadly. This guidance sets out some of the issues, principles and strategies that schools might wish to consider when interpreting the right to religious freedom within the school context and in developing an inclusive school uniform policy.

The Luton Case

On 2 March 2005, the Court of Appeal decided that a Luton High School had unlawfully excluded one of its Muslim pupils for wearing a full length gown called *jilbab*. In making this decision, the Court did not fully consider whether the school uniform requirement itself was unlawful. It focused instead on the process by which the school reached its decision. It left open whether the school, once it had addressed the issues correctly, could still justifiably restrict the wearing of the *jilbab*.

The student who had previously worn school uniform *shalwar kameez* (tunic and trousers) to school, had argued that the *jilbab* was the only dress that adequately conformed to her faith.

The school, by contrast, maintained that it had a right to impose a “reasonable and balanced” school uniform policy that could be deemed proportionate to the aim of

running a state high school attended by pupils of multiple and diverse faiths. Furthermore, the school, where 79 per cent of pupils were Muslim, argued that its uniform policy was agreed after consultations with the Department for Education and Skills, pupils, parents, schools and Muslim organisations. One reason for maintaining the ban on the *jilbab*, the school argued, was to protect other Muslim girls through its school uniform policy from pressures of certain sections within the Muslim community to adopt the *jilbab*.

The Decision

The Court of Appeal found that the correct approach for a school to take in such circumstances was to start from the premise that a student had a right to manifest her religious beliefs. If a school uniform was challenged as interfering with that right, the school should consider whether such interference could be justified. In this case the Court of Appeal found that the school had adopted the wrong approach. It had focused on whether its uniform policy met the needs of Islamic dress codes, rather than on whether the uniform policy which restricted the pupil's wearing of the *jilbab* was justified. It was also irrelevant that the pupil could have changed to another school that accommodated her religious requirement.

The Implications of the Luton Case for School Uniform Policy

As a matter of good practice, the NUT advises that schools should review their school uniform policies to establish that such restrictions as are placed on pupils on the wearing of garments which are part of the requirements of any faith are justifiable. This guidance aims to provide schools with practical advice on how to implement the recognition of religious freedom in the context of a school uniform policy. While focussing particularly on Muslim dress, the principles and good practice highlighted in this document would apply equally to the wearing of religious attire by members of other faiths.

At the time of writing it is expected that the school in Luton will appeal against the decision of the Court of Appeal. Regardless of the outcome of the school's appeal, the NUT is confident that the advice contained in this document stands as it is based on principles of good practice.

DfES School Uniform Guidance (February 2002)

There is currently no legislation in Britain that deals specifically with school uniforms. DfES guidelines state that *"school governing bodies are responsible for deciding whether their school should have a uniform policy, and if so, what it should consist of."* The role of the headteacher is to ensure that *"pupils comply with the uniform policy agreed by the governing body"*.

When drawing up a school uniform policy, school governors have obligations under the *Sex Discrimination Act 1975*, the *Human Rights Act 1998*, and the *Race Relations Act 1976*. In practice, this means that schools must be sensitive to the needs of different cultural, racial and religious groups. The DfES guidance explicitly states that it *"expects schools to accommodate these needs within a general uniform policy"*. Emphasising the inclusion of different cultural and religious needs into a school uniform policy, the DfES further stipulates that it would not be appropriate to discipline pupils who do not comply with a

school uniform policy due to their adherence to a particular cultural or religious belief, except where this is “*part of a pattern of defiant behaviour generally*”.¹

Similarly, the DfES states that school governing bodies should not include any terms or conditions in Home School Agreements which would be “*unlawful or unreasonable in the strict legal sense*”.² The refusal to accommodate to parental requests for a review of requirements on school uniform due to religious reasons, for example, would constitute such a legal breach.

These DfES guidelines set out the legal framework for school uniform policies; they are not prescriptive. *How* schools might accommodate the different cultural and religious needs of their pupils is left to school governing bodies. It is self-evident that the details of school uniform policies are best determined by individual schools in order to reflect the needs of the communities they serve. There are, however, a range of issues, principles and strategies which underpin inclusive school uniform policies in all schools.

Principles of an Inclusive³ School Uniform Policy

When drawing up a school uniform policy it is important that the governing body identifies clearly the purpose to be achieved by its introduction. Alongside identification of the purpose of the policy, must lie the recognition that in principle, pupils have a right to dress in accordance with the requirements of their religious beliefs. It should be recognised that for Muslims in particular, the concepts of modesty and dignity in dress carry the status of religious obligation.

Though there may be differences in interpretation of the requirement of modesty of dress among Muslims, schools should:

- generally avoid making assumptions about how this modesty is best expressed;
- enable individual choice to be exercised within a broad dress code framework;
- seek to avoid privileging one interpretation of the requirement for modesty of dress of one group of parents and pupils over another interpretation by a different set of parents; and
- consider carefully whether it would be appropriate for their school uniform policy to override the beliefs of some Muslims whilst permitting other Muslims to adhere to a different dress code of their choice.

When considering, in more detail, how to accommodate the different cultural and religious needs of pupils within a single school uniform policy, a basic starting point for the discussion might therefore be the question of whether a pupil’s choice of dress hinders the process of *teaching and learning*. Within the context of teaching and learning, issues ranging from ensuring equal access to the curriculum to the relationship between pupils and between pupils and teachers might be examined. Schools may wish, for example, to consider whether a pupil’s request to be allowed to wear the *naqab*, a face cover, would inhibit facial communication as part of teaching and learning.

¹ DfES, *School Uniform Guidance*, (DfES 0569/2004).

² DfES, ‘*Home School Agreement*’ The Standards Site, <http://www.standards.dfes.gov.uk/parentalinvolvement/hsa/hsa-guidance/>

³ For further discussion on inclusion issues and school uniform see Citizens Advice Bureau et al: *The Cost of a Free Education, 2005* at http://www.citizensadvice.org.uk/index/campaigns/social_policy/briefings/br_education/the_cost_of_a_free_education

Reviewing a School Policy

When reviewing their policies, schools might wish to take into account the considerations set out below.

- *Does the school's uniform policy conform to the school's overall aims and ethos?*
- *Does the school's uniform policy conform to its obligations under the Race Relations Act 1976, the Human Rights Act 1998, and the Sex Discrimination Act 1975?⁴*
- *Is the school's uniform policy flexible and adaptable?*
- *Has the school's uniform policy been drawn up in consultation with parents, pupils, teachers and the wider community? Is there a sense of ownership of this policy among the different stakeholders?*
- *Has there been a discussion and evaluation of the merits of having a school uniform or a school dress code?*
- *Is the school's uniform policy explicit about the purpose of the uniform or dress code?*
- *Are requests for exceptions from or modifications to the school uniform due to cultural or religious reasons given a fair hearing before any decisions are made?*
- *If the school is unsure whether a particular choice of dress has religious or cultural significance, has there been consultation with the parent of the pupil, local religious groups and/or the local authority?*

The Right to Religious Freedom: School Uniform or Dress Code?

The Human Rights Act 1998 establishes a right to manifest one's religion. This includes the right to dress in accordance with the requirements of one's faith. The right can be limited only in the interests of public safety, public order, health or morals, or the protection of the rights and freedoms of others. In a multicultural, multi-faith society, there is consequently potential for dispute between interpretations of religious requirements and the aims and details of a school uniform policy.

A school uniform policy can never claim to be all-encompassing. Demarcating aspects of dress, in practice, requires decisions that ultimately place some limits on pupils' right to free expression. Nor can a school uniform policy anticipate future developments and challenges. For example, changing school populations, changing social and cultural contexts, or changing perceptions within different sections of society are potentially ongoing challenges to any policy that is linked to the ethos of inclusion in the school. A school uniform policy, therefore, has to be a working document, subject to regular reviews, on the basis of consultation and negotiation with pupils, parents and the community served by the school.

Some schools have found that their ethos of inclusion is better met by a **dress code** rather than a school uniform. Whilst a school uniform requires the wearing of particular garments, a school dress code might merely stipulate that pupils' clothing conforms to a particular colour and a limited range of types of clothing. An emphasis on colour,

⁴ Cf. Department of Education/NIHRC, *A Short Guide to the Human Rights Act 1998 For Schools*, (October 2003), and Commission for Racial Equality, *Code of Practice for the Elimination of Racial Discrimination in Education*, (1989).

together with, for example, a compulsory cardigan, sweatshirt or scarf bearing the school logo, can greatly increase a school's flexibility in accommodating and including a range of pupils whilst most of the benefits of a school uniform are still maintained. When considering a school dress code, however, schools might wish to bear in mind that local authorities do not necessarily offer grants to purchase school dress code clothing.

Schools should generally avoid imposing requirements of dress upon their pupils that conflict fundamentally with the religious beliefs on appropriate attire held at home. Schools should avoid placing pupils in the position of having to choose between the requirements for dress made by the school and those deemed appropriate within their homes. Where conflicts arise, they should be a matter of discussion between parents and the school.

Promoting an Inclusive School Dress Code/Uniform Policy: Resolving Some of the Issues

1. Health and Safety

Statutory obligations to comply with health and safety requirements can be a reason for schools prescribing detailed dress codes/uniforms. Concerns for the health and safety of pupils and teachers must always be paramount. In this context, it is important to critically assess any arguments *against* permitting the wearing of different forms of Muslim dress in schools.

In general, schools should permit the safe wearing of religious clothing. In most lessons, the wearing of the *hijab* or *jilbab* would not present a health and safety hazard to either the wearer of the garment or other pupils. Nursery and primary schools might wish to negotiate with pupils, parents and community representatives a slightly shorter-length *jilbab* to ensure the wearer's health and safety in the playground.

Physical Education (Games), Science, and Design and Technology (D&T)

Physical education (games), science, and design and technology lessons are frequently identified as areas where pupils' health and safety might be compromised by inappropriate clothing. In most cases, however, negotiations with pupils, parents, community representatives and/or religious leaders should produce agreement on the safe wearing of religious clothing that conforms to the pupil's religious requirements as well as to the school's dress code/uniform and its statutory health and safety obligations.

In the context of schools' general efforts to promote inclusive education, schools may wish to vary their approach to meet the needs of their pupils. For PE and games, schools might, for example, wish to consider:

- loose fitting clothing, including longer-sleeved shirts, leggings and tracksuits;
- smaller headscarves that can be fastened with press studs or poppers;
- separate girls and boys groupings within PE lessons, or if possible, separate PE lessons for girls and boys only;
- single sex swimming lessons; and
- separate changing facilities for boys and girls.

Health and safety issues in science and D&T lessons could be addressed by:

- wearing lab-coats or other protective over-coats; and
- wearing smaller headscarves.

CASE STUDY – SECONDARY SCHOOL

The School: 11 – 16 Girls’ Comprehensive School with 1350 students in East London.

School Population: 51 per cent on free school meals, 93 per cent ethnic minority students predominantly of Asian background. 70 per cent Muslim students mainly from Pakistani, Bangladeshi and Indian backgrounds.

School Achievement: In 2004, the GCSE results were 72 per cent 5 A*-C, and in the OFSTED inspection in 2005, the school was rated at A* (in top 5 per cent of schools nationally) on value added. OFSTED rated the school’s spiritual, moral, social and cultural development as excellent.

The School Dress Code: The school has a school dress code that stipulates that the school colour is navy blue and white. The students are given the flexibility to wear a range of school dress in the school colours. This includes a white blouse and skirt, white blouse and trousers, navy shalwar kameez, a white or navy blue headscarf, a navy blue jilbab. All students are required to wear a navy blue cardigan or sweater with a school logo to unite the school.

The wearing of the jilbab evolved in the last few years from the wearing of an ankle length navy blue skirt. The issue was dealt with sensitively. Girls wearing the jilbab were asked by the school to ensure that it was ankle length so that they or other students did not trip on it. The school also requested that the jilbab was not too loose on the arms so it did not present a health and safety issue in Science or D&T workshops.

Issues on the dress code should be discussed sensitively with the student and the family. The student should not be subject to a ‘tug of war’ between the family and school. The school believes that the dress code in secondary education should be able to accommodate all students, be affordable and should require minimal staff supervision so that valuable teaching and learning time is not wasted on dress code issues.

2. Involving the Community

Deciding on the details of a school dress code or uniform in a multi-cultural, multi-faith society, crucially requires involving the communities served by schools. In any school the ethos of inclusion and its obligations under existing equality legislations are meaningfully adhered to only if it can be demonstrated that the widest possible range of views have been sought and considered. Facilitating a fair and inclusive process of school policy making, moreover, provides the community with a sense of ownership of and identity with its school.

Once a school dress code/uniform has been agreed upon, schools may wish to demonstrate examples of safe clothing that meet their pupils’ religious requirements as well as the school’s statutory duties to pupils and their parents. Further requests for amendments of the school dress code or uniform due to religious reasons should be

assessed on a case-by-case basis and in full consultation with all the stakeholders. In the event of a rejection, schools should provide a clear statement of reasons for the refusal.

Some issues, such as the wearing of the *naqab*, a face cover, the *burqa*, a full-length dress that covers all but the wearer's eyes, will need careful consideration within the school's overall approach to accommodating religious dress requirements. Schools may be justified in declining requests to wear the *burqa* if they believe it undermines teaching and learning and health and safety.

CASE STUDY – PRIMARY SCHOOL

The School: Primary school with 200 pupils ranging from 3 to 11 year old pupils in Sandwell.

School population: 35 per cent on free school meals, 40 per cent SEN, 30 per cent ethnic minority pupils predominantly of Bangladeshi descent. In the bottom 3 per cent in socio-economic terms.

School in the community: The leader of the Bangladeshi community has children in the school, is a school parent governor and works with the school in providing out of hours Bengali lessons and homework clubs for Bangladeshi pupils.

Up until the debate in France on the wearing of overtly religious clothing and symbols, the only headwear issue in the school had been the wearing of stitched cowls by two girls from a Yemeni family. The cowls caused no concerns because they were removed for PE and swimming, and if pulled by another pupil whilst playing, the cowls caused no health and safety concerns.

During the French debate a number of girls started to wear headscarves, which were tied under the chin and around the neck. These caused concern to the school. Whilst children were playing in the playground, there was every chance that a scarf could be pulled and this could result in a serious injury.

The headteacher spoke to the parent governor who was also the leader of the Bangladeshi community. At the mosque, he spoke to the parents and explained the school's concerns. The result was that the girls ceased wearing headscarves, but on special religious days, a scarf was worn. Yet, instead of tying it under the chin or around the neck, the scarf went across the forehead and was held behind the ears.

The issue of headwear is just one example of how important it is to discuss with a community before issuing instructions on any topic of concern.

3. Supporting Teachers

The success of any school policy on dress code or uniform will depend on the extent to which it is implemented on a well informed and culturally sensitive basis. Teachers may therefore benefit from initiatives in schools aimed at promoting greater understanding of aspects of the Muslim faith within the broader framework of equal opportunities and anti-discrimination training. To ensure consistency in the application of school dress code or uniform policy, teachers should also be involved in the determination of a school's overall position on the accommodation of religious requirements and its reasons, as well as receive information on any changes to the school's policy.

The NUT is aware that in some instances schools have requested guidance on the wearing of the *hijab* for staff. The NUT would not recommend a formal dress-code for staff in

schools. The NUT believes that staff should be able to dress according to their professional judgement and wishes unless this is detrimental to their capacity to do their job or is deemed unsafe or inappropriate for some other good reason. In this context, the principles outlined in this document for pupils apply equally to staff. Therefore, schools should take into account the principles set out below.

- Staff have a right to expect respect and accommodation for their religious beliefs.
- Any form of dress should not interfere with the teaching and learning process, including the need for optimum communication between staff and pupils.
- Health and safety of both pupils and staff should be paramount.
- Consultation with the staff affected should be an important aspect of the decision making process.
- Each case should be considered on its merits in the light of the principles identified here. Considerations should take into account the need to operate flexibly and within the aims and overall ethos of the school.

Strategies for Formulating an Inclusive School Dress Code or Uniform Policy

All members of the school community should be aware of the purpose of a school uniform or dress code and have an opportunity to contribute to the discussion about its introduction.

When reviewing and/or formulating their school dress code/uniform policy, schools may wish to seek and promote discussions among pupils, parents, teachers and other school staff, and representatives of the community on the range of perspectives about school uniform. This would have the added benefit of offering an opportunity to counter stereotypes about Muslims propagated by some of the mass media as a result of the events on 11 September 2001 and 7 July 2005 and an increasing anti-Islamic sentiment in British society.

Schools may wish to employ the following strategies to promote greater tolerance, respect for diversity and an ethos of inclusion:

- seeking to understand the difference between bullying and harassment and the assertion of individual rights;
- employing procedures and advice provided by local authorities;
- understanding and implementing the obligations on schools arising from equality legislation such as the Race Relations (Amendment) Act, the Human Rights Act, the Sex Discrimination Act and the UN Convention on the Rights of the Child;
- undertaking wide-ranging consultation and participation in the debate about an inclusive school dress code/uniform, including making use of school assemblies and school councils; and
- implementing and adapting a flexible policy on the basis of reasoned discussion.

Schools play an important role in educating individuals who can overcome the boundaries of prejudice and contribute to a future of greater social justice. They are at the forefront of leading by example in the promotion of tolerance, respect, equality and social cohesion.

GLOSSARY OF TERMS

- Burqa – Two different items of traditional women’s clothing are known as *burqa*; one is a kind of veil which is tied on the head, over a headscarf, and covers the face except for a slit at the eyes for the woman to see through. The other, which is also called a *full burqa*, is a garment which covers the entire body and face. The eyes are covered with a ‘net curtain’ allowing the woman to see but preventing other people from seeing her eyes. Both kinds of *burqa* are used by some Muslim women as an interpretation of the *hijab* dress code.
- Hijab – The linguistic employment of this very general term is as a noun referring to a ‘cover, wrap, curtain, veil, screen, [or] partition’. More generally, Muslims refer to the ‘hijab’ as:
- a simple headscarf;
 - the entire garment a woman wears in front of strangers that covers her whole body, excluding her face, hands and (for some) feet, in loose, opaque and non-distinctive clothing; or
 - the philosophy of dressing and acting modestly.
- Jilbab – This is a long outergarment leaving only the hands, face, and sometimes the feet uncovered.
- Naqab – This is a face cover.

Further Information

Commission for Racial Equality (CRE)

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Email: info@cre.gov.uk

website: www.cre.gov.uk

General Teaching Council for England (GTCE)

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IQRA Trust

3rd Floor, 16 Grosvenor Crescent, London SW1X 7EP

Tel: 020 7838 7987

Email: info@iqratrust.org

website: www.iqratrust.org

The Islamic Cultural Centre & The London Central Mosque

146 Park Road. London NW8 7RG

Tel: 020 7724 3363

Email: info@iccuk.org

website: www.iccuk.org

Muslim Association of Britain

124 Harrowdene Road, Wembley, Middlesex, HA0 2JF

Tel: 020 8908 9109

Email: info@maboline.net

website: www.mabonline.net

The Muslim Council of Great Britain

Boardman House, 64 Broadway, Stratford, London E15 1NT

Tel: 0208 432 0585/6

Email: admin@mcb.org.uk

website: www.mcb.org.uk

Muslim Teachers' Association

115 Thorndon Gardens, Epsom, Surrey, KT19 0QE

Tel: 020 8393 7335

National Association of Standing Advisory Councils on Religious Education

Westhill RE Centre, University of Birmingham, School of Education, Birmingham B29 6LL

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ANTI-SEMITISM IN THE UK

The NUT's Evidence to the All-Party Parliamentary Inquiry



The struggle against racism should be holistic and indivisible; an attack on one minority group is an attack on all. Strategies for tackling anti-Semitism should be integrated into schools' strategies for tackling racism more generally, including Islamophobia.

The NUT has given important evidence to the All-Party Parliamentary Inquiry into anti-Semitism in the UK. You can access the NUT's evidence on the website www.teachers.org.uk. The website includes the NUT's guidance for schools, *"...do not tolerate intolerance"*.

The NUT calls for a whole school approach to anti-Semitism and racism in general. Teachers should be at the forefront of addressing within schools racism in all its manifestations. Anti-Semitism is racism in which hostility towards culture and religion is a major factor.

Anti-Semitism is an issue for all schools, including faith-based schools, regardless of the presence of Jewish pupils or staff. Schools have a crucial role in helping to dispel myths about Jewish communities and promoting social justice for all pupils. Teaching about racism and anti-Semitism will have a profound effect on pupils' understanding and attitudes. Set out in the NUT's evidence are a number of ways to challenge anti-Semitism in schools.

Evidence can be read on the Union's website. It can be printed and photocopied for discussion. Printed copies are available by request to nutorders@supanet.com
Please state clearly your name and the address for delivery.



NUT GENERAL SECRETARY, STEVE SINNOTT SAYS

"I commend to members our evidence to the All-Party Parliamentary Inquiry into anti-Semitism in the UK as a central aspect of our unwavering commitment to tackling racism in all its forms. I urge NUT school representatives and members to study the submission and to initiate in their schools discussions on the issues raised."

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