Discussion on Recent UK Supreme Court Ruling Regarding Transgender Rights

Newman Students’ Union, Annual General Meeting  
01/02/2025  
Paper prepared by: Cloudy Kerin

Content in this paper includes talk of gender reassignment, trans rights and treatment of transgender people. This topic is for discussion and as such it is not possible to predict if any distressing subjects are brought forward. If you feel this topic is likely to cause you distress, do not feel obliged to continue participating in this discussion.

**Summary:**

The recent Supreme Court ruling regarding clarity in language used in the Equality Act 2010 is affects trans peoples legal position regarding the use of single-sex spaces. This may have not only legal but also social consequences as well as impacting access to services for trans individuals. There have been concerns brought forward by multiple students, some of whom has disclosed identifying as trans. Students want to know what this ruling means for them practically as part of the Newman community. We would like to invite Newman students to discuss this openly with the student council to help steer our direction on this as a Union.

**Background:**

On April 16, 2025, the UK Supreme Court ruled on a decision which affects transgender people. The Court ruled that the terms "man" and "woman" in the Equality Act 2010 are based on biological sex, not gender identity. This means that transgender women, men, non-binary individuals and intersex individuals may not have the same legal protections or access to services that cisgender women and/or men do.

This ruling came from a legal challenge to a policy in Scotland, which allowed transgender women who have a Gender Recognition Certificate (GRC) to access women-only services. The Supreme Court decided the law should only recognise biological sex, not how someone identifies. This decision has sparked debate and concern about the rights and treatment of transgender people. This decision has implications for all services and facilities which must operate in-line with the Equality Act 2010. You may view information about this ruling here: [For Women Scotland Ltd (Appellant) v The Scottish Ministers (Respondent) - UK Supreme Court](https://www.supremecourt.uk/cases/press-summary/uksc-2024-0042).

It is important to note clarity on how trans individuals are still protected under the Equality Act 2010:

*“This interpretation of the EA 2010 does not remove protection from trans people, with or without a GRC. Trans people are protected from discrimination on the ground of gender reassignment. They are also able to invoke the provisions on direct discrimination and harassment, and indirect discrimination on the basis of sex. In the light of case law interpreting the relevant provisions, a trans woman can claim sex discrimination because she is perceived to be a woman. A certificated sex reading is not required to give this protection”*

**What the Ruling Means briefly as adapted from Equality and Human Rights Commission (EHRC) & the Supreme Court ruling information.**

Biological Sex vs. Gender Identity.

The Court decided that the words "man" and "woman" in the Equality Act refer only to biological sex, not to someone’s gender identity. This means that, legally, transgender women (for example) are not treated as women under the Equality Act unless their assigned gender at birth (*i.e.* biological sex) matches their current gender identity.

Impact on Access to Services.

Continuing with this example, this ruling could make it harder for transgender women to access women-only spaces like hospital wards, shelters, and other services. In some cases, trans women might be excluded unless they are given private spaces.

*“in some circumstances the law also allows trans women (biological men) not to be permitted to use the men’s facilities, and trans men (biological woman) not to be permitted to use the women’s facilities”* - [An interim update on the practical implications of the UK Supreme Court judgment | EHRC](https://www.equalityhumanrights.com/media-centre/interim-update-practical-implications-uk-supreme-court-judgment)

The NHS are currently reviewing their guidance which previously held trans people should be accommodated according to their current presentation and pronouns. In response to the ruling, Health Secretary Wes Streeting said that the NHS may start giving transgender patients private rooms in hospitals to ensure their dignity while still following the new law.

In workplaces, such as Birmingham Newman University, it is compulsory to provide sufficient single-sex toilets, and single-sex spaces such as changing and washing facilities if needed. This means regardless of what gender neutral provisions and facilities are available, the University must provide single-sex facilities. The EHRC have made clear in their guidance that where single-sex spaces are available for use ‘sex’ refers to biological sex only.

Legal and Social Impact.

Transgender people could face challenges when it comes to employment, housing, and healthcare. This ruling means that the rights they were previously protected by, based on gender identity, might now be questioned or reduced. Again, this is not intended to legally impact their rights to protection from discrimination based on gender reassignment.

While this ruling means organisations may exclude trans individuals from single-sex facilities, it does not oblige them to do so. This means it will be for individual governing bodies or organisations to decide what this ruling means for them. This may mean, for example, that a sporting organisation could decide trans women may participate in women only sport. One of the first organisations to change their policy regarding provision according to the ruling is British Transport Police. Changes to their policies regarding strip searches of individuals in custody mean these searches are to be performed by officers of the same biological sex as them. To offer some examples, this means the strip search of a trans woman would be carried out by a male officer and that an officer who happens to be a transman, could search a [cis] woman, but would not be permitted to search a [cis] man. This refers to trans people in custody, it does not mean that the police have powers to strip search trans people for no given reason.

Some medical organizations, like the British Medical Association (BMA), disagree with this ruling, calling it “scientifically illiterate” and saying that it ignores the difference between biological sex and gender identity. Conversely, women’s groups such as For Women Scotland (the Appellant) argue the ruling will protect those [cis] women who need access to single-sex spaces for reasons of privacy, safety, dignity and discrimination.

The EHRC are continuing to update their guidance based on the ruling.

**What Should Newman Students' Union Do?**

Vice-President action thus far.

As a founding member, I have been working with the National Union of Students (NUS) Liberation Collective to steer their national action on this topic. I plan to continue to work with them as appropriate. This includes attending Trans Rights Action Day on 8th May. If you identify with one or more of the Liberation groups (Disabled, LGBTQ+, Racialised, Trans, and Women) and want to know more about connecting with other Liberation activists on a national level you can learn more about the Liberation Collective here: [Liberation Collective - NUS UK](https://www.nus.org.uk/liberation-collective)

Across the industry various Unions have taken differing approaches to addressing this ruling. Several students have reached out to us regarding this ruling, questioning what this means for them as a student at Birmingham Newman.

Students want to know:

* Where the University stands on this guidance
* If the University will be making a public statement
* If they can use single-sex bathroom spaces on campus
* Where to go/who to approach for relevant mental health support
* If sports [centre] are going to follow this guidance
* For this topic to be discussed both within the Union and the University
* If the University will continue to be a ‘safe space’ for them.

**Suggestion for action.**

I suggest the Union approach the University to invite them to join us in making a statement regarding the Supreme Court ruling. The aim of this statement would be to uphold our institutional commitment to being an inclusive community which   
*“respects and supports all individuals regardless of sexual orientation, gender, race, faith position or disability.”* [Student Support - Birmingham Newman University](https://www.newman.ac.uk/student-support-2/)

**Conclusion.**

This Supreme Court decision has implications of consequences for the rights of transgender people, particularly in areas like healthcare, access to services, and legal protection. Relevant to us as members of the Newman community, this may impact the way all student use single-sex spaces on campus. We would like to give all students the opportunity to discuss this topic as relevant to us as a Students’ Union.

**If you have been effected by this topic.**

Internal support:

[Chaplaincy - Birmingham Newman University](https://www.newman.ac.uk/study/why-newman/facilities/chaplaincy/)

[Mental Health & Wellbeing Support - Birmingham Newman University](https://www.newman.ac.uk/knowledge-base/mental-health-difficulties/)

External support:

[Birmingham LGBT - Supporting Birmingham's LGBTQ+ Community](https://blgbt.org/)

[FFLAG](https://www.fflag.org.uk/)

[Gendered Intelligence](https://genderedintelligence.co.uk/)

[Mind](https://www.mind.org.uk/)

[Papyrus UK Suicide Prevention](https://www.papyrus-uk.org/)

[Refuge, the largest UK domestic abuse organisation for women](https://refuge.org.uk/) (includes support of trans women)

[Samaritans](https://www.samaritans.org/how-we-can-help/contact-samaritan/)

[Stonewall](https://www.stonewall.org.uk/)

[TransActual](https://transactual.org.uk/)