

Submission in response to the call for technical evidence of provision of toilets for men and women from the Ministry of Housing, Communities and Local Government.

We are a collective of diverse women who work to protect and strengthen women and girls' sex based rights in the UK. We have concluded that single sex toilets and changing rooms, in both public and private settings, are crucial to women and girls' health, safety, privacy and freedom. We give our evidence based on **both**:

- our studies and professional experience working with women and girls: in health, law, and the women's refuge and support sectors for women and girls who suffer sexual violence from men; **and**
- our personal experience as women and mothers and carers, as and for victims of sexual abuse and other violence from men.

Summary of our recommendations.

- 1. We call on the Government to recognise that toilets are essential to social inclusion and to consider the expert advice of public health professionals who specialise in toilet provision for the whole population, and experts in women and girl's health and needs in particular, as well as the personal experiences of women like us.**
- 2. We call on the Government to strengthen legislation and guidance in order to provide more, safer and more accessible toilets in both public and private settings, to meet the differing needs of the whole UK population.**
- 3. We call on the Government to recognise that lack of safe, private toilets makes women and girls unsafe and excludes us from living full lives in our society.**
- 4. We call on the Government to uphold and reaffirm the single sex exemptions in the Equality Act 2010, and to strengthen legislation and guidance in both planning and equalities law to ensure that all public and private settings provide enough single sex toilets for males and females, as well as one unisex toilet.**
- 5. We call on the Government to enforce provision of single sex toilets and changing rooms in all schools.**
- 6. We call on the Government to continue to improved toilet and changing provision for disabled people and their carers.**

Terminology

1. Traditionally and by law, most toilet provision has been separated into 'single sex' facilities, ie, separate facilities for males and females .
2. In this submission, we call facilities which have more than one cubicle and/or a closed communal sink or waiting area, which allow both male and females 'mixed sex' facilities.
3. Where there is only one toilet cubicle with no communal sink or waiting area , for example as is common for dedicated disabled toilets, or in very small establishments, we use the term 'unisex'. (We think the term 'gender neutral' is unhelpful as it is meaningless and confusing.)

Toilet facilities must include single sex toilets for females.

4. The Government must strengthen legislation and guidance in order to provide more, safer and more accessible toilets in both public and private settings, to take account of the needs of the whole UK population.
5. The Government must recognise that toilets are essential to social inclusion and to consider the expert advice of both public health professionals who specialise in toilet provision for the whole population, and of experts in women and girl's health and needs in particular.
6. The Government must uphold, affirm and strengthen both planning and equalities law to ensure that all public and private settings provide single sex toilets for men and women, as well as one unisex toilet.
7. Separate male and female toilet facilities are essential in most areas other than very small establishments, which may need only one unisex toilet.
8. It must be made clear that mixed sex toilets (sometimes called 'gender neutral') are never acceptable provision.
9. The UK public expects single sex toilets, and The Equality Act 2010 made single sex toilets explicitly lawful. [Schedule 3, Part 7, paragraph 27](#) of the Act sets out a range of the conditions under which single and separate sex exceptions can apply. This includes condition 6b: "the circumstances are such that a person of one sex might reasonably object to the presence of a person of the opposite sex."
10. Many toilet providers are ignoring or have become confused about the law, meaning that they are turning their toilets into mixed sex toilets, which discriminate against women and girls.
11. At least one unisex toilet should be available for use by anyone, especially as some people (eg. people who identify as non-binary or transgender) do not feel comfortable using a male or female only toilet.
12. Unisex changing facilities for babies and small children should be provided as an additional area and must be accessible for all parents.
13. All these facilities must be completely separate from each other, with no communal areas such as sinks or waiting areas.
14. Levels and standards for numbers of toilets to be provided in different types of buildings and locations are set out in the updated British Standard BS 6465 Part 1 Sanitary Installations.

The number of single sex female toilets needs to be increased, as well as protected.

15. Men can use toilets with urinals and cubicles.
16. Women can only use cubicles, so therefore women's toilets must have a larger facility. Women currently have to queue for a toilet longer than men. In a YouGov UK study in 2017, 59% of women reported that they regularly queued for a toilet compared to 11% of men.

Reference: Smith M. Dec 2017 <https://yougov.co.uk/topics/politics/articles-reports/2018/03/20/potty-parity-would-it-be-fairer-make-womens-toilet>

17. Women, for biological and clothing reasons, take twice as long to urinate (from entering the facility to exit it) as the average man.
Reference: Kira, Alexander (1976) *The Bathroom* Harmondsworth: Penguin and Cornell UP.
18. Women also have more need for toilet facilities than men because of their additional biological functions such as menstruation, lactation, menopause.
19. Furthermore, women in general provide a larger proportion of childcare than men so take their children into toilets with them: they need enough room in the cubicle to have younger children with them, and they need to know that older children will be safe waiting in the communal area outside the cubicle.
20. Single sex male and female toilets and unisex toilets should each have separate waiting areas and there should be a chair secured to floor to sit down on while people or their carers wait, with priority marked for those with disabilities or for mothers to breastfeed.
21. The basic ratio of male to female toilets should be 1:1 with a 2:1 ratio of female to male provision in areas where, despite equal provision, there are queues.
Reference: Greed Clara. *A Code of Practice for Public Toilets in Britain*.
https://scholar.google.co.uk/scholar?cluster=16682091874185075303&hl=en&as_sdt=2005&scioldt=0,5
22. The British Toilet Association recommends that there should be as many female cubicles as there are cubicles and urinals in male toilets. There is already legislation in some US states and Canada to address this issue.
Reference: Ratio of male to female toilets,2012 <https://northernarchitecture.us/sport-architecture/ratio-of-male-to-female-toilets.html>
23. Additionally the numbers of public toilets provided should depend on the numbers of customers expected, for example in shopping malls. Sporting venues are often particularly poor in their provision of disabled toilets.
24. The British Toilet Association recommends at least 1 cubicle per 500 women and female children and one cubicle or urinal per 1100 men. One or two unisex cubicles for people with disabilities per 10,000 population and no fewer than one unisex baby changing facility per 10000 people using the area.
Reference: *Better Public Toilets: A providers guide to the provision and management of "away from home" toilets*. Winchester: British Toilet Association
25. The United Nations – Water - Sustainability Development Goal 6 has specific requirements regarding giving special attention to the needs of women and girls in high use settings such as schools and workplaces and high-risk settings such as healthcare facilities and detention centres. The UK is obliged to follow those UN rules on toilet provision for women and girls to which we are signatory.
Reference: <https://www.unenvironment.org/explore-topics/sustainable-development-goals/why-do-sustainable-development-goals-matter/goal-6>

How to reduce the risk to women and girls from male violence and voyeurism.

26. All women and girls live their daily lives in the justified fear that males may choose to sexually assault them or otherwise commit violence against them. And a very large proportion of women and girls have experienced sexual assault or other male violence against them and carry this trauma with them every day.
27. Toilets are private, enclosed, places where women and girls are especially vulnerable to attack and where women and girls feel especially nervous, also because they are undressing. They need safety, privacy and dignity.
28. Recent research found that nearly 90% of complaints regarding changing room sexual assaults, voyeurism and harassment concerned mixed sex facilities. It may be assumed that the same abuse will apply to mixed sex toilets.
Reference: <https://www.thetimes.co.uk/article/unisex-changing-rooms-put-women-in-danger-8lwbp8kgk>
29. Lack of safe, private toilets makes women and girls unsafe and excludes them from living full lives in our society.
30. Therefore, it is essential that public toilets are provided with maximum consideration for the safety of women and those they may be caring for (children, disabled or elderly people).
31. The entrance and exits to all toilets (especially for women) should be in well-lit areas that are open to public view, not in hidden areas.
32. There should be good footpaths to the toilets and they should be surrounded by tarmac or paving on all sides.
33. They should be near where many people are so users can call for help if required.
34. Panic alarms should be provided in all toilets.
35. Toilets must be clean and hygienic, especially for women, disabled people, the elderly and children because they may need to touch and hold on to surfaces more and also may need to change sanitary and hygiene devices such as tampons and catheters/colostomy bags etc.

Toilet Provision in Schools.

36. Many schools have moved or are considering moving to mixed sex toilet provision, to the detriment of all children and especially girls. Girls feel very frightened, and many boys feel uncomfortable. Mixed sex toilet provision in schools is unlawful.
37. The Government must immediately move to enforce (and where necessary strengthen) all law and guidance regarding schools.
38. There is a particular problem currently in schools as many are beginning to construct or modify toilets areas into mixed sex toilets rather than separate girls and boys facilities. This is often done by converting the girls' toilet facilities.
Reference: <https://womansplaceuk.org/mixed-sex-toilets-ins-schools>

39. Separate toilet and washing facilities must be provided for boys and girls aged 8 years and over pursuant to Regulation 4 of the School Premises (England) 2012, which falls within the exemption provided for in Schedule 22 of the Equality Act 2010.
Reference: Equality Act 2010; Department of Education 2018 Gender Separation in Mixed Schools www.gov.uk
40. There is separate, but similar legislation for Wales The Education Regulations 1999 (School Premises) and Scotland where unisex toilets must be fully enclosed meaning they have to have their own sink and sanitary bin.
Reference: The Building (Scotland) Act 2003
41. Any unisex cubicle must be self-contained, to offer privacy and security, with walls and doors down to the floor without gaps at the bottom, as set out in the statutory buildings regulations on disabled toilet design. Converting previously single sex cubicle blocks with open spaces under the doors and side walls does not comply with this.
Reference: Buildings Regulations 2010 Vol 2: Buildings other than Dwellings
42. Single sex toilets are important in primary schools as well as secondary schools, because many girls start menstruating in primary school and therefore require the privacy and space to deal with this. Shared sink areas are therefore unacceptable
43. Girls may avoid school attendance during their period because of embarrassment. There is evidence that 49% of girls have missed an entire day of school because of their period, many of them lie to cover up the reason for their absence, 71% of girls felt embarrassed buying sanitary products and 48% of girls and young women aged 14 to 21 are embarrassed by their periods.
Reference: <https://plan-uk.org/media-centre/plan-international-uks-research-on-period-poverty-and-stigma>
44. Girls may also avoid drinking during the day to minimise the need to use unisex toilets. This may lead to infections and other urinary problems.
Reference: <https://www.eric.org.uk/school-toilet-charter>
45. Single sex spaces are also important for some religious groups and this must be considered when designing and managing toilet facilities for school children.

Size of toilets and accessibility

46. The technical details for provision of sanitary installations are published as British Standards 6465-2:2017 – Space Recommendations. Code of Practice.
47. All signage must be clear and use universally understood language and diagrams to avoid confusion, including about which facilities are for men, women or are unisex.
48. The size of cubicles should take into consideration space for accompanying children and should be large enough so that parents or carers can bring their children into a cubicle with them.
49. All toilet areas must be accessible to wheelchair users, those with other mobility issues and parents or carers with prams and buggies.

50. Toilet provision for disabled people is covered by British Standard BS 8300 which incorporates policy guidance as well as technical detail.
51. Two cubicles for disabled individuals should be provided in busy areas such as shopping malls.
52. Where there is a separate disabled toilet, this must not double as the non-disabled unisex toilet. The provision of a unisex toilet must not increase the time that disabled people have to queue to use these facilities.
53. Toilets should not be locked. This happens frequently in places such as railway stations after daytime hours.

Where should toilets be provided?

54. We refer you to Clara Greed's paper: Reference: Greed Clara. A Code of Practice for Public Toilets in Britain.
https://scholar.google.co.uk/scholar?cluster=16682091874185075303&hl=en&as_sdt=2005&sciodt=0,5

- Minimum provision should be:
 - All main public transport termini, stations and major car parks
- Central areas, all district centres and shopping malls
- All parks, sports and leisure areas
- All shopping areas, markets and fairs
- At main junctions and by post offices in suburban areas
- Out of town developments in office, industrial and retail parks
- In all villages of over 5000 population and every 3 miles along main roads • Adequate opening times and provision in relation to increased use at peak times such as on market days, in intervals in sports or late night events.

Further key policy research which supports our recommendations

55. Recognition of the inequality for women and girls caused by inadequate levels of provision for compared with facilities for males , and the need to meet the requirements of people with disabilities and an aging population, have led to a reappraisal of toilet provision and design.
Reference: Greed Clara. A Code of Practice for Public Toilets in Britain.
https://scholar.google.co.uk/scholar?cluster=16682091874185075303&hl=en&as_sdt=2005&sciodt=0,5
56. Public toilets are often seen as a problem (crime, vandalism, sexual activity, and antisocial behaviour) rather than the essential provision and societal benefit they most certainly are. They should therefore be well managed, optimally with full time attendants to maintain the facilities, help users and deter antisocial behaviour.
57. Provision of good quality, single sex toilets is crucial to social inclusion. The increasing decline in public toilet provision of all kinds is a threat to health, mobility and equality. Failure to provide public toilets has implications not just for sanitation and convenience, but also for levels of social isolation and physical activity among certain groups, through restricting their ability to go outdoors.

Reference: The Decline of the Great British Public Toilet, May 2019 Royal Society for Public Health. www.rsph.org.uk

58. Local council cuts caused one in seven public toilets to be closed between 2010-2013. Ten areas in England and Wales had no council run public toilets at all in 2016 and this had increased to thirty seven areas by 2018. This is a major concern for tourism, which is a significant income generator for the UK and for workers such as lorry and bus drivers, postal workers and tourist guides.

Reference: <https://bbc.co.uk/news/uk-36405414> and <https://bbc.co.uk/news//uk-45009337>

59. There is still a reluctance for the subject of provision of toilets to be discussed, with the common use of euphemisms such as cloakrooms, restrooms or conveniences and a House of Commons Public Enquiry in 2008 mentioning the taboo which still exists.

Reference: House of Commons Communities and Local Government Committee. The provision of public toilets October 2008

<https://publications.parliament.uk/pa/cm200708/cmselect/cmcomloc/636/636.pdf>

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