



Faye Russell-Caldicott v NHS England

Public sector: claimant prepares to sue NHS

Jurisdiction: Employment Tribunal 2025

Sector: Health, Public

Causes of action: Indirect discrimination

Legal representation: Elizabeth McGlone at Didlaw (solicitor), Naomi Cunningham (counsel)

Updates: [Faye Russell-Caldicott's crowdfunder](#)

Summary of events

Faye Russell-Caldicott (a pseudonym) has filed a legal claim against NHS England, alleging indirect discrimination on the grounds of gender-critical belief, sex, religion and disability (PTSD).

The case challenges NHS England's trans staff policy, which permits male employees who identify as women to access female-only toilets, changing rooms and shower facilities. The claimant argues that this policy effectively renders single-sex spaces mixed-sex, disadvantaging women, particularly in locations where showering facilities are open-plan. Women uncomfortable with the arrangement are directed to use gender-neutral toilets, while trans-identifying males retain access to female facilities.

The claimant argues that NHS England failed to conduct an equality impact assessment before implementing the policy and did not consider the needs of women, trauma survivors or individuals whose religious beliefs require single-sex facilities.

NHS England maintains that its policy is non-discriminatory and that female-only facilities are open to both "those born female and those who identify as female". It asserts that excluding male individuals who identify as women would constitute unlawful discrimination.

The most frequently reported sexual offences include indecent exposure, where an individual deliberately reveals their genitals in a public or private setting with the intent to cause alarm or distress, and voyeurism, where an individual observes someone undressing or in a state of undress for sexual gratification. The perpetrators are overwhelmingly male, and the victims overwhelmingly female.

Next steps

NHS has admitted that the claimant is disabled. A preliminary hearing is due to take place in 2025 to determine outstanding case management issues and the claimant's application for anonymity.