TOILET FACILITIES IN LEEDS ROBING ROOM

1. I am grateful to HMCTS for their willingness to engage with the Women’s Forum following the refurbishment of the bathroom facilities in the Robing Room at Leeds Crown Court.
2. As we are all aware the building is of some considerable age and the very small size of the female bathroom in comparison to the male bathroom is no doubt a historical legacy reflecting the size of the female Bar in the 1970’s.
3. Historically and until the refurbishment the female bathroom had two cubicles and one changing room.
4. The position today at the Bar is very different. Females have made up roughly 50% of pupil barristers for the last 25 years and today make up two thirds of applicants to study law.
5. Since the refurbishment there is now one female cubicle and one changing cubicle.
6. The male bathrooms have 4 urinals and 3 cubicles. Meaning that the ratio of facilities to urinate for males to females is 7:1.
7. It is something of an understatement to say that feelings towards this provision of facilities and the 7:1 ratio are running high.

THE IMPORTANCE OF FAIR TOILET PROVISION

1. Whilst the ratio of facilities of 7:1 is of course an extraordinary demonstration of unequal provision, it is important to recognise that to make provision of facilities *equal* between men and women, that women need significantly more toilet provision then men.
2. Women take up to on average 2.3 times longer to use the toilet then men.[[1]](#footnote-1) This is the average whatever clothing women may be wearing; such a statistic does not take into account the fact that when dressed as a barrister, in order to urinate, a woman, unlike a man has to move her gown.[[2]](#footnote-2)
3. The overwhelming majority of the female bar is under 50. 20-25% of women of childbearing age will be on their period at any one time and thus there is a large percentage of women using the robing room facilities who need longer in the bathroom to use sanitary products.
4. Women do not just take longer in the toilet they require more frequent toilet breaks. Pregnancy causes a significant reduction in bladder capacity. Many women post pregnancy have weaker bladders and simply cannot wait for as long as a male to use the toilet.
5. The overwhelming majority of the users of the robing room are self-employed practitioners and therefore have no maternity pay. It follows that women work long into their pregnancies and have returned to work full time return soon after having given birth. Women need more frequent toilet breaks in the period after pregnancy.
6. The female bathroom in the Robing room has been used on several occasions, including by the author of this document as somewhere for lactating mothers to express milk. Women have had miscarriages in those toilets.
7. Women are far more prone to medical conditions that require frequent use of toilet facilities. Women are eight times as likely as men to endure a urinary tract infection which again increases the frequency within which a toilet facility is required.

IMPACT OF HAVING A SINGLE TOILET FOR WOMEN

1. The impact of inadequate facilities for women are significant. The Criminal Bar is under incredible pressure, with breaks and lunchtimes requiring conferences, attendance notes, emails etc. It is hugely unfair for the break times of women to be effectively shorter than their male counterparts because of the time wasted queuing for the single toilet.
2. It has been reported to me that there have been queues of multiple women waiting for the single toilet since the facilities were decreased.
3. The psychological impact of knowing that the workplace would be willing to condone the ratio of 7:1 is significant. The sense of unfairness, based on sex, being so visible and causing such inconvenience engenders a sense of real anger in those discriminated against, this is an unpleasant emotion to deal with at all times but is particularly difficult when working under pressure in an adversarial system. It is hard even now, for women to feel that they are valued at work and worthy of striving for the most senior positions. It is important that the Government support and value women in the legal profession.
4. Lack of facilities also results in the risk of causing women to delay emptying their bladder. Causing women to delay using bathroom facilities leads to urinary tract infections and other medical conditions. Canadian and British studies into the impact of the closure of public toilets revealed that referrals for urinary tract infections, problems with distended bladders, and a range of other urogynaecology problems have increased proportionately to toilet closure[[3]](#footnote-3).
5. Further the chances of streptococcus toxic shock syndrome from sanitary protection are increased if there are no toilets available to change tampons during menstruation.
6. There is a specific issue with just having one bathroom for women, there are times when either because of a heavy or unexpected period, something particularly experienced by peri-menopausal or menopausal women when a woman requires a much longer time in the cubicle. Knowing that there is a queue of women, all dependent on your speed, adds to the stress of this experience.
7. Needing access to one’s own sanitary products/expressing machine means that there is a need for women to have access to toilet facilities close to where they keep their bags and personal possessions.

THE NEED TO MAINTAIN SINGLE SEX BATHROOM PROVISION

1. It was originally suggested that one solution would be to sperate the urinals and make all the cubicles gender neutral, thereby giving both men and women access to either 4 or 3 toilets.
2. We have a number of concerns. Firstly this is not a solution that is welcomed by any women. I have spoken to as many women barristers as possible and every single one indicated that they would prefer to only have access to one cubicle rather than share cubicles with men.
3. For the bathroom or any part of it to become unisex would require work to ensure that the doors are floor to ceiling. Properly thought through unisex toilets benefit from having a sink within the cubicle. Women who use non-applicator tampons or the more environmental menstrual cups as sanitary protection need access to a sink in a room that is not used communally with men.
4. Women use the bathroom not just the cubicle as a facility whether it be to have a space to confide matters to other women or to put on make-up.
5. No woman spoken to said they would feel that comfortable or feel the provision would be adequate if they had to share the facilities with men.
6. In Autumn 2022 the Government published guidance surrounding provision of toilets which makes clear that even in new purposefully built buildings there remains an obligation to provide single sex toilets. As stated “*The approach will mean women, who may need to use facilities more often for example because of pregnancy and sanitary needs, have appropriate facilities.”*
7. The Government statement continues “*The rise in ‘gender neutral’ toilets raised safety concerns from women who feel they are losing privacy and being unfairly disadvantaged. Separate unisex (or universal) toilets should be provided if there is space, but should not come at the expense of female toilets.*
8. Minister for Equalities Kemi Badenoch MP said: *“It is vital that women feel safe and comfortable when using public facilities, and that their needs are respected.”*

RESPONSE TO SUGGESTION THAT WOMEN HAVE ACCESS TO OTHER TOILETS ON THE 4TH FLOOR.

1. It is correct that there are additional toilets on the 4th floor and that these could be used by female barristers. It has been suggested that either the 4th floor becomes a secure area so that the toilets could be used by others who have access to the fourth floor or that a keypad outside the bathroom door would secure the use for just female barristers.
2. This would of course give access to additional toilets to women. However it would still mean that the male provision greatly outweighs that of female barristers. This solution simply doesn’t address the significant and huge disparity in provision between the sexes or take into account the need for women to have greater provision then men.
3. Women barristers need a bathroom that has adequate provision within the robing room itself with more proximate access to their bags and personal belongings for the reasons set out above in paragraph 20. There is no valid reason to require the sex that needs proximate toilets, more than the other sex, to be the ones that would have to leave their work in the robing room at lunch time and go through 3 sets of doors and one or two keypads to use the toilet.
4. Suggestion about making the whole 4th floor secure - If the 4th floor was made secure it would still mean that female barristers would have to share the toilets with police officers who they may well be in the middle of cross examining. Women barristers need an adequate space that they share with just other women barristers.
5. Suggestion about placing a keypad on the public female 4th floor toilets - If the toilets on the fourth floor were only available to the Bar then it would mean that the CPS staff and police officers would lose access to toilets they currently use. It would not deal with the lack of adequate provision within the robing room or the unfairness of the provision between men and women.

SWAPPING OVER THE TOILETS

1. it has been indicated that there is no budget for any further works. However simply swapping over the signs would mean that women had access to 3 cubicles and the men would have one, without any cost outlay.
2. This provision probably equates closer to fair provision bearing in mind how much longer women take to use the facilities and the different needs women have for a toilet space.
3. It would allow women to have adequate provision within the robing room.
4. Admittedly this means that males would only have one cubicle, but that was deemed adequate facility for women until our concerns were raised. Indeed based on the far quicker speed with which men use toilets and the fact that men do not have the additional use of cubicles for matters relating to menstruation and pregnancy, this would not cause the same problems that it would with females only having one cubicle.
5. We therefore request that the male and female toilets are swapped over immediately.

KAMA MELLY KC

CHAIR OF THE NORTH EASTERN CIRCUIT WOMEN’S FORUM

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1. Invisible Women by Caroline Criado Perez citing ‘Toilets are a feminist issue’ Berkley Women’s Law Journal by Taunya Lovell. [↑](#footnote-ref-1)
2. The users will be wearing a formal suit requiring the pulling down of tights, all in all, a much longer process than removing casual female dress let alone the process of undoing a fly. In silk a jacket with tails is worn that normally has a number of hook and eye closures. [↑](#footnote-ref-2)
3. Greed 2014 [↑](#footnote-ref-3)