

The inclusion of guidance on developing policies for separate and single-sex services is welcome, as it acknowledges the importance of transparency and consistency in service provision. However, the guidance introduces ambiguity in key areas, particularly around exceptions to single-sex services and the balancing of competing interests. While flexibility in certain circumstances is reasonable, the guidance must ensure that exceptions do not undermine the fundamental purpose of single-sex spaces, which is often to provide safety, privacy, and dignity for women based on biological sex.

13.4.1 – Policies for Separate and Single-Sex Services Service providers to develop clear policies on separate or single-sex services is sensible, as it promotes transparency and helps manage expectations for all users. However, the guidance should explicitly state that policies must prioritise the primary purpose of single-sex services, which is often to protect the safety, privacy, and dignity of women based on their biological sex. Without this emphasis, policies risk becoming vague or overly flexible, potentially eroding the protections that single-sex spaces are designed to provide. Add a clause to 13.4.1 emphasising that policies should explicitly prioritise the purpose of single-sex services (e.g., safeguarding women’s safety and privacy) and be grounded in the legal framework of the Equality Act 2010, which permits single-sex services where they are a proportionate means of achieving a legitimate aim.

13.4.2 – This paragraph introduces significant uncertainty by stating that “it is not certain” whether exceptions allowing opposite-sex access to single-sex services are permissible. This ambiguity risks undermining the confidence of service providers and users in maintaining single-sex spaces. The guidance should clarify that any exceptions must be strictly limited, objectively justified, and consistent with the Equality Act’s provisions for single-sex services (Schedule 3, Part 7). Exceptions should not dilute the core aim of protecting women’s safety and privacy based on biological sex. The suggestion that exceptions may be permissible if they “add necessary flexibility” or “contribute towards achieving the aim” is vague and open to misinterpretation. Without clear boundaries, service providers may face pressure to allow exceptions that compromise the single-sex nature of the service, potentially exposing women to increased risks. Replace the ambiguous language in 13.4.2 with a clear statement that exceptions are only permissible where they are strictly necessary, objectively justified, and do not undermine the single-sex nature of the service. Provide examples of what constitutes “necessary flexibility” to avoid subjective interpretation.

13.4.3 – Example of Male Child in Women’s Changing Room The example of allowing a male child under ten into a women’s changing room is reasonable, as it

balances practical needs (enabling mothers to use facilities) with minimal risk to the service's aim of safeguarding women's safety. The example should explicitly state that the age threshold is based on evidence that young boys are unlikely to pose a safety risk, and service providers should not extend this exception to older males without rigorous justification. Add a caution that exceptions must not set a precedent for broader opposite-sex access.

13.4.4 – This paragraph rightly emphasises the need to maintain the single-sex nature of services while considering alternative accommodations. However, the term "fair balance" is subjective and risks prioritising the demands of individuals seeking opposite-sex access over the collective rights of women to safe, single-sex spaces. The guidance should explicitly state that the primary consideration is the safety, privacy, and dignity of the group for whom the single-sex service is designed (e.g., women). Amend 13.4.4 to clarify that any "fair balance" must prioritise the rights of women to safe and private single-sex spaces, as protected under the Equality Act. Emphasise that accommodations for opposite-sex individuals should not compromise the core purpose of the service.

13.4.5–13.4.6 – The suggestion to offer separate services for individuals who do not qualify for a single-sex service (e.g., a men's water aerobics session) is a practical solution that preserves the integrity of single-sex spaces. This approach aligns with the Equality Act's provisions and should be encouraged as the primary means of accommodating diverse needs without undermining women's rights. Reinforce 13.4.5–13.4.6 by stating that offering separate services is the preferred approach to accommodate opposite-sex individuals, as it ensures that single-sex services remain intact. Provide additional examples, such as separate support groups or facilities, to illustrate practical implementation.

13.4.7 – The suggestion to adapt services, such as providing individual lockable toilets, is reasonable in some contexts but risks undermining single-sex provisions if applied broadly. For example, converting all single-sex toilets to unisex facilities could reduce access to safe spaces for women, particularly in high-risk settings like shelters, schools, leisure centres or prisons. The guidance should caution that such adaptations must not replace single-sex provisions entirely and should only be implemented where they do not compromise women's safety or access. This also aligns with other legislation; The Workplace (Health, Safety and Welfare) Regulations 1992 requires that separate facilities are provided for men and women unless each is in a separate, lockable room. Clarify in 13.4.7 that adaptations like unisex facilities should be supplementary to, not a replacement for, single-sex services. Emphasise that such measures must be assessed for their impact on women's safety

and access, particularly in sensitive settings. 13.4.8 – Constraints on Offering Alternatives This paragraph appropriately acknowledges that offering alternative arrangements may not always be feasible due to practical or financial constraints. However, it should go further by explicitly stating that service providers are not obligated to provide alternatives if doing so undermines the single-sex nature of the service or disproportionately impacts women’s rights. The reference to paragraph 13.3.19 is helpful, but the guidance should reiterate that the primary duty is to maintain the integrity of single-sex services. Cross-reference the Equality Act’s provisions for single-sex exceptions to reinforce this point