

Nick Folland, general counsel  
Marks & Spencer

12th March 2026

by email

Dear Mr Folland

**re: fitting rooms policy**

Thank you for responding to my letter of 9th March. However you appear to be misinformed about your own policies and practices.

In your letter of 12th March, you say that the vast majority of Marks and Spencer's stores provide "unisex spaces" for trying on clothes. However your website clearly advertises that your stores provide separate sex fitting rooms for men and women. I could find no mention of unisex changing rooms.

For example in:

**Marble Arch, London**

Bra fitting  
Bureau de Change  
Cash machine  
Clothing & Home collection desk  
Clothing & Home ordering  
Fitting rooms(men)  
Fitting rooms(women)  
Flower & Plant ordering  
Free Wi-Fi  
Hamper ordering  
Hot Food to Go

<https://www.marksandspencer.com/stores/marble-arch-770>

**Sex Matters** is a human-rights charity promoting clarity about sex in law, policy and language  
[sex-matters.org](https://sex-matters.org) | [info@sex-matters.org](mailto:info@sex-matters.org)

Trustees: Emma Hilton (chair), Michael Biggs, Rebecca Bull, Charlotte Cadden, Anya Palmer  
CEO: Maya Forstater

## **Bullring, Birmingham**

Services
Bra fitting
Bureau de Change
Clothing & Home ordering
Fitting rooms(men)
Fitting rooms(women)
Free Wi-Fi
Refund & exchange
Wedding Cake ordering

<https://www.marksandspencer.com/stores/birmingham-bullring-1666>

## **Market St, Manchester**

Services
Bra fitting
Bureau de Change
Cash machine
Clothing & Home collection desk
Clothing & Home ordering
Deli Bar
Fitting rooms(men)
Fitting rooms(women)

<https://www.marksandspencer.com/stores/manchester-market-street-6431>

## **Princess St, Edinburgh**

Services
Bra fitting
Bureau de Change
Cash machine
Clothing & Home ordering
Fitting rooms(men)
Fitting rooms(women)
Flower & Plant ordering
Free Wi-Fi

<https://www.marksandspencer.com/stores/edinburgh-2914>

## Shoreham

### Services

Bra fitting  
Bureau de Change  
Cash machine  
Clothing & Home collection desk  
Fitting rooms(men)  
Fitting rooms(women)  
Flower & Plant ordering  
Free Wi-Fi  
Hamper ordering  
Hot Food to Go

<https://www.marksandspencer.com/stores/shoreham-3104>

## Chester

### Services

Bra fitting  
Bureau de Change  
Cash machine  
Clothing & Home collection desk  
Clothing & Home ordering  
Fitting rooms(men)  
Fitting rooms(women)  
Flower & Plant ordering  
Free Wi-Fi

<https://www.marksandspencer.com/stores/chester-1245>

## Fareham Whiteley Village

### Services

Bilingual staff available  
Bra fitting  
Clothing & Home ordering  
Fitting rooms(men)  
Fitting rooms(women)  
Free Wi-Fi  
M&S Cafe  
Refund & exchange

<https://www.marksandspencer.com/stores/fareham-whiteley-village-1213>

In some stores, typically where the men's and women's departments are on separate floors, the signage simply says "fitting room" and it is obvious from the location which is the men's and which is the women's. In others they are explicitly signposted.

### Shoreham



### Chester



### Fareham Whiteley Village



Even without such signage, it will be commonly understood that if the website advertises that there is a men's fitting room and women's fitting room, then the fitting room in the women's department

is the women's fitting room and the fitting room in the men's department is the men's fitting room. Separate sex changing rooms are preferred by most people, as our recently commissioned polling confirms.<sup>1</sup>

As I wrote in my previous letter, **indirect discrimination** occurs when a rule, policy, or practice applies to everyone but disproportionately disadvantages a group sharing a protected characteristic. **Harassment** occurs when a duty bearer engages in unwanted conduct related to a relevant protected characteristic, that has the purpose or effect of violating a person's dignity or creating an "intimidating, hostile, degrading, humiliating or offensive environment" for them.

Marks and Spencer's policy of advertising that it has separate-sex fitting rooms but then telling staff to operate them as "unisex" spaces has a disproportionate disadvantage for women. This is because women are subject to greater risks, vulnerability and modesty norms when undressing than men. Your ambiguous policy is also likely to subject your customers to a hostile and humiliating environment related to the protected characteristic of sex since the rules are not clear about who can go where, and who they can expect to be sharing the space with. Conflicts can arise where rules are not clear.

The policy also raises questions about whether male staff are deployed to what customers reasonably assume are "women's fitting rooms", but which you say Marks and Spencer's views as "unisex".

I hope that you will reconsider this policy, and return your fitting room policies to lawful, clear single-sex provision. Please do not try to get around the question by changing the advertising or signage to "menswear" and "womenswear" fitting rooms. The reason for the separate spaces is not because of a difference in clothing but because of propriety, modesty and safety between women and girls and men and boys.

Women and girls who chose to buy from your men's (or boys) wear ranges should not be forced to change with men, and men who chose to wear clothing from the women's wear ranges should not be forced to change in the women's fitting room, or be harassed or discriminated against if trying on in the men's fitting room.

People have a wide variety of "gender expressions" in the clothing they chose to wear, but the fact that there are two sexes is not difficult or controversial to understand.

I would be pleased to discuss this with you.

Yours sincerely



Maya Forstater, CEO

cc: Mary-Anne Stephenson, Chair

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<sup>1</sup>

<https://sex-matters.org/posts/updates/new-poll-shows-most-people-prefer-single-sex-toilets-and-changing-rooms/>