

Protect and Teach Template Letter/E-mail - Scotland:

Confirmation of Single-Sex Toilet Provision & Legal Compliance (Post-For Women Scotland)

[Your address if a letter]

[Date]

Dear [Headteacher / Governing Body / School name],

I am writing as a parent/carer of a [Year X] pupil at [school name] to request confirmation of the school's current arrangements for pupil toilets and changing facilities, and the basis on which those facilities are provided and accessed.

I am making this request in order to understand how the school is meeting its legal duties and safeguarding responsibilities in relation to pupils' privacy, dignity, safety and welfare.

The Supreme Court's judgment in **For Women Scotland Ltd v The Scottish Ministers [2025] UKSC 16** clarified that, for the purposes of the Equality Act 2010, the protected characteristic of sex has its biological meaning. The judgment applies throughout Great Britain and is relevant to the operation of the Equality Act 2010 in Scotland.

The Scottish Government subsequently revised its guidance, **Supporting Transgender Pupils in Schools: Guidance for Education Authorities and Schools**, published on 29 September 2025. The revised guidance expressly recognises both the Supreme Court judgment and the decision in **Hurley v Scottish Borders Council**. It states that separate toilet facilities for boys and girls must be provided in schools and that, as the law stands, those facilities are required to be made available on the basis of biological sex. The decision in **Hurley v Scottish Borders Council** (Court of Session, Outer House, 23 April 2025) confirmed that the **School Premises (General Requirements and Standards) (Scotland) Regulations 1967** require education authorities to provide separate sanitary accommodation for boys and girls.

More recently, in **DE and FG v West Lothian Council [2026] CSOH 52**, the Court of Session considered the meaning of "sanitary accommodation" for the purposes of regulation 15. The court held that sanitary accommodation comprises not only water closets and urinals but also associated wash basins. The court held that "sanitary accommodation" for the purposes of regulation 15 was not limited to water closets and urinals but included associated wash basins. In the circumstances of that case, arrangements in which toilet cubicles were designated for boys or girls but wash basins were shared did not provide the separate sanitary accommodation required by the 1967 Regulations. The court also found that the provision of all toilet spaces

as unisex was indirectly discriminatory against a female pupil in the circumstances of that case.

Regulation 15 of the 1967 Regulations also prescribes the minimum scale of sanitary accommodation. In schools not designed exclusively for girls, the Regulations provide for accommodation for boys and girls, with provision for boys including water closets and urinals, and require suitable provision for the disposal of sanitary towels in girls' sanitary accommodation in schools providing for pupils beyond stage P IV.

The Scottish Government guidance also recognises that schools may consider additional gender-neutral provision where appropriate. However, such provision does not remove the requirement for separate boys' and girls' facilities. The guidance states that the design of gender-neutral facilities should ensure privacy for all young people and should take account of the particular needs of female pupils.

In light of these legal requirements and guidance, I would be grateful if you **could provide written confirmation** of the following:

1. Toilet provision

Please confirm the school's current arrangements for toilet provision, including:

- the number and location of the separate sanitary accommodation provided for boys and for girls;
- the number and type of sanitary appliances provided within that accommodation for each sex, including water closets and urinals where applicable;
- the number of water closets and urinals provided within the sanitary accommodation for boys, and how the school considers that provision to comply with the minimum scale prescribed by regulation 15 of the 1967 Regulations;
- the location and availability of wash basins associated with the sanitary accommodation provided for each sex; and
- whether any wash basins or washing areas are shared between boys and girls.

2. Compliance with the Scottish school premises regulations

Please confirm that the school considers its current sanitary accommodation to comply with **regulation 15 of the School Premises (General Requirements and Standards) (Scotland) Regulations 1967**, including the requirement for separate sanitary accommodation for boys and girls.

Please also confirm that the school has taken account of the declaration made in **Hurley v Scottish Borders Council** concerning the requirement to provide separate toilet facilities for boys and girls.

Please also confirm how the school identifies the separate sanitary accommodation provided for boys and girls, including whether the accommodation for each sex contains both the relevant sanitary appliances and associated wash basins. Where

toilet cubicles are separately designated but associated wash basins or washing facilities are shared between boys and girls, please explain the legal basis on which the school considers those arrangements to comply with regulation 15, having regard to **DE and FG v West Lothian Council [2026] CSOH 52**.

3. Access to toilet facilities

Please confirm the school's current policy and practice concerning access to toilet facilities where a pupil identifies as transgender or otherwise requests to use facilities designated for the opposite biological sex.

In particular, please confirm whether a pupil is permitted to use a multi-occupancy toilet facility designated for the opposite biological sex and, if so, the legal and policy basis upon which that decision is made. Where alternative or additional provision is offered, please explain how the school ensures that the statutory provision of separate facilities for boys and girls is maintained.

4. Additional or gender-neutral provision

Where gender-neutral, unisex or other additional facilities are provided, please confirm:

- whether these facilities are additional to the separate boys' and girls' provision;
- whether any existing boys' or girls' facilities have been converted, redesignated or repurposed;
- how privacy is secured for users;
- what consideration has been given to the particular needs of female pupils and to the privacy, dignity and welfare of both sexes;
- whether any assessment or legal advice was undertaken before the arrangement was introduced;
- whether any gender-neutral, unisex or shared provision includes wash basins or other washing facilities that are also used by pupils accessing facilities designated for boys or girls; and
- where wash basins or other washing facilities are shared between boys and girls, how the school considers those arrangements to comply with the requirement for separate sanitary accommodation under regulation 15 of the **School Premises (General Requirements and Standards) (Scotland) Regulations 1967**, having regard to **DE and FG v West Lothian Council [2026] CSOH 52**.

5. Changes to existing facilities

Please confirm whether any existing single-sex toilet facilities have been, or are planned to be, converted, redesignated or otherwise changed so that they are available for use by both sexes.

If so, please provide details of:

- the nature and date of the change;
- the reason for the change;
- any equality impact assessment or equality analysis undertaken;
- any safeguarding or risk assessment undertaken;
- any legal advice obtained;
- any consultation undertaken with pupils, parents/carers or staff; and

- how the school has established that the change does not undermine the required separate provision for boys and girls.

6. Privacy, dignity and safeguarding

Please explain what safeguarding arrangements are in place to protect the privacy, dignity and safety of both boys and girls when using the toilet and changing facilities.

Please also explain how the school monitors and responds to any evidence that pupils may be avoiding toilet use, restricting fluid intake, missing lessons or experiencing distress or other welfare difficulties because of the school's arrangements. Particular consideration should be given to the privacy and sanitary needs of female pupils, including during menstruation, while recognising that boys also have a right to appropriate privacy, dignity and safeguarding.

Please also explain whether the school has considered the potential disadvantages that mixed-sex or unisex toilet arrangements may create for female pupils in relation to privacy, dignity, health and safety, including the issues identified by the Court of Session in **DE and FG v West Lothian Council [2026] CSOH 52**.

7. Sanitary provision

Please confirm how the school meets the requirement for suitable provision for the disposal of sanitary towels in girls' sanitary accommodation under the 1967 Regulations, where applicable. Please also explain how the school ensures that girls have appropriate access to toilet and washing facilities to manage menstruation with privacy and dignity.

8. Changing facilities

Please provide details of the school's current arrangements for changing facilities and showers used by pupils, including arrangements for physical education and school sport.

Please explain what consideration has been given to:

- privacy and dignity;
- the sex of pupils sharing changing accommodation;
- safeguarding risks;
- the needs of pupils requiring additional privacy; and
- any alternative arrangements provided for individual pupils.

Where the school's arrangements have changed following the Supreme Court judgment or the revised Scottish Government guidance, please provide details of the changes and any assessment or legal advice undertaken.

9. External advice

Please identify any external organisation, consultancy, charity, training provider, local authority service or other third party that has advised the school on its toilet, changing-room or sex/gender-related facilities policy since **[date, if applicable]**.

Please also provide copies of, or links to, any relevant advice, guidance or legal advice relied upon by the school, subject to any applicable legal privilege or data protection restrictions.

10. Residential and overnight accommodation

Where the school provides residential trips, boarding or other overnight accommodation, please provide the school's current policy concerning the allocation of sleeping accommodation and associated washing and changing facilities. Please explain how the school assesses privacy, dignity and safeguarding when allocating such accommodation, including how the needs of both boys and girls are considered.

11. Relevant policies and assessments

I would be grateful for copies of, or links to, the current versions of any relevant:

- pupil toilet and sanitary facilities policy;
- toilet or changing-room arrangements or guidance;
- safeguarding or risk assessment relating to toilet or changing facilities;
- equality impact assessment or equality analysis;
- policy or guidance concerning transgender pupils insofar as it relates to access to toilet or changing facilities; and
- residential or overnight accommodation policy, where applicable.

I would appreciate a written response within **21 days** of receipt of this letter.

The purpose of this request is to establish whether the school's current arrangements comply with the statutory requirements governing separate sanitary accommodation for boys and girls, and whether those arrangements adequately protect the privacy, dignity, safety and welfare of pupils.

Boys and girls are each entitled to appropriate privacy, dignity and safeguarding in facilities where they may need to use the toilet, change clothes or attend to personal and biological needs. I would therefore like confirmation that the school maintains the required separate provision for both sexes and that any additional or individual arrangements do not undermine that provision.

I would also like confirmation that the school has considered the particular practical and biological needs of both boys and girls, including the privacy and sanitary needs of menstruating female pupils, and has appropriately assessed any safeguarding or welfare implications arising from its current arrangements.

I look forward to receiving a substantive response addressing each of the points above, together with copies of the relevant policies and assessments requested.

Yours sincerely,

[Parent/Carer name]

Parent/Carer of **[child's name / Year]**

[Contact details]