

Bathroom breaks

Allowing students to use toilets during lessons



Briefing paper
By Jasneet Samrai, March 3rd, 2020

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Jasneet coordinates our team and helps to set the policy direction for the Centre. They currently work at the Royal College of Physicians and previously worked at Breast Cancer Now, Oxfam, and as a campaign organiser helping to elect 3 MEPs.

About Centre

We are an independent non-profit foundation and cross-party think tank. Our mission is to rebuild the centre ground and to create a more centrist and moderate politics. We support better public services and a strong economy inspired by policies from the Nordic countries.

To achieve these goals, we work with people from across the UK and party politics. This includes engaging with politicians and our networks, which include academia, politics, and law.

Our work includes creating new conversations by hosting events and conducting interviews. We also produce new policy ideas to better inform debate, publish papers, and release articles. We aim to build consensus, shape public opinion, and work with policymakers to change policy.

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Foreword from Monica Lennon MSP

It's hard to believe that children and young people are still experiencing the archaic practice of being banned from going to the toilet at school. The health, well-being, and dignity of pupils should be a priority for all education staff, and limiting access to toilets puts that at risk. All schools must have a good understanding of pupils' health needs, including those who are menstruating or have bowel or bladder conditions.

During the consultation phase for the Period Products Act, I heard from many adults who carried the shame and humiliation of incidents in which they were prevented from going to the toilet at school. That this can still happen in schools across the country today is unacceptable. What good is it having access to free period products for all who need them when they are being prevented from even visiting the bathroom in the first place? Menstrual bleeding does not magically turn itself off when you are sitting in class.

Forcing young people to ask for permission to use the toilet or reducing the availability of toilets are misguided and old-fashioned approaches and must be stopped without delay.

Some of the most enthusiastic supporters of the period dignity campaign in Scotland are teachers, school staff, and others working with young people. They championed inclusive policies for girls, women, and people who menstruate, and I thank them for raising their voices and giving their students the courage to speak out.

Bathroom Breaks is a timely call to action. It's time to flush away bad practice and make sure that all young people have access to school toilets when they need it.



Scottish Labour and Co-operative
Member of the Scottish Parliament
for Central Scotland.



Endorsements



Collette Stevenson MSP

Collette is the SNP Member of the Scottish Parliament for East Kilbride.

Collette Stevenson



Paul Sweeney MSP

Paul is the Labour and Co-operative Party Member of the Scottish Parliament for the Glasgow Region. He was previously the Member of the Scottish Parliament for Glasgow North East.

Paul Sweeney



Baroness Clark MSP

Katy is the Scottish Parliament Member for the West Scotland region. She is also a former Member of Parliament and a former Member of House of Lords.

Katy Clark

Summary



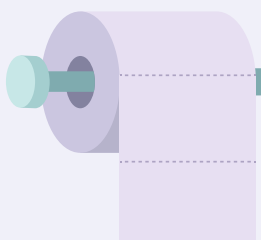
At the moment, teachers have the power to stop students from going to the toilet. If this power is abused, it can hurt students, and there are multiple high-profile instances of this happening.



There are currently huge issues with access to toilets in schools. "Almost 70% of UK girls are not allowed to go to the toilet during school lesson times."¹



Both full bans on students going to the toilets and common-sense policies, where it's up to teachers to let students go to the toilet, have ended with some students bleeding through their clothes.



We propose new rules that mean teachers have to let students go to the toilet if they ask and a new Ofsted complaints system so students can raise complaints about teachers if needed.



These changes need to take place across the UK. This would involve English and devolved statutory guidance or curricula to ensure students have access to bathroom breaks.

Introduction

Being able to use the toilet is a basic necessity and is something many of us take for granted; it's only when this is taken away that it becomes clear how important it is. This is even more the case for young people in school who need to follow school rules and often have no say in them.

This is not something we expect to need to deal with within the UK, and it's why this paper has been written: to explain an issue that isn't spoken about enough and to propose solutions that will allow students to use bathrooms during lessons.

Chapter one

The issue in brief



This campaign exists because some students across the UK are being forced to remain in classrooms when they need to go to the toilet. This is most important for those students with bladder issues and who are on their period, as it prevents them from suffering incontinence or bleeding through their clothes. Often, these failures come from a false assumption that students can either hold in their urine or have regular and predictable periods. These two facts are not always true for everyone. Therefore, these failures in the system disproportionately target those who are undergoing medical matters or periods in the classroom.

Chapter two

Evidence of the issue



Listed below is some evidence of this issue and some incidents that have taken place across the country due to students not being allowed to access the toilet during lessons:

1. In 2017, Bedale High School in North Yorkshire restricted access to the school toilets to break times only. This resulted in a mass protest of over 40 students and resulted in the police being called².
2. In September 2018, an 11-year-old girl who attended Hastings Academy in East Sussex was made to sit through a lesson in blood-soaked clothing as she didn't have a medical note. This led to her feeling frightened and distressed. It is also reported that members of the school staff also asked whether there were medical steps that were being taken to lighten her flow³.
3. In January 2019, it was reported that an 11-year-old who attended Cotham School in Bristol was denied from going to the toilet during lessons and therefore bled through her light blue jeans. Upon complaining, the school assured the pupil that it would not happen again, but it did. The second incident was the result of a male teacher saying that the pupil could not leave the classroom and go to the toilet. If she did, she would be punished by being put in the SL classroom. The pupil said that this left her not wanting to come to school⁴.
4. In July 2019, it was reported that Maisie-Rae Adams was told to "control her period" by a member of staff at Rednock School in Dursley, Gloucester. This led to her storming out of class and facing detention as punishment. This is despite her family having a history of endometriosis⁵.
5. In November 2019, Wales Online reported St Julian's School in Newport had banned pupils from going to the toilet during lesson time⁶.
6. In February 2020, it was reported that Wyre School in Blackpool had installed shutters over the bathroom doors and kept them locked during lesson time. This meant that students had to wait to use them until the break and reportedly fuelled anxiety among the student population⁷.
7. Marine Academy Plymouth stopped students from using the toilets during lesson time, causing multiple students to experience problems. The students could, however, use the loo if they had a £22 doctor's note⁸.
8. This issue was also the feature of a Channel 5 news probe, which found that children are being denied access to the toilet within schools.
9. Students not having access to the toilet during lessons is something that they are talking about on public forums. This can be seen on the Student Room, which is a website that students often use to communicate with each other regarding educational content and procedures^{9 10}.
10. This issue has also been discussed by parents on the UK-based parenting forum 'Mumsnet', which has over 1000 responses to this topic¹¹.
11. Plan International UK has found that 49% of girls have missed at least an entire day of school due to being on their period and that 70% of girls have been banned from going to the toilet during lessons¹².

Chapter three

Why current procedures are failing



Different schools have slightly different procedures over this issue (as it is up to the school to write and implement their policy), yet there are three main types. These are:

- A blanket ban system - where students are not allowed to go to the toilet during lessons at all unless a medical note is supplied.
- A 'common sense' based approach - where students are allowed to go to the toilet at the discretion of a teacher.
- No restrictions at all - where students can either get up and go to the bathroom without permission or tell the teacher that they are going to and then leave without restriction.

Part of the issue with the current system is that students' ability to access toilets varies across different schools, with there being no statutory requirements/guidance on this issue that schools have to follow. This means that some students across the U.K. are being denied access to toilets during lessons, meaning that their rights are being violated.

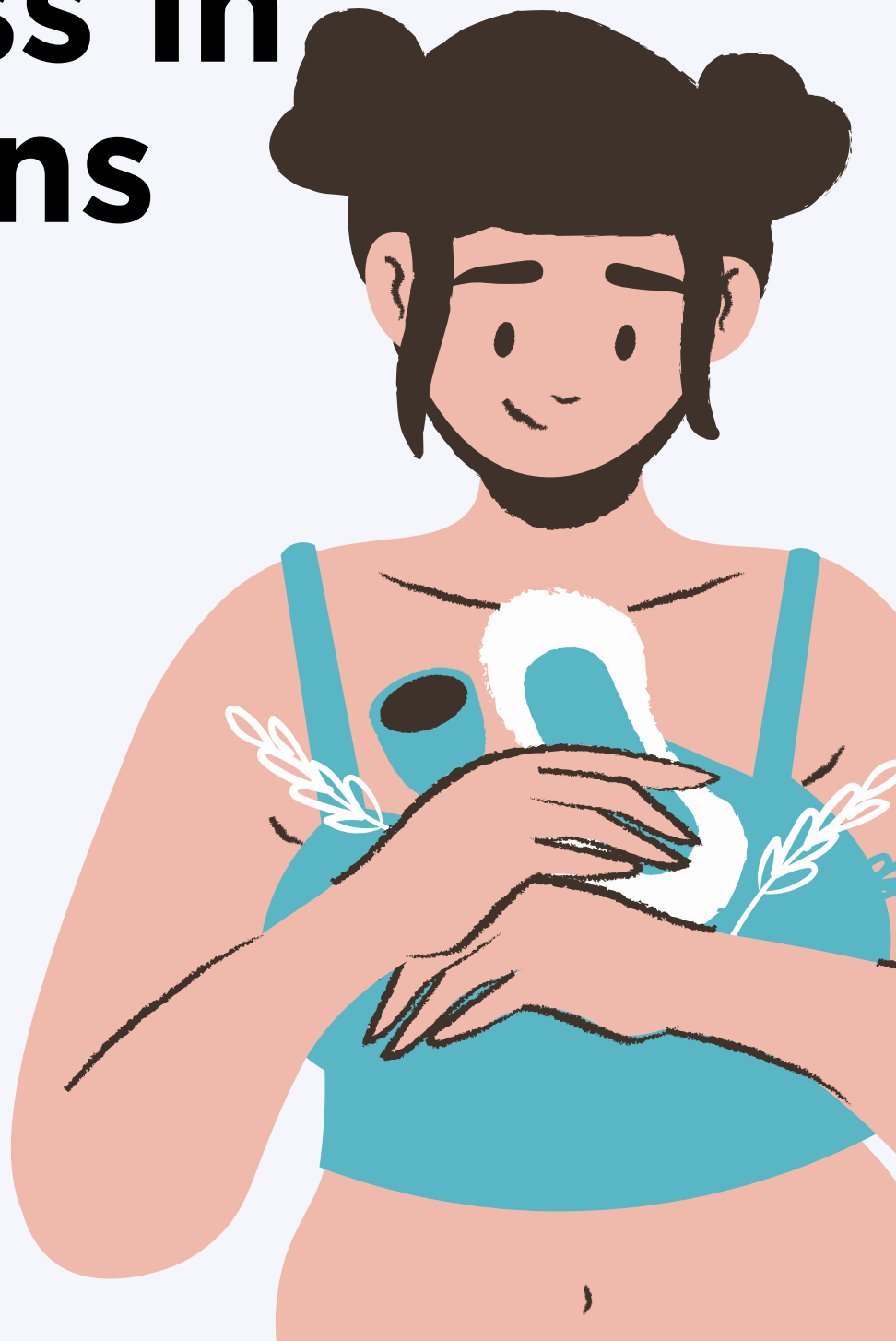
Both blanket ban systems and a 'common sense' based approach can have major consequences for students in the classroom. Blanket bans stop pupils from going to the toilet at all during lessons, meaning that students lose their right over their own bodies. This can result in physical pain, incontinence, or, if on their period, bleeding through their clothes. This can be traumatic and embarrassing for students, who may get bullied or experience medical issues as a result. The medical and emotional consequences of such policies are further explained later in this paper. Whilst these systems protect students with medical needs who are issued with a pass, the need to access the toilet is often unpredictable and not covered by such arrangements.

The 'common sense' based approach is also a flawed one, with toilet access only being granted by a teacher. Within this dynamic, it is clear that the teacher holds the power, having the ability to grant or deny a child's ability to go to the bathroom, which we believe should be a right. Often, a child instead has to disclose personal information as to why they have to go, either that they are about to suffer incontinence or that they are on their period. Both of these are a violation of students' privacy. This approach also relies on teachers trusting that the student's needs are urgent, with them still having the ability to deny access to the toilet.

Having no restrictions at all for students is the approach that we aim to implement across all schools with this policy paper.

Chapter four

Why pupils need toilet access in lessons



Students need access to toilet facilities during lessons for several period-related and medical conditions. There are also other medical conditions that students may suffer from that result in them needing to go to the bathroom during lessons.

Periods

Due to the unpredictable nature of periods, children must have access to toilets. Often, especially in young people during puberty, it can be difficult to predict their timing. Other medical conditions, such as Polycystic Ovary Syndrome, which is estimated to affect 1 in 5 women in the UK, can also cause irregular periods.

The flow experienced by different women also varies, meaning that it can be so heavy that it results in students bleeding through their clothes. This is often the result of other medical conditions, such as endometriosis.

The pandemic, the cost of living crisis, and period poverty

The pandemic and the cost-of-living crisis have made the issue of period poverty and bathroom breaks worse for students. "Bloody Good Period has seen a 78% increase in demand for period products during the first quarter of 2022," which it gives to those who aren't able to access period products themselves. With students now back at school, the number of students likely to need the toilets due to not having period products will increase.

Urinary incontinence

There are a number of urinary problems that may lead to students needing access to the toilet during lessons, all of which will lead to incontinence. There are three main types of incontinence that affect students within schools, each with different causes. These are listed below.

- Stress incontinence.
- Urge incontinence.
- Overflow incontinence.

Stress incontinence occurs when the pressure inside the bladder becomes larger than the strength of the urethra to stay closed. Any extra sudden pressure can lead to extra pressure being put on these muscles, such as something as trivial as sneezing. Obesity may also lead to more pressure being put on these muscles than normal, or damage to the pelvic floor. Problems with these muscles may also be caused by some neurological issues, or the muscles themselves may be weakened due to some medications that students may be taking.

Urge incontinence occurs when people feel the need to pee frequently, caused by their detrusor muscles (which are in the walls of the bladder) contracting too often. This can be caused by not drinking enough water, constipation or having a urinary tract infection. It is also a sudden urgent desire to pass urine meaning you are not able to put off going to the toilet.

Overflow incontinence is suffered if there is or has been a blockage affecting your bladder and results in people being unable to empty their bladder completely, even when they try. This may be caused by small bladder stones or constipation. Taking certain medications can also lead to it.

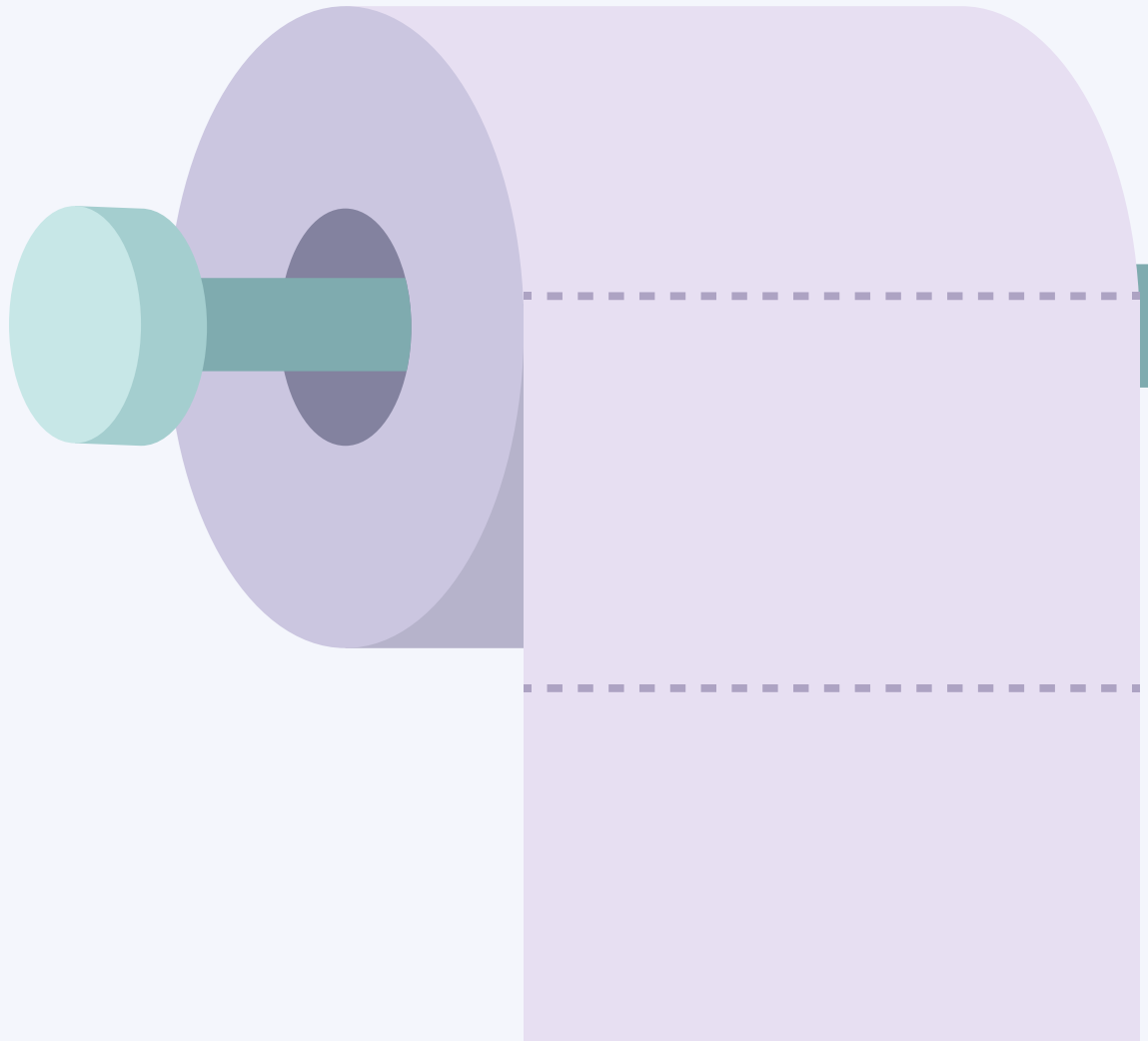
Moreover, there are other causes of incontinence. Some common medications also affect the normal process of storing and passing urine. These include diuretics (which are used to help treat some kidney conditions) and antidepressants¹⁷. Students with conditions such as diabetes are also likely to need the toilet more¹⁸.

Inflammatory Bowel Disease

It is predicted that nearly 700,000 people in the UK are also suffering from inflammatory bowel disease. The two most common are colitis and Crohn's disease. Children suffering from these or other bowel-related conditions would require access to the toilet more regularly as these conditions result in an increased amount of bowel movements¹⁹.

Chapter five

Existing guidance



Overall, there is little guidance on allowing students to go to the bathroom in the UK.

The Department for Education said, "...we do not instruct schools and colleges on bathroom breaks or keeping toilets open. This is because school leaders have autonomy in how they run and operate schools. We would expect them to have arrangements in place to allow learners to use facilities when they need them, protecting their dignity."

In Northern Ireland, the Additional Educational Needs Team within the Department of Education for Northern Ireland confirmed that "The Department has not published guidance, statutory or non-statutory, on the use of toilets during lessons. As part of their pastoral care responsibilities, the Board of Governors and Principals in schools have a duty of care to provide restroom facilities for their pupils. The management and availability of these facilities is an operational responsibility for the school management."

We also received a response from the Scottish government: "The Scottish Government does not set policy with regards to the use of toilets in Scottish schools. It is education authorities and schools who are responsible for these matters, therefore there is no national guidance on this specific matter. The Scottish Government would expect that school staff would take account of the needs and circumstances of all children and young people in attendance with regards to any requests to use the toilet facilities during class time."

That said, the Scottish Government has published national guidance on supporting children and young people with healthcare needs in schools, which is available through the following web link: Supporting documents - Supporting children and young people with healthcare needs in schools: guidance - gov.scot (www.gov.scot).

This recognises that some young people may have health conditions which require individual planning and support and that some young people may require intimate care. The guidance is clear that where a young person has a medical condition which requires additional support for their well-being, then an individual plan should be established for that young person's needs. This may, for example, include arrangements for using the bathroom with support or using toilet facilities during class time.

In Wales, guidance does exist although it is not mandatory. This guidance is in the “School toilets: Good practice guidance for schools in Wales”²⁰.

This guidance also contains responses to a Welsh Government survey, a section of this is reprinted below:

Have you come across the following problems in your school toilets?		
Not allowed to use the toilet when you need to	Often	31% (545)
	Sometimes	41% (726)
	Never	25% (451)
	Not identified	3% (64)

This guidance is ineffective as some schools within Wales are still not letting their children access the toilet during lessons. Some schools have used this guidance to produce their guidance on the issue, such as Llangors Church in Wales Primary School, which created guidance that follows the Welsh Government guidance. However, the issues seen by St Julian’s School in Newport, as shown in our examples section, show this guidance has not stopped students from using the toilets when needed.

Chapter six

Other proposed solutions



The use of 'medical notes'

Medical notes are a system that some schools currently use, allowing only students with medical reasons to go to the bathroom. However, as discussed previously in the paper, medical conditions are not the sole cause of urinary incontinence. Moreover, not allowing students to access the toilet, even without a medical condition, can still have negative consequences and lead to ill health. Holding urine can expose the body to harmful bacteria, which increases the risk of getting a urinary tract infection.

Moreover, medical notes themselves often cost money, which would disadvantage those from poorer backgrounds.

Previous legislation being put forward

Member of Parliament Layla Moran is currently putting forward the below motion to Parliament:

School Toilets (Access During Lessons) Bill

"A Bill to require the Secretary of State to publish guidance for state-funded schools on allowing pupil access to toilets during lessons; and for connected purposes."

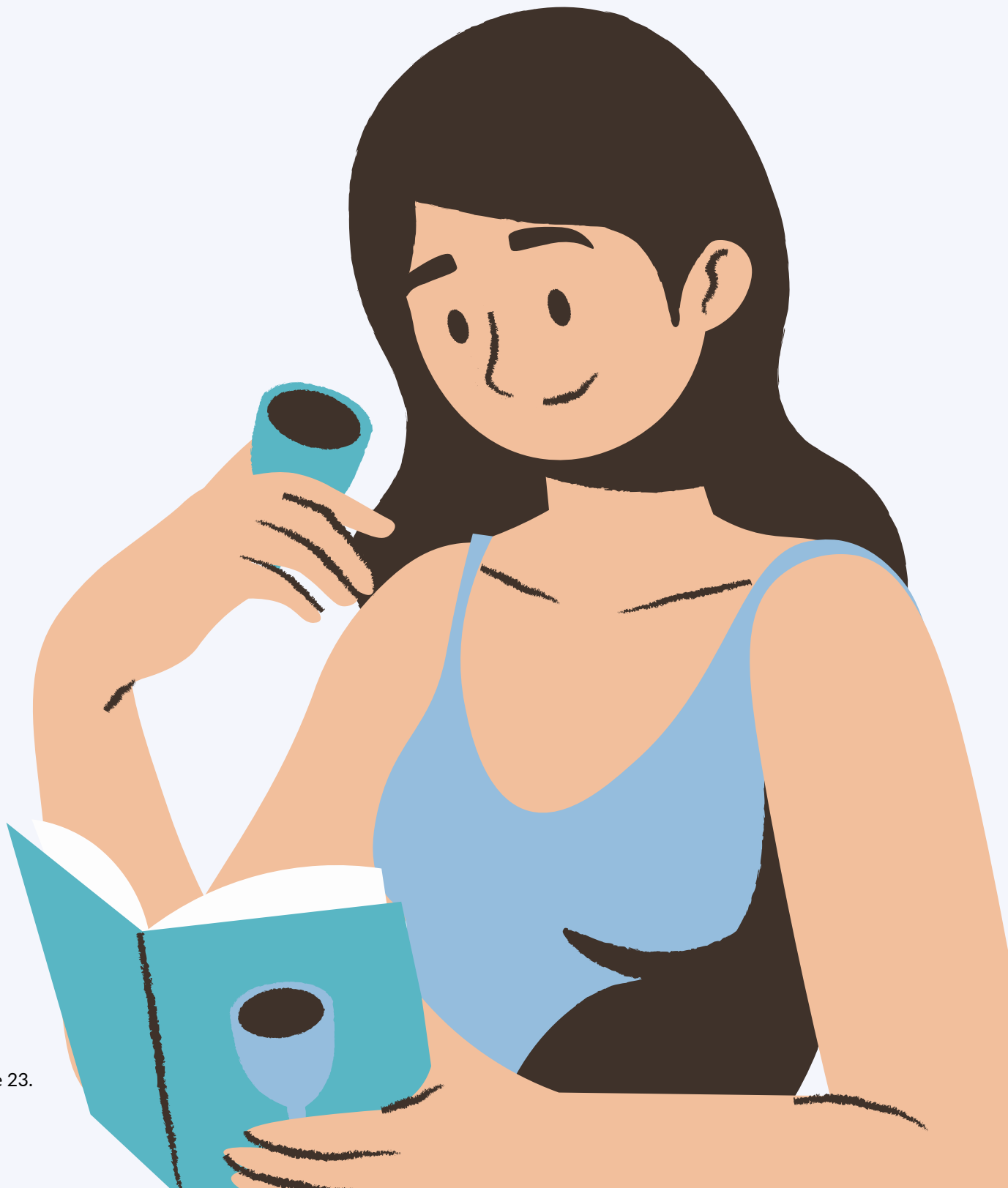
However, the Bill has the following issues:

- It is only a proposed solution for England and not the rest of the United Kingdom, as education is a devolved matter.
- The guidance doesn't have to be followed by teachers or schools; therefore, it can be ignored and thus these issues persist. This can be seen within Wales, where despite guidance around this issue existing, it is still a problem within Welsh schools.

Our proposed solutions would solve these two major issues with the Bill. It lays out the procedure needed to solve this issue within each devolved body and England, whilst also making sure that legislation on this issue would be statutory.

Chapter seven

Our solutions



We support a safe and stable environment for all students to learn in, along with the ability for students to have control over their own bodies. To change this system and ensure these two principles are upheld within UK schools, we call for mandatory guidelines that prevent teachers from stopping students from going to the toilet.

England

- A clause on this issue was inserted in “The National Curriculum in England” Framework document, within section four “inclusion” and in the section titled “Responding to pupils’ needs and overcoming potential barriers for individuals and groups of pupils”. This is the same for the Key Stage 1 Framework²⁵, the primary curriculum framework²⁶, and the secondary curriculum framework²⁷.
- It could also be a separate document in the government's “Schools: statutory guidance”²⁸.
- This clause would make it a statutory requirement that teachers allow their students to go to the toilet during a lesson.
- Ofsted would be required to investigate potential breaches of the rules and would need to create new lines of communication for any complaints about staff that have broken the rules. This could include an online form or a helpline for students or parents to report breaches to.

Wales

- Update the document released by the Welsh Government, “School toilets: Good practice guidance for schools in Wales”²⁹ to also include statutory rules requiring students to have toilet access during lessons.
- Estyn would have to investigate potential breaches of the rules and would need to create new lines of communication for any complaints about staff who have broken the rules. This could include an online form or a helpline for students or parents to report breaches to.

Scotland

- A clause making it a statutory requirement that teachers allow students to go to the toilet during lessons will be placed in the Scottish “Curriculum for Excellence” in the “Health and Wellbeing across learning: responsibilities of all principals and practice” section³⁰.
- Education Scotland would have to investigate potential breaches of the rules and would need to create new lines of communication for any complaints about staff who have broken the rules. This could include an online form or a helpline for students or parents to report breaches to.

Northern Ireland

- Statutory guidance on this issue would be included in the new well-being framework, which is currently being proposed³¹.
- The Education and Training Inspectorate would have to investigate potential breaches of the rules and would need to create new lines of communication for any complaints about staff that have broken the rules. This could include an online form or a helpline for students or parents to report breaches to.

Schools that do not follow the national curriculum

- For schools that do not operate under the national curriculum, this will fall under safeguarding measures and should be mandatory for all students.

Whilst we would support students having the right to use the toilets during lessons, we also understand that teachers will be worried about such a system being abused by students. It must therefore be stressed that teachers will still be able to log when students leave the classroom and follow up if they do so repeatedly. This will also help to tackle the deeper issues behind why students want to leave the classroom, such as bullying or family issues.

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