

Dr Dai Lloyd  
Chair, Health, Social Care and Sport Committee  
National Assembly for Wales  
Cardiff Bay, CF99 1NA  
[SeneddHealth@Assembly.Wales](mailto:SeneddHealth@Assembly.Wales)

February 11, 2019

Dear Dai,

### **Gender segregation of sporting activities in schools**

Many thanks for your letter regarding gender segregation of sporting activities in schools.

As discussed with your Committee staff, our own legal analysis fully supports that of your Legal Services Department in relation to competitive sporting activities.

The Equality Act 2010 forbids discrimination in relation to benefits, facilities and services. However, Section 195 contains an exception that permits single-sex sporting activity of:

‘a competitive nature in circumstances in which the physical strength, stamina or physique of average persons of one sex would put them at a disadvantage compared to average persons of the other sex.... In considering whether a sport, game or other activity is gender-affected in relation to children, it is appropriate to take account of the age and stage of development of children who are likely to be competitors.’

Therefore, a school is permitted to segregate by gender in competitive sporting activity if this criteria is met. It is less likely to be able to justify segregation in relation to sports for younger children.

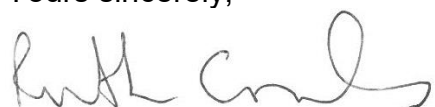
However, schools should allow unsegregated sporting activity when that activity is not of a competitive nature – for example, in general physical education lessons. A risk assessment will be necessary to ensure this is safe.

Where gender segregation is used for a sporting activity, the school would have to allow children of the opposite sex equal opportunities to participate in comparable sporting activities.

We hope this helps inform your Inquiry into the physical activity of children and young people. We look forward to reading your upcoming report.

Should we be able to help further, please let us know.

Yours sincerely,



Ruth Coombs

Head of Wales, Equality and Human Rights Commission