

ONE YEAR LATER

The Supreme Court made the law clear. So why are we still waiting for the rights of women and girls to be respected?

April 2026



The law is clear.

On 16th April 2025 The Supreme Court confirmed that the terms “man” and “woman” take their ordinary meaning in the Equality Act.

The Equality Act 2010 protects everyone against discrimination on the basis of their characteristics, including their sex. It operates across England, Scotland and Wales. There are similar laws in Northern Ireland.

Sex matters for equality, inclusion and participation of women, for dignity and privacy in everyday life, for fairness in sports, safeguarding and safety, and for accuracy of data and integrity of decision-making.



Photo: Belinda Jiao

Susan Smith and Marion Calder of For Women Scotland celebrate victory outside the Supreme Court

Why are we still waiting?

After the Supreme Court judgment, public bodies and regulators should have acted urgently to put right policies that were based on a misinterpretation of the law, and which had caused serious harm to women and girls.

Public opinion is solidly behind decisive action. Most people support protection for trans people from harassment and discrimination, but do not agree that trans people should use spaces and services intended for the opposite sex.

Some organisations have acted, but delay and obfuscation have been far more common. We are still waiting for women's rights to be respected in practice.

This refusal to follow the law is harming women and girls. It also creates unrealistic expectations for people who feel distress about their sex, and uncertainty for businesses and small organisations.

This booklet describes the harm caused by this delay across the public, private and voluntary sectors, and to women and girls. Some of the individuals profiled have had to remain anonymous because they fear reprisals.

PUBLIC-SECTOR OBJECTIVITY

Public servants in Whitehall and the devolved governments of Scotland, Wales and Northern Ireland, and frontline workers all over the country, are required to act and make decisions “impartially, fairly and on merit, using the best evidence and without discrimination or bias”.

But the leadership of the civil service has **misunderstood what discrimination means**.

Many government departments took **guidance from trans lobby groups**, and in 2019 the Cabinet Office produced a policy which said that discrimination includes “refusing to accept an individual’s gender identity”.

This policy, which was adopted by most departments, described referring to a person’s sex as “outing” them. It said that individuals had a right to use opposite-sex facilities, and that anyone who objected to them doing so should use a unisex alternative.

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Following the Supreme Court judgment, the Cabinet Office said it would “review and update policy... to ensure it is legally compliant”. But it hasn’t changed a thing.

“Managers dismissed my concerns. I started to be treated differently and to get negative feedback about my performance, which was baseless. Despite my victory and the judgment from the Supreme Court, the same discriminatory and ideological policies are still in place right across Whitehall.”

Eleanor Frances,
former civil servant



Eleanor trained as an engineer, and joined the civil service because she wanted to work on important policy questions. She was forced out after whistleblowing about discrimination and breaches of impartiality on sex and gender issues. She was stripped of responsibilities and of her team. She ended up taking a case to the employment tribunal, which was settled for the full amount.

“ I was asked to update maternity materials and replace all the biological language with terms like ‘birthing people’. I just thought: this is ridiculous. That was my turning point. ”

Charlotte Hawkins,
NHS paramedic



Charlotte was a paramedic training officer. She wrote a report about the law on single-sex workplace facilities. Then colleagues provided her managers with a collection of her Facebook posts sharing articles about women’s sex-based rights. She was suspended and told that to return to work she had to write a letter of explanation to colleagues “affected by the posts” and attend a course on equality. When she lodged a claim in the employment tribunal, her employer backed down.

RESPECT FOR ALL IN THE NHS

For years the **NHS Confederation** told hospital trusts to operate based on gender self-identification, to allow trans-identifying staff to use whichever changing facilities they prefer and to take a zero-tolerance attitude to what it called “transphobia”.

NHS England has a policy on “single-sex wards” which says: “Trans people should be accommodated according to their presentation: the way they dress, and the name and pronouns they currently use. This may not always accord with the physical sex appearance of the chest or genitalia.”

This means that vulnerable women can find themselves sharing a ward – even a locked mental-health ward – with a man who identifies as a woman or non-binary.

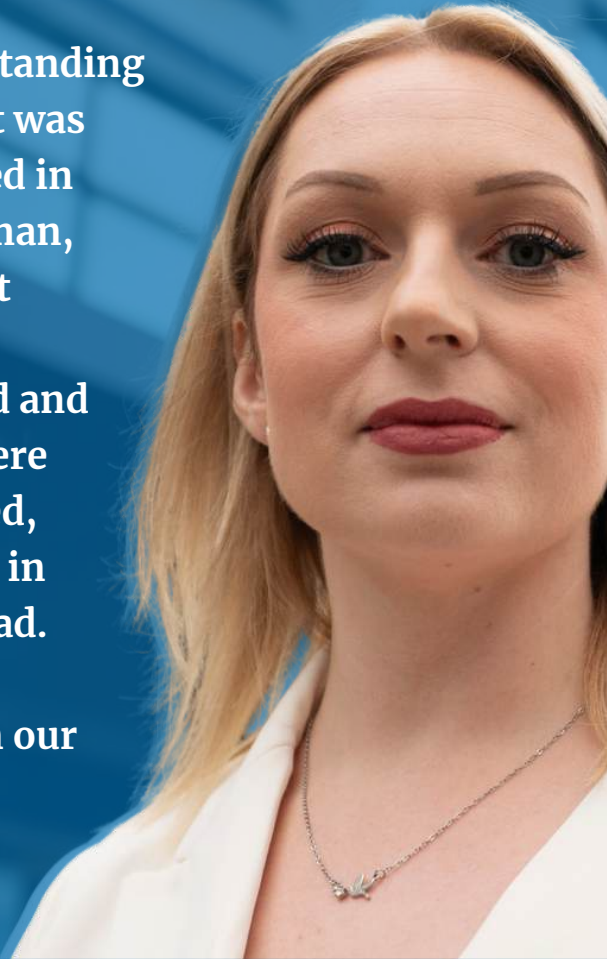
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This approach led to nurses such as Bethany Hutchison and Sandie Peggie facing workplace disciplinary action simply for saying a male colleague was not a woman and should not be in the women’s changing room. The NHS Confederation has withdrawn its guidance, but it hasn’t replaced it with a version that protects women’s rights.

On 24th April 2025 NHS England said its policy was “under review”, but nothing has changed. Citizen journalists working with SEEN in Health have found that not a single NHS Trust has lawful single-sex policies for staff or patients.

“ Instead of understanding how uncomfortable it was for us to get undressed in front of a biological man, hospital management labelled us bigots, unreasonable, unkind and ‘not inclusive’. We were told that if we objected, we could get changed in an empty office instead. Their solution was to displace women from our own spaces. ”

Bethany Hutchison,
day-surgery nurse



Bethany is one of eight nurses at Darlington Memorial Hospital who took their NHS trust to the employment tribunal for allowing a male staff member to use the female changing rooms. The tribunal found that this amounted to discrimination and harassment related to sex.

“ The NHS is massively letting down its female employees. How people dress and how they identify is up to them, but it makes no difference to whether men should be let into women’s spaces.”

Sandie Peggie,
A&E nurse



At the end of her Christmas Eve night shift in 2023, **Sandie** encountered a male doctor who identifies as a woman in the female changing room. She had previously complained that this made her uncomfortable, but nothing was done. When she told the doctor how she felt she was suspended. The employment tribunal ruled the hospital had created a hostile environment by not responding to her earlier complaint. She is fighting for a judgment that it acted unlawfully by letting males into female spaces at all.

DIGNITY AND PRIVACY IN EVERYDAY LIFE

Many **local authorities** provide or fund services on a separate-sex basis, from changing rooms in swimming pools and sports centres to women's refuges and rape crisis centres. Sex also matters in **social care**, whether in residential homes, day centres or people's homes.

Local authorities have adopted policies that do not align with the law, but are based on the idea that "trans women are women and trans men are men". They allow individuals to access services for the opposite sex if they identify as trans, non-binary, gender-fluid or genderqueer, and allow male staff who identify as women to provide intimate care to vulnerable women and girls who have requested female-only care. **This is unlawful.**

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The **Women's Rights Network** sent [questions](#) to 317 local authorities in May and July 2025.

- **159** said they are doing nothing to ensure their policies comply with the law until they receive further guidance.
- **21** said they were reviewing their policies but would not act until they receive further guidance.
- **19** said they were already compliant with the Equality Act.
- **118** did not respond to the questions.

The most common answer was that local authorities were waiting for updated guidance from the government.

Swim

Classes

Courts

“ My gym claims to provide single-sex facilities – that’s what it says on the door, and that’s what female members think is being provided. In reality men can come in, strip off and stare at women naked. If a woman complains, as I did, she’s the one who is punished. ”

Miranda Newsom,
gym-goer



Miranda complained to her gym, run by Southwark Council, after being confronted with a man in the women’s changing rooms. The gym suspended her membership for speaking up. Its policy is that if a man wants to use the female changing room and showers, staff decide whether to permit entry based on an “assessment” of “feminine appearance”.

“ The man stood near where I was showering and obviously wanted me to know he was looking at me. I had no way of covering my body and felt trapped. The police recorded it as a sexual offence, but the management of the ponds did nothing. ”

S, swimmer at the Hampstead Ponds

S has long enjoyed swimming in the Ladies' Pond on Hampstead Heath, finding that open-water swimming in a women-only space helps her mental health. One day a large man wearing a long wig walked up the path and stopped where she was showering outside. The City of London still encourages men to use the women's pond based on their claimed gender identity. She no longer feels safe or comfortable swimming there.

FAIRNESS AND SAFETY IN SPORT

A female-only category is crucial for female participation in sport. Yet over the past two decades many **national governing bodies** (NGBs) and the UK's five **sports councils** set rules allowing trans-identifying men to participate "as women" and boys to participate "as girls" at every level. In 2013 the sports councils said: "NGBs should treat a transsexual person as belonging to the sex in which they present (as opposed to the biological sex they were born with)."

They said males could be excluded from female sport only if doing so was "strictly necessary" for fair or safe competition, and that a blanket rule protecting the female category would amount to direct discrimination against trans people. This is wrong, as the Supreme Court has since made clear.

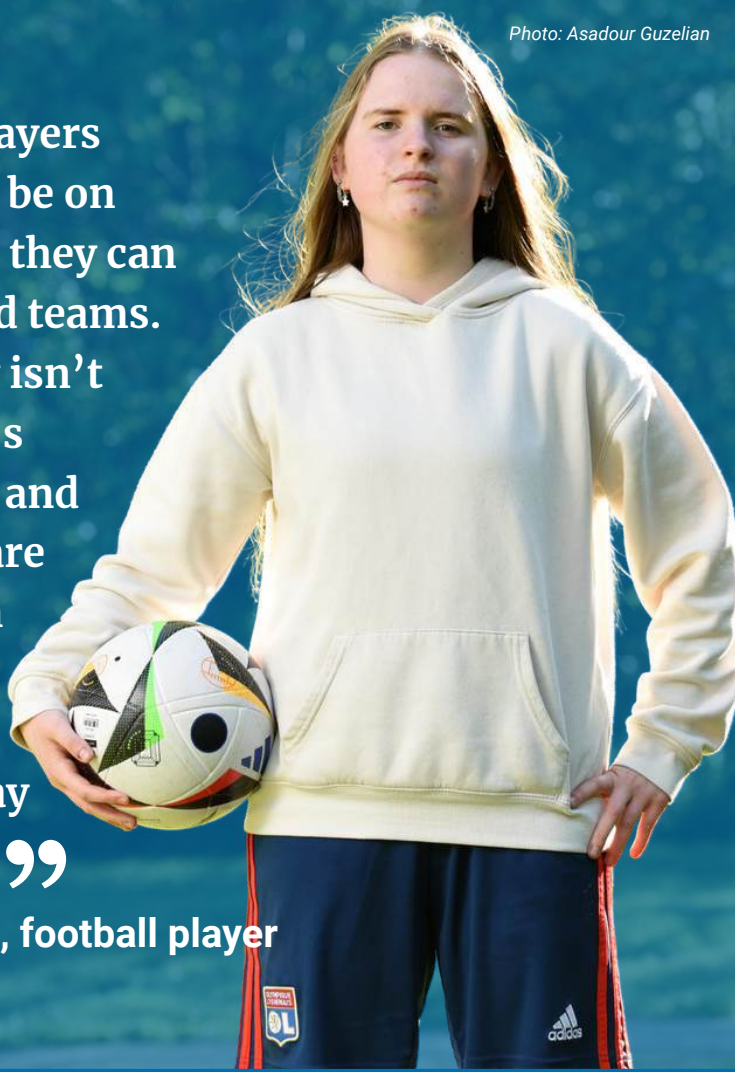
In 2021 the **Sports Councils Equality Group** published new guidance based on a review of scientific evidence which showed that fairness for women could not be reconciled with allowing male people into the female category. But it left NGBs to decide whether to prioritise fairness for women or inclusion in the female category for men identifying as women. This guidance positively authorises or approves unlawful conduct and is therefore not lawful.

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Many sports NGBs have revised their rules to bring them in line with the law and protect the female category. But some are holding out, or have two-tier rules that provide fair competition at some levels but continue to allow men into the women's category at lower levels of competition. The sports councils have not recalled their 2021 guidance or told NGBs and other partners to follow the law. Instead they are commissioning yet another scientific review.

“ If male players don’t want to be on men’s teams, they can play for mixed teams. My sympathy isn’t with them, it’s with the girls and women who are harmed when boys and men are allowed to play in our sports. ”

Cerys Vaughan, football player



In 2024, when **Cerys** was 17, she asked a bearded transgender player on the opposing team: are you a man? The FA ruled she had been abusive, indecent and insulting, and suspended her for six games. She appealed against the sanction and won. She has been further vindicated by the FA’s decision after the Supreme Court judgment to exclude trans-identifying males from women’s and girls’ games.

“ I wasn’t willing to pretend it’s fair to have men in women’s sport: everyone knows it’s not, but women who have spoken up have suffered severe consequences. I was abused and screamed at and a bottle was thrown at me. ”

Lynne Pinches,
professional pool player



In 2023 **Lynne** reached the final of the Women’s Champion of Champions competition. Her opponent, Harriet Haynes, is a trans-identifying man. Rather than compete, Lynne walked away and conceded the match. Together with other female pool players she brought a legal challenge against the organisers, Ultimate Pool Group, which resulted in it changing its rules to exclude male players from female competition. But she has been barred from attending Ultimate Pool events, even as a spectator, which means she cannot watch her son play.

CHARITIES SUPPORTING WOMEN AND GIRLS

Charities operate for the public benefit and with public money. Many provide single-sex or separate-sex services.

Allowing men who identify as women into women's refuges, groups for mental-health support and addiction counselling, and other women's services **undermines women's safety and wellbeing**. Men also need their own services.

Many charities are resisting revising their policies following the Supreme Court judgment. Some want to continue to operate "trans-inclusive" women's and men's services and do not accept that this harms their beneficiaries.

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The Charity Commission has not updated its guidance. Instead it has told charity trustees they can decide to "await the final statutory guidance" from the EHRC or could take their own legal advice.

Charities that have taken legal advice, including Girlguiding and the Women's Institute, have recognised that they must follow the law and return to sex-based rules. Girlguiding has said that it will no longer accept trans-identifying males as members as it must operate lawfully according to its charitable objects, which are for girls.

But many other charities are still trying to get around the law.

“Allowing boys and men to join Girlguiding as if they are girls and women was obviously unfair to girls and a serious safeguarding risk. It was also a breach of the charity’s objects.”

Katie Alcock,
former Girlguiding leader



Katie had been a Guide leader for 10 years when, in 2018, she raised concerns about boys being admitted as members and men being allowed to become Guide leaders if they identified as trans. After complaints were made about her she was expelled from Guiding, which meant her daughter couldn't join. Her position was vindicated by the charity's recent decision to return to being for women and girls.

“ All we asked for was an hour a week where women could be together without men present. Some women are terrified by the idea of sharing their mental-health struggles in front of a man. Now we are being told that there are complaints against us and the charity has suspended us ‘for the complainants’ safety’. ”

D, volunteer at a mental-health charity

After a decade using services provided by a mental-health charity, **D** qualified as a peer mentor to support other people with similar struggles. But the women’s group she ran was told it had to be “inclusive” and accept men who identify as women or who “feel comfortable in this space”. D and her colleague were told there had been complaints against them and were suspended by the charity. She is being investigated and is barred from its offices.

THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH

Sex is the most important predictor of **criminal behaviour**. Men account for 93 percent of murder convictions and 98 percent of convictions for sex crimes. **Police, courts, prison and probation**, and everyone involved in **protecting children and vulnerable people**, should recognise that men are male and women are female.

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Following the Supreme Court judgment:

- **Police** in Scotland are returning to recording suspects by biological sex, but in England and Wales police still record victims, witnesses and suspects by self-identified “gender”. Forces no longer allow men with gender-recognition certificates to stripsearch women, but they still call on female officers to stripsearch men who say they identify as women.
- **Courts** still record and refer to criminals based on their preference, although they no longer force witnesses to do so. Guidance in Scotland says that not referring to a person by their chosen gender risks “failing to respect the protected characteristic of gender reassignment”.
- **The prison service** still allocates some men who identify as women to [the female prison estate](#) and [female parole hostels](#).
- **The Disclosure and Barring Service (DBS)** and Disclosure Scotland still provide certificates showing someone to be the opposite sex if they claim to be, even for an “enhanced DBS check” for regulated roles with children and vulnerable adults.


Many organisations charged with keeping people safe continue to treat the recognition that human beings cannot change sex as a controversial or “bigoted” position rather than as a basic statement of law and reality which is needed for risk assessment and care.

“Female prisoners have told me they feel anxious, frightened and manipulated into questioning their own sanity and ability to reason. Some have described being subjected to threatening behaviour and salacious sexualised comments from these male prisoners.”

**Rhona Hotchkiss,
former prison governor**



As governor at Cornton Vale and Greenock prisons in Scotland, **Rhona** saw the harm done by accommodating trans-identifying male criminals in the women's estate. Three-quarters of female prisoners have been sexually or physically abused by men and four-fifths suffer from mental ill-health.



“ I received no formal explanation of why my opinions make me unsuitable to be a foster carer. They’re based on protecting vulnerable children and are utterly mainstream. This is not safeguarding, it’s ideological gatekeeping. ”

Mandy Neeson,
applicant to be a foster carer

Mandy had spent years doing voluntary crisis support work and passed all the practical tests for being a foster carer. During an assessment she expressed concern about children claiming to be trans making irrevocable decisions to change their bodies. The charity that was assessing her considered this to be a “red flag” and refused her application.

LET WOMEN MEET

One of the most basic freedoms is freedom of association: the freedom of everyone to meet and to form their own groups.

The Equality Act requires that formal associations (those with more than 25 members and rules about who can join) must not discriminate based on protected characteristics apart from where the association is **explicitly restricted to a group who share a protected characteristic**.

This means that an association can lawfully be just for women or just for men (or just for boys or girls, or lesbians or gay men, or any other combination of characteristics). A single-sex association is **not required to allow members of the opposite sex to join or participate**.

But too often when women form associations, or try to hold female-only events or meetings, they are **turned away by venues** or told that they must allow trans-identifying men to attend.



“ I asked the other women in the group to describe how they feel about losing our space. They used words like sad, angry, isolated, sidelined, neglected and invisible. We’ve had so many battles campaigning for equal rights, and it’s disheartening having to do it all over again. ”

Deb Ball, member of lesbian social group

Deb is in a group for older lesbians. Some years ago the trustees of the LGB centre where they met became “LGBT” and said the law required the group to accept men who identify as lesbians. After the Supreme Court ruling, the group asked to be allowed to restart meetings just for female people. The trustees said No, and refused even to meet with the group to discuss its request.

“ Many of these women are traumatised. Having to change the venue multiple times due to harassment and worrying that events will be picketed – it’s a nightmare. ”

Rosie Hayes, campaigner against male violence



Rosie decided to set up Sisters Heal to run services and peer-support events for women who, like her, have experienced male violence and abuse. All the services in her area that claim to be women-only accept men who identify as women. When activists found out about a women-only yoga class, the venue was inundated with threats. Its staff were harassed and it ended up cancelling the booking. A new venue was eventually found, but it can't be publicised for fear that it too will be targeted.

What does the law say?

The **Supreme Court** judgment was clear that sex means sex in the Equality Act. The **Equality and Human Rights Commission** set out the practical implications for providers of **single-sex and separate-sex services** in an interim update. **In February 2026 this was found by the High Court to accurately reflect the law.** It says:

- A **woman** is a biological woman or girl (a person born female).
- A **man** is a biological man or boy (a person born male).

People who identify as trans do not change sex for the purposes of the act, even if they have a gender-recognition certificate.

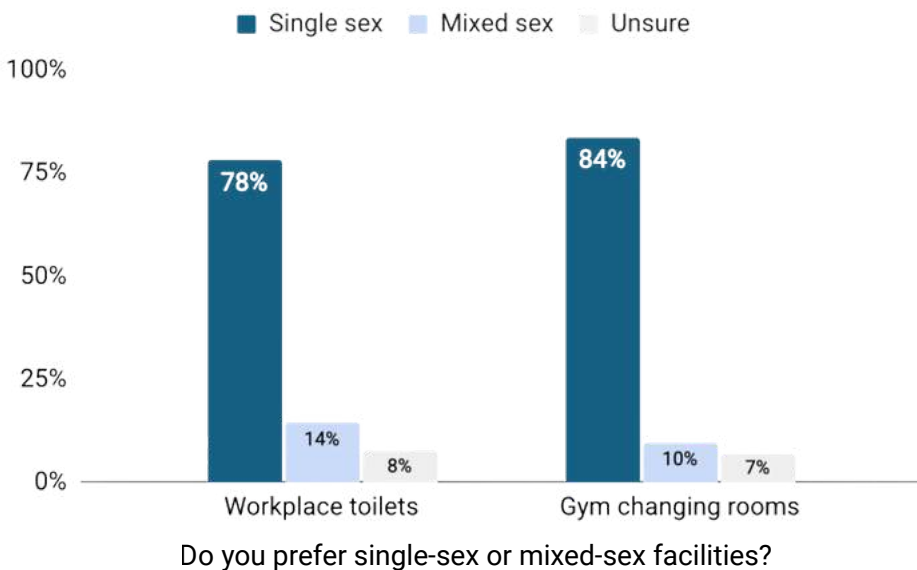
- A **“trans woman”** is a biological man.
- A **“trans man”** is a biological woman.

Where facilities such as toilets, showers and changing rooms are provided separately for men and women:

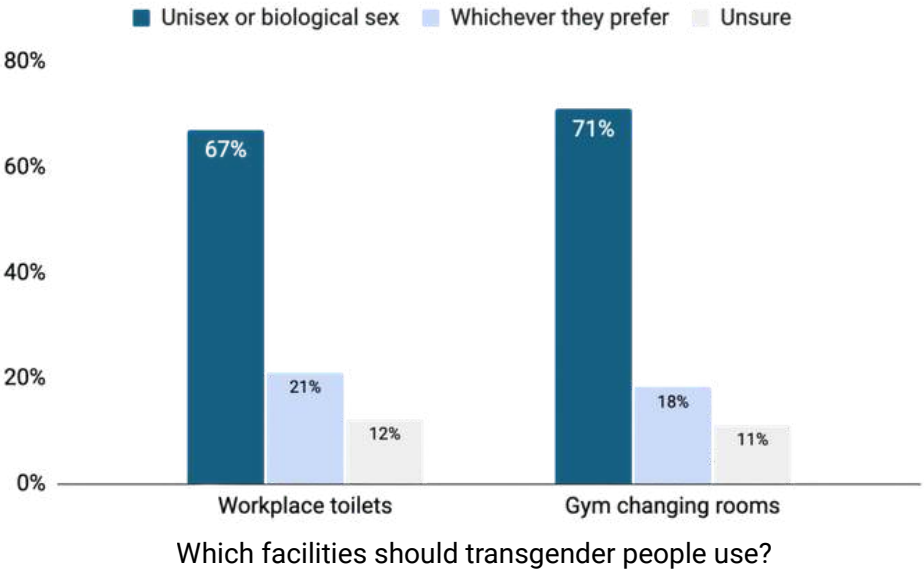
- Trans women (biological men) should not be permitted to use the women’s facilities.
- Trans men (biological women) should not be permitted to use the men’s facilities.
- In some circumstances it may be lawful to also exclude trans women (biological men) from the men’s facilities, and trans men (biological women) from the women’s facilities.
- However, trans people should not be put in a position where there are no facilities for them to use. Where possible, unisex facilities should be provided in addition to single-sex facilities.

What does the public think?

Polling shows that when it comes to everyday facilities such as toilets and changing rooms, most people prefer them to be **single sex**, not mixed sex (unisex).



Most disagree that trans-identifying people should be allowed to use facilities for the opposite sex.



[According to YouGov, 74% say “trans women” should not be included in women’s sporting competitions.](#)

The government must act

“ People have been led to believe by public authorities, among others, for the last 15 years that they had rights which they didn't have. ”

**Lord Hodge, Supreme Court judge,
12th September 2025 in *The Times***

The UK is an inclusive country governed by the rule of law. The Equality Act protects everyone against sex discrimination as well as protecting people against discrimination because of other protected characteristics, including “gender reassignment”.

People who identify as transgender should not be harassed or discriminated against in workplaces or education or as users of public or private services.
But they have not changed sex.

They do not have the right to use services and facilities provided for members of the opposite sex, or to require other people to refer to them at all times as if they have changed sex.

In order to avoid confusion, conflict and harm to women's rights, or unrealistic expectations and distress when those expectations are not met, this needs to be communicated clearly and consistently.

But instead:

- The government has not laid the new EHRC Code of Practice for Service Providers, Associations and Public Authorities before Parliament.
- Public authorities and regulators are delaying action. Many are making the excuse that they are “waiting for guidance”.
- Private-sector employers and service providers are struggling to know what to do.

Women's rights and child safeguarding will not wait

Public authorities are harming women's rights and opening themselves to legal liability by failing to follow the law. The way they are acting is irrational, unlawful, unfair and unkind to women and girls.

Continuing uncertainty and ambiguity do not help individuals who identify as transgender. In particular, it harms children, who need clear rules and boundaries in order to grow up securely and safely.

We call on the government to:

A

ACT urgently to bring policies and guidance in line with the law.

C

COMMIT to fixing the problem of inaccurate sex records.

T

TELL the civil service to follow the law across the government's own operations and buildings.

Sex Matters is a human-rights charity working to promote clarity about sex in law, policy and language in the UK. We work to protect everyone's rights by clarifying and explaining the law and supporting evidence-based policy-making.

This booklet was produced to mark the one-year anniversary of the Supreme Court judgment in *For Women Scotland Ltd v The Scottish Ministers*.

It tells just a few of the many stories of harm to women and girls, and to the trustworthiness and effectiveness of the UK's institutions, caused by the widespread and continuing failure to understand and implement the Equality Act.

It draws on our work and the work of others, including:

- [For Women Scotland](#)
- [LGB Alliance](#)
- [Women's Rights Network](#)
- [SEEN in Sport](#)
- [SEEN in Health](#)
- [Equality and Human Rights Commission](#).

More cases, details and references can be found at [sex-matters/one-year-later-booklet](https://sex-matters.org/one-year-later-booklet).

We are grateful to all the women who told us their stories, and to everyone who speaks up for women's rights.

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