



Department  
for Education

# **Further Education Residential Accommodation: national minimum standards Government consultation**

**Launch date 09 February 2024**

**Respond by 05 April 2024**

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## Introduction

This consultation is seeking views on a change to one paragraph in the FE Residential Accommodation Standards: national minimum standards (“the Standards”). The rest of the Standards are not in scope for any changes.

This consultation aims to align the Standards with the position on residential accommodation being consulted upon in the draft ‘Gender Questioning Children: non-statutory guidance for schools and colleges in England’, which was published for consultation on 19 December 2023.

## Who this is for

The Standards apply to 16 to 19 Academies and to institutions within the ‘further education sector’ defined by the Further and Higher Education Act 1992, comprising:

- further education colleges;
- sixth-form colleges;
- institutions designated as being within the further education sector by that Act; and they also apply to:
  - independent specialist colleges which receive funding from the Department for Education
  - and, for reference, relevant local authority staff.

## Issue date

The consultation was issued on 09 February 2024.

## Enquiries

If your enquiry is related to the policy content of the consultation you can email: [ResidentialStandards.CONULTATION@Education.gov.uk](mailto:ResidentialStandards.CONULTATION@Education.gov.uk)

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: [Consultations.Coordinator@education.gov.uk](mailto:Consultations.Coordinator@education.gov.uk) or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

## Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

## The response

The results of the consultation and the department's response will be [published on GOV.UK](#).

## About this consultation

This consultation document makes one proposal:

- To better support the further education sector we are proposing to amend paragraph 5.2 and its footnote relating to providing residential accommodation for students who are questioning their gender.

The document sets out the proposed amendment to paragraph 5.2 and its accompanying footnote.

We would like to hear your views on our proposal.

## Respond online

To help us analyse the responses please use the online system wherever possible. Visit [DfE consultations on GOV.UK](#) to submit your response.

## Other ways to respond

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may request and complete a word document version of the form.

### By email

[ResidentialStandards.consultation@education.gov.uk](mailto:ResidentialStandards.consultation@education.gov.uk)

### By post

Steve Kethero  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
London SW1P 3BT

## Deadline

The consultation closes on 05 April 2024

# FE Residential Accommodation: national minimum standards

## Background

The Department for Education's consultation on its draft [Gender Questioning Children](#) non-statutory guidance was launched on 19 December 2023; the consultation closes on 12 March 2024. Sleeping arrangements for children in colleges and schools are among the proposals being consulted upon. Depending on the outcome of that consultation, the Department may need to amend the [Residential Accommodation Standards to ensure the two documents are consistent](#). This requires a consultation under section 87C of the Children Act 1989.

## Proposal

This document refers to the statement of national minimum standards published by the Secretary of State for Education under section 87C(1) of the Children Act 1989. The standards contain arrangements to safeguard and promote the welfare of under 18s for whom accommodation is provided by colleges and 16-19 Academies.

We are proposing to amend paragraph 5.2 and its footnote relating to residential accommodation and students who are questioning their gender. Do you agree with these proposals?

### Current paragraph 5.2

5.2 Where a student in residential accommodation identifies as transgender or gender questioning, suitable sleeping accommodation and living arrangements are made, which provide appropriate privacy for all students.

(The current version is available [here](#)).

### Proposed paragraph 5.2

5.2 Where a gender questioning student in residential accommodation asks to use accommodation used by the opposite sex, suitable sleeping accommodation and living arrangements are made which take into account appropriate safeguarding, comfort, privacy requirements and the dignity of all students. A situation where a student shares communal sleeping accommodation with students of the opposite legal sex would not be appropriate and colleges should make a separate room available to the gender questioning student. Where no separate room is available other arrangements would be

needed, as different legal sexes should not be sharing sleeping accommodation; nor should they be sharing bathroom facilities unless individual lockable toilets and showers within a communal bathroom are available.

**Current footnote 11** for para 5.2:

As far as possible, transgender or gender-questioning students should be able to sleep in accommodation appropriate to their gender identity. The Equality Act 2010 does permit certain exceptions from the prohibition on discrimination against trans people in relation to communal accommodation. The exception allows communal accommodation to be restricted to one sex only for privacy reasons, as long as the accommodation is managed as fairly as possible for both males and females.

For further guidance see:

<https://www.legislation.gov.uk/ukpga/2010/15/schedule/23/crossheading/communal-accommodation>;

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/315587/Equality\\_Act\\_Advice\\_Final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf)

or <https://www.intercomtrust.org.uk/item/55-schools-transgender-guidance-july-2015>

**Proposed footnote 11** for para 5.2:

When considering accommodation requirements for gender questioning students, colleges must take all the relevant protected characteristics into account when making their decision. There may be an instance where colleges will need to find a balance between the rights of gender questioning students and those of others with a different protected characteristic if there are limited individual rooms available. Colleges will need to consider the impact of their policy or decision on all those affected and ensuring that, in each case, any particular disadvantage suffered by those sharing a protected characteristic can be objectively justified and is proportionate.

For further guidance see:

<https://www.legislation.gov.uk/ukpga/2010/15/schedule/23/crossheading/communal-accommodation>;

[https://consult.education.gov.uk/equalities-political-impartiality-anti-bullying-team/gender-questioning-children-proposed-guidance/supporting\\_documents/Gender%20Questioning%20Children%20%20nonstatutory%20guidance.pdf](https://consult.education.gov.uk/equalities-political-impartiality-anti-bullying-team/gender-questioning-children-proposed-guidance/supporting_documents/Gender%20Questioning%20Children%20%20nonstatutory%20guidance.pdf)



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