

# **RYA**

## **Guidance:**

### **Changing Rooms**

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## Introduction

This guidance has been produced in response to club / recognised training centres and class associations (hereinafter referred to as organisations) seeking advice about the safe use of changing rooms / and toilet areas (hereinafter referred to as changing facilities). These include

- Adults who may feel uncomfortable about sharing a changing room with children and young people
- Children and young people who may feel uncomfortable about sharing a changing room with adults.
- Organisations and venues that are unclear about the level of supervision they should be providing
- Concerns raised about unaccompanied children using the facilities
- Use of gendered changing rooms by transgender or transitioning children or adults
- Changing rooms and toilet areas being used by children and young people for an event, but which can still be accessed by members of the public
- Use of photography, smart phones in changing rooms and showers

***The term 'children' is used to describe any person under the age of 18 years.***

***The term 'adult at risk' is used to describe any person over the age of 18 years with additional vulnerability.***

Organisations with responsibility to children and adults at risk have a general duty of care towards them. However, there are no specific legal requirements regarding the use of changing facilities.

This guidance is intended to help support organisations in considering the issues surrounding changing facilities and to help them develop and implement policies and procedures that contribute to a safe environment and culture.

## Type of Facility and Supervision

A point that should be considered when looking at creating a safe use policy for changing facilities is how the venue operates. For example, is the venue solely used by members or is it open to members of the public. It is recommended that all organisations have a Safeguarding Policy and procedure which sets out the process for reporting any concerns, this should be made available to everyone, and staff and volunteers should be asked to familiarise themselves with the details.

Changing facility areas should, where possible, be designed to allow both adults and children to shower and dress in reasonable privacy. Adults often feel uncomfortable either showering and changing in front of children and vice versa. It is important that staff and volunteers try to balance the needs of adults and children with the right to privacy and manage supervision where necessary. Supervision may be necessary: -

- Children are too young to be left alone to change by themselves

- Organisations may have a policy that children under the age of 8 years old must be accompanied by an adult whilst using the changing facilities
- Children or adults with disabilities may require additional help and support to assist them in the changing facilities
- It may be necessary to manage bullying, fighting or other harmful behaviours that could be taking place in changing facilities.
- There may be concerns about the risk of photographs being taken in changing facilities. The use of mobile phones and/or electronic equipment with photography/video recording capabilities by staff, volunteers, and children themselves should be prohibited in general and should not be used under any circumstance in changing facilities.

As a minimum there should be separate male and female changing rooms and unisex disabled changing facilities. If there is an opportunity to redevelop or refurbish changing facilities, organisations should endeavour to provide at least one flexible changing room that can be used by someone with a disability, a family, or anyone who does not wish to change in front of others.

## Who Should Supervise?

If it is decided that children or young people need the supervision of staff and volunteers, you should consider who would be best placed to carry this out. This role will provide access to children and adults at risk or with increased vulnerability. Therefore, consideration should be given to ensure that those undertaking this role have been assessed as suitable to do so. Such considerations include:

- It is good practice to ensure that children are supervised by staff or volunteers of the same gender while changing
- You may have to consider agreed timings for groups of adults or children to use the changing facilities so that the risk associated to any extended contact between adults and children in this area is minimised
- If it is essential, in an emergency, for a male to enter a female changing area or vice versa, it is advised that they are accompanied by another adult of the opposite sex.
- It is important to carry out safe recruitment practices such as: - criminal record checks, self-declaration, references, clear role descriptions and code of conduct,

## Parents' (or carers') responsibilities

Parents and carers have a responsibility to ensure that their children are appropriately supervised while they are using an organisation's facilities. It is parents'/carers' responsibility to judge whether it is safe and appropriate to allow their unaccompanied child to visit a venue. This judgement should be based on:

- the child's general developmental maturity
- the child's awareness of the potential risks
- the level of supervision and care provided within the facility

Parents/carers may wrongly assume that staff or volunteers will take responsibility for their children within a venue, or within specific areas such as changing facilities. Parents/carers should therefore be informed about the facility's expectations over supervision of their children, including the use of changing facilities. Parents/carers should clarify these points before they let their children go to a facility alone.

## **Photography in changing rooms and showers**

An increasing number of incidents involving inappropriate or illegal photography of children and adults in changing facilities of many sports and leisure facilities are being reported.

### What are the risks?

Some incidents clearly involve an individual with bad intent deliberately targeting a vulnerable child or adult to take and misuse images. These images may be uploaded to social media or shared with other likeminded individuals or groups motivated by sexual interest.

Occasionally, these images are also used to threaten and force the child or adult into unwanted, illegal sexual activity.

### Upskirting

Although not specific to changing facilities, it can be a risk in such settings and is a distressing violation of privacy. Upskirting occurs where someone takes a picture under a person's clothing without their permission and or knowledge. This is a criminal offence in England and Wales.

Taking and sharing images like this may form part of wider bullying of the targeted person by other people, motivated more by a wish to cause humiliation and embarrassment.

Even in the context of a shared joke among friends, without abusive intent, a person taking and sharing inappropriate images may be committing a serious offence and risk criminal prosecution.

### Minimising the risks

Many organisations and venues have put in place policies and procedures to reduce the likelihood of such incidents taking place. These almost always include imposing a ban on photography of any form in these areas of the facility (regardless of rules that apply in other areas). The ban should include all users, regardless of whether they are a participant, spectator, guest, staff, volunteer, member of the public etc.

It can be difficult to identify whether someone using a mobile phone is taking photos or videoing their environment. To further deter photography in changing facilities, some organisations have banned the use of mobiles and other equipment capable of taking images altogether from these areas.

It is important that all users, staff, and volunteers within the facility understand the organisation's policy on photography, such policies can be communicated through clear signage and posters.

### Responding to concerns

Everyone should be made aware of what they should do if they have concerns about the behaviour of any other person in this context.

If anyone is suspected of taking images of children or adults in a state of undress, the venue manager or safeguarding lead should be informed immediately, and the police should be consulted.

To report a concern, you can contact the Safeguarding Team using the details below:

**Email:** [safeguarding@rya.org.uk](mailto:safeguarding@rya.org.uk)

**Referral Form:** <https://rya.vissro.com/rya/forms.nsf/concern>

### **Telephone:**

Andrea Gates      02380 604226

Amy Lowbridge      02380 604231

Katie Loucaides      02380 604104

## **Inclusion for people who are Trans and Non-binary**

People who are trans or non-binary should be supported to use the changing facilities of their choice – this includes the option to use the facilities of their preferred gender or private facilities.

*It is important to note that just because private facilities are available, a person who is trans or non-binary should not be expected or forced to use it, they may wish to make this decision themselves, but equally may not.*

People who are not trans or non-binary should also be provided with a safe space to express concerns, be supported to accept people who are trans or non-binary and also be allowed access to private facilities.

### Factors to consider:

- The preference of the person who is trans or non-binary.
- Potential instances of bullying and discriminatory behaviour towards people who are trans or non-binary and the likelihood of embarrassment.  
*Dignity and privacy should always be taken into consideration.*
- Provide opportunities for others to understand how to become allies of people who are trans or non-binary, with the aim to expel myths, prejudices and discrimination through training opportunities and signposting to guidance.

- Accept and respect the person who is trans or non-binary as they wish to identify. They do not have to present a Gender Recognition Certificate; they also do not need to tell you how they identify with their gender.
- Avoid making assumptions about any person's gender identity or relation to sexuality.
- Provide support for people who are not trans or non-binary people.

*For examples of FAQs in relation to gender identity and changing facilities and toilets, please visit page 8 of the document [Equality Act 2010: What do I need to know? \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/444444/equality-act-2010-what-do-i-need-to-know.pdf)*

### [Can a trans or non-binary person be excluded from changing facilities and toilets?](#)

A person who is trans or non-binary *should not* be excluded from changing facilities *unless* such conduct is a proportionate means of achieving a legitimate aim<sup>1</sup>. When considering how a service is provided to trans people, a service provider must balance the impact on all service users.

If you are unsure as to whether you are achieving a legitimate reason or aim, please get in touch and we will be able to provide you with assistance:

**Email:** [Equality@rya.org.uk](mailto:Equality@rya.org.uk)

**Telephone:** 02380 60 4249

Where *any* person, regardless of their gender identity, does not feel comfortable using the facilities for any reason (*for example having previously been a victim of physical violence*), they should be supported to use private or separate facilities wherever possible.

*If you find that you are being challenged about your organisation being inclusive towards people who are trans and non-binary, please seek support from the RYA Equality, Diversity and Inclusion team on the details above.*

There may be instances where a child or young person has previously encountered trauma with a person of the opposite sex. In which case, in considering the safety and protection of the child or young person you may suggest that they use a private provision (if available), as opposed to automatically seeking to exclude a person who is trans or non-binary.

*It is important to note that although some trans women who have transitioned from previously being male may still have male anatomy, this does not mean that trans women are men.*

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<sup>1</sup> Examples of proportionate means of achieving a legitimate aim can be found in the [Guide on the Equality Act sex and gender reassignment exceptions - equalityhumanrights.com](https://www.equalityhumanrights.com/en/equality-act/guide-to-the-equality-act-2010-sex-and-gender-reassignment-exceptions)

## Concerns

If you experience a situation where your users feel uncomfortable sharing a facility with somebody, they know is trans or non-binary, you should seek to listen to the concerns raised. You should have separate conversations with the person who is trans or non-binary and the party who has raised the concern to ensure all points of view are considered, that any myths and prejudice are expelled, and *all* parties are supported to feel safe and comfortable.

This may mean that the person who raises the concern is supported to use a private facility or separate facility and is supported to better understand what it means to be trans or non-binary. The person who is trans or non-binary might be more comfortable using private facilities and they should also be supported to use alternative provisions. It is generally better to make any the options available to all users, rather than just people who are trans or non-binary users.

*Decisions to exclude a person who is trans or non-binary must not be based on prejudice or ignorance, they may only be based on a proportionate means of achieving a legitimate aim.*

In considering the provision of alternative facilities, your organisation should be aware that it has a duty to consider making *reasonable adjustments*. Whether it is indeed reasonable to alter the accommodation will depend upon the nature of the organisation and the cost of making such adjustments.

## Refurbishing facilities

Any plans to refurbish or modernise changing facilities should aim to include gender-neutral, family and accessible facilities to provide greater flexibility and privacy. This will also benefit, for example, a father whose young daughter needs assistance with dressing, or a disabled person who is male with a carer who is female.

You may want to consider redesigning facilities to ensure that there are private cubicles for showering, toileting and changing. However, it is understandable that this can become costly. In light of this, you could consider the adaptations that you can make within the limitations of your current infrastructure and budget. This could include something as simple as putting up curtains or dividers.

## *Funding*

Understandably, making any changes can be costly and time consuming, below are a few charities and organisations who may be able to provide bursary support.

**RYA Funding Finder Tool** [Funding opportunities \(rya.org.uk\)](https://rya.org.uk)  
[Home | Funding Finder \(idoxopen4community.co.uk\)](https://idoxopen4community.co.uk)

**Sport Scotland** [Sport Facilities Fund \(sportscotland.org.uk\)](https://sportscotland.org.uk)

**Sport England** Compilation of different funds:  
[Our funds | Sport England](https://sportscotland.org.uk)  
Advice for generating funding:  
[Other ways to generate funding | Sport England](https://sportscotland.org.uk)  
Strategic Facilities Fund (ending March 2023)  
[Strategic Facilities Fund | Sport England](https://sportscotland.org.uk)



**Sport Northern Ireland**

[Funding and Support | Sport NI](#)

**Sport Cymru Wales**

[All funds and grants | Sport Wales](#)

**Search “bursaries and grants” on your local borough council website**

[Find your local council - GOV.UK \(www.gov.uk\)](#)