

Preventing hair discrimination in schools

 ADVICE AND GUIDANCE

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Who is this page for?

Governing bodies, academy trust boards, education authorities and school leaders at all schools in England, Scotland and Wales. In this Guidance, the term 'school' is used for ease to refer to anyone who has duties under the Equality Act.

Which countries is it relevant to?

 Great Britain

This is non-statutory guidance.

About this guidance

This guidance is part of a package of resources designed to help school leaders foster an inclusive environment by ensuring their policies, where they develop and review them, are not unlawfully discriminatory. Our other resources include:

- [a decision-making tool \(https://www.equalityhumanrights.com/en/advice-and-guidance/preventing-hair-discrimination-schools-decision-making-tool\)](https://www.equalityhumanrights.com/en/advice-and-guidance/preventing-hair-discrimination-schools-decision-making-tool).
- [a video explainer and a case study \(https://www.equalityhumanrights.com/en/advice-and-guidance/videos-preventing-hair-discrimination-schools\)](https://www.equalityhumanrights.com/en/advice-and-guidance/videos-preventing-hair-discrimination-schools).

This guidance applies to all forms of hair discrimination, although it focuses on race because of the disproportionate impact upon pupils from specific racial groups.

Background

Our engagement with key stakeholders, [research \(https://www.worldafroday.com/wp-content/uploads/2022/09/WADHairEqualityReport2019a.pdf\)](https://www.worldafroday.com/wp-content/uploads/2022/09/WADHairEqualityReport2019a.pdf), and court cases indicate discrimination related to hair or hairstyles disproportionately affects pupils with Afro-textured hair or hairstyles. This is often because of the way some schools' rules relating to hair or hairstyles are designed and implemented. Such rules might be embedded in school uniform or behaviour policies or be stand-alone policies related to hair or hairstyles.

This is an area where we have funded [court cases \(https://www.equalityhumanrights.com/en/our-work/news/school-discriminated-against-rastafarian-boy-telling-him-cut-his-dreadlocks\)](https://www.equalityhumanrights.com/en/our-work/news/school-discriminated-against-rastafarian-boy-telling-him-cut-his-dreadlocks), as part of our [Legal Support S \(https://legal.equalityhumanrights.com/en/case/stopping-school-using-discriminatory-hairstyle-policy\)](https://legal.equalityhumanrights.com/en/case/stopping-school-using-discriminatory-hairstyle-policy) scheme to tackle discrimination in education.

It has also been recognised in [Inclusive Britain: government response to the Commission on Race and Ethnic Disparities \(https://www.gov.uk/government/publications/inclusive-britain-action-plan-government-response-to-the-commission-on-race-and-ethnic-disparities/inclusive-britain-government-response-to-the-commission-on-race-and-ethnic-disparities#trust-and-fairness\)](https://www.gov.uk/government/publications/inclusive-britain-action-plan-government-response-to-the-commission-on-race-and-ethnic-disparities/inclusive-britain-government-response-to-the-commission-on-race-and-ethnic-disparities#trust-and-fairness), that some Black pupils are being discriminated against because of their hair.

Discriminating against pupils in relation to or because of their hair may have a negative effect on pupils' mental health and wellbeing. As schools have a safeguarding obligation to protect pupils from race discrimination and bullying, it is good practice for schools to invest in professional development and training for staff in this area.

Schools are encouraged to use the resources available on this page to support their efforts in preventing discrimination and harassment related to hair.

How can school policies cause discrimination based on hair?

One of the ways in which schools can prevent discrimination is by reviewing their policies and practices to ensure they comply with the Equality Act 2010. For instance, schools may have particular policies or rules related to hair or hairstyles that could result in unlawful indirect discrimination (<https://www.equalityhumanrights.com/en/advice-and-guidance/what-direct-and-indirect-discrimination>) against pupils with certain protected characteristics, for example:

- race
- religion or belief
- sex
- disability
- sexual orientation
- gender reassignment.

Indirect discrimination can happen when a school applies an apparently neutral policy or practice that puts pupils sharing a protected characteristic (for example, race) at a disadvantage compared with pupils who don't share that characteristic. Such policies are likely to be indirectly discriminatory unless the school can show the policy is objectively justified as a proportionate means of achieving a legitimate aim (<https://www.equalityhumanrights.com/en/advice-and-guidance/commonly-used-terms-equality-act#:~:text=Objective%20justification%20gives%20a%20defence,would%20otherwise%20be%20direct%20discrimination>). For more detailed information about what indirect discrimination is, see paragraphs 5.20 – 5.39 of our Technical Guidance for Schools in England (<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-schools-england>) and paragraph 5.25 of our Scotland Technical Guidance for Schools (<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-schools-scotland>).

Examples of unlawful indirect discrimination related to hair

We use two types of examples to help illustrate this guidance. For the purposes of this guidance, case law examples are real legal cases related to discrimination based on hair. 'Good practice examples' are examples that show how schools can improve their policies and practices to avoid indirect discrimination.

Hairstyles worn because of cultural, family and social customs can be part of a pupil's ethnic origin and therefore fall under the protected characteristic of race.

A school policy that bans certain hairstyles adopted by specific racial or religious groups, without the possibility of any exceptions on racial or religious grounds, is likely to constitute unlawful indirect race or religion or belief discrimination. This includes hairstyles such as (but not limited to): head coverings, including religious based head coverings and African heritage head wraps, braids, locks, twists, cornrows, plaits, skin fades and natural Afro hairstyles.

Case law example – race

A school had a policy banning boys from wearing certain hairstyles, including cornrows. A pupil challenged the ban, arguing that exceptions should be made when cornrows were worn for cultural and family reasons. The court found that the policy was indirectly discriminatory (<https://www.casemine.com/judgement/uk/5a8ff74d60d03e7f57eab065>).

Family and social customs can be part of ethnic origin and therefore fall under the protected characteristic of race. The school would need to change the policy to avoid being in breach of the Equality Act 2010.

Case law example – race

A school banned 'voluminous' hairstyles as part of its rules related to hair and hairstyles. A student with a natural Afro hairstyle challenged the school's uniform policy in court (<https://www.bbc.co.uk/news/av/newsbeat-51446933>), as being indirectly discriminatory because of race.

The EHRC secured a legally binding agreement with the school to review and ensure the school's policy was not discriminatory on grounds of race. The school would need to change the policy to avoid being in breach of the Equality Act 2010.

Case law example – race and religion or belief

A school had a uniform policy that banned locks. As locks were a fundamental tenet of a student's Rastafarian beliefs, the student challenged the policy in court as discriminatory on the basis of race and religion or belief. Further to an agreement between the school and the student's family, it was agreed that the school's uniform policy was indirectly discriminatory and the school agreed to review it. The school would need to change the policy to avoid being in breach of the Equality Act 2010.

Good practice example – disability, race and religion or belief

A school has a general (blanket) rule of no headgear on school premises. This could indirectly discriminate against pupils on a number of different grounds, such as:

- disability (for example, pupils undergoing cancer treatment who wear wigs, scarves or hats)
- religion or belief (for example, for Muslim pupils who cover their hair or Sikh pupils who wear a turban)
- race (for example, for Black pupils or pupils with a mixed ethnic background who wear African heritage head wraps).

The school amended its policy to include exceptions on the grounds of disability, race or religion or belief.

Good practice example – sex

A school allows girls to wear their hair long and tied back but boys must keep their hair cut to above the collar. This could constitute indirect sex discrimination because it is unlikely to be objectively justified as 'a proportionate means of achieving a legitimate aim'.

The school amended its policy so that there is no difference in hair rules for boys and girls.

How your school can prevent discrimination based on hair

Schools are required to have due regard to the [Public Sector Equality Duty](https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty) (<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty>). As part of that, it is good practice for schools to provide training for staff on the need to foster good relations and eliminate unlawful discrimination and harassment related to hair in order for staff to understand and support compliance with the duty.

Schools can foster equality throughout the year by organising a range of activities – for example, activities that include Black role models and that celebrate Afro-textured hair.

When drafting or reviewing your school's policy, you can also use our [decision-making tool](https://www.equalityhumanrights.com/en/advice-and-guidance/preventing-hair-discrimination-schools-decision-making-tool) (<https://www.equalityhumanrights.com/en/advice-and-guidance/preventing-hair-discrimination-schools-decision-making-tool>) to help eliminate any potential discrimination related to hair.

More resources

[The Equality Act 2010 and schools: departmental advice for school leaders, school staff, governing bodies and local authorities](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf) (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf). (UK Government Department for Education)

[School uniforms: guidance for schools](https://www.gov.uk/government/publications/school-uniform/school-uniforms) (<https://www.gov.uk/government/publications/school-uniform/school-uniforms>). (UK Government Department for Education)

[Statutory school uniform guidance consultation](https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2022/05/school-uniform-guidance-consultation/documents/statutory-school-uniform-guidance-consultation/statutory-school-uniform-guidance-consultation/govscot%3Adocument/statutory-school-uniform-guidance-consultation.pdf) (<https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2022/05/school-uniform-guidance-consultation/documents/statutory-school-uniform-guidance-consultation/statutory-school-uniform-guidance-consultation/govscot%3Adocument/statutory-school-uniform-guidance-consultation.pdf>). (Scottish Government)

[School uniform and appearance: policy guidance for governing bodies](https://gov.wales/school-uniform-and-appearance-policy-guidance-governing-bodies-html) (<https://gov.wales/school-uniform-and-appearance-policy-guidance-governing-bodies-html>). (Welsh Government)

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- Undeb Cenedlaethol Athrawon Cymru (UCAC)
- World Afro Day

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