

Jane Hutt AC/AM  
Y Dirprwy Weinidog a'r Prif Chwip  
Deputy Minister and Chief Whip



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: JH-/05679/19

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3 December 2019

Dear Janet,

Thank you for your letter of 18 November requesting clarification and further information regarding the petition concerning making baby and toddler changing available in both male and female toilets (P-05-871).

The Public Health (Wales) Act 2017 provides that each Local Toilet Strategy must include an assessment of the community's need for toilets, including changing facilities for babies and changing places facilities for disabled persons. The strategy must also provide details of how the local authority proposes to meet the identified need. There is no requirement for the strategies to be presented to the Welsh Government for approval as these strategies will be subject to local authorities' existing scrutiny structures.

Local authorities are democratically accountable for their performance and it is the role of scrutiny in local government to provide effective independent challenge to the executive and drive accountability including monitoring compliance. I expect the scrutiny committees in each authority have a key role in holding their executive to account, as will their local electorate.

Local Toilet Strategies published for the first time will be the starting point rather than the finish point. We hope to see improvement over time in access to toilets, including changing facilities for babies and changing places facilities for disabled persons. The needs of local communities will also evolve over time. This ongoing process is captured in the Act through the requirement for local authorities to produce interim progress reports as well as the periodic production of updated strategies, which will give their internal scrutiny committees and their local electorates a number of opportunities to consider whether strategies are being delivered.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Welsh Government has provided statutory guidance to support local authorities in the development of their Local Toilet Strategies and local authorities must have regard to it. As well as reiterating the requirements as set out in the Act, the statutory guidance provides a range of other suggestions and advice. Officials will continue to provide ongoing support to local authorities.

To clarify the position regarding the Building Regulations 2010, Part M covers access to and use of buildings. Requirement M1 (Access and use) says reasonable provision shall be made for people to gain access to; and use the building and its facilities.

Guidance on compliance with Part M, published in Approved Document M by the Welsh Ministers, states that:

- Suitable sanitary accommodation should be available to everybody, including people of either sex with babies and small children.
- Toilet accommodation needs to be suitable, not only for disabled people, but for all people who use the building. However, wheelchair-accessible unisex toilets should not be used for baby changing.
- Separate-sex toilet washrooms above a certain size should include an enlarged WC cubicle for use by people who need extra space, e.g. parents with children and babies. Consideration should be given to installing a fold-down table, e.g. for baby changing.
- In large building developments, separate facilities for baby changing are desirable.

Approved Documents provide guidance for some of the more common building situations, however, there may well be alternative ways of achieving compliance with the requirements in the Building Regulations. Thus there is no obligation to adopt any particular solution contained in an Approved Document if it is preferred to meet the relevant requirement in some other way.

The function of determining whether building proposals meet the relevant requirements of the Building Regulations is carried out by public and private sector bodies (i.e. Local Authorities and Approved Inspectors).

Welsh Government does not specifically monitor these building control bodies' in their application of, or their requiring of compliance with, statutory guidance in Approved Documents.

*Yours sincerely,*  
*Jane*

**Jane Hutt AC/AM**

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