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## SERVICE UPDATE

<b><u>Name of Cluster:</u></b>	Corporate Landlord
<b><u>Date:</u></b>	20/05/25
<b><u>Title of Update:</u></b>	School Toilet Provision
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### **UPDATE:**

At the meeting of the Finance and Resources Committee on 7 May 2025, officers were requested to provide a Service Update to confirm the situation with the provision of toilets in schools, in light of the recent court rulings relating to access to single sex spaces.

Following the UK Supreme Court judgement in *For Women Scotland v The Scottish Ministers*, the Equality and Human Rights Commission (EHRC) issued [interim guidance](#) on the practical implications of the Supreme Court's judgement, including implications for the provision of toilets and changing facilities for pupils and staff in schools.

### **Pupil Facilities**

For the provision of pupil toilets in schools, the EHRC interim guidance states that:

*The law in Scotland requires schools... to provide separate toilet facilities for boys and for girls\*. Toilet cubicles are required to be partitioned and have lockable doors.*

*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.*

\*Current Scottish Government guidance for the design of early learning and childcare settings states that separate boys and girls toilets are not necessary for pre-school age children. It has therefore been assumed that the above guidance applies only to toilets for P1 pupils and above, and not to Nursery toilets. The information below does not cover Nursery toilets.

The toilet and changing room provision for pupils in all of the schools in Aberdeen City are in line with the interim guidance, and this has been confirmed by head teachers through an online survey.

In some of our more recently constructed schools which benefit from open plan cloakroom and toilet spaces, arrangements have been made for signs to be placed on toilet doors to confirm which toilets are for boys and which are for girls, to further reinforce the established arrangements and to avoid any ambiguity in light of the interim guidance. All schools also have single-person use accessible toilets, which are available for use by any pupils who identify as trans girls or trans boys.

Lochside Academy was designed with separate toilets for boys and girls on all floors. When the school opened, it was decided that the toilets would be designated as gender-neutral toilets, to provide more flexibility. However, following feedback received from pupils and parents, it was later decided to return the toilets back to single-sex use, and they have since continued to be used as single-sex toilets as per their intended design. The school also benefits from single-person use toilets throughout the building which all pupils are able to access should they wish to.

### Staff Toilets

For staff facilities in schools, the EHRC interim guidance for workplaces that are open to the public states that:

*It is compulsory to provide sufficient single-sex toilets, as well as sufficient single-sex changing and washing facilities where these facilities are needed. Where toilet, washing or changing facilities are in lockable rooms (not cubicles) which are intended for the use of one person at a time, they can be used by either women or men.*

*Trans women (biological men) should not be permitted to use the women's facilities and trans men (biological women) should not be permitted to use the men's facilities.*

All schools have appropriate facilities in place for staff use which are in line with the interim guidance, through the provision of separate male and female toilets, and/or single-person use facilities within lockable rooms which can be used by either male or female staff members or visitors.