

# P-06-1545 Stop forcing school children to undress in front of staff/peers in 'open' communal rooms

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Petitions Committee | 6 October 2025

**Reference:** RS25/11930-15

## Introduction

Petition Number: P-06-1545

Petition title: Stop forcing school children to undress in front of staff/peers in 'open' communal rooms

**Text of petition:** Children in secondary education deserve privacy and safety, and not to feel forced to undress in front of peers/staff in an open communal changing room for a compulsory subject (although separated by gender currently). In a world where children are being empowered to be themselves to explore genders, rights, equality and inclusion, some comprehensive schools P.E changing facilities offer little to no privacy /dignity and that's a massive safeguarding concern.



Children have the right to privacy and to be safe, changing in an open communal changing room should not feel forced. Adults have the right to choose but children do not because inadequate existing facilities are being shared in high class volumes, this is a safeguarding issue. Young people have a right to privacy (Article 16 UNCRC), the local Authority needs to resolve this ASAP with the support of Government.

Clear guidelines are recommended in keeping children and young people safe while they are getting changed for reasons such as but not limited to:

- some children feel vulnerable/children are vulnerable;
- can cause anxiety;
- disabilities;
- those from different religions, beliefs and cultural backgrounds
- transgender, non-binary or questioning their gender identity;
- staff and volunteers can feel unsure about changing supervision and how to ensure that all children and adults are safe;
- being sensitive to those who physically mature at a much earlier or later age than their peers.

The text provided above is submitted by the petitioner. The petitions team make every effort to ensure it preserves their authentic voice. This text has not been verified for accuracy, or errors, and may contain unverified opinions or assertions.

# 1. Background

In summary, whilst there is guidance for school toilets and washrooms, there is no specific guidance about changing rooms for PE.

Issues raised in the wording on this petition cut across a range of policy and legislation, including but not restricted to:

- facilities schools must provide;
- equalities legislation;
- safeguarding legislation and guidance;
- curriculum, inclusion and well-being.

The recent UK [Supreme Court judgment on the meaning of "sex" in the Equality Act 2010](#) has implications for how schools manage single-sex spaces.

Further information on these issues is set out below.

## 2. Facilities schools must provide

Part 2 of the [Education \(School Premises\) Regulations 1999](#) relates to 'school facilities.

### **Changing accommodation**

Regulation 3 of the 1999 regulations refer to 'changing accommodation', saying:

*Changing accommodation including showers shall be provided for pupils who have attained the age of 11 years and who are in receipt of physical education and that accommodation shall be readily accessible from the school grounds and from any accommodation provided for physical education within the school buildings.*

### **Washroom facilities**

Regulation 3 of the 1999 regulations also set out requirements relating to 'washrooms for pupils', saying that 'in every school there shall be facilities [...] which are adequate having regard to the ages, sex and numbers of the pupils and any relevant special requirements they may have'.

Referring to washroom facilities rather than 'changing accommodation' these regulations say that, except as provided in [regulation 4\(3\)](#) (for the needs of persons using the premises who are disabled), **“washrooms for male and female pupils who have attained the age of 8 years shall be separate.”**

This [Welsh Government response to a Freedom of Information request 2010](#) confirms that:

*The provision and design of toilets, changing rooms and washing facilities for pupils is a matter for schools and local authorities. The Welsh Government's [School toilets good practice guidance for schools in Wales](#), does not refer to changing rooms.*

In answer to a [written question in 2023](#), the Welsh Government said:

*The Education (School Premises) Regulations 1999 specify separate washrooms for male and female pupils over the age of 8. Gender-neutral toilets can be provided alongside single-sex toilets.*

*The provision and design of toilets, changing rooms and washing facilities for pupils is a matter for the school and local authority. The Welsh Government provides advice for governing bodies and head teachers on the facilities required: [school toilets good practice guidance](#).*

*Schools conducting a school-based consultation with learners will help ensure the needs of all pupils are met within new buildings and in making any changes to provision.*

Merched Cymru (Women of Wales) describes itself as 'a grassroots group of ordinary women from across Wales who are working to protect and strengthen the sex-based rights of women and girls'. Its [report](#) 'Mixed sex toilets in Wales' schools' includes reference to some of the themes in this petition. Page 18 of this document: [Sex and gender identity: keep your pupils safe and comply with the law - for schools in Wales](#) refers to changing facilities. It has been produced by a campaigning organisation called Sex Matters and is not an official document.

### 3. Equality legislation

Part 6 of the [Equality Act 2010](#) ("the Act") relates to education and applies to all local authority maintained schools and independent schools. Section 85 relates to

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the treatment of pupils. It says that “the responsible body of such a school must not discriminate against a pupil” including amongst other things:

- in the way it affords the pupil access to a benefit, facility or service;
- by not affording the pupil access to a benefit, facility or service.

Section 85 (6) refers to the fact that “a duty to make reasonable adjustments applies to the responsible body of such a school.”

## **Accessibility strategies**

Schedule 10 to the Equality Act 2010 says that:

- a local authority must, in relation to a school for which it is a responsible authority, prepare, implement, review and update written accessibility strategies
- the responsible body for a school must prepare, implement, review and update written accessibility plans.

In 2018, Welsh Government issued guidance on [Planning to increase access to schools for disabled pupils](#), which says that accessibility strategies and plans:

*[...] must consider all aspects of education and associated services provided by schools. These include not only the curriculum but also break, lunch times, schools sports, extended-curriculum activities and all aspects of attending school.*

Examples of questions to consider when preparing an accessibility plan are provided in the guidance, including:

- How does the size and layout of areas, including all academic, sporting, play, social facilities; classrooms, common rooms, the assembly hall, canteen, library, gymnasium and outdoor sporting facilities and playgrounds enable access for all pupils?
- How can pupils who use wheelchairs move around the school without experiencing access barriers, such as those caused by doorways, steps and stairs, toilet facilities and showers?

## **Public Sector Equality Duty**

The Public Sector Equality Duty (PSED) general duty is set out in [sections 149 to 157 of the 2010 Act](#), supported by [specific duties](#) set out in regulations. The PSED

places a legal requirement on all maintained schools in Wales to eliminate discrimination, advance equality of opportunity and foster good relations between people who share a relevant protected characteristic and those who do not.

The Equality and Human Rights Commission (EHRC) has issued [Public Sector Equality Duty: Guidance for schools in Wales](#), which says:

*The PSED can help schools identify and take action on both persistent educational inequalities such as underperformance and poor progression, and some of the contributory factors such as sexual harassment and bullying.*

*The EHRC Guidance goes on to say:*

*When making a decision, taking an action or developing a policy, a school must consciously consider what the implications would be for the equality of pupils with protected characteristics.*

And that:

*Before adopting a policy, taking an action or making a decision, a school should:*

- *assess whether there may be any resulting risks to, or adverse effects for, pupils with protected characteristics;*
- *consider how such risks or effects may be eliminated*

The guidance says that schools must assess and publish the equality impact of proposed policies and practices and monitor these impacts to better understand the likely or actual effect of policies and practices on learners with different protected characteristics.

### **Implications of a Supreme Court ruling for schools**

In July 2025, the UK [Supreme Court judgment on the meaning of "sex" in the Equality Act 2010](#) ruled that references to "sex", "man" and "woman" in the Act refer to biological sex (a person's sex at birth).

This judgment has implications for schools, including how schools manage access to single-sex spaces. Access must now be based on **biological sex**, not gender identity.

The [EHRC's interim update](#) on 24 April says:

*Schools in England and Wales must provide separate single-sex toilets for boys and girls over the age of 8. It is also compulsory for them to provide single-sex changing facilities for boys and girls over the age of 11. [...] Pupils who identify as trans girls (biological boys) should not be permitted to use the girls' toilet or changing facilities, and pupils who identify as trans boys (biological girls) should not be permitted to use the boys' toilet or changing facilities. Suitable alternative provisions may be required.*

It goes on to say:

*The consultation on proposed changes to our code of practice for services, public functions and associations (Code of Practice), resulting from the UK Supreme Court judgment, closed on 30 June 2025. We are reviewing the consultation responses received and will produce a revised Code of Practice in due course.*

### **Welsh Government's position on the Supreme Court ruling**

Following the ruling and in Plenary in May 2025, the [Counsel General responded to a question](#) which included reference to gender neutral toilets in school and whether Welsh Government would provide further guidance to schools "to ensure that these gender-neutral spaces are removed?". The Counsel General referred to the Supreme Court Judgement and said:

*All they're doing is pointing out that, for the purposes of single-sex spaces, the biological sex matters. But the removal of gender-neutral spaces is not specified, and we will not be looking at it.*

In a response to a [response to a Freedom of Information request](#), published in July 2025, Welsh Government responded to the question

*Please indicate whether, in practice, trans girls aged eight and over may use facilities designated "girls"*

Welsh Government responded:

*The consultation on the updated guidance anti-bullying guidance, Rights, Respect, Equality, includes questions relating to amendments*

*to the Education (School Premises) Regulations 1999 (“the 1999 Regulations”). We propose to make very limited amendments to the 1999 Regulations so that schools are allowed (but not required) to provide gender neutral toilets. This is alongside the existing requirement for schools to provide sex separate toilets for learners aged 8 and above. This maintains the requirement to provide single sex toilets and alongside this gives flexibility for schools to provide a range of toilet provision that will help ensure all learners are safe and comfortable using a toilet in school.*

- The Education (School Premises) Regulations currently specify separate washrooms for male and female pupils over the age of 8.*
- The provision and design of toilets, changing rooms and washing facilities for pupils is a matter for the school and local authority.*
- All children and young people need access to a school toilet that they comfortable to use.*
- Many schools in Wales make gender neutral toilets available to learners for a range of reasons.*

*This can include to address behaviours that can impact health and wellbeing, for example, bullying or smoking. This flexibility of choice means that learners who do not feel comfortable in sex separate toilets are provided with a toilet that they able to use. This can be provided as a choice open to all learners. This provision can be particularly beneficial for learners who are trans, non-binary or gender questioning.*

## **Revised guidance in Scotland**

On 29 September 2025, the Scottish Government issued revised non-statutory guidance: [Supporting Transgender Pupils In Schools Guidance for Education Authorities and Schools](#). It says this has been updated “in light of the Supreme Court’s judgement in [For Women Scotland Ltd v Scottish Ministers](#)”.

[Pages 22-25](#) refer to toilets and changing rooms. confirming the position that “separate toilet facilities for boys and girls must be provided in schools” and that “as the law stands, the facilities require to be made available on the basis of biological sex.”

## 4. Safeguarding legislation and guidance

Section 175 of the [Education Act 2002](#) places responsibility for safeguarding and promoting the welfare of children who are pupils at a school with the local authority and the governing body. The Welsh Government has a range of [safeguarding guidance](#) including, [Keeping Learners Safe](#). It was issued under the 2002 Act and includes safeguarding procedures and duties under the [Social Services and Well-being \(Wales\) Act 2014](#).

The Keeping Learners Safe guidance sets out safeguarding roles and responsibilities in the education system. It does not refer specifically to changing rooms or washrooms. It does include sections on bullying and on peer-on-peer abuse and harmful sexual behaviour.

The Guidance also refers to the [Code of Professional Conduct and Practice](#) issued by the Education Workforce Council. This code specifies the standards of professional conduct and practice expected of persons registered with the EWC.

As part of its suite of safeguarding guidance for education, the Welsh Government has also issued guidance on [Peer sexual abuse, exploitation and harmful sexual behaviour](#) and [Handling allegations of abuse against teachers and other staff](#).

## 5. Curriculum, inclusion and well-being

The Welsh Government has a range of guidance on [Pupil inclusion, wellbeing and behaviour](#).

This includes:

- A [Framework on embedding a whole-school approach to emotional and mental wellbeing](#);
- Guidance on [Supporting learners with healthcare needs](#), including Physical Education;
- [Rights, respect, equality: guidance for schools](#), which refers to schools being expected to 'create an environment that promotes health and well-being (e.g. space to play and relax maximising the benefits of outdoor learning where possible, suitable toilet facilities, support healthy food and drink, ensure site security, etc.)' to achieve a whole-school approach to anti-bullying.

## Curriculum requirements

The [Curriculum and Assessment \(Wales\) Act 2021](#) includes mandatory elements for 3 to 16 year olds, including:

- relationships and sexuality education (RSE);
- religion, values and ethics (RVE).

The statutory guidance, [Curriculum for Wales: Relationships and Sexuality Education Code 2021](#), says:

*The Welsh Government committed to covering the following themes in RSE: relationships; rights and equity; sex, gender and sexuality; bodies and body image; sexual health and well-being; and violence, safety and support.*

The section on 'Empowerment, safety and respect' says:

*Learners need to develop an understanding of the social, emotional, physical and legal nature and impact of harmful behaviours, including all bullying, and LGBTQ+ based bullying, sexual violence and gender-based violence in a range of contexts, including online.*

The [Religion Values and Ethics guidance](#) includes a section on 'Awareness of self in relation to others'.

## 6. Complaints

The Welsh Government's [School complaints procedures: guidance](#) requires each school to establish and publish a procedure for dealing with complaints about the school, or about any facilities or services the governing body provides for the benefit of pupils, their families, or people who live or work in the school locality. Complaints can be made by parents/carers, pupils, members of staff, members of the local community, governors, or any other person with an interest in the school, in line with the [guidance](#).

## 7. Senedd scrutiny

There has been no specific scrutiny that has included the provision or arrangements for school changing rooms but the following may be relevant:

- In 2022, the Children, Young People and Education Committee (CYPE) published its report, [Peer on peer sexual harassment among learners](#). It looked at a wide range of issues but did not refer specifically to changing facilities. It refers to the Estyn 2021 report of [We don't tell our teachers - Experiences of peer-on-peer sexual harassment among secondary school pupils in Wales](#). Again, this looks at wider issues and does not mention changing rooms.
- In July 2024 the CYPE Committee published its report, [Do disabled children and young people have equal access to education and childcare?](#) It cites an organization's evidence saying:

*Whizz Kidz highlighted that all aspects of schools buildings, not just classrooms, but also playgrounds, bathrooms, sports and recreation facilities need to be fully accessible.*

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.