

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

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 applies to the interpretation of the Equality Act 2010 throughout Great Britain. The Court confirmed that, for the purposes of the Act, the protected characteristic of sex refers to biological sex, with "sex" meaning the sex of a person at birth. The judgment also confirmed that "man" and "woman" refer to biological men and women for the purposes of the Act.

The Equality and Human Rights Commission's *Schools in Wales Technical Guidance*, published for consultation on 10 June 2026, reflects this position. The guidance states that sex is a protected characteristic under the Equality Act 2010 and that "sex" means the sex of a person at birth. It also states that schools must provide single-sex toilet facilities for children aged 8 and over, and single-sex changing facilities and showers for children aged 11 and over who undertake physical education.

The statutory requirements for **Welsh school premises are contained in the Education (School Premises) Regulations 1999. Regulation 3(5)(a)** provides that, subject to the specified exception, washrooms for male and female pupils who have attained the age of 8 must be separate. The Welsh Government has also confirmed that gender-neutral toilets may be provided in addition to the required sex-separated provision.

In light of these requirements, 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 age at which pupils are provided with separate male and female toilet facilities;
- the number and location of toilet facilities designated for boys and for girls;
- the number of sanitary appliances provided for each sex;
- how access to those facilities is determined;
- whether any additional single-user or gender-neutral facilities are provided; and
- whether any multi-occupancy facilities are operated as mixed-sex or gender-neutral facilities.

2. Compliance with the Education (School Premises) Regulations 1999

Please confirm that the school considers its current washroom provision to comply with regulation 3(5) of the Education (School Premises) Regulations 1999, including the requirement for separate washrooms for male and female pupils aged 8 and over.

Please also confirm that the school has considered the current interpretation of “sex” under the Equality Act 2010 following *For Women Scotland Ltd v The Scottish Ministers* [2025] UKSC 16.

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 pupils are 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 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;
- whether the facilities are single-user facilities and, if so, whether they can be secured from the inside;
- whether the toilet and handwashing facilities are contained within the same individual room;
- how privacy is secured for users; and

- what consideration has been given to the privacy, dignity, safety and welfare of both sexes.

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.

7. Sanitary provision and menstrual needs

Please confirm how the school provides for the sanitary and hygiene needs of female pupils, including suitable facilities for the disposal of sanitary products.

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 and showers

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.

For pupils aged 11 and over undertaking physical education, please confirm how the school provides the required single-sex changing facilities and showers.

Please also 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 subsequent EHRC 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 or guidance 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.

Where communal or shared sleeping accommodation is provided, please also explain how the school determines who may share such accommodation and the legal and safeguarding considerations applied.

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 pupils, and has appropriately assessed any safeguarding or welfare implications arising from its current arrangements.

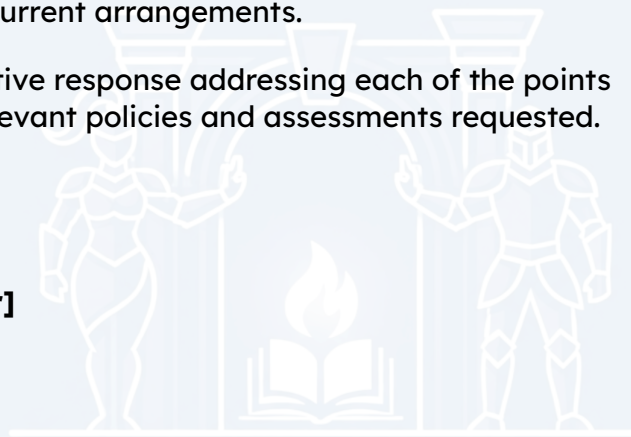
I look forward to receiving a substantive response addressing each of the points above, together with copies of the relevant policies and assessments requested.

Yours sincerely,

[Parent/Carer name]

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

[Contact details]



Protect and Teach
GUARDIANS AT THE GATE