

Mixed-sex schools shouldn't segregate children, says DfE

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Mixed-sex schools in England should not generally separate pupils by sex or faith, the government has said.

In new non-statutory [guidance](#), the Department for Education (DfE) has advised schools not to segregate children by characteristics protected under the Equality Act 2010, which include faith, sex and race.

The guidance comes in the wake of a landmark [ruling](#) in the Court of Appeal last year that an Islamic school's policy of segregating boys from girls amounted to unlawful sex discrimination. Al-Hijrah school in Birmingham segregated boys and girls from year five upwards for religious reasons for all lessons, break and lunchtimes, school trips and school clubs.

The guidance says separating pupils in a way that "denies them the choice or opportunity to interact socially, or to interact in an educational setting, with pupils of the other sex" is likely to be unlawful.

When pupils are separated school leaders and governors will be expected to justify their policy to Ofsted and other inspectors, parents and the wider community.

The guidance says schools may take proportionate action when they reasonably think girls or boys suffer a disadvantage related to their sex, have different needs or participate disproportionately little in an activity.

It adds that schools should check there are no practices that could result in less favourable treatment of a boy or a girl because of his or her sex.

Schools will be allowed to use single-sex sports teams on the basis of physical disadvantage, provided there are comparable sporting activities on offer for the other sex. They remain obliged to provide separate toilet and washing facilities for boys and girls aged eight and over. Existing statutory exceptions also allow schools to provide separate boarding accommodation.

Alastair Lichten, the National Secular Society's education and schools officer, said the guidance was "mostly just common sense interpretation of existing equalities legislation".

"There may be some limited circumstances in which gender segregation is justified but it is reasonable to ask schools to justify it. For some schools – particularly faith schools – gender segregation is a way of preparing boys and girls for different roles and advancing unhealthy attitudes towards girls and women. Where that happens it is unacceptable, so we're pleased to see the DfE making this clear.

"But it's disappointing that the guidance doesn't explicitly address RE. Gender segregated RE implies that students are being prepared for religious roles, rather than being educated about religion and beliefs."

In 2017 the NSS wrote to the DfE after its [research](#) found a number of state-funded Jewish schools where pupils receive different religious education lessons according to their gender.

At the [time](#) of the Al-Hijrah ruling around 20 mixed-sex Christian, Jewish or Islamic faith schools in the UK practised gender segregation. Shortly afterwards Hasmonean High School, a secondary high school for pupils from orthodox Jewish families, [announced](#) its intention to split into two schools to evade the implications of the ruling.

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