

Governor Safeguarding Briefing on Schools, Sex and Safeguarding

What Governors Need to Know (2026)

About this guide

This short guide is for school governors in England.

It explains:

- what the law says about sex
- what schools must do about toilets, changing rooms and showers
- how to respond when a child expresses gender distress
- what governors should check now

The aim is simple:

lawful practice, clear records, and safety for every child

This guidance reflects:

- the Cass Review
- recent UK case law, including *For Women Scotland v Scottish Ministers*
- statutory safeguarding expectations under Keeping Children Safe in Education

1. What the law says about sex

The Equality Act 2010 protects people from unfair treatment.

In law, **sex means male or female**.

A child may say they are a different gender.

This does not change the child's sex in law.

This matters because schools must consider:

- safeguarding
- privacy
- dignity
- fairness

2. What schools must do about facilities

Schools must provide:

- separate toilets for boys and girls from age 8
- suitable changing facilities for boys and girls aged 11+

Children should not be required to undress in front of the opposite sex.

Single-sex provision should operate:

- **in practice**, not just on paper

Governors should check:

- toilets are separated by sex
- changing facilities are separated by sex
- privacy is ensured for pupils aged 11+
- a single-user option exists where needed

3. What single-sex means in practice

- Girls' facilities are for female pupils
- Boys' facilities are for male pupils

Where a child needs additional privacy, schools should provide:

- a **separate single-user space**

4. Supporting a distressed child

Schools should:

- treat every child with kindness and respect
- prioritise safeguarding
- involve parents in almost all cases
- keep clear written records

There is **no general duty** to socially transition a child.

5. Social transition: a safeguarding issue

Social transition may include:

- a new name or pronouns
- opposite-sex presentation

- access to opposite-sex spaces

The Cass Review found:

Social transition is **not a neutral act**

It may have:

- developmental implications
- safeguarding consequences

Governors should ensure schools do not:

- drift into life-changing decisions
- act without evidence, records, or oversight

6. What good practice looks like

- Kindness and respect
- Safeguarding-led decision making
- Parental involvement
- Clear written records
- No automatic or informal social transition

7. What governors must check now

Governors should ask:

- Do we have genuinely single-sex toilets and changing rooms?
- Have any informal exceptions been allowed?
- Is there a single-user alternative where needed?
- Are parents involved (except in exceptional safeguarding cases)?
- Are staff keeping proper records?
- Has the legal basis for policy been checked?
- **Are safeguarding risks formally recorded in a risk register and reviewed?**

8. Governance responsibility

Safeguarding is a **non-delegable duty**.

Governors must ensure:

- risks are identified

- risks are recorded
- risks are actively managed

A school should be:

lawful

safe

fair

properly recorded

properly governed

9. Why this matters for governors

Governing bodies are responsible for ensuring that safeguarding arrangements are not only in place but effective in practice.

Where foreseeable safeguarding or legal risks are:

- not identified,
- not formally discussed,
- not recorded,
- or not reviewed,

questions may later arise about whether governors exercised reasonable care, skill, and oversight in the discharge of their statutory duties.

Reliance on local authority guidance does not remove a governing body's independent legal responsibilities.

Final note

Being respectful does not remove the need to consider sex where it is relevant to safeguarding, privacy, and fairness.

Sources (plain language summary)

- Equality Act 2010
- School Premises Regulations
- Keeping Children Safe in Education
- Cass Review
- Academy Trust Governance guidance

END