



Ministry of Housing,  
Communities &  
Local Government

# Changing Places Toilets

A consultation paper



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# Scope of the consultation

Topic of this consultation:	This consultation seeks views on how we can increase provision of Changing Places toilets in specific new, large buildings commonly used by the public, as well as those undergoing building works.
Scope of this consultation:	Building Regulations
Geographical scope:	These proposals relate to England only
Impact assessment:	Yes

## Basic Information

Body/bodies responsible for the consultation:	Ministry of Housing Communities and Local Government (MHCLG)
Duration:	This consultation will last for 10 weeks and will close on 22 July 2019.
Enquiries:	For any enquiries about the consultation please email: <a href="mailto:ChangingPlaces@communities.gov.uk">ChangingPlaces@communities.gov.uk</a>
How to respond:	<p>You may respond by completing an online survey at: <a href="https://www.surveymonkey.com/r/ChangingPlacesToilets">https://www.surveymonkey.com/r/ChangingPlacesToilets</a></p> <p>Alternatively, you can email your response to the questions in this consultation to: <a href="mailto:ChangingPlaces@communities.gov.uk">ChangingPlaces@communities.gov.uk</a></p> <p>If you are responding in writing, please make it clear which questions you are responding to.</p> <p>Written responses should be sent to:</p> <p>Changing Places Consultation, 2 SW, Fry Building, 2 Marsham Street, London, SW1P 4DF</p> <p>When you reply, it would be useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:</p> <ul style="list-style-type: none"> <li>- your name;</li> <li>- your position (if applicable);</li> <li>- the name of organisation (if applicable);</li> <li>- an address (including post code);</li> <li>- an email address; and</li> <li>- a contact telephone number</li> </ul>

	<p>We strongly encourage responses via the online survey, particularly from organisations with access to online facilities such as local authorities, representative bodies and businesses. Consultations receive a high-level of interest across many sectors. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised.</p>
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# Introduction

1. On 24th December 2018 the Government announced its intention to consult on how we can increase provision of Changing Places toilet facilities in specific new, large buildings commonly used by the public, including a potential change to the Building Regulations.
2. The Government's manifesto set out that where you live, shop, go out, travel or park your car should not be determined by your disability. Increasing the provision of Changing Places toilets aims to go some way towards fulfilling this commitment.
3. Changing Places toilets give severely disabled people and their families the opportunity to visit public places which they otherwise would not be able to and can therefore make a huge difference to their quality of life. It is estimated that at least 250,000 people in the UK need Changing Places toilets in order to have their toileting needs met in a safe, dignified and humane way.
4. There are over 1,300 Changing Places toilets across the UK, up from just 140 in 2007. Although the increase in numbers and action by forward looking building owners is to be welcomed, provision is still haphazard, and so we need to go further. This consultation seeks views on options to increase the provision of Changing Places toilets.

## Background

### Changing Places toilets

5. Changing Places toilets meet the needs of people with profound and multiple learning disabilities, as well as people with other physical disabilities such as spinal injuries, muscular dystrophy and multiple sclerosis. These toilets provide the right equipment including a height adjustable adult-sized changing table, a tracking hoist system, adequate space for a disabled person and carer, a peninsular WC with room either side and a safe and clean environment including tear off paper to cover the bench, a large waste bin and a non-slip floor.
6. Working with the Changing Places campaign to increase the number of facilities, the Ministry of Housing Communities and Local Government, with contribution from devolved governments, provided £70,000 to develop an on-line map that helps carers and disabled people find Changing Places toilets.
7. The Government has also been committed to promoting accessibility and has been urging relevant building owners to consider installing Changing Places toilets where they can.

8. The Government is also seeking to increase the provision of Changing Places toilets in other parts of the built environment. The Department for Transport's Inclusive Transport Strategy sets out important policy commitments and is providing £2 million funding for the provision of Changing Places toilets in motorway service areas. The Department of Health and Social Care (DHSC) will be making £2 million available to install over 100 Changing Places toilets in NHS hospitals throughout England.

## Building Regulations

9. The Building Regulations control certain building work – principally to secure the health, safety, welfare and convenience of people in and around buildings. The Regulations apply to building work, typically:
  - Erection or extension of a building;
  - Material alteration or change of use of a building.
10. Building Regulations are only applicable at the time that building work takes place. Regulations do not apply retrospectively for existing buildings, because these should comply with the Regulations in force at the time they were built. Building Regulations do not impose ongoing management requirements.
11. The Regulations set technical requirements covering a wide range of health, safety access, security and sustainability issues. The Regulations are supported by statutory guidance in “Approved Documents” which provide practical guidance on how to comply with the requirements in the Regulations. As part of the response to the recommendations made by Dame Judith Hackitt in her independent review of Building Regulations and fire safety, the Government is drawing up a wide-ranging programme to review, update and streamline the Approved Documents.
12. Building Control Bodies provide a third-party check on whether building work complies with the Building Regulations and this is carried out by either a local authority or a private sector Approved Inspector.
13. Part M (Access to and Use of Buildings) of the Building Regulations sets minimum access standards for all new buildings. These requirements are supported by statutory guidance in Approved Document M. The Approved Document sets out one way in which new building work, material change of use or material alterations to buildings, dwellings and workplaces in most common situations should make reasonable provision for accessibility.
14. The access requirements were updated in 2015, when government introduced optional technical standards for accessible and adaptable homes and wheelchair accessible homes. The requirements in the regulations are supported by statutory guidance in Approved Document M:
  - Part M4(1) sets basic standards for all new buildings.
  - Part M4(2) sets a higher standard for accessible homes, which is roughly equivalent to the Lifetime Homes Standard.
  - Part M4(3) sets a standard for wheelchair accessible homes.

15. Categories M4(2), and M4(3) are optional requirements for dwellings which local authorities can apply through planning policies where they have identified a local need and where the viability of development is not compromised.
16. The Government has also made changes in the revised National Planning Policy Framework, published in July 2018. We have strengthened the policy approach to accessible housing by setting out an expectation that planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing.
17. The Government is already committed to a review of requirements for access and use of buildings in the Building Regulations but is fast tracking the work on Changing Places with this consultation.

## Current requirements for sanitary facilities

18. Building Regulations statutory guidance (Approved Document M: access to and use of buildings, volume 2: buildings other than dwellings) already sets out minimum standards for accessible toilets in new public buildings. That includes standards for unisex wheelchair-accessible toilets with a corner WC even in small buildings and additional provision in larger buildings. Below are links to existing statutory guidance:

<https://www.gov.uk/government/publications/access-to-and-use-of-buildings-approved-document-m>

[Approved Document M: access to and use of buildings, volume 2: buildings other than dwellings](#)

19. At present, paragraph 5.6 of statutory guidance says, "in large building developments, separate facilities for baby changing and an enlarged unisex toilet incorporating an adult changing table are desirable".
20. The Equality Act 2010 requires providers of goods, facilities and services to members of the public (i.e. shops and offices) to make reasonable adjustments to improve access to premises/buildings.
21. At the same time, the Equality Act 2010 also recognises the need to strike a balance. What is 'reasonable' will vary from one situation to another, because of factors like the practicability of making the adjustment, the cost of the adjustment and the resources available to different organisations.
22. Building works in Listed Buildings would have to satisfy both building control and the separate procedures of listed building consent.
23. For listed buildings in scope (i.e. above the triggers given) these would be required to make "reasonable provision" to provide a Changing Places toilet. Guidance is already given on "Reasonable Provision" for other aspects of building regulations in relation to listed buildings and our proposed guidance can do the same. Where it is beyond a "reasonable provision" for example in an historic setting, building control bodies can decide that it is not reasonable.



24. English Heritage themselves give good guidance on how to make sympathetic access arrangements in an historic setting.

<https://historicengland.org.uk/advice/technical-advice/easy-access-to-historic-buildings-and-landscapes/>

## Current good practice guidance

25. The statutory guidance in Approved Document M also points to information provided by the Changing Places Campaign website ([www.changing-places.org](http://www.changing-places.org)) on how to provide a new Changing Places toilet. It also refers to a British Standard known as BS8300 which provides good practice guidance on the design of an accessible and inclusive built environment, including Changing Places toilets. This standard was updated in January 2018 and guidance on Changing Places toilets is now in section 18.6 of “*BS 8300-2:2018 Design of an accessible and inclusive built environment. Buildings. Code of practice*”. However, the guidance is currently advisory rather than prescriptive about the need to provide Changing Places toilets.
26. The guidance was developed by an expert committee whose experience in this field of access has led to many updates to improve inclusion and better access in the built environment.
27. The guidance includes recommendations on the types of building within which a Changing Places Toilet should be considered.

This list recognises the benefits of provision in buildings that are open to the public, have a managed environment and will generally have consistent opening hours when the facility can be accessed. The list includes examples of public and commercial premises, buildings associated with the transport network and larger ‘destination’ buildings.

28. Many people have asked Government to follow this list and use this as the starting point for regulation.

*Extract from BS 8300-2: 2018 (good practice, text is copyright BSI, 2019)*

Changing Places toilets should be provided in buildings and complexes such as:

- a) major transport termini or interchanges, e.g. large railway stations and airports;
- b) motorway services;
- c) sport and leisure facilities, including large hotels;
- d) cultural centres, e.g. museums, concert halls and art galleries, and faith centres;
- e) stadia and large auditoria;
- f) large commercial retail premises and shopping centres;
- g) key buildings within town centres, e.g. town halls, civic centres and main public libraries;
- h) educational establishments;
- i) health facilities, such as hospitals, health centres and community practices;
- j) other visitor attractions, such as theme parks, monitored beaches and parks.

# Proposed approach to increase provision

29. In developing a proposal for provision of Changing Places toilets under the Building Regulations we have considered where, based upon current good practice guidance, a requirement can reasonably be set for new building or where a building undergoes a material alteration, an extension or a change of use. Such provision would be over and above the current Building Regulations on provision of standard and accessible sanitary facilities in buildings.
30. Through this consultation we are seeking views on our proposal to increase the provision of Changing Places toilets. Our proposed approach is **to introduce a mandatory requirement for Changing Places toilets in Building Regulations**. We would mandate Changing Places toilets in specific new, large buildings commonly used by the public or where a building undergoes a material alteration, an extension or a change of use (as set out in the current Building Regulations). Accommodating such a facility within smaller buildings is often not proportionate and also may not be reasonably practicable. Statutory guidance (Approved Document M) would be amended in line with changes in the Building Regulations.
31. This Building Regulations based approach will provide clarity for developers and users as to where Changing Places toilets should be provided, with compliance checked by Building Control Bodies. The alternative would be to allow local planning authorities to require provision through local plans. While the Government welcomes the involvement of local planning authorities in promoting Changing Places toilets, using the planning system in this way will depend on up to date local plans being in place including an appropriate policy in place. This will take time if local plans have to be revised and could still lead to provision being patchy across the country and in the worst case could lead to facilities being installed where they are not needed. The Government believes that a clear requirement in Building Regulations is the way forward.
32. Building works in listed buildings have to satisfy both building control and the separate procedures of listed building consent. For listed buildings in scope of the following proposals these would be required to make “reasonable provision” to provide a Changing Places toilet. Where it is beyond a “reasonable provision” for example in an historic setting, building control bodies can decide that it is not reasonable. English Heritage themselves give good guidance on how to make sympathetic access arrangements in an historic setting:  
<https://historicengland.org.uk/advice/technical-advice/easy-access-to-historic-buildings-and-landscapes/>
33. Below we set out how we propose the Building Regulations approach could work. The text in Box A sets out the detail of buildings to be covered. We would welcome your views on this approach. We have asked specific questions in the main body of the document, as well as having them as a consolidated list in Annex A of this consultation paper.

**Question 3**

Do you support the Government's intention to increase the provision of Changing Places toilets?

Please explain your reasons.

**Question 4**

If yes, do you agree that the Government should introduce a mandatory requirement for Changing Places toilets in Building Regulations.

**Question 5**

Alternatively, do you think the Government should take a different approach.

If yes, please explain what approach you consider favourable and why?

## Mandatory requirement for Changing Places toilets in Building Regulations

34. A mandatory requirement for a Changing Places toilet would require changes to Part M of the Building Regulations (and Approved Document M) and would specify the types of buildings where one would be required as well as size, capacity or other factor which would trigger the requirement.
35. In determining the triggers for when a Changing Places toilet is mandatory, we did not consider it appropriate to set a blanket size trigger for all types of buildings listed in box A. A blanket size trigger would not capture the varying types of buildings/developments we think should include Changing Places toilets.
36. Therefore, we have used a differentiated approach with a mix of triggers (including size, capacity and visitor numbers) depending on the type of building. Using only a size trigger could exclude certain buildings which should include Changing Places toilets. For some buildings such as shopping centres, we consider a size trigger appropriate. In others, such as a cinema or theatre, a seating capacity is a more appropriate trigger to ensure we capture those that will be visited for a certain period of time by larger numbers of people. For a few buildings there is no trigger, so all these types of buildings would be captured – e.g hospitals.
37. Size of buildings is described by the gross internal area of a building. The length in metres times the width in metres gives the area. Areas are measured in metres squared and abbreviated as m<sup>2</sup>. There are many measures related to area and we think that Gross Internal Area (GIA) (i.e. the footprint of the building excluding the width of the outside walls but including areas occupied by internal walls, columns and partitions) is a better metric than Net Internal Area (NIA) or Gross External Areas (GEA).

38. As far as it is possible, we have aimed to use triggers that are measurable by Building Control Bodies. Size and capacity are tangible measures for example, and we propose to use these in most cases. However, there may be some buildings which are relatively small in size, but which have substantial visitor numbers and therefore which might justify provision of a Changing Places toilet. In these cases, visitor numbers might be a better metric for the trigger. However, we recognise that this will be difficult to assess.
39. We consider the list of buildings/developments in Box A proportionate and practical. In setting size triggers, we have considered similar existing buildings in England.
40. For example, the size of the largest shopping mall in England is 240,000m<sup>2</sup> in London and around 70,000m<sup>2</sup> in other large towns. A 30,000m<sup>2</sup> trigger for a shopping mall would capture centres in smaller towns in England.
41. Examples for other types of triggers include museums where we have used a visitor numbers trigger. The largest London museum sees over 4.5 million visitors per year and smaller museums in and outside London and in smaller towns see around 50,000 to 500,000 visitors per year. A 300,000 visitors trigger aims to capture these.
42. Another example is cinemas where we have used the number of screens or seating capacity as a trigger. This ensures we capture large cinemas such as an IMAX cinema which may only have one screen but has a seating capacity of around 500.

## Transport Buildings

43. The Government considers that buildings in major transport termini including airports, railway stations, (including tram, underground and metro stations) ferry ports, bus and coach stations, and any building that serves as an interchange for any of these should be covered.
44. Some transport buildings are covered by different requirements than Building Regulations. As part of their licence to operate issued by the Office of Rail and Roads whenever Network Rail install, replace or renew toilet facilities at their Category A stations they are already required to install a Changing Places toilet if one does not already exist.
45. In addition to Category A stations, we expect other forms of major transport termini or interchange to install a Changing Places toilet. While such buildings are not subject to the Building Regulations, and thereby not legally required to act, the Government expects them to comply with the spirit of Regulations specifically insofar as Changing Places are concerned.
46. Our expectation is that transport termini or interchanges with an estimated or actual footfall of at least 10 million per annum must install a Changing Places toilet where they are newly built or subject to material alteration, extension or change of use.

## BOX A – Mandatory Changing Places toilets

Changing Places Toilets should be provided in the following new large buildings commonly used by the public or where such a building undergoes an extension, material alteration or change of use:

- a shopping centre/mall or retail park with a gross floor area of 30,000m<sup>2</sup> or more;
- a single retail premises with a gross floor area of 2,500m<sup>2</sup> or more that is not within a shopping centre/mall or retail park where a facility is already required (as above);
- service areas on motorways and all-purpose trunk roads (known also as motorway service areas (MSAs));
- major transport termini including airports, railway stations, (including tram, underground and metro stations) ferry ports, bus and coach stations, and any building that serves as an interchange and with an estimated or actual footfall of at least 10 million per annum;
- a place of entertainment including stadia and auditoria, theme parks or places of assembly with a capacity of 2,000 persons or more;
- cultural centres, including museums, concert halls, art galleries and faith centres with over 300,000 visitors expected per year;
- a cinema complex/multi-plex of 5 or more screens or a seating capacity of 350 or more;
- a theatre with a seating capacity of 500 or more;
- an educational establishment providing community facilities;
- a public library over 3000m<sup>2</sup>;
- hospitals and primary care centres;
- sport and leisure buildings over 5000m<sup>2</sup>, including large hotels over 100 room capacity.

A requirement for Changing Places toilets is in addition to provision of standard and accessible sanitary accommodation.

### **Extension**

Where a Changing Places toilet is not already present within the buildings listed above, one should be provided where the building is extended such that its gross floor area increases by 25% or more. Therefore, if an existing building listed above gets ¼ bigger then a Changing Places toilet will be needed.

### **Material Alteration**

A Changing Places toilet will need to be provided where a material alteration is made to a building listed above which will affect the ongoing compliance of the building, service or fitting with the requirements relating to access to and use of buildings.

### **Change of Use**

A Changing Places toilet will need to be provided where a building undergoes a change of use only where the whole or part of a building is changed to a hotel, public building or shop that is captured in the above list.

**Question 6**

If you support a mandatory requirement, do you agree with the building types listed in Box A?

If no, do you think the list should be wider or narrower?

If wider, what other building types do you think a mandatory requirement should apply to?

If narrower, which buildings would you exclude?

**Question 7**

If you support a mandatory requirement, do you agree with the size, capacity and other triggers in Box A in relation to each building type?

Please indicate yes or no against each building type and its trigger.

If no, please indicate what trigger you consider appropriate for each building type.

# Size and equipment in Changing Places toilets

47. A Changing Places toilet should provide adequate space to allow a user to be assisted by carers. It should include enough space for wheelchairs and people to turn, move and use the toilet, sink, hoist, supports and a fold down changing bed.
48. This consultation seeks your views on the size and equipment in Changing Places toilets. It is proposed that a standard-sized Changing Places toilet is provided in new buildings listed in Box A above. A smaller-sized facility is an alternative for these listed buildings where there is an extension, material alteration or change of use.
49. Below we set out how we propose these size options could work. The text in the boxes show how the requirements would apply. We would welcome your views on this and have asked specific questions in the main body of the document, as well as having them as a consolidated list in Annex A of this consultation paper.

## A standard-sized Changing Places toilet

50. A standard-sized Changing Places toilet as set out in BS 8300-2:2018 is a room with a floor area of 12m<sup>2</sup> (3m wide and 4m long, with a ceiling height of 2.4m). The room has a peninsular WC, hoist, basin, adult-sized, height-adjustable changing bench, shelving, grab rails and an optional shower, for use by people with complex and multiple impairments who require the help of up to two assistants. The space is fitted with a fixed tracked-hoist system so that assistants can fit the user's slings to the hoist and move the person to the various items in the facility.

51. Examples of a standard-sized Changing Places toilet layout are shown below.



1. A height adjustable changing bench
2. A tracking hoist system and not a mobile hoist
3. There should be adequate space
4. A peninsula WC with room either side for carers
5. A screen or curtain
6. Wide tear off paper roll to cover the bench
7. A large waste bin for disposable pads
8. A non-slip floor

*Examples of Changing Places Toilet layouts © Changing Places Consortium 2019*

52. A room of 3m x 4m gives a rectangular space to allow users and carers to move between each piece of equipment in the toilet. These are sometimes provided in spaces of a similar size but in a different configuration to this standard rectangle shape. What is essential is enough space in the right place and the right equipment.

53. It is important for a wheelchair user be able to move in a wheelchair between each item and to have the space for up to two carers to transfer or hoist the user from the wheelchair on to the fold down bed or from the wheelchair on to the peninsular toilet, or from the toilet to the fold down bed. These movements between sink, bed and toilet will vary given the size of the adult or child and the size of their wheelchair. Hoists lift and lower the user and hoists ease manual handling for the carers.



## BOX B – Changing Places toilets in new buildings

When a Changing Places toilet is provided in **new large buildings commonly used by the public (listed in Box A)** it should provide adequate space to allow a user to be assisted by carers and be a **minimum of 3 m wide by 4 m long (12m<sup>2</sup>)**, a door with a minimum clear opening width of 1m and a minimum ceiling height of 2.4m. Floor surfaces should have a non-slip finish.

It should include the following sanitary facilities and fixtures:

- a peninsular WC with space either side for the carers;
- a height adjustable wash hand basin;
- a ceiling-mounted tracking hoist;
- a height adjustable adult sized changing bench (minimum length 1.8 m);
- a retractable privacy screen or curtain;
- Wide tear off paper roll to cover the bench
- A large waste bin; and
- within a building that includes other changing facilities for users, such as swimming pools/leisure centres, the provision of a wall-mounted shower.

### Question 8

Do you agree that a standard-sized Changing Places toilet of 12m<sup>2</sup> should be provided in new buildings listed in Box A?

If no, please explain your reasons.

## A smaller-sized Changing Places toilet

54. During the Government's pre-consultation engagement with users and carers we learned that whilst a minimum standard was necessary this did not have to be the standard-sized Changing Places toilet of 12m<sup>2</sup> which provided more than ample room. It was felt that a smaller sized Changing Places toilet would open businesses and venues up to the idea of installing a Changing Places toilet if the overall size could be decreased. However, the consensus amongst those we consulted was that it was essential that the equipment provided in a smaller toilet remain the same as in the 12m<sup>2</sup> Changing Places toilet.

55. Where the space required for a full Changing Places toilet is not available or the cost is prohibitive due to potentially extensive building works to create the additional space, a smaller-sized one could be provided. We propose an alternate of a minimum 3m by 3m (9m<sup>2</sup>) Changing Places toilet with a door with a minimum clear opening width of 1m and a minimum ceiling height of 2.4m.

**BOX C – Changing Places toilets in a building that undergoes a material alteration, an extension or a change of use**

When a Changing Places toilet is provided in a **building (listed in Box A) that undergoes a material alteration, an extension or a change of use** and the space required for a standard-sized Changing Places toilet is not available or the cost is prohibitive, **a smaller-sized facility of a minimum of 3m by 3m (9m<sup>2</sup>) should be provided** with a door with a minimum clear opening width of 1m and a minimum ceiling height of 2.4m. Floor surfaces should have a non-slip finish.

It should include the following sanitary facilities and fixtures:

- a peninsular WC with space either side for the carers;
- a height adjustable wash hand basin;
- a ceiling-mounted tracking hoist;
- a height adjustable adult sized changing bench (minimum length 1.8 m);
- a retractable privacy screen or curtain;
- Wide tear off paper roll to cover the bench
- A large waste bin; and
- within a building that includes other changing facilities for users, such as swimming pools/leisure centres, the provision of a wall-mounted shower.

**Question 9**

Where a Changing Places toilet is provided in a building (listed in Box A) that undergoes a material alteration, an extension or a change of use, should a smaller-sized facility of a minimum of 3m by 3m (9m<sup>2</sup>) be provided?

Please explain your reasons.

**Question 10**

Do you agree that the standard and smaller sized Changing Places toilet include all the equipment listed in boxes B & C?

If no, please indicate whether you think more or less equipment should be included.

If less, please indicate what should not be included.

If more, please indicate what should be added.

**Question 11**

Please use this question to provide any other commentary or observations you have on the proposals to make provision for Changing Places toilets and the size of and equipment in Changing Places toilets.

# Assessment of impacts

## Costs

56. At this stage, high level analysis has been undertaken to consider the impact of mandating Changing Places toilets.
57. We have assumed a cost for a Changing Places toilet in the range £28,700 to £43,500. These costs include the physical provision of facilities in buildings in scope. The range takes account of whether a facility is being installed in a new building, so allowing for all the structural work needed to accommodate the facility designed in from the outset as compared to where a facility is being installed in an existing building as part of a refurbishment project. Costs are derived from research undertaken for previous Building Regulations reviews and for the consultation recently undertaken by the Scottish Government (see: <https://www.gov.scot/publications/changing-places-toilets-building-standards-consultation/>)
58. An estimate of the number of buildings which might be affected has been drawn up using build rates based on Valuation Office Agency (VOA) projections. This is based on an assumed average build rate of 1.4%, which is based on trends using the VOA data. There is not a direct read across from the way in the VOA data classifies buildings to the buildings in scope proposed in this consultation, so we have used the nearest best equivalents. In some cases we have had to make a broad assumption about the proportion of buildings of a particular type which might be in scope.
59. We estimate that mandating through building regulations will result in approximately 156 additional Changing Places toilets per annum depending on which buildings are in scope. This would cost the industry approximately £3.9m to £5.9m per annum. The biggest driver in terms of volumes of buildings are for hospitals and hotels.
60. The VOA data used may be an underestimate of the number of additional buildings each year and so this analysis should be seen as indicative only. We have also assumed 100% additionality for the policy. Although the government welcomes the increase in the number of Changing Places toilets provided voluntarily, this is ad hoc and dependent on the goodwill of building owners and developers.
61. Based on the estimated build out rate and unit costs set out above, an overall discounted cost over ten years would be £33.3m to £50.5m, with an equivalent annual net cost of £3.9m to £5.9m.
62. There will be an opportunity cost associated with using the space for a Changing Places toilet as opposed to other uses. This has not been costed but would be most significant for retail and other properties in areas with high value floorspace.

63. There will also be ongoing maintenance costs (e.g. replacing equipment, cleaning) of Changing Places toilets that have not been included in the analysis. The Scottish Government asked the Building Research Establishment to undertake research in 2012 on Changing Places Toilets. That research estimated that the annual operational costs, including maintenance, servicing, cleaning and allowance for replacement of equipment (£12,000 - 12-year life) and sanitary facilities (£1,500 – 20-year life) would, over a ten-year period, be approximately £2,500.

## Benefits

64. It is difficult to monetise the benefits of providing Changing Places toilets. The benefits from these facilities are societal, to address a known need within our population and communities. Increasing provision will enable people with complex care needs to take part in everyday activities such as travel, shopping, family days out or attending a sporting event. The quality of life benefits for both disabled people and their carers are likely to be significant.

65. We would welcome your views on the data/assumptions used to underpin this analysis and/or have evidence to inform better analysis, then we would like to hear about it. Following this, a fuller analysis will be undertaken post-consultation.

### **Question 12**

Do you agree with the cost estimates for building Changing Places toilets?

If no, please explain what you consider an appropriate cost range and provide evidence to show why.

### **Question 13**

Do you agree with the build rate estimates of additional Changing Places toilets per annum and the associated costs?

If no, please explain the build rate and cost estimates you consider appropriate and provide evidence to show why.

### **Question 14**

Do you have any evidence that you could provide on ongoing maintenance costs of Changing Places toilets?

If yes, please include your evidence in your response.

## Equality impact assessment

66. An initial equality analysis has been undertaken. This consultation will help understand the impact and give consultees an opportunity to influence the policy and further determine the positive and any negative impacts.
67. The changes proposed in this consultation aim to increase provision of Changing Places toilets in certain new large buildings commonly used by the public or where such a building undergoes an extension, material alteration or change of use. Such facilities are already provided, on a voluntary basis, in some buildings and a register of facilities is maintained online by the Changing Places Consortium.
68. Research commissioned by MENCAP in 2016 indicates that there are in the region of 250,000 people in the UK who directly benefit from the use of Changing Places toilet facilities. The research notes that most users would be persons with developmental disabilities, neurological degenerative conditions and disabilities resulting from aging, illness or injury. There is also a continued increase in age-related conditions within our population. People with such conditions and disabilities are more likely to experience difficulties in mobility and self-transfer and have high continence needs.
69. Government has been engaging with users of Changing Places toilets and their carers prior to launching this consultation. We have heard views from users and carers on which buildings should include Changing Places toilets as well views on their size and the equipment that is essential in these facilities. Based on this engagement, the Government believes users and carers would strongly welcome action to increase provision.
70. The changes proposed in this consultation will give severely disabled people and their families the opportunity to visit public places with confidence, which they otherwise would not be able to do. More Changing Places toilets can therefore make a huge difference to their quality of life.
71. The Equality Act requires the Government to pay due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
  - advance equality of opportunity between people who share a protected characteristic and those who do not
  - foster good relations between people who share a protected characteristic and those who do not.

72. Based on an initial analysis, the proposal to increase provision through mandating Changing Places toilets will not have a negative impact on the above aims regarding the protected characteristics of:

- age
- disability
- sex
- gender reassignment
- marriage or civil partnership
- pregnancy and maternity
- race
- religion or belief
- sexual orientation.

73. The proposed changes will have a positive impact on the protected characteristics of age and disability.

74. In conclusion, the proposed changes to mandate Changing Places toilets will have a positive equalities impact. No negative impacts have been identified.

**Question 15**

Do you have any comments on the initial equality impact assessment?

If yes, please provide your comments including any evidence to further determine the positive and any negative impacts.

## Next steps

75. The consultation will close on 22 July 2019. Responses to this consultation will be analysed over the summer and a Government response will follow.

# Annex A - Consultation questions

## Respondent details

Question 1	Respondent details
Name	
Position (if applicable)	
Organisation (if applicable)	
Address (including postcode)	
Email address	
Telephone number	
Please state whether you are responding on behalf of yourself or the organisation stated above	

Question 2	Select one
Please indicate whether you are applying to this consultation as a:	
• Builder / Developer	
• Manufacturer	
• Designer / Engineer /Surveyor	
• Local Authority	
• Building Control Approved Inspector	
• Architect	
• Access Consultant	
• Occupational Therapist	
• Facilities Manager	
• Retailer	
• Construction professional	
• Property Manager / Landlord	
• Landlord representative organisation	
• Changing Places User / Carer	
• Charity	
• Campaigner or Lobby Group	
• Other interested party (please specify)	



## Questions on options for increasing provision of Changing Places toilets

<b>Question 3</b>	
Do you support the Government's intention to increase the provision of Changing Places toilets?	YES/NO
Please explain your reasons	[Free text]
<b>Question 4</b>	
If yes, do you agree that the Government should introduce a mandatory requirement for Changing Places toilets in Building Regulations	YES/NO
<b>Question 5</b>	
If no, do you think the Government should take a different approach.	YES/NO
If yes, please explain what approach you consider favourable and why?	[Free text]
<b>Question 6</b>	
If you support a mandatory requirement, do you agree with the building types listed in Box A.	YES/NO
If no, do you think the list should be wider or narrower?	WIDER/NARROWER
If wider, what other building types do you think a mandatory requirement should apply to?	[Free text]
If narrower, which buildings would you exclude?	Building type from list in Box A
<b>Question 7</b>	
If you support a mandatory requirement, do you agree with the size, capacity and other triggers in Box A in relation to each building type?	YES/NO

Please indicate yes or no against each building type and its trigger.	A shopping centre/mall or retail park with a gross floor area of 30,000 m <sup>2</sup> or more	YES/NO
	A single retail premises with a gross floor area of 2,500 m <sup>2</sup> or more that is not within a shopping centre/mall or retail park where a facility is already required (as above);	YES/NO
	Service areas on motorways and all-purpose trunk roads (known also as motorway service areas (MSAs));	YES/NO
	Major transport termini including airports, railway stations, (including tram, underground and metro stations) ferry ports, bus and coach stations, and any building that serves as an interchange and with an estimated or actual footfall of at least 10 million per annum;	YES/NO
	A place of entertainment including stadia and auditoria, theme parks or places of assembly with a capacity of 2,000 persons or more;	YES/NO
	Cultural centres, including museums, concert halls, art galleries and faith centres with over 300,000 visitors expected per year;	YES/NO
	A cinema complex/multi-plex of 5 or more screens or a seating capacity of 350 or more;	YES/NO
	A theatre with a seating capacity of 500 or more;	YES/NO
	A public library over 3000m <sup>2</sup> ;	YES/NO
Sport and leisure buildings over 5000m <sup>2</sup> , including large hotels over 100 room capacity.	YES/NO	

<p>If no, please indicate what trigger you consider appropriate for each building type.</p>	<p>A shopping centre/mall or retail park</p> <p>A single retail premises</p> <p>Major transport termini including airports, railway stations, (including tram, underground and metro stations) ferry ports, bus and coach stations, and any building that serves as an interchange</p> <p>A place of entertainment including stadia and auditoria, theme parks or places of assembly</p> <p>Cultural centres, including museums, concert halls, art galleries and faith centres.</p> <p>A cinema complex/multi-plex</p> <p>A theatre</p> <p>A public library</p> <p>Sport and leisure buildings and hotels</p>	<p>Trigger?</p>
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### Questions on size and equipment in Changing Places toilets

<b>Question 8</b>	
<p>Do you agree that a standard-sized Changing Places toilet of 12m<sup>2</sup> should be provided in new buildings listed in Box A?</p>	<p>YES/NO</p>
<p>If no, please explain your reasons</p>	<p>[Free text]</p>

<b>Question 9</b>	
<p>Where a Changing Places toilet is provided in a building (listed in Box A) that undergoes a material alteration, an extension or a change of use, should a smaller-sized facility of a minimum of 3m by 3m (9m<sup>2</sup>) be provided?</p>	<p>YES/NO</p>
<p>Please explain your reasons.</p>	<p>[Free text]</p>

<b>Question 10</b>
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Do you agree that the standard and smaller sized Changing Places toilet include all the equipment listed in boxes B & C?	YES/NO
If no, please indicate whether you think more or less equipment should be included.	MORE/LESS
If less, please indicate what should not be included.	From list of equipment in Boxes C & D
If more, please indicate what should be added.	[Free text]

<b>Question 11</b>	
Please use this question to provide any other commentary or observations you have on the proposals to make provision for Changing Places toilets and the size of and equipment in Changing Places toilets.	[Free text]

## Questions on cost and equality impacts

<b>Question 12</b>	
Do you agree with the cost estimates for building Changing Places toilets?	YES/NO
If no, please explain what you consider an appropriate cost range and provide evidence to show why.	[Free text]

<b>Question 13</b>	
Do you agree with the build rate estimates of 156 additional Changing Places toilets per annum and the associated costs?	YES/NO
If no, please explain the build rate and cost estimates you consider appropriate and provide evidence to show why.	[Free text]

<b>Question 14</b>	
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<p>Do you have any evidence that you could provide on ongoing maintenance costs of Changing Places toilets?</p>	<p>YES/NO</p>
<p>If yes, please include your evidence in your response.</p>	<p>[Free text]</p>

<p><b>Question 15</b></p>	
<p>Do you have any comments on the initial equality impact assessment?</p>	<p>YES/NO</p>
<p>If yes, please provide your comments including any evidence to further determine the positive and any negative impacts.</p>	<p>[Free text]</p>

# Annex B - About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

# Annex C - Personal data

The following is to explain your rights and give you the information you are be entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

## **1. The identity of the data controller and contact details of our Data Protection Officer**

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at [dataprotection@communities.gov.uk](mailto:dataprotection@communities.gov.uk)

## **2. Why we are collecting your personal data**

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

## **3. Our legal basis for processing your personal data**

The Data Protection Act 2018 states that, as a government department, MHCLG may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation. There is a statutory requirement in the Building Act to consult on substantive changes to the building regulations.

## **4. For how long we will keep your personal data, or criteria used to determine the retention period.**

Your personal data will be held for two years from the closure of the consultation.

## **5. Your rights, e.g. access, rectification, erasure**

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

## **6. The Data you provide directly will be stored by Survey Monkey on their servers in the United States. We have taken all necessary precautions to ensure that your rights in terms of data protection will not be compromised by this.**

## **7. Your personal data will not be used for any automated decision making.**

## **8. We use a third-party provider (Survey Monkey) to gather data. Once the consultation has closed, your data will be moved to a secure government IT system.**