

IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION  
ADMINISTRATIVE COURT

BETWEEN:

THE KING on the application of  
SEX MATTERS

Claimant

and

MAYOR AND COMMONALTY AND CITIZENS OF  
THE CITY OF LONDON

Defendant

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**WITNESS STATEMENT OF MAYA FORSTATER**

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I, MAYA FORSTATER, Chief Executive Officer of Sex Matters (business address 63/66 Hatton Garden, Fifth Floor Suite 23, London, EC1N 8LE), will say as follows:

1. I make this statement in support of Sex Matters' application for judicial review against the City of London Corporation. The facts stated within this statement are within my own knowledge and belief save where otherwise stated.
2. In this statement I shall provide information about:

|   |    |
|---|----|
| The work of Sex Matters   | 2  |
| Background information on women, men and gender identity  | 9  |
| How I know about the situation at Hampstead Ponds   | 19 |
| The Hampstead Ponds   | 21 |
| Rules, environment and infrastructure at the Ladies' Pond and the Men's Pond  | 35 |
| The City of London's current policy for managing single-sex services  | 41 |
| The ideological basis of the City of London's Policy  | 42 |
| What people have told me about their experiences  | 50 |
| Examples of public and private sector organisations still allowing trans-identifying men into women's spaces (and vice versa) | 72 |

### The work of Sex Matters

3. Sex Matters is a human rights charity (number 1207701). I am the Chief Executive Officer and a co-founder. I am responsible for overseeing and implementing Sex Matters' programme of activities, acting as the organisation's primary spokesperson and establishing and maintaining relationships with various organisations and with officials in the interests of Sex Matters' work in pursuit of our charitable objects and strategy as agreed by the board of the charity.
  
4. Sex Matters was founded in October 2020 and became a registered charity in April 2024. We campaign for clarity on sex in law and policy in the UK, in order to protect everyone's human rights. Our objectives are to:
  - i) promote human rights where they relate to biological sex;
  - ii) advance education about sex and the law; and
  - iii) promote the sound administration of the law in relation to sex and equality in the law.
  
5. Our board of trustees comprises Chair Naomi Cunningham (employment and discrimination barrister), Tim Allan (communications specialist and investor), Rebecca

Bull (employment law solicitor), Professor Michael Biggs (sociologist), Charlotte Cadden (retired detective chief inspector), Dr Emma Hilton (developmental biologist), Julia Casimo (accountant), Kate Owen (governance professional), Anya Palmer (employment and discrimination barrister) and Claire Weir (teacher). I lead our core team of staff and volunteers and also draw on the expertise and experience of a broad-based Advisory Group comprising academics, clinicians, scientists, lawyers, policy analysts, business-people, artists, journalists, athletes, and others.

6. Our staff include Helen Joyce, author of the bestselling book “*Trans: When Ideology Meets Reality*” (OneWorld, 2021)<sup>1</sup> and Fiona McAnena, author of “*TERF Island: How the UK Resisted Trans Ideology*” (Spinifex, 2025).<sup>2</sup> Our advisory group includes Professor Alice Sullivan, co-editor of “*Sex and Gender: A Contemporary Reader*” (Routledge, 2023). Two of our board members contributed chapters to that book: Emma Hilton (Two sexes) and Michael Biggs (The Technology of Puberty Suppression). Other advisory group members also contributed chapters: Cathy Devine (Sex, Gender Identity and Sport) and Professor Jo Phoenix (Sex, Gender, Identity and Criminology).<sup>3</sup> Professor Sullivan also co-wrote a chapter (Why Do We Need Data on Sex?) and was commissioned by the Department for Science, Innovation and Technology (DSIT) to undertake the Sullivan Review Review of data, statistics and research on sex and gender (published in March 2025).<sup>4</sup>
7. In its first few years of operation, Sex Matters has established itself as an effective stakeholder and respected commentator in debates on how institutions, policies and rules should protect people against discrimination and harassment based on protected characteristics, including sex and gender reassignment. We have published over 20

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<sup>1</sup> <https://oneworld-publications.com/work/trans/>

<sup>2</sup> <https://www.spinifexpress.com.au/shop/p/9781922964267>

<sup>3</sup> <https://www.routledge.com/Sex-and-Gender-A-Contemporary-Reader/Sullivan-Todd/p/book/9781032261195?>

<sup>4</sup> <https://www.gov.uk/government/publications/review-of-data-statistics-and-research-on-sex-and-gender/review-of-data-statistics-and-research-on-sex-and-gender-terms-of-reference>

research briefings<sup>5</sup> and responded to 15 government consultations.<sup>6</sup> Board members and staff have given evidence to the UK and Scottish Parliaments and have been invited to present to the UN Independent Expert on sexual orientation and gender identity, the Equality and Human Rights Commission, the UN Special Rapporteur on violence against women and girls, the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence, and representatives of HMICFRS reviewing activism in the police.

8. Sex Matters was the only civil society organisation to be given permission to intervene by way of oral as well as written submissions in the Supreme Court in *For Women Scotland Ltd v. The Scottish Ministers* [2025] UKSC 16. Our counsel Ben Cooper KC was thanked by the Supreme Court in the judgment at paragraph 35 for submissions “*which gave focus and structure to the argument that ‘sex’, ‘man’ and ‘woman’ should be given a biological meaning*”.
9. We were one of the six NGOs granted permission to intervene in *C.V. & M.E.D. v. France* in the European Court of Human Rights, a case concerning an application to register a male-born person as the mother of a child conceived with that person’s sperm. We were also granted permission to intervene in *Higgs v Farmor’s School* [2025] EWCA Civ 109, a belief discrimination case in the Court of Appeal.
10. Sex Matters supports the universal human rights of everyone, including those people who identify as transgender. We have identified that laws and policies which conflate and confuse the concepts of sex (male and female, an immutable personal characteristic) and gender identity (a subjective idea about a person’s relationship to cultural perceptions of masculine and feminine behaviour, roles and appearance) have consequences that can engage several ECHR rights, including those which engage

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<sup>5</sup> Including on data collection, concern about single sex-services, the impact of gender ideology on the women’s sector and harassment and discrimination against people with gender-critical beliefs, and discrimination faced by lesbian associations.

<sup>6</sup> Including on hate crimes, sex by deception, the NHS constitution, guidance on supporting gender-questioning children in school, and fairness and safety in sports.

Articles 3, 6, 8, 9, 10, 11, 12 and 14. Where rights and interests come into conflict, we seek to propose practical solutions which respect everyone’s human rights and to be clear about the trade-offs between different interests.<sup>7</sup>

11. Sex Matters has identified areas where conflicts arise including: the effectiveness of protection against discrimination and harassment, including based on sex, sexual orientation, belief and gender reassignment; provisions for safeguarding children and vulnerable people including the duty of care towards pupils, patients and service users; provision of single-sex services which protect the dignity and privacy of everyone; fairness and safety in sport; provision of services for women and girls who have been the victim of male violence; and data collection and protection.
12. As part of our work we provide advice and guidance to individuals who may face discrimination and harassment at work and as users of services for standing up for sex based rights, and who are concerned about the policies of their children’s schools.<sup>8</sup> We publish guidance so that they can understand the law and their rights, including in relation to “gender critical” belief discrimination and single-sex facilities,<sup>9</sup> services and sports. We publish template letters and Q&As and answer questions that come into our in-box. We get around 150 queries a month. We help people to understand what their options are, how to make complaints and how they can obtain legal redress. We track and report on legal cases.<sup>10</sup>
13. We cannot afford to, and do not think it should be necessary, for individuals to have to take legal action to compel every individual provider of single and separate sex facilities to comply with the law. The law should be clearly understood and respected as a matter of course. But currently many organisations that have promoted misunderstanding of the law are continuing to fail to bring their policies into line with the Equality Act. We

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<sup>7</sup> <https://sex-matters.org/wp-content/uploads/2022/11/Why-sex-matters-for-human-rights.pdf>

<sup>8</sup> <https://sex-matters.org/take-action/school-check/>

<sup>9</sup> <https://sex-matters.org/take-action/know-your-rights-workplace-toilets>

<sup>10</sup> <https://sex-matters.org/case-briefings>

sometimes support individual cases to be initiated. For example, we provided initial funding for early stage legal representation for Sandie Peggie, the nurse in Scotland who is taking her employer NHS Fife to an employment tribunal for sex-based harassment and discrimination after it allowed a male colleague to use the female changing rooms.<sup>11</sup> We also supported Michelle Dewberry, a winner of the television show *The Apprentice* and a GB News presenter, to send a letter before action to Virgin Active gyms after she encountered a trans-identifying man in the women’s changing room.<sup>12</sup>

14. We also undertake and commission research and analysis; collect case studies, publish reports and communicate findings to the public and policy makers; meet with organisations, officials, MPs, peers and Ministers; respond to public consultations; advise and encourage members of the public to understand and use their rights and to engage with local and national government and public and private service providers; engage with the regulators in including the Equality and Human Rights Commission, Care Quality Commission and Health and Safety Executive and engage with international organisations.

#### Risks of having publicly known gender critical beliefs

15. Sex Matters is an organisation with an ethos based around the “gender critical” (or sex realist) belief that sex is real, immutable and important. This is recognised as a philosophical belief protected under the Equality Act 2010 following the case of *Forstater v CGD Europe [2022] ICR 1 EAT*, in which the EHRC intervened. While it may seem strange to call this a “belief”, the protection is important because in recent years the straightforward idea that sex matters has become controversial in some circles and institutions.

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<sup>11</sup> <https://sex-matters.org/case-briefings/sandie-peggie-v-nhs-fife-and-beth-upton/>

<sup>12</sup> <https://sex-matters.org/posts/updates/virgin-active-brings-policy-in-line-with-law-after-threat-of-legal-action/>

16. Currently people are bullied and hounded at work for making simple straightforward points about the differences between men and women, saying that a person cannot change sex or saying that gender identity should not trump sex in law. They can face vilification as “TERFs” (trans exclusionary radical feminists). On the internet, in the workplace and in schools, universities, hospitals and other services, women labelled as “TERFs” are sent sexual and violent threats. They may be put under pressure to recant and apologise. If they refuse, they may be reported to their employer and often to the police. Sex Matters sent a 54-page report detailing the threats to people who speak out to the Global Alliance of National Human Rights Institutions, *Threats, reprisals and intimidation against the EHRC and those who stand up for sex-based rights in Britain*.<sup>13</sup> There have been several successful belief discrimination cases in relation to harassment and discrimination at work in relation to gender critical beliefs. But many people continue to be hounded and bullied at work and those attending events and meetings to discuss this as a policy issue face intimidation, misogynistic and sexualised threats and even physical violence.<sup>14</sup> Because of this, common knowledge and curiosity have retreated, and fear and unworkable, abusive policies have taken their place.
17. Many of our supporters tell us that they remain anonymous on social media or quiet about their gender critical beliefs at work, for fear of being targeted for harassment. Books that have documented the harassment campaigns against gender critical women include “*Hounded: Women, Harms and the Gender Wars*” by Jenny Lindsay<sup>15</sup> and “*The Women Who Wouldn’t Wheeshit*”, a compendium of essays from Scotland.<sup>16</sup> The National Library of Scotland recently excluded “*The Women Who Wouldn’t Wheeshit*” from an exhibition of books nominated by the public because of concern that it would

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<sup>13</sup> Sex Matters (2024) Submission to GANHRI: Threats, reprisals and intimidation against the EHRC and those who stand up for sex-based rights in Britain <https://sex-matters.org/wp-content/uploads/2024/01/Sex-Matters-submission-to-GANHRI-re-EHRC.pdf>

<sup>14</sup> <https://sex-matters.org/about-us/what-we-are-up-against/intimidation-threats-and-violence-by-trans-rights-activists/>

<sup>15</sup> [https://www.politybooks.com/bookdetail?book\\_slug=hounded-women-harms-and-the-gender-wars--9781509563623](https://www.politybooks.com/bookdetail?book_slug=hounded-women-harms-and-the-gender-wars--9781509563623)

<sup>16</sup> <https://www.littlebrown.co.uk/titles/susan-dalgety/the-women-who-wouldnt-wheeshit/9781408720707/>

cause “*significant risks to the Library’s relationships with authors and other stakeholders*”. Sex Matters has written to the National Library pointing out that ongoing exclusion of the book from the exhibition following the discriminatory process is a continuing act of harassment and discrimination against gender-critical staff, visitors and potential visitors.<sup>17</sup> Men are also sometimes targeted for speaking up. For example, ten authors and two judges recently withdrew from the Polari prize and more than 800 writers and publishing industry workers signed a petition calling on Polari to remove John Boyne’s novella “*Earth*” from its longlist, because he has expressed gender critical views.<sup>18</sup>

18. People expressing gender critical beliefs face institutionalised discrimination because the truth that sex matters conflicts with tenets of gender-identity ideology, which has been widely adopted by institutions over the past 15 years. This is the claim that everyone has an inner “gender identity”, and that when a person’s beliefs about their gender identity conflict with their biological sex, it is the gender identity that determines the person’s “true self”. For example the group Gendered Intelligence describes in parliamentary evidence that people are transgender if they:

*“identify with the ‘opposite’ gender to the one they were assigned i.e. either someone assigned female at birth who recognises themselves to be a man (‘trans man’, ‘a man with a trans history’ or simply ‘a man’), or someone assigned male at birth who recognises themselves to be a woman (‘trans woman’, ‘a woman with a trans history’ or simply ‘a woman’).”<sup>19</sup>*

19. Gendered Intelligence and others who share its ideological approach argue that “gender critical” beliefs should not be protected under the Equality Act and that the movement has “only contributed to rising hate” towards transgender people (for example in an open

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<sup>17</sup> <https://x.com/SexmattersOrg/status/1890672435654>

<sup>18</sup> <https://www.theguardian.com/world/2025/aug/14/john-boyne-says-lgbtq-polari-fiction-prize-backlash-brought-him-close-to-the-edge>

<sup>19</sup> <https://committees.parliament.uk/writtenevidence/22075/pdf/>

letter to the EHRC).<sup>20</sup> They typically equate protecting single-sex services with “transphobia”. For example Gendered Intelligence said in its 2021 evidence to Parliament that it is transphobia to “make factually incorrect assertions e.g. that the GRA affects people’s access to single-sex spaces and services, including sport”.<sup>21</sup>

### Background information on women, men and gender identity

20. In order to understand the City of London’s admission rules, which allows entrance into the ostensibly “single sex” services on the basis of “gender identity”, as well as some of the grounds of Sex Matters’ challenge to it, it is important to understand some key facts about men and women and bodily privacy and safety (as well as what is meant by the concept of gender identity). In relation to sex:
- a. Human beings cannot change sex.
  - b. Sex is in general readily perceptible and is salient to other people.
  - c. Being undressed with or exposed members of the opposite sex can be experienced as alarming, degrading and humiliating.
  - d. Provisions to maintain relevant spaces and interactions as “same-sex” in order to protect dignity, privacy and safety are particularly important to women because
    - i) women in general feel (and have enforced against them) taboos about physical modesty more powerfully than men.
    - ii) women are in general more fearful of men than men are of women.
    - iii) men are statistically much more likely to be guilty of crimes of violence, sexual assault, indecent exposure, and voyeurism than women.
21. The statements in the preceding paragraph could be taken simply as self-explanatory and a matter of common-sense, as well as reflecting the definition of sex in the Equality Act as confirmed in recent judgment by the Supreme Court.

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<sup>20</sup> <https://www.consortium.lgbt/ehrc-open-letter/>

<sup>21</sup> <https://committees.parliament.uk/writtenevidence/22075/pdf/>

22. However these statements have been presented as controversial or forbidden by some (including the City of London during the development of this policy) so at §§XX below I set out, with references, the basis on which I am confident that the statements in §XX above are true.

*Human beings cannot change sex*

23. While the Supreme Court’s judgment in *For Women Scotland* has clarified the law and the meaning of “sex” in the Equality Act, it is important to understand the underlying reality that “man” and “woman” are not only legal or administrative designations, but physical realities, representing conventional and well understood biological facts.<sup>22</sup>
24. Sex (being male or female, in humans a man or woman) refers to reproductive role – that is, whether someone has the type of body that is usually able to produce sperm or eggs. Sex in humans is determined at conception, and observed at birth by the presence of one or other set of external genitalia (penis and scrotum or vulva). At puberty, hormones cause sex-typical secondary characteristics. Males are typically bigger and stronger. They are taller with longer bones, broad shoulders and narrow hips. They have larger muscle mass, particularly in the upper body. As well as differing in terms of speed, strength and power male and female populations tend to differ on behavioural traits such as aggression, risk taking and sociosexuality (an individual’s interest in uncommitted sexual activity). Some animals and plants are hermaphrodite, producing both male and female gametes. This is not the case for humans.<sup>23</sup>

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<sup>22</sup> This section draws on the chapter by biologists Dr Emma Hilton and Colin Wright “Two Sexes” in Sullivan, A. and Todd, S. (eds.) *Sex and Gender: A Contemporary Reader*, Routledge.

<sup>23</sup> Disorders of sexual development (DSDs) are a group of relatively rare medical conditions that affect either males or females in specific ways. They are sometimes termed “intersex” conditions but this is a misnomer; they do not place people between the sexes. There are no true hermaphrodite conditions in humans. They are not relevant to this discussion and I am only highlighting them as they are sometimes used as a “red herring” to suggest that sex is not binary.

*Sex is in general readily perceptible and is salient to other people*

25. An adult's sex is usually readily perceptible to other adults. Human beings, like other sexually reproducing animals, have evolved to recognise, remember and treat as salient the sex of other human beings. We can usually discern another adult's sex with 98% accuracy simply from a glance at their face.<sup>24</sup> Other cues such as voice, gait and build make it hard to mistake a person's sex.
26. It is particularly hard for men to disguise their sex. This is because of the irreversible impact of male puberty and the powerful effect of the hormone testosterone on body shape, facial structures, voice, height and gait. Female puberty can more readily be masked by women later taking high doses of testosterone to develop facial hair, male pattern baldness and a deeper voice.<sup>25</sup>

*Being undressed, exposed to or touched by a member of the opposite sex can be experienced as alarming, degrading and humiliating.*

27. It is well established that people often prefer and need privacy from members of the opposite sex when changing, washing, undressing, sleeping, and using the toilet, and that many people prefer to be intimately examined by healthcare and security professionals of the same sex. This is one of the key reasons why provisions for single-sex spaces and services and associated employment exist.
28. Representative surveys find that around 50% of people in the UK say that they feel uncomfortable using "gender neutral" (i.e. mixed sex) toilets in public places.<sup>26</sup> While there are surveys about how comfortable people feel being naked in a same sex

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<sup>24</sup> Julio González-Álvarez, Rosa Sos-Peña (2022) Sex perception from facial structure: Categorization with and without skin texture and color, Vision Research, Volume 201, <https://doi.org/10.1016/j.visres.2022.108127>

<sup>25</sup> Cass Review; Page 180 <https://cass.independent-review.uk/home/publications/final-report/>

<sup>26</sup> <https://yougov.co.uk/topics/society/trackers/how-comfortable-brits-feel-using-gender-neutral-toilets-in-public-spaces>

communal changing room,<sup>27</sup> we could not find any surveys asking people in the UK how comfortable or not they feel being naked in a communal changing room shared with strangers of the opposite sex. This is simply not part of any mainstream cultural expectation in the UK. Travel writing about the experience of mixed-sex saunas in Germany and Scandinavia reflects how unusual it is to be naked in the company of naked members of the opposite sex in a non-sexual situation in the UK.<sup>28</sup>

29. In 2022, Sex Matters published the results of a call to evidence, which got 7,062 responses in a week, about why people value single-sex services and spaces. Those who responded set out in detail the practical, emotional and safety reasons why single-sex services matter to them.<sup>29</sup> Most of the responses relate to everyday single sex services like toilets, changing rooms, showers. 9 out of 10 of the responses came from women. They underline how important bodily privacy is even in these low-key situations:

*“Changing, showering and using the toilet are things that happen in private. Most people don’t want to do any of those things in front of anyone, even people we know, let alone an unknown member of the opposite sex.” Female, England, 35–44*

*“Without being able to change, shower and use the toilet away from the opposite sex it would stop me wanting to exercise, go out and try new things.” Female, Scotland, 45–54*

*“I’m a Muslim woman and the thought of sharing female only spaces with the opposite sex just further alienates me and ensures that I spend less time in public spaces. It’s unfair that the idea of inclusivity centres marginalised men feelings and safety over women.” Female, England, 25–34*

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<sup>27</sup> <https://yougov.co.uk/society/articles/46046-what-makes-men-uncomfortable>

<sup>28</sup> <https://www.thetimes.com/travel/destinations/europe-travel/germany/my-naked-sauna-in-berlin-s2d5pwq9x>

<sup>29</sup> <https://sex-matters.org/wp-content/uploads/2022/07/Single-sex-services-30-minute-read.pdf>

*“As a survivor of childhood sexual assault and rape, I never feel safe in changing rooms, showers, or toilets when men enter those spaces. Having endured extreme male violence I have every right to male free spaces.” Female, Wales, 55–64*

30. Most religions also have specific taboos and practices about modesty between the sexes, and how much of the breasts, legs, arms and hair it is acceptable to show in same-sex and opposite sex situations. These concerns also came up in the Sex Matters survey:

*“As a religious person, my beliefs are protected. My faith requires that I would NOT undress in front of males. Including men who say they are women.” Muslim, Female, England, 35–44*

*“My Christian faith teaches me that my modesty is important and that nakedness is something revealed to only very few people. I feel uncomfortable being forced into situations of intimacy with strangers of the opposite sex.” Christian, Female, England, 45–54*

*“I am Jewish and I do not expose myself to any other male except my husband.” Jewish, Female, England, 35–44*

*Provisions to maintain relevant spaces and interactions as “same-sex” in order to protect dignity, privacy and safety are particularly important to women.*

31. While both men and women do not wish to be exposed to members of the opposite sex while undressing, this is particularly important for women.
32. In general, surveys find that while women are more comfortable being open than men (such as crying in front of a friend, putting sunscreen on a friend of the same sex or sharing a bed with a friend of the same sex), the one area where women are much less comfortable than men is being naked with strangers. While 49% of men in the general

population say they feel uncomfortable being naked in a same sex communal changing room, the figure among women is 67%.<sup>30</sup>

33. The reasons for this may be the stronger modesty taboos on women than men, that more men play team sports and are thus accustomed to changing together, that women need to cover more parts of their body to be decent, women's greater sensitivity about their appearance, and the greater potential for embarrassing incidents related to menstruation. There may also be a greater feeling of vulnerability in general because a place where women undress is likely to be attractive to male voyeurs and hidden cameras. It is notable that accidental exposure or peeping in a women's changing room is a well-catered-for pornography scenario.
34. In any case women generally need to feel more comfortable than men that a space is secure and secluded, and about the people who are in it, before getting undressed.
35. Women have good reason to fear men. Men as a group are more prone to sociosexual behaviour and to violence and crime. Professor Jo Phoenix summarises that 200 years of criminological and other social scientific evidence attests to the fact that the single greatest predictor of offending is sex. Statistics from the Ministry of Justice show that 98% of sexual crimes are by men.<sup>31</sup> At paragraphs 184 to 188 below, I provide details of further evidence which shows that trans identifying males are at no lower risk of carrying out sex crimes than men who do not identify as trans.
36. Paraphilias are also much more common in men. They are broadly understood as atypical sexual desires. A paraphilia may become a paraphilic disorder. The DSM-V (the widely used diagnostic manual for mental health disorders) defines this in terms of a person feeling personal distress about their interest, or having a sexual desire or behaviour that involves another person's psychological distress, injury or death, or a

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<sup>30</sup> <https://yougov.co.uk/society/articles/46046-what-makes-men-uncomfortable>

<sup>31</sup> <https://www.csacentre.org.uk/app/uploads/2023/09/Child-sexual-abuse-in-2021-22-Trends-in-official-data.pdf>

desire for sexual behaviours involving unwilling persons or persons unable to give legal consent.<sup>32</sup> Exposure and voyeurism are paraphilic disorders, and together with unwanted touching are the most common sexual crimes. Transvestic fetishism (crossdressing) and autogynephilia (a man fetishizing the idea of having a woman's body) can also be paraphilias.<sup>33</sup>

*What is meant by “identifying as a woman” or “identifying as a man”*

37. The current policy of the City of London, exhibited to my witness statement at **MF1/1**, cuts across the sex categories. The new signage at the Ladies’ Pond put up around 25 July 2025 says that it welcomes “those who “identify as women”. It describes this group as “trans women with the protected characteristic of gender reassignment under the Equality Act”. A similar sign is displayed at the Men’s Pond saying it welcomes those who “identify as men”, exhibited at **MF1/2**.
38. This language is not easy to understand. In particular many people will think that the “protected characteristic of gender reassignment under the Equality Act” means a medical process, or a process under medical supervision, or a formal diagnosis, or some kind of legal approval or permanent process. This is not the case.
39. There are no particular visible signs or steps that are required to have the protected characteristic of gender reassignment under the Equality Act.
40. When people identify as transgender they may choose to take personal steps such as wearing different clothing or changing hairstyle. Some wear prosthetics (such as breastforms for men or penis-shaped “packers” for women) and/or take steps to disguise their secondary sex characteristics (such as women wearing binders to compress their breasts or men using a tape or a compression “gaff” to tuck their penis into their crotch.

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<sup>32</sup>[assets.publishing.service.gov.uk/media/6092a0d58fa8f51b95cc0aa4/the-development-of-a-scale-for-general-paraphilia.pdf](https://assets.publishing.service.gov.uk/media/6092a0d58fa8f51b95cc0aa4/the-development-of-a-scale-for-general-paraphilia.pdf)

<sup>33</sup><https://pubmed.ncbi.nlm.nih.gov/22005209/>

Men may also have laser hair removal, wear a wig and learn to modify their voices to some extent.

41. Some people go further and undertake medical treatment which can include cross-sex hormones (masculinising testosterone for women and feminising oestrogen for men). This leads to the development of secondary sexual characteristics (such as facial hair growth, male pattern baldness and deepening voice in women and growth of breasts and deposition of body fat in men) which mimic aspects of the appearance of the opposite sex.
42. A minority of people go on to have surgery. For men this can include removal of the testes (orchidectomy), removal of the penis (penectomy), the construction of structures that resemble a vulva, vagina or clitoris, breast implants, facial surgery or hair transplants. For women it may include removal of both breasts (mastectomy), the construction of structures resembling a penis and scrotum, or the removal of the womb (hysterectomy) and the ovaries and fallopian tubes (salpingo-oophorectomy). Only a minority of people who identify as transgender have such surgery (in particular genital surgery). According to the last censuses in England and Wales<sup>34</sup> and Scotland<sup>35</sup> there are about 100,000 people who identify as a “transgender man” or a “transgender woman”<sup>36</sup> (although there are concerns about the accuracy of this data).<sup>37</sup> It is reported that there were 355 NHS hospital admissions for any form of gender-related body

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<sup>34</sup>[www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/genderidentity/articles/genderidentityageandsexenglandandwalescensus2021/2023-01-25](http://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/genderidentity/articles/genderidentityageandsexenglandandwalescensus2021/2023-01-25)

<sup>35</sup>[www.scotlandscensus.gov.uk/2022-results/scotland-s-census-2022-sexual-orientation-and-trans-status-or-history/](http://www.scotlandscensus.gov.uk/2022-results/scotland-s-census-2022-sexual-orientation-and-trans-status-or-history/)

<sup>36</sup>[www.dailymail.co.uk/health/article-12140429/Number-Brits-undergoing-gender-changing-ops-doubles-decade-fascinating-stats-reveal.html](http://www.dailymail.co.uk/health/article-12140429/Number-Brits-undergoing-gender-changing-ops-doubles-decade-fascinating-stats-reveal.html)

<sup>37</sup> Biggs, M. (2024). Gender Identity in the 2021 Census of England and Wales: How a Flawed Question Created Spurious Data. *Sociology*, 58(6), 1305-1323.  
<https://doi.org/10.1177/00380385241240441>

modification surgery in England between 2021 and March 2022.<sup>38</sup> For men, it is common to want to have breasts but retain a fully functioning penis.

43. Gendered Intelligence says:

*“The term ‘transition’ describes the process of taking steps to move away from living your life in accordance with your birth assigned gender, towards living life in accordance with your sense of self.*

*“Transitioning typically means changing some (or many) aspects of your gender expression (cultural gender cues) and/or how you interact with the world (e.g. the documentation you have and the gendered spaces you use) to better align with your gender identity (sense of self). This can refer to social, medical and/or legal changes.”<sup>39</sup>*

44. Thus there is no way for anyone else to reliably tell that someone considers themselves transgender - having a gender identity different to their sex - or has the characteristic of gender reassignment, and features that many people would assume might disqualify someone from having the characteristic (such as someone who considers themselves a “trans woman” having fully intact male genitals, a beard, male pattern baldness, a male voice and having made no effort to change his appearance at all) do not mean that that person does not have the characteristic.

45. Transsexual researcher Anne Lawrence observes that:

*“Transsexuals often seem to expect that, with enough effort, they will be able to pass undetected as natal women after transition... this expectation usually*

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<sup>38</sup><https://www.dailymail.co.uk/health/article-12140429/Number-Brits-undergoing-gender-changing-ops-doubles-decade-fascinating-stats-reveal.html>

<sup>39</sup><https://committees.parliament.uk/writtenevidence/22075/pdf/>

*proves to be unrealistic because of unmistakably masculine physical characteristics.*"<sup>40</sup>

46. For others the idea of “passing” is now often rejected as flawed. As one academic study summarised:

*“Passing is a contentious issue within the trans community. Some trans people strive to pass as cisgender as an inherent goal or to reduce dysphoria, enhance safety, and potentially to facilitate acceptance. Others argue that trans people should not need to pass and that expectations to do so can cause harm to the trans community.”*<sup>41</sup>

47. There is no longer a clear distinction between what used to be referred to as a “transvestite” and a transsexual. All come under the transgender umbrella. The appearance of people at events such as “Trans Pride” demonstrates that attempts to “pass” are not expected; I have exhibited photographs published in *Vogue* magazine at the Trans Pride event in London in 2025 at **MF1/3**. Another example is the well known actor and comedian Eddie Izzard (a long-time cross dresser), who now identifies as a “trans woman” at times and uses the names “Susie” and “Eddie” interchangeably.<sup>42</sup>
48. While some “trans women” may pass (or believe they pass) in some situations, for many their sex usually remains readily perceptible, and in any case is certainly salient to other people if consenting to undress with them. The term “trans women with the protected characteristic of gender reassignment” and “those who identity as women includes

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<sup>40</sup> Lawrence, A (2008) Shame and Narcissistic Rage in Autogynephilic Transsexualism, *Arch Sex Behav* (2008) 37:457–461 [https://gendercriticalwoman.blog/wp-content/uploads/2022/05/shame\\_narcissistic\\_rage.pdf](https://gendercriticalwoman.blog/wp-content/uploads/2022/05/shame_narcissistic_rage.pdf)

<sup>41</sup> Anderson, J.R., Burstall, J., Schweizer, K. et al. The Costs and Benefits of ‘Passing’: A Systematic Review of the Qualitative Evidence on Passing for Trans Individuals and Communities. *Sex Roles* 91, 45 (2025). <https://doi.org/10.1007/s11199-025-01596-0>

<sup>42</sup> <https://www.theguardian.com/film/2021/mar/12/eddie-izzard-ive-had-boob-envy-since-my-teens>

within it both individuals who are no difference in appearance to other men and those who have made some effort.

49. Some people may completely misunderstand the language. Does “trans woman” mean a woman who identifies as a man or a man who identifies as a woman? A representative survey carried out in 2023 found that fewer than two-thirds of people correctly recognised the term as referring to someone male who identifies as a woman. One in five thought it meant a woman identifying as a man and one in five were not sure. Those with no or the most basic level of qualifications were most likely to have difficulty with this language, with “trans woman” causing most confusion. Its meaning was clear only to just over half (54%) of that group. The lowest accurate response rate of any group was well under half (43%), in London, for “trans woman”; over one-third of this group (35%) gave the wrong answer. The researchers said this may possibly be connected to higher numbers who have English as a second language.<sup>43</sup> Similar problems were found with the census question on gender identity. Following a review by the Office for Statistics Regulation which found that “there is sufficient evidence that the gender identity question in the census has underperformed, with some groups of people being more likely than others to misunderstand the question”, the statistics published by ONS were found not to comply with important quality aspects of the Code of Practice for Statistics and their accreditation as national statistics was cancelled.<sup>44</sup>

#### How do I know about the situation at Hampstead Ponds

50. I grew up in the Gospel Oak area near Parliament Hill and have been an occasional summertime pond swimmer since my teenage years, only stopping when I had two sons and I couldn't bring them to the Ladies' Pond with me, and later when I moved out of

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<sup>43</sup>[murrayblackburnmackenzie.org/2023/08/07/clarity-matters-how-placating-lobbyists-obscures-public-understanding-of-sex-and-gender/](https://murrayblackburnmackenzie.org/2023/08/07/clarity-matters-how-placating-lobbyists-obscures-public-understanding-of-sex-and-gender/)

<sup>44</sup>[osr.statisticsauthority.gov.uk/news/osr-publishes-its-final-report-on-the-review-of-the-statistics-collected-on-gender-identity-during-the-england-and-wales-census/](https://osr.statisticsauthority.gov.uk/news/osr-publishes-its-final-report-on-the-review-of-the-statistics-collected-on-gender-identity-during-the-england-and-wales-census/)

the area. I no longer live in the area but sometimes get a chance to swim when visiting my mum and my sister who still live nearby, and I talk to local friends.

51. I have been concerned about gender identity policies overriding sex discrimination protection since 2018. I learned about the trans inclusion policy from reading about it on Mumsnet during 2018/19 when the City of London was consulting, and when the UK government was also consulting on Gender Recognition Act reform. I wrote about the survey in 2020.<sup>45</sup> I have been in touch with women who organised the “Man Friday” protests at the Men’s Pond<sup>46</sup> since then, and attended the “Let Women Swim” demonstration in August 2022, when around 130 women encircled the fence of the pond holding hands in peaceful protest against the City of London’s policy.<sup>47</sup>
52. In 2019 I brought an employment tribunal claim against my employer for “gender critical” belief discrimination. This became a celebrated case and led to me coming into contact with and speaking to many women’s rights activists and women experiencing similar discrimination, and concerned about the loss of female-only amenities.
53. I co-founded Sex Matters in 2020, which has become an organisation with some profile. I have had lots of contact with women concerned with women’s rights through this work.
54. Over the past seven years I have therefore had many conversations about the Hampstead Ponds with women (and some men) who are concerned about the policy and who have had negative experiences because of it. This is of course a somewhat self-selecting group. I know that there are women who use the Ponds who say that they believe that “trans women are women” or that in any case that “trans women” should be allowed

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<sup>45</sup> [a-question-of-consent.net/2020/04/28/edward-lord-responds-on-single-sex-spaces-and-that-survey/](https://a-question-of-consent.net/2020/04/28/edward-lord-responds-on-single-sex-spaces-and-that-survey/)

<sup>46</sup>The Man Friday protests refer to women “pretending” (ironically) to be men to gain access to the Men’s Pond to demonstrate the unfairness of the City of London’s policy. See [www.standard.co.uk/news/uk/female-campaigners-selfidentify-as-men-to-infiltrate-male-only-pool-at-hampstead-heath-a3850556.html](https://www.standard.co.uk/news/uk/female-campaigners-selfidentify-as-men-to-infiltrate-male-only-pool-at-hampstead-heath-a3850556.html)

<sup>47</sup> [lilymaynard.com/let-women-swim/](https://lilymaynard.com/let-women-swim/)

into the Ladies' Pond and other women's facilities, or say they aren't bothered or haven't thought about it. There are also women who think that it is "bigotry" to express the view that men cannot be women.

55. In preparation for launching the case publicly crowdfunding campaign on 13th July, I asked on WhatsApp groups of women who had supported the "Let Them Swim" campaign about their experience and if they were willing to give public quotes or be interviewed or photographed for the case or for the media. When we publicly announced that we were bringing this claim, we included a request for people to come forward saying "If you are someone who uses the ponds on Hampstead Heath (or if you would use them but have been put off by this policy) please email us at [tellus@sex-matters.org](mailto:tellus@sex-matters.org)"<sup>48</sup> As well as people who sent emails to the tellus inbox some people also contacted me by direct message. I also reached out to women who I knew had experience they had spoken about. Some of these are provided as separate witness statements and others are included in my statement. We have also drawn some quotes from social media and from published sources. These recently collected attributable testimonies reflect the themes that have come up in wider informal conversations with hundreds of women over the past seven years.

### The Hampstead Ponds

56. Hampstead Heath is a 275-hectare open space which is under the custodianship of the City Corporation. The Heath is a registered charity (No. 803392) with the City Corporation acting as the sole trustee of the charity.
57. There are three swimming ponds on Hampstead Heath: the Kenwood Ladies' Pond, the Highgate Men's Pond and the Hampstead Mixed Pond, as well as the Parliament Hill Lido (an open air swimming pool which, like the Mixed Pond, is open to both sexes).

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<sup>48</sup> <https://sex-matters.org/posts/single-sex-services/women-only-doesnt-mean-single-sex-says-corporation-of-london/>

Thus everyone can swim at Hampstead Heath whether they wish to swim only with members of their own sex, or with the opposite sex.

58. Each of the three bathing ponds has its own user association: the Highgate Men's Pond Association (HMPA), the Mixed Pond association (MPA), and the Kenwood Ladies' Pond Association (KPLA). These groups consult with the City Corporation, but do not set policy. There is no requirement to be a member of an association to use the relevant pond. The associations do not manage the ponds, which are open to the general public and are a public service.
59. The Men's and Ladies' Ponds have similar criteria for entry. According to the signage and the rules posted online, the Ladies' Pond can be used by women and girls aged 8+. Girls up to age 15 must be accompanied by an adult at all times. Similar rules apply at the Men's Pond for men and boys of the same ages. Similar age rules apply in the Mixed Pond, but it can be used by both men and women (and therefore mixed sex families).
60. The associations linked with the ponds organise occasional joint social events, either at the Lido or at one of the ponds. Thus around once a year the HMPA has a breakfast and swim at the Men's Pond to which KPLA women are invited and vice versa. For the event when women visit the Men's Pond, gazebos are put up to facilitate changing.<sup>49</sup> Presumably when the HMPA visits the Ladies' Pond for its special breakfast the men don't try to use the changing hut. On Christmas morning the Men's Pond is also open to women for a festive event with races for men and women.<sup>50</sup>
61. The Ladies' Pond is the smallest of the three (see the maps exhibit at **MF1/4**). It is about 100m long and quite narrow. Its open water area is smaller because it is surrounded by foliage. The Men's Pond is the largest and has a much bigger expanse of open water. It

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<sup>49</sup> <https://www.klpa.uk/breakfast-at-the-mens-pond-2/>

<sup>50</sup> <https://www.islingtontribune.co.uk/article/brrrrr-meet-the-brave-swimmers-who-took-on-the-christmas-day-dip-on-hampstead-heath>

has a circuit length of 320 meters.<sup>51</sup> It is also the only one of the three ponds with a diving board. The Ladies' Pond and the Men's Pond are open all year. The Mixed Pond is a bit larger than the Ladies' Pond. It closes in late October but those who want to swim there in the winter can do so as part of the Hampstead Heath Winter Swimming Club which enables members to swim in the Mixed Pond without lifeguards under a licence agreement with The City of London.<sup>52</sup>

62. There are several other places for mixed open water swimming in London, including the Serpentine in Hyde Park, Eden Dock in Canary Wharf, London Royal Docks, West Reservoir in Hackney, Beckenham Place Park, Lewisham and Merchant Taylors' Lake, Northwood.<sup>53</sup> The Men's and Ladies' Ponds are the only places for single-sex open water swimming.

63. Both single sex ponds are well-loved by the people who use them as unique spaces and communities. A book of essays was written about the Ladies' Pond.<sup>54</sup> Esther Freud writes:

“There is a special bond between the women – they smile at each other as they glide by, and introduce their daughters to the lifeguards as they come of age. Girls have to be eight to swim, and when they arrive they are watched over as they take their first strokes. Now, each time I walk down the shaded path I think of the friends I've swum with over thirty years, the new friends I've made more recently.”

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<sup>51</sup> <https://highgatemenspond.com/visitor-info>

<sup>52</sup> <http://www.mixedpondassociation.org.uk/news>

<sup>53</sup> <https://www.designmynight.com/london/blog/open-water-swimming-london>

<sup>54</sup> At the Pond: Swimming at the Hampstead Ladies' Pond

<https://dauntbookspublishing.co.uk/book/at-the-pond-swimming-at-the-hampstead-ladies-pond/>

64. Another woman quoted in the book is Toby Brothers who recounts her experience as a winter swimmer over ten years:

“That pond holds a lot of tears...There is something about being in really cold water where you do strip off the shields that we build. You make yourself more vulnerable and so then being able to talk about things that are close or hard is easy. And you have to move back into your body again, in a really significant way.’ The blood rushes to your organs, and you feel revived. You feel powerful, regal. If you can hurl yourself into a freezing pond, you can likely do anything, you think....I love the older women there. That’s partly why I do it. Our culture deals so badly with ageing and the pond community is full of these shining older women.”

65. Another project documented Men’s Pond users with photographs and interviews. Many emphasised the benefits to their mental health from the casual community of men. For example, Dan said:

“It’s like a Roman bath open to everyone. I always feel that even the most inane conversation with another swimmer makes me feel like I’m doing the business of being a human, I’m interacting with someone. The topics will be anything, you talk about politics in there, obviously shit like football and stuff, but the community element is absolutely key to why I enjoy it so much. I’ve made some really good friends through the Ponds. People have different backgrounds to me and certainly different ages. I’ve met lots of older men there, who I really, really love and who I have become really quite close to; it’s like having a group of grandpas you can call on, you know?”

“As I’ve got older, going through that male crisis that you have when you're 40/45, and you can’t move as fast as you used to. I’ve got sons and I used to tease them when playing football with them about not being able to get the ball off me. Now the roles have changed completely; I can’t get near them. Going to

the Ponds has made me more comfortable in my skin, by standing without any clothes on in front of other men and not feeling shy, knowing that we've all got flabby bits, pot bellies, we're all going bald, and it really doesn't matter. I exercise, not to look beautiful, but because it's good for my mental health. Some of my friends exercise because they want to be the Charles Atlas-style man and that's fine, it's good and they enjoy themselves. For me, it's made me aware of my own fragility and being aware of that means I don't feel disappointed in myself."<sup>55</sup>

66. Women have contacted Sex Matters on social media, by email, by direct message and on social media and told us how much they value the female-only nature of the pond. I have set out some highlights in this statement. A fuller and/or original version of these messages is exhibited at **MF1/5**.

67. **Venice Allan** has organised several protests since 2018 to keep the pond women-only. She said to the Telegraph on 4th August 2025:

“In a women-only pond you're free to be semi-naked in the pool and naked in the shower, but there's a joy and physical peace to being there because there are no men or boys splashing around.... I have two sons myself and there's nothing wrong with that kind of swimming but to have a peaceful space like this was wonderful.”<sup>56</sup>

68. **Teresa Steele**, a solicitor, wrote on X on 9th August 2022:

“I first swam there when I was 8 months pregnant with my daughter, now 26. Cool weightlessness was a relief. It was a wonderful experience, to be surrounded by women at that time. It felt reassuring and safe.” [**MF1/5, PB/160**]

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<sup>55</sup> <https://facesandspaces.org/dan>

<sup>56</sup> <https://archive.ph/WcHaR#selection-3715.0-3742.0>

69. **Dr Angi** a Chartered Organisational, Social and Coaching Psychologist whom I know, wrote on X on 10th August 2022:

“I first went to the #ladiespond in my teens. all the male members of my family went to the men’s pond & I walked up the little country lane to the ladies pond it was magical! A private secluded quiet serene place. I won’t use it now it allows men in” [MF1/5, PB/160]

70. “**Amy**” a woman I met at the Let Women Swim event posted this message on WhatsApp:

“I go to the ladies pond because of the meadow: a place where I can sunbathe in a bikini with an absence of men gawking at me or attempting to chat me up while I’m just resting. In the meadow that is women only, I can properly relax in a space free of potential sexual harassment. I am entirely safe. In any other meadow on Hampstead heath I run the risk of unwanted male attention. The meadow is a completely unique space in this respect, because of it being single sex- female only. As soon as one man is permitted to access that space, my dignity, privacy and physical safety is compromised. This is regardless of my religious or political beliefs. This is based on my lived experience of being female in London. Inviting men into that space removes a freedom which was granted when the space was strictly female only. Perhaps this loss of freedom is more evident for Muslim women, but for myself as an atheist, a born and bred Londoner, the loss of freedom is felt viscerally; it may as well be any other meadow on Hampstead heath. The safety is lost.” [MF1/5, PB/173]

71. She asked to remain anonymous because she said she is not yet decided if she willing to fully ‘out’ herself as gender critical publicly, as she is afraid it will risk her livelihood if her views were to be known publicly.

72. **Susie Cottee**, a frequent swimmer at the Ladies' Pond who swims early in the morning 4 or 5 times a week all year round, sent an email on 15th July 2025 [MF1/5, PB/186]. She described the pond in these terms:

“It’s hard to describe the sense of calm joy I feel as I walk down the path and catch my first glimpse of the pond. Whatever the weather or season, the pond is tremendous, enabling a sacred immersion with nature which most of us London dwellers aren’t lucky enough to enjoy the rest of the time. So much life is here.

The pond is magic, it’s a private haven, not easily visible from outside and it’s just for us. Women. Or rather it should be.”

73. **Amanda Craig**, novelist, posted about going to the ponds and seeing a naked man on Twitter on March 3rd 2024. I contacted her by direct message on 5th August 2025, and she gave a longer statement. In describing the ponds she wrote:

“I’ve been swimming in the Ladies’ Pond, a uniquely single-sex pool in the UK, for over 50 years. It has a very special atmosphere, because no men or boys are allowed. I have a torso covered in scars from various operations, and feel very uncomfortable undressing in mixed circumstances”. [MF1/5, PB/199]

74. **Christine Knights** sent an email on 17th July 2025 [MF1/5, PB/189] saying:

“I have been using the Ladies Pond for over 50 years. In that time it has always been understood as a single sex area with a sign that says women only, men not allowed. If men have to come onto the premises for any reason e.g. a plumber to carry out urgent work, the lifeguards warn women that this is about to happen. Women walk around the communal changing rooms and on the meadows in the nude and it's a lovely place to really relax in the absence of the male gaze.”

75. “**Ada**” emailed on 14th July 2025. She has been using the Ladies’ Pond for over 20 years. [MF1/5, PB/156] She said:

“It has been a safe-haven and a place of enormous significance as an outdoor, women-only space for swimming, in the heart of London. It was always notable that the Men’s Pond is a much bigger facility, but the Ladies’ Pond, surrounded by dense greenery, has felt safe from intrusion and the benefits for women's physical and mental well-being have been immeasurable.”

76. These accounts accord with my own and those of women I have spoken to and spent time with at the pond. Like many women I find the space magical and idyllic; a peaceful oasis in the city and a fun place to go with girlfriends or alone to enjoy the sun and the cold water.
77. The Ladies’ Pond and the associated meadow provide a valued female-only space where women can feel safe to undress, sunbathe, swim and socialise in a female-only space. Growing up near the Heath, and frequently walking through it as a schoolgirl and then as a young mum, I have always been well aware that it is also frequented by men who enjoy scaring and harassing women and girls, and others (mainly men who have sex with men) who use it as a public sex environment. Sometimes crimes such as exposure, including flashing<sup>57</sup> and public masturbation<sup>58</sup> on the Heath,<sup>59</sup> hit the headlines. The sex of the perpetrators and the victims in these cases should come as no surprise. Even more often women and girls experience low-level unwanted attention from boys and men: being approached, chatted up, catcalled, stared at, followed and sexually teased and bullied.
78. Many girls and women will view some areas of the Heath as scary and out-of-bounds, particularly when on their own or when it is getting dark. Wariness when out and about,

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<sup>57</sup> [www.standard.co.uk/news/crime/police-search-hampstead-heath-flasher-indecent-exposures-london-b1090013.html](http://www.standard.co.uk/news/crime/police-search-hampstead-heath-flasher-indecent-exposures-london-b1090013.html)

<sup>58</sup> [www.hamhigh.co.uk/news/crime/21366260.hunt-serial-pervert-masturbated-front-shocked-women-hampstead-heath/](http://www.hamhigh.co.uk/news/crime/21366260.hunt-serial-pervert-masturbated-front-shocked-women-hampstead-heath/)

<sup>59</sup> [www.islingtongazette.co.uk/news/crime/21244338.holloway-pervert-hampstead-heath-masturbation-spree/](http://www.islingtongazette.co.uk/news/crime/21244338.holloway-pervert-hampstead-heath-masturbation-spree/)

particularly on your own in areas known to attract harassment, is a constant feature of life for women and girls from their teenage years.

79. Through friendship with Rabbi (Emeritus) Harvey Belovski, who is on Sex Matters' advisory group, and his family, I have had conversations with Orthodox Jewish women who swim at the ponds and in general. They have explained Jewish laws in relation to modesty. I interviewed one Orthodox Jewish woman who wishes to remain anonymous (for reasons which cannot be explained without revealing her identity). I am calling her **“Joanna”**. [MF1/5, PB/210] She said:

“I have been going to the Ladies' Pond for about 20 years, usually once or twice a week early in the morning through the summer months. I go for a swim and take a flask of coffee and sit on the grass. It has always meant a lot to me. It invigorates. It is part of so many women's lives locally. I am in my 70s, but there are women of all ages there. Women feel completely open there to swim and to change and to sunbathe, and talk to each other in a way that they wouldn't do just sitting out in the park, or in a municipal pool. If you allow men in it would change all that.

“As an Orthodox Jewish woman I dress modestly. When I am out and about I always wear dresses or tops with full length sleeves and skirts that go below the knees. This is part of our religious law. It also includes covering your hair. When I am dressed casually I usually wear a hat of some sort like a baseball cap or a sun hat, or if I am dressing up I wear a wig.

“But of course at the Ladies' Pond I can have my hair uncovered because it is a female only environment. I see other 'frum' (religiously observant) women there similarly without wigs on; sometimes I don't recognise them! The pond is a place where they can go and just swim and relax – it's one place you can do that. I wouldn't go to a mixed pond for modesty reasons.

“When I am changing at the pond I will usually use a cubicle if one is available just for convenience, but if not I will change out in communal areas. I feel comfortable doing that because I know that the pond is a female-only space. There are women sunbathing topless all over the place and changing and using the indoor and outdoor showers in the open.”

80. Some men who value the men-only environment of the Men’s Pond have also sent us testimonies. **Mathew Sexton**, a gay man, sent an email on 14th August 2025 [MF1/5, PB/208] saying:

“I’ve visited the men’s pond several times over the past few years, traveling there by bus and tube from my flat in South London usually in the hot summer months. It has a magical feeling, especially as you enter through a narrow wooded path and arrive at the basic, rectangular, roofless changing area with covered sides for sitting down and hanging clothes.

“The atmosphere changes with each visit, as different types of men are present: some elderly, some fit and vibrant, some showing off with handstands and yoga, while others are more discreet. Some are chatty, and others are quieter and prefer to be on their own.

It’s a very deliberate choice of a place to swim, away from wives, mothers, sisters, girlfriends, or female managers. I haven’t found the pond to be a particularly ‘cruisy’ place for gay men during my visits.

“Men typically walk around naked in the changing area but are always dressed once they leave this area and enter the very cold water pond via the pier.”

81. **Menno Kuijper**, a content creator and also a gay man, sent an email on 14th August 2025 [MF1/5, PB/209] saying:

“I used to go to the Highgate Men’s pond during the 5 years leading up to lockdown.

“The space itself is not that great to be honest - you’re lying on a slab of concrete (I’d always bring a yoga mat to make it more comfortable), there would be various wet spots from the shower water, and you’re packed together like sardines. And yet, it had its own kind of magic. Just walking round the side of the pond towards the entrance I’d feel a sense of relief and excitement at the same time, seeing the water, guys jumping off the jetty and finally the ‘Men Only’ sign. ‘Home,’ I’d think.

“It was a unique outdoor space where men from all walks of life could soak up the sun together away from prying eyes of passers by. It was free of attitude, very friendly - you’d always get talking to someone. Some guys were straight, some gay, some bi, some undecided. You tend to figure it out easily through non-verbal communication. You could even meet a potential romantic partner. Sometimes a bunch of us would end up going to a nearby café after for coffee / cake etc.

“It’s such an antidote for the noise, the hurry and the impersonal side of London. I like spending time with women, but having a men-only outdoors space available in London is wonderful and as much as we’d be packed together in a small space it would give me a sense of freedom that is hard to find. Sometimes I just want to be with other men, to talk with other men, hear men’s laughter, relate to one another. Having even one member of the opposite sex in such a space would totally change the energy; I’m sure women feel the same about women-only spaces.”

82. Some women have told us specifically how the female-only (or men-only in the Men’s Pond) rule is meant to be enforced. **Norma Acland** said by email on 14th July 2025 [MF1/5, PB/179]:

“Years ago, when my now grown up son was a wee baby, we were refused access to the Ladies’ Pond because he was a boy. He was less than a year old! But that’s how strict the policy was. His nanny and I took turns swimming while the other remained outside the fence with the baby.”

83. **Joyce Glasser** sent an email on 15th July 2025 telling us about a request she had made to swim at the Men’s Pond [MF1/5, PB/183]. She also forwarded an email conversation with officials at the Heath about this.

“I swim at the Ladies Pond. I have written several years in a row now to the City of London asking if I could swim once a week, at a designated hour, at the Men’s Pond which is larger than the Ladies, less crowded and easier to swim laps. Five times around by the ropes is a mile. The Ladies’ Pond is much shorter and you have to do about 20 times around - if you can - to do a mile. They have refused. The most recent response I have received by email said ‘Unfortunately, we are not in a position to offer any mixed swimming in our single gender ponds. Both are used by several different religious groups who cannot swim with the opposite gender. There is also a very long tradition of single gender swimming on Hampstead Heath and many stakeholders are extremely protective of this’”

84. These accounts also accord with the experience of myself and my sister, who both have sons. We understand that we cannot take our boys to the Ladies’ Pond or the meadow, and could not even when they were young. We have both gone swimming in the Lido or the Mixed Pond with our families instead.
85. The “no boys allowed” rule means that some women who would like to (or who can only) swim in a female-only space cannot use the Ladies’ Pond with their children. Neither can disabled women who rely on a male carer. Similarly men with daughters and disabled men with female carers cannot use the Men’s Pond. They can use the Mixed Pond.

86. In 2018 a group of women concerned about the policy of the ponds staged a series of “Man Friday” protest events where they claimed to be men and tried to get into the Men’s Pond to show the absurdity of the policy. The women were escorted from the pond after police were called. Amy Desir, one of the campaigners who organised the protest, told the Mail that initially men in the pond were angry when they saw the female campaigners.

“At first, the men at the pond were furious shouting at us and really getting very angry. However, once we stated that we 100 per cent agreed with them, they were curious and the vast majority were supportive.”

PC Barry Macefield of Hampstead Heath constabulary, told the Mail Online:

“They’ve been peaceful, when we’ve asked them to leave they’ve left so we’ve got no issues with that.

“There were some men annoyed because they felt their privacy had been invaded and some who were concerned about photography.

“They’ve had a chance to make their point which they have done peacefully – but you can’t enter a facility designated for the opposite sex, and if this occurs with men in the women’s ponds we’d deal with that too.”

He added: “The rules need clarity.”<sup>60</sup>

87. The Mixed Pond provides an open water swimming facility that can be used by anyone, including men and women, heterosexual couples, mixed sex family groups, disabled people with opposite sex carers, mixed sex groups of friends and transgender people who do not wish to use the single-sex pond for their own sex. While women going

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<sup>60</sup> <https://www.standard.co.uk/news/uk/female-campaigners-selfidentify-as-men-to-infiltrate-male-only-pool-at-hampstead-heath-a3850556.html>

swimming alone are a common sight at the Ladies' Pond, in my experience women do not tend to go to the Mixed Pond alone but in mixed family and friendship groups. Men going to the mixed pond on their own are less unusual. These are my observations, also shared by others I have spoken to.

88. At the time of the Let Women Swim protest in May 2025 a woman called Serena Partrick posted an account of how she used the Mixed and the Ladies' Pond differently, which also accords with my experience:

“In 2018, I ended up spending most of the summer in London. I was introduced to the Hampstead Heath swimming ponds &, being much healthier then, swam there a lot.

When I would go with the man whose house I was staying in, we would ofc use the mixed sex pond, but when I went alone I used the women's. There was no thought process to this, I was automatically drawn to a female only space. It never even occurred to me to go to the mixed pond on my own when I could swim somewhere that would be 'women only'.

Not knowing of the change in rules, that they'd decided to let men in, I found it wonderfully liberating. I felt more relaxed than I had ever been at any swimming pool, I felt more at ease in the changing rooms, I felt more safe as I laid on the grass in the sun afterwards.

Realising that whilst I was there, any man could have walked in, that I may have been sharing the space with male people without realising it, feels like a violation. Those memories of peace & relaxation now have a sinister tinge, another example of my naivety & vulnerability.

It is incredibly unfair & cruel to women & girls to name places as for us & then make them mixed sex in practice."<sup>61</sup>

#### Rules, environment and infrastructure at the Ladies' Pond and the Men's Pond

89. The Kenwood Ladies' pond is in a fairly secluded part of the Heath, reached by walking along a quiet track through a canopy of trees. It is signposted as being for "women only" with a sign at the gate that says "no men beyond this point"; see exhibit **MF1/6**. **[PB/218]**
90. The Ladies' Pond is surrounded by trees and shrubbery and there is a pathway from the gate to the changing area and pond so that people cannot see in from the entrance or around the fence. It is valued as a tranquil place where women can swim and sunbathe in a female-only space. There is a stewards hut/ticket booth at the entrance, and there are lifeguards around the pond area, which is always supervised during opening hours. The stewards and the lifeguards are always women. Similarly the lifeguards and stewards at the Men's Pond are male.
91. As part of the Ladies' Pond enclosure, adjacent to the pond there is a women-only "meadow", which is similarly secluded. It is used for picnicking and sunbathing. The meadow is free to use and is covered by the same rules. Although it may not be strictly allowed, many women sunbathe topless in the meadow (or at least do so when lying down). Certainly they feel comfortable sunbathing and walking around in swimsuits and bikinis, which I believe many would not do on the rest of the Heath because of general modesty or likelihood of attracting unwanted attention from men. Women also change in the meadow, perhaps wrapping a towel around themselves but without too much care.
92. Users of the Ladies' Pond have always been aware that it attracts unwanted attention from "peeping" men (including some with binoculars and cameras and some who have

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<sup>61</sup> [https://x.com/Serena\\_Patrick/status/1919299772130673048](https://x.com/Serena_Patrick/status/1919299772130673048)

been known to climb trees).<sup>62</sup> This was well known to me growing up in the area and has been remarked on by several women I have talked to who use the ponds. Unlike the Men's Pond and the mixed pond, where the water and bathing deck can be seen by passers-by, it is protected by careful landscaping with surrounding trees and bushes, and the sightlines from the fence are designed to prevent onlookers. If men loiter at any gaps that develop in the surrounding trees, staff and pond users will shout at them to go away.

93. The current changing facility was built in 2016 as a modular building. It is described by the manufacturer as comprising:

“two buildings; the first accommodating internal and external changing rooms and showers and the second, a lifeguard observation room, an office and disabled facilities.”<sup>63</sup>

94. The changing and showering facilities within the pond area are generally open and it is common for women to be naked in view of others while changing and showering; see exhibit **MF1/7 [PB/220-221]**. There are all kinds of female bodies visible: young and old, fat and thin, busty and flat chested, pregnant, disabled, scarred, stretchmarked and toned.

95. Inside the changing hut there are four cubicles and an open changing area with benches. There is a further communal changing area in the shower room where there are four shower heads with hot water (with a flimsy shower curtain that can be pulled around one of the showers). This provides a degree of privacy for women who don't want to shower in the open with other women, but is not a design that would be adequate in a mixed setting. The saloon-style doors to the changing cubicles are not floor-to-ceiling. There is a large window in the shower area looking out over the deck to the pond and

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<sup>62</sup> One such occasion is captured in a photograph at the Kenwood Ladies' Pond Archive at the Bishopsgate Institute <https://www.bishopsgate.org.uk/index.php/actions/tools/tools/download-file?id=83061>

<sup>63</sup> <https://www.bowmanriley.com/projects/kenwood-ladies-pond/>

providing natural light. Anyone on the outside, within the Ladies' Pond area, is able to see in. See exhibit **MF1/8** for pictures of the deck, changing block and showers, showing sites where women are typically naked, changing and exposed [**PB/223**].

96. This is a changing room design that provides adequate privacy only if the wider area it is in, and all the sight-lines, are single-sex. There is also a fully enclosed accessible changing room, but of course this cannot be used by all women, and nor would they expect that they need to for ordinary privacy, since the whole pond area itself is presented as being for women only.
97. Alongside the changing block there is an outdoor area with benches which women also use for changing (as well as on the grass slope), and an outdoor shower with two showerheads and room for two people next to each other. The outdoor shower is open at one end with a big open "window" on one side. The second person who steps into the shower blocks the doorway for the first person. This would be extremely intimidating if it was a naked man.
98. When it is busy there is often not enough room inside or in the cubicles, and many women are used to and happy to change outside and in the communal areas, including the meadow, because it is female only.
99. Because of the natural state of the water, and the fact that it is advertised as being a female-only space, most women do not shower with their swimsuits on as they would in a municipal pool with mixed changing, but take off their swimsuit in order to properly wash the pond water and algae off their bodies and hair, to wash and wring out their swimsuit, and to enjoy the warm water. There is also a degree of camaraderie and friendliness in the changing room and showers, on the deck and in the meadow with strangers amongst regulars and occasional visitors because of the adventurous nature of outdoor swimming. Women strike up conversations with strangers including while dressing and undressing and around the ponds. This is a set of actions and behaviours

that few women would feel comfortable doing with male strangers or acquaintances that they might meet in the park, particularly if either party were half-dressed or naked.

100. I understand that it is similarly convivial at the Men's Pond, which has communal changing/ sunbathing courtyard and cold showers (nude sunbathing was allowed there until 2023).<sup>64</sup>
101. At the Ladies' Pond there is no place to hang clothes in the curtained shower area so women generally leave the showers naked, even if they prefer to use the curtained shower or changing cubicles themselves. And they are likely to see other pond users naked as they walk past.
102. In other words, the design and the expectation of the changing area (including the surrounding grass and deck) is one in which nudity while changing and comfort with others' nudity (in a single-sex environment) is expected. Contact with or exposure to men is not expected. No one I have spoken to has expressed general dissatisfaction with the changing infrastructure, only with the inclusion of men.
103. My experience of using the pond is that I always assumed that the signs saying "women only" simply meant female. It did not occur to me in the 1990s and 2000s that they would not. As a young woman I would sometimes see groups of transsexual and/or crossdressing males socialising together on the Heath, but would never have expected these groups of men to demand entry to the Ladies' Pond, women's changing rooms or women's showers at the lido or toilets on the Heath, or that they would be allowed by the staff or Hampstead Heath constabulary to do so.
104. My experience is that it is an environment where I would not feel comfortable to encounter a man, whether a man identifying as a woman (or as non-binary or "gender fluid" or any other variation), or simply a man identifying as a man or not thinking about

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<sup>64</sup>[www.standard.co.uk/news/londoners-diary/hampstead-heath-mens-pond-bans-nude-sunbathing-b1085630.html](http://www.standard.co.uk/news/londoners-diary/hampstead-heath-mens-pond-bans-nude-sunbathing-b1085630.html)

his identity at all, or a group of any such men. As outlined above, the indoor and outdoor changing and showering spaces are places where nudity and semi-nudity as well as friendliness to strangers are common, and where it would be unexpected, unwelcome and humiliating to find oneself in this situation with a man, either dressed or undressed, and be expected to engage in role play that he is a woman. The rules and etiquette about what is normal, acceptable behaviour in the pond area, such as showering nude in the open and generally being friendly to strangers while undressed, are simply not rules and norms that would be appropriate in a mixed-sex space.

105. Similarly the facilities at the Men’s Pond are designed for men only.
106. While the Ladies’ Pond and the Men’s Pond are symmetrical in their single-sex rules and single-sex design, and each have staff of that sex, there is an inherent difference which relates to the nature of men and women. This is reflected in the Hampstead Heath by-laws (which are more than 100 years old and warn against playing of “gramophone or radio apparatus” and riding donkeys at over 12 mph). Under trespass they say:

“No male person over the age of 14 years shall go or attempt to go into any part of any open space in contravention of any regulation of the Council specified in a notice exhibited on such part reserving such part for the use of female persons and children under the age of 14 years only.”<sup>65</sup>

107. While the exact rules of the Ladies’ and Men’s Pond no longer relate to the age of 14 (and people causing a nuisance on the Heath are now playing music from portable speakers and overpowered e-bikes) the female staff team at Ladies’ Pond have always needed to provide a first line of security to protect the space and the women inside from predatory men who may want to see in or come in. The second line of defence is the solidarity of women in the Pond enclosure. The third is the clear backing of the City Corporation, and the willingness of the Hampstead Heath Constabulary to remove them.

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<sup>65</sup> [www.cityoflondon.gov.uk/things-to-do/green-spaces/hampstead-heath/hampstead-heath-byelaws](http://www.cityoflondon.gov.uk/things-to-do/green-spaces/hampstead-heath/hampstead-heath-byelaws)

108. **Gina Taylor** shared this account by WhatsApp on July 9th 2025 [MF1/5, PB/171] which underlines how the staff at the Ladies' Pond see protecting women from voyeurs as part of their role, including by ensuring that female swimmers comply with the dress code:

“I'm an outdoor swimmer who comes to the ponds when I can (I'm usually a Tooting/Brockwell lido swimmer). If I come to the ponds, what I relish is the women only aspect. I'm a lesbian, and that's as important as any other group of people, if not more so. I should have the absolute right to privacy and sex segregated dignity at the women's pond. It's a sacred space for single sex usage and treasured for being so. They know who men are. On one occasion they gave a friend who chose to remove her costume while in the water for a skinny swim that she was encouraging the male voyeurs who liked to take pictures of the women swimming through a gap in the trees. The lifeguard shouted at her.”

She said this was 7 or 8 years ago and when I asked her about it said that the lifeguards”were furious with her for taking her costume off. Saying it encouraged predatory men to spy on the pond.”

She remarked in relation to the policy of allowing in men who identify as women “So voyeurism is fine within the pond space 🧐♀️🧐♀️?”

109. **Susie Cottee** (see paragraph 72) in her email of July 15th 2025 [MF1/5, PB/186] explained what staff do if a man (such as a male builder or plumber) needs to come on site:

“Occasionally a male builder or tradesperson comes to the pond, and when this happens, the lifeguards give a few minutes notice of his arrival to all the women in every area by walking around making a loud banging noise and shouting that there is a man on the premises. Not so in the case of trans identified men, who are free to roam without warning or notice.“

## The City of London’s current policy for managing single-sex services

110. Currently the City of London’s policy is that “men who identify as women” are allowed into women’s facilities including the Ladies’ Pond and “women who identify as men” are allowed into men’s facilities including the Men’s Pond.
111. There is no guidance on how staff or other users might be able to differentiate between someone of the opposite sex with a genuine identification and any other person of that sex. The Ladies’ Pond webpage on the City of London’s website simply says: “A one-piece swimsuit or two-piece bikini must be worn”<sup>66</sup> and the Men’s Pond website says “Suitable swimwear must be worn”.<sup>67</sup>
112. On 20th May 2025 and 17th July 2025 the City Corporation considered whether to continue with its existing policy or to update it in light of the For Women Scotland judgment. It decided to remain “trans inclusive” and undertake consultation. These are the decisions we are challenging.
113. As I have stated at paragraph 37, in late July 2025 the City of London placed laminated signs at the entrance to the Ladies’ Pond and at the entrance to the changing area reflecting these decisions saying that those who “identify as women” are welcome to swim at the Kenwood Ladies’ Pond. It describes this group as “trans women with the protected characteristic of gender reassignment under the Equality Act”. There are similar signs welcoming those who identify as “trans men” to the Men’s Pond. See exhibit **MF1/2 [PB/142-146]**.
114. The admissions rules reflected in this signage are not the same as the provision in the Gender Identity Policy. Taking the case of the Ladies’ Pond, entry for trans-identifying men is now for “*trans women with the protected characteristic of gender reassignment*

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<sup>66</sup>[www.cityoflondon.gov.uk/things-to-do/green-spaces/hampstead-heath/where-to-go-at-hampstead-heath/kenwood-ladies-pond](http://www.cityoflondon.gov.uk/things-to-do/green-spaces/hampstead-heath/where-to-go-at-hampstead-heath/kenwood-ladies-pond)

<sup>67</sup>[www.cityoflondon.gov.uk/things-to-do/green-spaces/hampstead-heath/where-to-go-at-hampstead-heath/highgate-mens-pond](http://www.cityoflondon.gov.uk/things-to-do/green-spaces/hampstead-heath/where-to-go-at-hampstead-heath/highgate-mens-pond)

*under the Equality Act 2010*” so does not include, for example, non-binary and gender fluid individuals, or any other trans person not possessing the protected characteristic of gender reassignment. It further appears that the City of London no longer operates a “presumption of inclusivity” or says that it will exclude trans individuals only following an Equality Impact Assessment.

### The ideological basis of the City of London’s Policy

115. The original policy that the City of London is one that was adopted in 2019. It was first announced by the Defendant on 2nd May 2019; a copy of this announcement is exhibited at **MF1/9 [PB/225]**. That policy says:

“The Equality Act requires that people with the protected characteristic of gender reassignment are not discriminated against in the provision of single-sex services and **are able to access services aligning with their gender identity.**”<sup>68</sup>

116. That policy was developed in 2018/19 in a process that was skewed away from a clear understanding of the Equality Act and towards acceptance of gender ideology and discrimination against people with gender critical beliefs. It was justified by saying it was the only policy consistent with the Equality Act.

117. The City of London has used its assertion that this is the only Equality Act compatible way to run a “single-sex” service to silence and delegitimise dissenting voices. Complaints go nowhere because staff and constabulary officers have been told that men who identify as women have a legal right to be in the Ladies’ Pond, including naked in the showers, and women have no right to object (and that anyone who objects is a troublemaker and is doing something unlawful).

118. In July 2018 the City Corporation’s Corporate Services Committee embarked on developing “an overarching corporate policy on gender identity”, including by “drawing

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<sup>68</sup> <https://www.cityoflondon.gov.uk/assets/about-us/plans-and-policies/gender-identity-policy.pdf>

on the expertise of relevant organisations funded by City Bridge Trust”. A paper to the committee at the time said:

“An over-arching policy for the City Corporation, based on current best practice and guidance, **would support a consistent and coherent approach across all of our service areas, as well as ensuring we continue to act in accordance with the Equality Act 2010 and Public Sector Equality Duty.**”<sup>69</sup> (All emphasis added)

119. One of the organisations that receives significant funding from the City Bridge Trust (now Foundation) is Gendered Intelligence.<sup>70</sup>

120. Gendered Intelligence provided training to City of London committee members, staff and the associations. During the Man Friday protests in 2018, a spokesperson for the City of London Corporation said:

*“Over the last year all lifeguards and managers at Hampstead Heath ponds have taken transgender awareness training courses, which have been offered to, and taken by, the ponds’ swimming associations as well.”*<sup>71</sup>

121. I understand from speaking to women who have been involved with KPLA that Gendered Intelligence provided that training. In 2021 it said it had delivered over 1,100 staff training sessions to over 22,000 people in the public, private and voluntary sectors, including working with the Hampstead Ponds.<sup>72</sup>

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<sup>69</sup>[https://democracy.cityoflondon.gov.uk/documents/s99596/Gender%20Identity%20Policy\\_July2018%20Final%20V2.pdf](https://democracy.cityoflondon.gov.uk/documents/s99596/Gender%20Identity%20Policy_July2018%20Final%20V2.pdf)

<sup>70</sup> [www.citybridgefoundation.org.uk/news-and-blog/grants-of-more-than-12m-approved-at-september-2022-committee-meeting-3](http://www.citybridgefoundation.org.uk/news-and-blog/grants-of-more-than-12m-approved-at-september-2022-committee-meeting-3)

<sup>71</sup> [www.standard.co.uk/news/uk/female-campaigners-selfidentify-as-men-to-infiltrate-male-only-pool-at-hampstead-heath-a3850556.html](http://www.standard.co.uk/news/uk/female-campaigners-selfidentify-as-men-to-infiltrate-male-only-pool-at-hampstead-heath-a3850556.html)

<sup>72</sup> <https://committees.parliament.uk/writtenevidence/22075/pdf/>

122. The consultation (at Q14a) adopts the gender identity ideology approach asking whether people supported this proposed policy:

*“Where access to particular services or facilities are restricted by gender, the City Corporation has it in mind that **the restriction should relate to the gender with which the service user consistently identifies now**, regardless of whether that is the gender they were assigned at birth.”<sup>73</sup>*

123. There have been significant criticisms of that survey, including the language it used, the vagueness of the questions and the way it was targeted.<sup>74</sup> Many people understand “gender” simply as a more polite way of saying sex, and many people do not understand that “anyone who self-identifies as a woman” is a term that can include fully intact men who have not made any changes to their body and do not intend to.<sup>75</sup> An illustration of this can be seen in 2020 survey by YouGov which people asked if a “transgender woman” should be allowed to use female changing rooms 34% said they should, but when a second question clarified that only “some transgender people have gender reassignment surgery” and the question is asked again in relation to a “transgender woman who has not had gender reassignment surgery the proportion of people saying yes fell to 25%.<sup>76</sup> For those who do understand that but who disagreed with this framing, it was difficult to answer the questions at all.

124. This was by design. A key person who championed the policy was Charles Edward Lord, OBE JP, City of London Councillor and at the time Chair of the Establishment Committee, which oversees human resource matters. Lord was also on the Committee of the City Bridge Trust.<sup>77</sup> Lord is currently an ex-officio member of the Hampstead Heath, Highgate Wood and Queen’s Park Committee, which has made the decision to

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<sup>73</sup><https://democracy.cityoflondon.gov.uk/documents/s113794/2019.04%20Gender%20Identity%20Report.pdf>

<sup>74</sup> <https://www.camdennewjournal.co.uk/article/heath-bosses-launch-gender-identity-consultation>

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<sup>76</sup> <https://docs.cdn.yougov.com/ai3h3xvf7o/Transgender%20data%202020.pdf>

<sup>77</sup> <https://democracy.cityoflondon.gov.uk/mgCommitteeDetails.aspx?ID=179>

continue with the current arrangements at the Ladies' Pond and carry out another consultation. He was at the meeting on 20 May 2025 when it was decided to continue with the gender identity policy.

125. Lord identifies as non-binary and asks to be referred to by the title Mx and the pronouns “they/them/theirs”.<sup>78</sup> Lord has written about their identity:

“I simply don’t feel that this idea of masculinity represents me, or that it is my gender. Moreover, I don’t accept that gender is a binary in any event. It is so obviously a spectrum and we all have our individual place on that spectrum.”<sup>79</sup>

126. They have strong personal views against people who do not accept their view that being a man or a woman is not a matter of biology but identity. When a group of lesbian feminists protested during the Pride parade in London in 2018 against pressure being put on lesbians to accept trans-identifying males as sexual partners, Mx Lord wrote a blog post calling them “hateful” and their message “nothing short of man-hating, trans-hating bigoted bunkum” and “abhorrent”.<sup>80</sup> They have written about their own sexual attraction to lesbians, saying: “Oh, how I would long for the soft masculinity of those beautiful butch dykes. But it was not to be. The politics of our community back then was very clear. Lesbian and gay good, bisexual bad, and trans invisible and unwanted.”<sup>81</sup>

127. They launched the survey in 2018 on their personal Twitter account with the statement: “It shouldn’t be controversial. It shouldn’t be a debate. Trans women are women, trans men are men.”<sup>82</sup> At the time of the survey, they noted on Facebook that the respondents

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<sup>78</sup> <https://democracy.cityoflondon.gov.uk/mgUserInfo.aspx?UID=292>

<sup>79</sup> <https://celord.com/2017/08/17/pride-in-london-and-my-queer-journey-a-personal-perspective-and-response-to-londonlgbtpride/>

<sup>80</sup> <https://web.archive.org/web/20230604051345/https://edwardlord.org/2018/07/10/in-defence-of-prideinlondon-organisers-hateful-terfs-put-them-in-an-impossible-position-and-the-metpoliceuk-were-powerless-to-help/>

<sup>81</sup> <https://celord.com/2017/08/17/pride-in-london-and-my-queer-journey-a-personal-perspective-and-response-to-londonlgbtpride/>

<sup>82</sup> <https://sex-matters.org/posts/updates/edward-lord/>

to the survey were asked to “affirm that trans people exist and that they should be entitled to be recognised in their gender. Anyone who is unable to give that affirmation is unlikely to respond fairly to the other questions in the consultations” and said these questions “are actually designed as a TERF trap. Anyone who can’t answer ‘agree’ is basically not going to give a rational answer to the rest of the questionnaire. The TERFs have been getting very upset about them”; see **MF1/10 [PB/230-232]**.

128. As noted above at paragraph 16, “TERF” stands for Trans Exclusionary Radical Feminist and is used as a slur, often accompanied by misogynistic and sexualised threats. It is used against women who recognise the fact that men commit violence at greater rates than women, and that men cannot become women by changing their name, clothing or parts of their anatomy. Activists who argue that “transwomen are women” have posted on social media and held up signs in public places calling for “TERFs” to be punched or decapitated.<sup>83</sup>
129. “TERF” has been accepted as a derogatory term by several tribunals and the High Court<sup>84</sup>. In 2019, a Hearing Panel of the Standards Commission for Scotland concluded that the respondent, a local councillor, had intended the term as an expression of abuse. He had referred to “TERFS” as being “scum” and “hateful and vile”. The Panel was of the view that the use of the term as a personal attack was gratuitously offensive.<sup>85</sup> In *Jo Phoenix v The Open University*, the Employment Tribunal found that tweets directed to the referring to the Gender Critical Research Network as “transphobic” and a “TERF network” were “terms of insult about gender critical beliefs”.<sup>86</sup>

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<sup>83</sup> <https://terfisaslur.com/>

<sup>84</sup> *R (Miller) v College of Policing* [2020] H.R.L.R. 10 [245]

<sup>85</sup> <https://www.standardscommissionscotland.org.uk/uploads/files/1558349641190517WrittenDecision.pdf>

<sup>86</sup> [https://assets.publishing.service.gov.uk/media/65ae82d58bbe95000e5eb1f7/Ms\\_J\\_Pheonix\\_v\\_The\\_Open\\_University\\_3322700.2021\\_other\\_FMH\\_Reserved\\_Judgment.pdf](https://assets.publishing.service.gov.uk/media/65ae82d58bbe95000e5eb1f7/Ms_J_Pheonix_v_The_Open_University_3322700.2021_other_FMH_Reserved_Judgment.pdf)

130. In September 2018 the Committee discussed the interim findings of the survey. The survey delivered mixed results, with some people agreeing with the proposition and some disagreeing with it. The Committee minute recorded that:

“The Chair [Mx Lord] explained that access to the Corporation’s services and facilities **is not an area where the Corporation would have much discretion**, and nor should it. It was explained that the Equality Act 2010, ensures that trans people, or those with the protected characteristic of ‘gender reassignment’ should not be discriminated against in any service or facility and public authorities like the **City of London Corporation have a legal duty to ensure trans people are included through all of its services**. The Chair further advised that this is what the policy refresh is about: giving all of the City of London Corporation’s services and facilities a policy framework together with support and guidance **to ensure that trans and non-binary people have equal access.**”

131. The report of the survey provided quantitative and qualitative results from people supporting and opposing the proposed policy of gender identity based rules. In the summary of responses (at page 16), the viewpoint “Restrict access based on biological sex” is marked with an asterisk. The asterisk leads to the statement: “These comments are inconsistent with the legal requirements of the Equality Act 2010.”

132. In the body of the report (at page 14) it says:

“A recurrent theme was challenge to the use of ‘sex’ and ‘gender’ within the survey, and the use and definition of these terms. Some felt that the consultation was inconsistent with the Equality Act 2010 in the way it used the terms ‘sex’ and ‘gender’, a claim that was considered and rejected by the City Corporation.”

133. At page 15 it says:

“On proof of gender identity, some proposed restricting access to services depending on ‘biological sex’, which would be inconsistent with the Equality Act 2010, other than in exceptional circumstances.”

134. On page 8 it says:

“Comments that are abusive, discriminatory and/or contrary to the Equality Act 2010 have not been used in this report.”

135. Thus any comments which made the points I am making in this witness statement would have wrongly been considered discriminatory or contrary to the Equality Act 2010 and excluded.

136. In 2022, Lord was recused as a lay member in an employment appeal tribunal by order of a judge, after they had refused to recuse themselves.<sup>87</sup> The case concerned the right to protection against belief discrimination in relation to “gender critical” beliefs (that sex is real, immutable and important). Amongst the evidence put in front of the court was the tweet describing Professor Kathleen Stock as a “notorious #trans hater”, and one saying “I dread turning on the radio in case Justin Webb is presenting as I know he will always shoehorn in a transphobic story, just as he did yet again today”. Mrs Justice Eady said:

“Applying the test of the fair-minded and informed observer (*Porter v Magill* [2002] 2 AC 357 HL), and having regard to the relevant context (which included the nature of the debate relating to the issues raised by the appeal and an assessment of the task the Employment Appeal Tribunal would be required to undertake in determining this matter), there was a real ground for doubt in the lay member’s ability to approach this matter with an impartial and entirely open

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<sup>87</sup> <https://sex-matters.org/posts/updates/edward-lord-recused/>

mind. That being so, the lay member would be recused from hearing this appeal.”<sup>88</sup>

137. In April 2020 Mx Lord wrote in an Open Letter Liz Truss MP (then Secretary of State for Women and Equalities), exhibited at **MF1/11 [PB/234]**:

“Shortly after taking up my current role in the City of London, the Corporation launched its own consultation in respect of transgender inclusion to inform our policy on gender identity in our service delivery and employment practices. This was in response to concerns expressed by some **anti-trans campaigners who challenged the Corporation’s interpretation of the Equality Act** to permit trans women to use the Highgate Ladies’ Pond on Hampstead Heath”.

138. The influence of the Gendered Intelligence/ Edward Lord/ City of London position can be seen in the approach taken by the KPLA. **Janice Williams**, a gender critical feminist, stood for election to the committee and was elected in March 2023. Her aim was to try to raise the issue of making the pond female-only amongst members. She spent time attending meetings, volunteering for tasks and generally trying to be helpful, but experienced hostility. She said in an account of her involvement with KPLA to us email to us on 11th June 2025 [**MF1/5, PB/167-169**]:

“During these months I learned that the KPLA committee were completely in thrall to gender ideology, had implicit trust in the training they had received from Gendered Intelligence, paid for by City of London, and were not operating in an open and healthy manner as an organisation.”

139. Before she was voted off she proposed and got seconded an AGM motion to adopt a policy of making the pond women-only again. The motion was defeated. Co-Chairs of the Committee Beth Feresten and Pauline Latchem told the Daily Mail:

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<sup>88</sup><https://sex-matters.org/wp-content/uploads/2024/02/Higgs-v-Farmors-School-judgment-050722.pdf>

“The officers of the KPLA ...have strong reasons to believe that if adopted the proposal would be unlawful and it is our duty to make that clear to all members before they vote on the matter.”<sup>89</sup>

140. The advice that adopting admissions rules based on biological sex would be unlawful was obviously wrong, as has now been confirmed by the Supreme Court.

#### What people have told me about their experiences

141. Women I have spoken to, and who have contacted Sex Matters, have told me about the impact of the policy on them, including that they:

- A. Are confused about what the language means;
- B. Feel sad, anxious or unwelcome because of the loss of the clear female-only rule;
- C. Felt uncomfortable being undressed and showering in the changing facilities when trans-identifying men have been present;
- D. Have been subjected to trans-identifying men being naked in the changing area and showers;
- E. Experienced trans-identifying men taking photographs of women and girls and trans-identifying men topless in the meadow, both of which are not permitted;
- F. Experienced trans-identifying men staring at women and girls in the showers and changing facilities;
- G. Felt violated in what they considered was a women-only safe space;
- H. Left the Ladies’ Pond because there was a trans-identifying man present;
- I. Changed the time or the manner in which they use the Ladies’ Pond, such as only going with a group of friends, not taking their swimsuit off in the shower, or only going at certain times where they feel safer;

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<sup>89</sup> [www.pressreader.com/uk/daily-mail/20240302/282187950968839?srsltid=AfmBOordf1EhgHcpGtMxt3Kzsb0A9OiysslfSkt9p6815L5TwVYZ-Jft](http://www.pressreader.com/uk/daily-mail/20240302/282187950968839?srsltid=AfmBOordf1EhgHcpGtMxt3Kzsb0A9OiysslfSkt9p6815L5TwVYZ-Jft)

- J. Experienced hostility from stewards and other Hampstead Heath and City of London staff when raising the issue;
- K. Self-excluded permanently from the Ladies' Pond altogether because they no longer felt it was a safe space.

142. On 16th July 2025, we sent an email to our mailing to raise awareness of this case, to raise money and to ask people who uses the ponds on Hampstead Heath (or if you would use them but have been put off by this policy), to email us at [TellUs@sex-matters.org](mailto:TellUs@sex-matters.org). Some of those replies sent to us below. Not all of the information below is in response to that email, as some of it is information received before this and through other means, as is explained.

143. **“Joanna”**, the Orthodox Jewish woman who is introduced at paragraph 79 told me in an interview [MF1/5, PB/210]:

“I always thought that the ‘Women only: no men past this point’ sign meant exactly what you would think it means. Women can go in and relax. For many women this is their comfort zone.

“I recently noticed the new sign on the gate, saying that ‘trans women’ are welcome at the pond, and this troubles me. It is important that the Ladies’ Pond is a female-only space for so many women. I am not sure how they define ‘trans woman’, but if you allow in some male people how can you stop any men coming in? I would think it is unacceptable. Just knowing men may be allowed in would make you feel insecure.”

144. **Susie Cottee** (see paragraph 72) said in her email [MF1/5, PB/186]:

“I often forget that the pond is not a single sex space anymore because I am lucky that I have never encountered a trans identified man at the pond.

Other women also forget, or don't know, and are relaxed and happy, comfortably naked in the meadows or on paths, in changing rooms and showers, both indoor and outdoor. There are a few changing rooms with doors, but they are mostly open, and the showers are fully open. There is a floor to ceiling window in the shower so it's possible to look out on to the pond when showering. These spaces were designed and built with the presumption that they are for women only. Apart from toilet cubicles, there are only four small enclosed changing rooms, everywhere else is open, and usually full of women in various states of undress.

“Friends and acquaintances of mine have encountered trans identified men at the pond, and I'm yet to meet someone who wasn't at least very uncomfortable about it. I would be devastated to find a man in the pond or changing rooms; the serenity would be smashed, privacy evaporated....”

“I do not believe that transwomen are women, rather I know them to be men. My ordinary view is the same as that of the Supreme Court and most other people, that humans can't change sex. I have spoken to some women at the pond who are very much of the opinion that we should be kind, and they are deeply uncomfortable about excluding transwomen from the pond. However, they don't explain how we are supposed to tell the difference between a man who genuinely believes himself to be a woman, and a male predator who wants to enter women's spaces for the purposes of voyeurism and abuse. I personally do not care to make a distinction, any man who enters a woman's space is breaching a boundary which protects women, and as such he is not a good man. It makes no difference whether he identifies as a good man or a woman.

I am appalled that City of London has such a low view of women's rights and privacy and is prepared to throw them away on a highly contested and misogynistic ideology. “

145. “**Amy**” (see paragraph 70) said in a WhatsApp message [MF1/5, PB/173]:

“As soon as one man is permitted to access that space, my dignity, privacy and physical safety is compromised. This is regardless of my religious or political beliefs. This is based on my lived experience of being female in London. Inviting men into that space removes a freedom which was granted when the space was strictly female only. Perhaps this loss of freedom is more evident for Muslim women, but for myself as an atheist, a born and bred Londoner, the loss of freedom is felt viscerally; it may as well be any other meadow on Hampstead heath. The safety is lost.”

146. Women have told us that they have self-excluded or no longer feel safe at the Ladies’ Pond.

147. A woman who asked to be referred to as “**Cathy**” said by email on 17th July 2025 [MF1/5, PB/206]:

“I used to love going to the Ladies’ Pond at Hampstead Heath. However in the last few years I’ve felt very uncomfortable knowing that male bodied people are going there. It feels creepy to be sitting on the grass knowing there is a man next to you.”

148. She said the reason that she didn’t want to use her real name because she is trying to get published as an author “The publishing industry seems to have a different set of standards re free speech. If you’re a published author you get cancelled, if you’re trying to get published you won’t get a look in.” Sex Matters has published a report documenting these experiences of gender critical discrimination in publishing.<sup>90</sup>

149. **Catherine Heseltine**, a Muslim woman who was involved in the Let Women Swim! Protests has written on 1st of September 2022 in an article in 5Pillars:

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<sup>90</sup> <https://sex-matters.org/posts/the-workplace/everyday-cancellation-in-publishing/>

“I first swam at the Hampstead Heath Ladies Pond at about the age of ten with my mum. I remember going through that gate felt like walking into a magical secret garden and how special it felt that the whole place was just for girls and grown-up ladies.

“I would love to pass that experience on to my own daughters but as Muslims we’re now excluded by City of London Corporation’s so-called inclusion policy, along with orthodox Jewish women and many other women who simply don’t want to undress and swim with males.

“But something that actually makes me even angrier than the fact that I’m forced to self-exclude from our historic Ladies’ Pond is that the sign on the gate still simply says ‘women only – no men beyond this point.’ Many women in London speak English as a second language, many don’t follow the mainstream media, many have never even heard of the idea that the magic words ‘I am a woman’ can make a person with a penis a woman and not a man.

“So I have something to say to the decision makers at City of London Corporation who have ignored my letter. Exposing women and girls to naked males without consent is not progressive!”<sup>91</sup>

150. **Terry Patterson**, a therapist, said by email on 17th July 2025 [MF1/5, PB/190]:

“I used to enjoy the ladies pond, although I didn’t actually swim often as I’m not a strong swimmer and quite a wimp with cold water! But myself and friends used to meet on the meadow quite often to chat, read, sunbathe and relax in a women only space! But since it changed to allow men in I haven’t been back I

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<sup>91</sup> <https://5pillarsuk.com/2022/09/01/campaign-launched-to-reclaim-women-only-swimming-pond-from-transwomen/>

just don't want to run the risk of being uncomfortable and feeling unable to do anything!"

151. A woman who asked to be known as "**Frances**" who is a registered disabled pensioner aged 68 and has been using the Ladies' Pond since 1984, emailed on 17 July 2025 [MF1/5, PB/193]: She highlighted difficulties for older and disabled women. She said she has not swum at the Ladies' Pond since biological men were allowed into the pond because she has not felt safe to do so "physically, emotionally or psychologically":

"I now no longer swim at the ponds as I feel completely unsafe in enclosed spaces when men/naked men are known (and encouraged) to be in the vicinity. I am short-sighted - so seeing through the steam in the changing-rooms in the winter or who is on the meadow in the summer is difficult when I am showering or drying myself. I feel threatened by the known presence of men in our space.

There is also the constant feeling of fear that nowhere in the pond enclosure is safe as a women's space - there may be men on the sun-bathing meadows, in the bushes, in the pond, in the showers and toilets - and we cannot challenge this. We lose our solidarity as women and we have to deny reality - so this is a slippery slope to madness."

152. She said the reason she did not want to include her name was that her "comments make reference to highly personal matters which I prefer to be kept private while disclosing the full effect on me of CoL's current mixed-sex access policy for Kenwood Ladies Pond."

153. **Karen Kennedy** said by email on 20th July 2025 [MF1/5, PB/195]:

"As an older woman now I avoid the Ladies' Pond because of transwomen's use of it. I am comfortable in the mixed pond where the men I encounter are not

pretending to be women and we share the space happily. I do miss the Ladies' Pond though and would return if I knew it was securely women only."

154. **Poppy Holden** said by email on 14th July 2025 [MF1/5, PB/176]:

"when I lived in London one of my greatest joys was a swim in Hampstead Ladies' pond. That joy came from a feeling of freedom to be comfortable with my unclothed body, in the open air, in nature. When I learned that men are now allowed to walk in, past the sign that clearly says Women Only, I realised I will never go there again until the policy is changed."

155. "**Ada**" (see paragraph 75) said by email on 14th July 2025 [MF1/5, PB/156]:

"The inclusion of trans-identifying men into the Ladies Pond has felt like a physical assault and a shattering of the possibility of access to this once-safe outdoor space for women. It has felt heart-breaking, and a bullying statement of exclusion to women, especially given that there are already **two** other ponds that are fully open to trans-identifying men, the Men's Pond and the Mixed.

I don't use the Hampstead Ponds any more because of this. The City of London is spitting on women's rights of access and safety in this precious outdoor space. It is astonishing that this has been allowed to happen."

156. **Deirdre Byrne** said in an email on 14th July [MF1/5, PB/180]:

"I do not use the ladies pond any longer as I have two young daughters, and although I have used it over the years, travelling across London to do so on special occasions, I cannot in all faith take my children there. I would have to supervise them wherever they go and even then cannot be confident of our safety or privacy."

157. **Liz Thompson** said by email on 17th July [MF1/5, PB/191]:

“I used to use the Ladies pond but have stopped since they started to allow men to use it. If I'm getting undressed, in a communal changing room then I don't want to run the risk of ending up naked in front of a man or having to see a naked man.”

158. **Kimberley Turner** said by email on 14th July [MF1/5, PB/177]:

“I live locally and have friends who swim in the pond but I am put off going with them as men are allowed in.

I suffered prolonged sexual abuse as a child and as such find it traumatising to even consider going to a facility set up for women only but allowing men in.

I wouldn't be able to undress in facilities that are not segregated by biological sex. It's unthinkable to me to be naked with men regardless of how they feel about themselves.”

159. **Eleanor Hancock** said by email on 14th July [MF1/5, PB/181]:

“I am writing to let you know that I do not use the single sex pool because I am worried I will see a man there. I don't believe in gender ideology and I don't like that one of the best places in London to swim forces me to believe in it and denies me my right to privacy, dignity and safety. I have a Muslim friend who can't come with me either due to this policy.”

160. **Carol Lewis** wrote by email on 16th July [MF1/5, PB/188]:

“It's being said by those who support trans-identifying men using the Women's Pond that it's never been a problem before and women have never objected in the past.

“This isn’t true. I used to go there regularly in the 1970s and early 80s but stopped altogether in the 90s because groups of trans-identified men started using the pond and I just felt uncomfortable. It only takes one man in a women-only space to sour the atmosphere and put women on alert.”

161. Some women have told us that they have changed their behaviour (in addition to no longer attending, as described already above).

162. **Alison Jenner** said in a WhatsApp group of women who went to the Let Women Swim demonstration [MF1/5, PB/175]:

“I have swum there since I heard males were allowed in there but only if one of the cubicles was free to change in. After a swim I’ve used the shower, but still in my swimsuit, like you have to in a ‘Changing Village’ in a leisure centre, where the open showers are visible by all users. It’s not like it used to be.”

163. **Lissa Evans**, novelist, said by email on 14th July 2025 [MF1/5, PB/182]:

“I am a summer swimmer at Hampstead Ladies’ pond - usually once a week. I only ever go in the early morning (between 8 and 9) and I think it a significant observation that I have never seen a trans identified male there - I think that points to the fact that trans identified men don't go there to swim a circuit or two and then leave (which is what early morning swimmers do), they go there to be seen, to pose and to 'be affirmed', all of which are easier when the surrounding meadow changing areas are full of women.”

164. The men who emailed also told us that they would be deeply uncomfortable to encounter a woman at the Men’s Pond. **Menno Kuijper** [MF1/5, PB/209] (see paragraph 81) wrote:

“I find the concept of ‘identifying as a man’ offensive - I don’t ‘identify’ as one, I AM one. It has taken me a long time to feel comfortable in myself as a man, which is another reason why I feel having the option of a men-only space is so important; to really be able to lean into feeling comfortable being the kind of man I am in the company of other men. I don’t want to be told that I have to pretend that a woman is now just as much of a man as I am, or have to look at surgically altered female bodies, or listen to testosterone-affected women’s voices in a man’s space. Allowing these women in by definition means it’s no longer a single-sex space. It ruins what made the men’s pond special.”

165. **Mathew Sexton** (see paragraph 80) wrote in an email on 14th August 2025 [MF1/5, PB/208]:

“I would find it very concerning and unsettling if a woman who identified as a man were present. It would disrupt the clear understanding that this is a space for men, and it would feel dramatically disordered if a woman were to appear - most likely much smaller than the men there, with wider hips and without a penis.

“While many people may not view women in men's spaces as an issue, I believe it defies a sense of propriety and normalcy that would upset and disturb many men who might not feel comfortable complaining or articulating why it feels strange and uncomfortable.

“I strongly support the Sex Matters campaign and am very concerned about men in women's spaces and vice versa.”

166. Some women have told me about upsetting experiences with men who have been allowed to use the Ladies Pond. In the course of collecting experiences we heard from several women who had encountered men in the Ladies Pond. It is not necessary for women to personally have a “bad experience” encountering a man in the women’s

showers or changing rooms, or on the meadow or around the ponds for the environment, to feel unsafe. It is enough to know that it could happen at any time. The experiences captured in my witness statement and the five separate witness statements are illustrative, and represent a mere fraction of women who will have seen men being welcomed to the Ladies' Pond, changing room and showers (as is the policy of the City of London).

- **A GP who has given a witness statement asking for anonymity** says that in July 2019 she saw a man in a tight-fitting bikini bottom visibly displaying his male genitalia being helped by a group of women bathers to fit a bikini top. He entered the women's changing room and stood staring at a group of naked teenage girls. She reported her concerns to the lifeguards, who said the person was entitled to be there [PB/268].
- **Josey Graham and Issy Ismail** give witness statements that describe an incident in June 2025, when they encountered a man in the meadow and challenged him [PB/268 and 282]. They were reported to the lifeguards, who said "all women are welcome."
- **Marilyn Herman** gives a witness statement which describes three occasions of seeing men at the Ladies' Pond in 2021, and being told "that's a woman" when she complained about the first one. She describes an experience in 2024 when she was showering naked at the outside showers and a man stood between her and her towel looking at her. She reported this as voyeurism to the police and raised a concern with the KLPA [PB/286].
- **Eve Kay-Kreizman** gives a witness statement about her neighbour, "Alice", who encountered a male swimmer in the ladies' showers, facilitated by the stewards. She complained to the City of London and was told this was within its inclusion policy [PB/242].
- **Sarah Fulburg** (paragraph 167) encountered a trans-identifying man in the showers and changing room in September 2023. She does not indicate that she complained, but she felt uncomfortable.
- **Mary Kountouris** (paragraph 168) encountered an elderly man asking young women to fasten his bikini top and then asking questions about nudity in the showers. She does not indicate that she complained but felt really uncomfortable.
- **Valerie Dunn** (paragraph 169) saw a young man with a full beard sitting in the meadow and felt she could not go and complain to the lifeguards.

- **Emily** (paragraph 170) said that in July 2025 there was a young man in a dress and makeup at the ponds.
- **“Frances”** (paragraph 171) said that in spring 2025 her neighbour saw a topless male in men’s swimming shorts with a young woman companion in the pond. Her neighbour didn’t think she could complain.
- **Carol Jones** (paragraph 172) said she stopped going to the Ladies’ Pond three years ago, after seeing a man in a skimpy bikini rubbing himself and staring at women.
- **Amanda Craig** (paragraph 173) said that in 2018 she encountered a large naked man who came into the women’s showers when she was naked and vulnerable. She told the lifeguard, who said the man identified as a woman.
- **Beverley Woodburn** (paragraph 175) complained in 2024, after noticing a topless man in the Meadow taking photographs of young women. The lifeguard told her he was a trans woman. She reported the incident to the police and to the City of London.

167. **Sarah Fulburg** wrote to us email on 14th July 2025 about encountering a trans-identifying man in the showers (she thinks) in September 2023 [MF1/5, PB/216]:

“I am a regular user of the women’s pond and I think that the claims that the Corporation of London are making that it is not single sex are ridiculous.

I go there because it is single sex and luckily have only once come across a trans identified male there. The atmosphere in the changing room changed entirely as he walked through in his swim suit ( and large pearl choker necklace) took a quick shower and then occupied one of the 4 individual changing rooms. The feeling amongst those I was with was of discomfort and annoyance that he granted himself privacy due to his use of the individual changing room but the rest of us were denied it as he had walked through all of us.”

168. **Mary Kountouris** said by email on 14th July 2025 [MF1/5, PB/178]:

“This happened the last time I went to the Ponds; I think it was summer 2019. It was very busy. I chose a spot to sit down and wondered if there would be any

males there but thought 'probably not.' Unfortunately there was; an elderly man with fake breast implants, topless, wearing pastel rainbow bikini bottoms the colours/ pattern a little girl might wear, rather than an adult.

"I thought, 'oh dear, but he's an elderly transsexual, I imagine he'll just keep himself to himself.' I was wrong. A few minutes later two young women sat near him (late teens/ early 20s). First he asked one of them if she could help him fasten his bikini top. She helped him. Then he asked her to adjust it. I think she declined. Then he asked them if it was allowed to go naked in the showers. They answered him, then stopped responding as he continued to try to discuss showers and nudity. I would say he was harassing them. It felt really uncomfortable."

169. **Valerie Dunn** said by email on 25th July 2025 [**MF1/5, PB/196**]:

"I have been swimming in the Ladies' Pond since the 1980s, but over the last couple of years my enjoyment has been spoilt by this insistence by the City of London on the inclusion of men who say they are women. This has divided us who have swum there for many years and there isn't the same atmosphere. We have to be careful who we talk to. I was shocked to see a young man with full beard sitting on the meadow - very pleased with himself. I could not go and complain to the lifeguards because, whatever they may think, they have to toe the line."

170. **Emily** has asked to be referred to by her first name only because, she said, "I prefer to be anonymous because I believe I'd face negative repercussions in my very progressive workplace for supporting Sex Matters and I would expect harassment by trans rights activists". She wrote by email on 15th July 2025 [**PB/212**]:

"I swam at the ladies' pond ten days ago and there was a young man there in a dress and makeup, with two young female friends, so they are definitely still letting men in."

171. **“Frances”** (see paragraph 151) [MF1/5, PB/193] said by email:

“A neighbour saw a topless male in men's swimming shorts with a young woman companion in the pond this spring. We women are not allowed to swim topless or in baggy men’s swimming shorts. The lifeguards apparently did not challenge the man in any way. My neighbour did not know how to manage this incident as we are silenced by City of London’s current policies (ie don't speak to lifeguards about the men in the ponds). She did not have the confidence to speak out. I won’t go to the ladies pond anymore.”

172. **Carol Jones** said by email on 28th July 2025 [MF1/5, PB/197]:

“My female friends and I spent years of joyful swimming and sunbathing at the Ladies' Pond in the 70s, 80s and 90s. That was until about 3 years ago when a couple of us were subjected to the spectacle of a man in a bikini preening himself and staring us out whilst drying himself on the platform.

“He was sociable and friendly with one of the lifeguards and seemed to relish the social interaction with women there. Although we didn't say anything, the sight of a huge man in a skimpy bikini, rubbing himself as he stared us out with contempt, was disconcerting and threatening. We don't go to the Ladies' pond anymore.”

173. **Amanda Craig** said by direct message on 6th August 2025 [MF1/5, PB/203]:

“One time (I think this was 2018) I was in the shower room heading towards the courtyard area with the four cubicles when a large naked man came in through the doorway. He was at least 6 foot tall and quite hefty. He had long dark brown hair. He was definitely male. He had a male body, and was very hairy and I could see his male genitals. He was standing between me and the exit. Women were looking shocked and uncomfortable and turning away in obvious distress - most

like myself were naked or semi-dressed. He appeared to be enjoying our upset, which added to the fear that he was a lunatic. I was so shocked that I couldn't speak. I'm quite fearless normally, but I was naked and vulnerable. I grabbed my towel and got out as quickly as I could and went out to tell one of the lifeguards.

“In the past these tough ladies would have reacted robustly to male intruders but this one just muttered ‘there’s nothing we can do. He identifies as a woman’.”

174. Many women I have talked to are not only concerned that they might encounter a man, who may or may not have a sexual or harassing motive for being there, but who certainly represents a heightened danger; they are also concerned that they will face further hostility and humiliation from staff telling them that they must accept that someone they can clearly see is a man is a woman, and that they might be thrown out of the ponds area or called a bigot, “hateful” and “anti-trans” (in the words of Edward Lord) if they complain.
175. **Beverley Woodburn** provided a statement to me about what happened when she complained about a man in the meadow in May 2024 [MF1/5, PB/165]. She sent this statement:

“In May 2024 I was at the Kenwood Ladies Pond with my sister and a friend in the afternoon. We sat at the far end of the meadow facing the pond. We noticed a topless male (a man) sitting approximately 18-20 feet in front of us. Although he was seated I could tell he was heavy set and over 6 foot tall, with shoulder length curly grey hair. He appeared to be in his late 50s. A little later noticed the man was surreptitiously taking photos of two young women to his right. My sister went over and confronted him about this. He said that he had only taken only photos of the fox but there were no foxes about when we clearly saw him taking photos of the two women. My sister and friend went to see a lifeguard to inform them that a man was at the pond and was taking photos of women. The

lifeguard attempted to correct my sister and friend in their description of the voyeur by saying that he was a trans woman. I reported the incident to the Metropolitan police. I was later told that the sergeant on duty and two members of the park guard team attended the scene, but “unfortunately, they were unable to locate the male in question. They can confirm however, that a thorough search of the area was conducted, and they also liaised with the lifeguards at the time”.

On the 20th June this year, the same lifeguard continued to say that she believed the voyeur to be a woman. She also told us we could not sit on our camp chairs, even when told repeatedly that sitting down on the ground was difficult. I believe the lifeguard, having accused us of making transphobic comments, was discriminating against me and others for our gender critical and gender non-conforming beliefs. Furthermore, by refusing women to use their own chairs, I believe the lifeguard was discriminating against women on the grounds of disability, age and pregnancy status. By instructing their staff to allow men to continue to use the womens pond, the City of London is discriminating against women by sex ”

176. She has also provided the email chains with the police and the City of London from the time of the incident [MF1/5, PB/162].

177. **Helen Riley** said in a Whatsapp message on **16th June 2025** [MF1/5, PB/170]:

“What I'd say about changing at the Ponds is that to stand even momentarily half dressed in the open (the changing rooms are small and you can change outdoors as well) requires 100% trust and the problem - one of them - is that we have been told repeatedly that the lifeguards are on board with trans inclusion. Plus large numbers of other women.

“So who would help / turn a man away if one appeared and you were half naked? It's the chilling effect and a game of roulette we didn't sign up to play.”

178. **Natasha Brown** said in a WhatsApp group message on 9th July 2025 [**MF1/5, PB/172**]:

“When I started swimming in March 2024 after the KLPA meeting where this was debated I had an unpleasant encounter with the secretary of the meeting who tried to keep me quiet. I was using the common changing room and I was putting on my compression tights lying on a bench with my legs up (it’s an exercise on its own). The secretary (I don't know her name) pointed at me with her hand and told three women who were with her: “This is the trouble maker!” A few days later I managed to find out that since I have a disability I can use a separate room for putting my tights on, so I won’t be exposed to any men.”

179. **Susie Cottee** (see paragraph 72) said in her email [**MF1/5, PB/186**]:

“If I saw a man in the changing area or the pond I would ask him to leave. I would warn others of his presence and I would make certain that he realised his presence was deeply unwelcome and also somewhat frightening. I should not be put in this position; Doubtless my raising this issue in these circumstances would be far more likely to result in me being removed and banned from the pond than the man who has infiltrated the space. !”

180. **Karen Kennedy** (see paragraph 153) also expressed concern for the sometimes young staff expected to apply these rules in her email of 20th July 2025 [**MF1/5, PB/195**]:

On another note, I know young men who work seasonally at the Mens and Mixed Ponds. They tell me that they have had young women accompanying men asking for access and claiming to be transmen when refused (reportedly all in a lighthearted fashion). However they do admit 'genuine transmen' sometimes on the advice of their managers. Presumably the same discretion is applied at the Women's Pond.

These staff are young, well meaning, totally untrained in equalities legislation and making decisions about who is and isn't 'genuinely' of the opposite 'gender' without any support. There is usually one person in the ticket office making these decisions.”

181. **Helen Riley** also messaged me about how incoherent the rules are concerning “trans men” in the Ladies’ Pond on August 17th 2025 [**MF1/5, PB/170**]:

“At the Kenwood Ladies Pond on Sunday, August 17, I had finished swimming and was dressed. It was about 10.30am and I saw the lifeguards facilitate a 'transman's' swim.

As I left the changing room I saw someone topless with very obvious - still red - mastectomy scars, wearing white Speedo type swimming bottoms only walking towards the ladder into the water.

I stopped to observe.

The lifeguard intervened, saying: "Sorry, you need to have a top on to go into the water. I can lend you one."

The transman said "Yes," and added, "I usually remember to bring a top. I just forgot today."

They went into a small room to my left. I heard the lifeguard say: "It's not about whether you have breasts or not. Everyone is welcome here, but you can't be topless in the water."

There are five signs at the Pond saying that women and transwomen are welcome.

If transwomen are women and transmen are men - why didn't the lifeguard evict the transman?

182. None of the women that I have spoken to who are concerned about the policy of allowing trans identify men into the Ladies' Pond object to the "trans men" who go to the pond. These tend to be young gender-non conforming women who have short hair and had mastectomies. They are clearly not men.
183. The loss of the solidarity, trust and clear expectations needed to maintain the safety of the Ladies' Pond by the loss of clear language and rules about women and men is a theme that has come up again and again in conversations.

#### Women's fear of trans-identifying men is not irrational

184. There are good reasons to view men in general as a risk, and no reason to think that transitioning (whether by changing temporary or permanent aspects of appearance) would switch a man from demonstrating male typical behaviour patterns and risks to female typical patterns, or stop them from prompting fear and discomfort in women if they breach normal boundaries of propriety and dignity.
185. This parsimonious assumption that males who transition remain male for risk purposes is borne out by research. A study undertaken at the Karolinska Institute in Sweden by Dhejne et al. (2011) followed a population of individuals who had undergone surgical and legal sex reassignment involving hormonal and surgical treatment between 1973 and 2003 (324 in total) and compared them to a matched control group of their birth sex. It compared the likelihood of a person having one or more criminal convictions, and convictions for violent crime (defined as "homicide and attempted homicide, aggravated assault and assault, robbery, threatening behaviour, harassment, arson, or any sexual offense"). The researchers state that "male-to-female" transitioners "retained a male pattern regarding criminality. The same was true regarding violent crime." "Male to female" transitioners were over 6 times more likely to be convicted of an offence than

female comparators and 18 times more likely to be convicted of a violent offence. The group had no statistically significant differences from other natal males, for convictions in general or for violent offending.<sup>92</sup>

186. Data from the Ministry of Justice shows that in 2020 there were 129 male-born prisoners identifying as transgender (any with GRCs were not counted). Of these 76 had at least 1 conviction of sexual offences. This includes 36 convictions for rape and 10 for attempted rape. These are clearly male-type crimes.<sup>93</sup>
187. The website Trans Crime UK collates reports of crimes by transvestite and transsexual men in the UK. These include sex crimes by men who stole women or children's clothing or underwear, or who wore such clothing or underwear while perpetrating sexual offences,<sup>94</sup> and exposure, voyeurism, sexual assault and rape by men who self-identified as trans women either before or after the crime.<sup>95</sup> The website collates convictions and charges for serious crimes each year. The largest category (around two-thirds of the sexual offences) are sexual offences against children. This pattern of offending is nothing like the pattern for women.
188. This is not to say that all men who identify as women are criminals or sex offenders, any more than all men are. But there is certainly no reason to think they are *less* likely to be than other men are, or that they exhibit female patterns of offending and risk.
189. Furthermore, while the motivations for cross-dressing or identifying as transgender are complex and varied, they can also be a specific risk factor. What is commonly called "trans" is not a single phenomenon. Researchers have consistently found two different groups of men who want to "live as women". One group consists of gay men who were

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<sup>92</sup> Cecilia Dhejne, Paul Lichtenstein, Marcus Boman, Anna L. V. Johansson, Niklas Långström, Mikael Landén (2011) Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0016885>

<sup>93</sup> <https://fairplayforwomen.com/transgender-male-criminality-sex-offences/>

<sup>94</sup> <https://transcrimeuk.com/tag/womenschilds-underwear/>

<sup>95</sup> <https://transcrimeuk.com/tag/trans-woman/>

notably effeminate as children and typically cross-dressed publicly at a young age. They do not report sexual arousal as a result of wearing women's clothing. The other group consists of heterosexual men who were considered typically masculine as boys. Many marry and father children while becoming interested in wearing women's clothes for sexual arousal. Some go on to want to live in their female persona full-time.

190. Women who transition are most often same-sex attracted, although there is now a cohort of young women identifying as gay men. Women identifying as men in men's spaces are less of a risk to men than men in women's spaces, but they do nonetheless breach those men's privacy and autonomy.

191. Dr Ray Blanchard, a Canadian sexologist, coined the term autogynephiles for the group of heterosexual male transitioners.<sup>96</sup> Autogynephilia means "love of oneself as a woman". Blanchard has said that:

"in the Western Hemisphere and English-speaking Commonwealth countries, the overwhelming majority of adult natal males presenting with gender dysphoria are of the autogynephilic type."<sup>97</sup>

192. Autogynephilia (focused on possessing female body parts) tends to co-occur with transvestism and fetishistic attraction to specific items of clothing.<sup>98</sup> Others have noted that transvestism tends to co-occur with other sexual paraphilias, including sexual masochism, forced feminisation, exhibitionism and voyeurism.<sup>99</sup>

193. Studies have found a correlation between having a paraphilia and experiencing arousal at the thought of sexually coercive behaviour (including deliberate deception to achieve

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<sup>96</sup> Blanchard, Ray (1989) 'The concept of autogynephilia and the typology of male gender dysphoria', *The Journal of Nervous and Mental Disease*, 177(10);p 616-623, October 1989.

<sup>97</sup> Blanchard quoted in Hayton, D (2022) My Autogynephilia Story <https://debbiehayton.com/2022/05/16/my-autogynephilia-story/>

<sup>98</sup> Blanchard, R. (1991). *Clinical observations and systematic studies of autogynephilia*. *Journal of Sex & Marital Therapy*, 17, 235–251.

<sup>99</sup> Abel, G. G., & Osborn, C. (1992). The paraphilias. The extent and nature of sexually deviant and criminal behavior. *The Psychiatric Clinics of North America*, 15, 675–687. Gosselin, C., & Wilson, G. (1980). *Sexual variations: Fetishism, sadomasochism, transvestism*. New York: Simon and Schuster.

sexual contact, forcing contact, taking advantage of an incapacitated individual and forcible rape).<sup>100</sup> “Wardrobe malfunctions” and too-short skirts and dresses exposing underwear, buttocks or genitals are a common feature of personal photography shared by male cross-dressers in public groups.

194. Some clinicians have observed that an element of sexualised shame or humiliation fantasy may drive a man’s behaviour. Psychiatrist Dr Az Hakeem notes a range of mixed emotions between sexual arousal and frustration, including:

- Sexual arousal from fantasy of themselves as the opposite sex
- Sexual arousal from the idea of themselves in their biological sex cross-dressing
- Excitement from being perceived by others as being the opposite sex
- Masochistic excitement from not passing while cross-dressing in public
- Excitement from the feeling of risk and not knowing if others will notice.<sup>101</sup>

195. While it is not a certainty that all men who want to put on (or take off) a bikini and go into a setting where women are undressing are necessarily doing so for unsavoury reasons, it is a reasonable risk-based assumption, and allowing it makes a hostile environment for women. The City of London’s policy makes it impossible for a woman to effectively complain if she encounters a man, who may or may not have a sexual motive, but who certainly represents a heightened danger in a space where men should not be. She may then face further hostility and humiliation from staff telling her that she must accept that the person she can clearly see is a man is a woman, and that she might be thrown out or called a bigot, “hateful” and “anti-trans” (in the words of Edward Lord) or “transphobic” (as Gendered Intelligence has trained the staff to think) for expressing discomfort at being subjected to sex-based harassment. This is no way to run a service for women.

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<sup>100</sup> Baur E, Forsman M, Santtila P, Johansson A, Sandnabba K, Långström N. Paraphilic Sexual Interests and Sexually Coercive Behavior: A Population-Based Twin Study. *Arch Sex Behav.* 2016 Jul;45(5):1163-72. doi: 10.1007/s10508-015-0674-2. Epub 2016 Jan 11. PMID: 26754158.

<sup>101</sup> Hakeem, Az (2018) *Trans: Exploring gender identity and gender dysphoria*

Examples of public and private sector organisations still allowing trans-identifying men into women’s spaces (and vice versa)

196. This case is about the Ladies’ Pond and the Men’s Pond as a particular example of where a service provider is undertaking a clear and explicit policy of allowing men into a women’s facility (and vice versa) where there is communal nudity. However the legal challenge to the City of London’s policy may have wider ramifications.
197. Following the Supreme Court's judgement in *For Women Scotland*, on 25th April the EHRC published an update that spelt out the legal position in practical terms: “In workplaces and services that are open to the public where separate single-sex facilities are lawfully provided trans women (biological men) should not be permitted to use the women’s facilities and trans men (biological women) should not be permitted to use the men’s facilities, as this will mean that they are no longer single-sex facilities and must be open to all users of the opposite sex.” This update is subject to a legal challenge; the rolled-up hearing is listed to be heard by the Court in the week of 10th November (AC-2025-LON-001953).
198. The City’s decision to continue to operate its admissions rules on a ‘trans inclusive’ basis following the Supreme Court’s judgment, and despite this clarity from the EHRC, suggests a continuation of the ideological approach that underpinned the development of the original policy. On 23rd April 2025, City Bridge Foundation (whose single Trustee, like the Heath, is the City of London Corporation) put out a statement on the Supreme Court judgment, endorsing the view of its “partner”, Gendered Intelligence [MF1/12 PB/241]. It said:

“This judgement does not change the legal protections trans people have against discrimination and harassment on the basis of gender reassignment. **It also doesn’t mean trans people can or should be regularly excluded from women’s services and spaces. The law — and common sense — still says that trans people should not be excluded without a proportionate and legitimate reason.**”<sup>102</sup>

199. The Gendered Intelligence statement to which it linked went further. It said:

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<sup>102</sup><https://www.citybridgefoundation.org.uk/news-and-blog/statement-of-solidarity-with-trans-and-non-binary-communities>

“Ultimately, people who want to exclude trans women from services and institutions will likely feel empowered to do so, **but services and institutions that want to include trans women will not be restricted from including them.**

“There have been some claims in the press and on social media about **widespread exclusion of trans women**, or having to show a Gender Recognition Certificate to use women’s services or spaces. This is not the case.”<sup>103</sup>

200. Other public and private service providers, and activists, are also using the same argument and similar policies (or ambiguous policies), holding out that despite the Supreme Court’s clarity a service that is provided separately for “men” and “women” may still somehow lawfully include women to identify as men and men to identify as women for the purpose of admission.
201. Lobby groups such as the LGBT Foundation are calling on service providers and the EHRC to defy the Supreme Court’s judgment or profess not to understand it, and to continue to allow people to use opposite sex spaces. It calls on them to “prevent ‘gender policing’”.<sup>104</sup>
202. Because of pressure and misinformation from these campaigns and internal activists, and the continuing harassment of people expressing “gender critical” beliefs, many organisations say that they are not clear on how to comply with the law.
203. For example **UKActive (the industry body for sports and leisure)** has removed its previous “Guidance For Front Line Staff To Assist Trans People To Access Leisure Facilities”, which was a gender self-identification policy. It says it has established a working group of industry leaders “to consider the implications of the ruling for the sector” and “to review and update the guidance, which will be finalised once the Equality and Human Rights Commission (EHRC) has provided its updated code of practice”. It tells member bodies: “We caution against implementing new policies in haste or informed by any advice that is not independently or directly commissioned”, and says that in “the interim period, we recommend that facility operators manage

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<sup>103</sup><https://genderedintelligence.co.uk/news/19-uk-supreme-court-judgement-on-women-and-sex-in-the-equality-act-2010>

<sup>104</sup><https://www.instagram.com/p/DKemY9ptVsl/>

situations on a case-by-case basis, acting with sensitivity and understanding to continue to ensure all customers are treated with dignity and respect, and are supported while policies are under review”. The Supreme Court expressly considered and dismissed the possibility that some men could be treated as women on a case-by-case basis (and vice versa).

204. When we supported Michelle Dewberry to send **Virgin Active** a letter before action about its gym policy, it changed that policy to a straightforward single-sex policy within 14 days when faced with a direct legal threat.<sup>105</sup> Following the letter it agreed to adopt a simple new policy, which said: “By law, our members and visitors who use a changing room marked as ‘male’ or ‘female’ must select the one that matches their biological sex.” It replaced its previous policy that had “allowed our members to use the changing rooms of the gender in which they present and identify”, which was based on “our earlier understanding of the interpretation of the Equality Act 2010 (the EqA) together with the Gender Recognition Act 2004”.
205. **In the museums sector**, 1,500 arts professionals signed an open letter to the EHRC saying: “We believe that Trans, Nonbinary and Intersex people should be free to use the bathroom that aligns with their gender identity.”<sup>106</sup> A number of museums have released statements saying that they will not provide clear rules for single-sex facilities in line with the judgment. For example, Dorset Museums said: “we encourage all visitors to continue to use the facilities that align with their gender identity.”<sup>107</sup>
206. Leicester University is facing a threat of legal action over its decision to publish and maintain its influential “TransInclusive Culture: Guidance on advancing trans inclusion for museums, galleries, archives and heritage organisations”. This was endorsed by The Museums Association, which represents over 1,800 museums.<sup>108</sup>
207. **Universities** have mainly said they are waiting for more guidance. For example UCL said following the judgment: “We are working, in common with other universities, to try to establish clarity about what this means. Guidance on how the ruling is to be

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<sup>105</sup><https://sex-matters.org/posts/updates/virgin-active-brings-policy-in-line-with-law-after-threat-of-legal-action/>

<sup>106</sup> <https://airtable.com/appJjTpDvAuSGrX37/pagdNlgDLD38RXbIt/form>

<sup>107</sup> <https://www.museumsassociation.org/museums-journal/news/2025/05/museums-grapple-with-implications-of-supreme-court-ruling-on-sex/>

<sup>108</sup> <https://www.freedominthearts.com/fita-legal>

interpreted and applied is expected from the Equality and Human Rights Commission soon. We will provide more information as soon as we have this.”<sup>109</sup>

208. The **Co-op supermarket group** has said: “Our policies have not changed... colleagues can continue to use toilets and changing facilities in accordance with their gender...”<sup>110</sup> It had previously pledged to trans and non-binary employees that it will “never expect you or ask you to use the disabled toilets”.<sup>111</sup> It now says it does not have unisex individual lockable facilities across its estate and that “changing our policy to prohibit trans colleagues from using toilets of their identified gender could be discriminatory”. It says it feels it is best not to change its policy without further guidance.
209. Many **NHS bodies** have adopted gender self-ID policies over facilities and same sex care. For example, Leeds Community Healthcare NHS Trust’s policy says: “You are entitled to use single sex facilities in accordance with your gender identity. For non-binary people, this may mean using gender-neutral or accessible facilities, or using a combination of different facilities. A non-binary person can choose to use facilities they are most comfortable using, if gender neutral facilities are not present.” This follows lack of guidance from the Department of Health, which has left trusts vulnerable to lobbying by internal and external activist groups. In 2022, the NHS Confederation, in collaboration with the LGBT Foundation, published guidance saying: “In all types of workplaces, trans and non-binary people should be supported to use the bathrooms they feel most comfortable using. At no time is it appropriate to force staff to use the toilet associated with their assigned sex at birth against their will.” The NHS Confederation initially dragged its feet about withdrawing this guidance and only did so after a letter from Sex Matters.<sup>112</sup> It has not replaced its guidance and nor have many NHS bodies updated their policies.
210. The question of whether men or women are allowed to use a particular service, be it a swimming pond, a changing room, a shower or any other facility, is a simple one. The answer is Yes or No (i.e. is the service mixed-sex or single-sex, and if single-sex, which sex is it for?). In each case individuals know what sex they are and can be expected to

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<sup>109</sup> <https://www.ucl.ac.uk/news/2025/apr/information-following-uk-supreme-court-ruling-legal-definitions-sex-within-equality-act>

<sup>110</sup> <https://www.telegraph.co.uk/business/2025/05/04/ill-protect-trans-people-to-the-end-vows-co-op-boss/>

<sup>111</sup> <https://colleagues.coop.co.uk/transgender-and-non-binary-inclusion-policy>

<sup>112</sup> <https://sex-matters.org/wp-content/uploads/2025/05/20250502-Letter-to-Matthew-Taylor.pdf>

follow rules. The statement that no men or women are allowed in is not the start of a negotiation. It cannot depend on what the individual is wearing, how long their hair is, what pronouns they use, whether they have had surgery, how nice they are, whether they are friendly with the staff or how they feel about gender. The answer must be readily available to all service users and staff so that they can do their job. And it must be available now, not after a long consultation.

211. While many service providers are hiding behind professions of uncertainty and ambiguous signage, the City of London has made its position clear at the Hampstead Ponds. A judicial answer here will provide valuable information to many service providers and users.

**Statement of truth:**

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

A large black rectangular redaction box covering the signature area of the witness statement.

MAYA FORSTATER

Dated: 19th August 2025