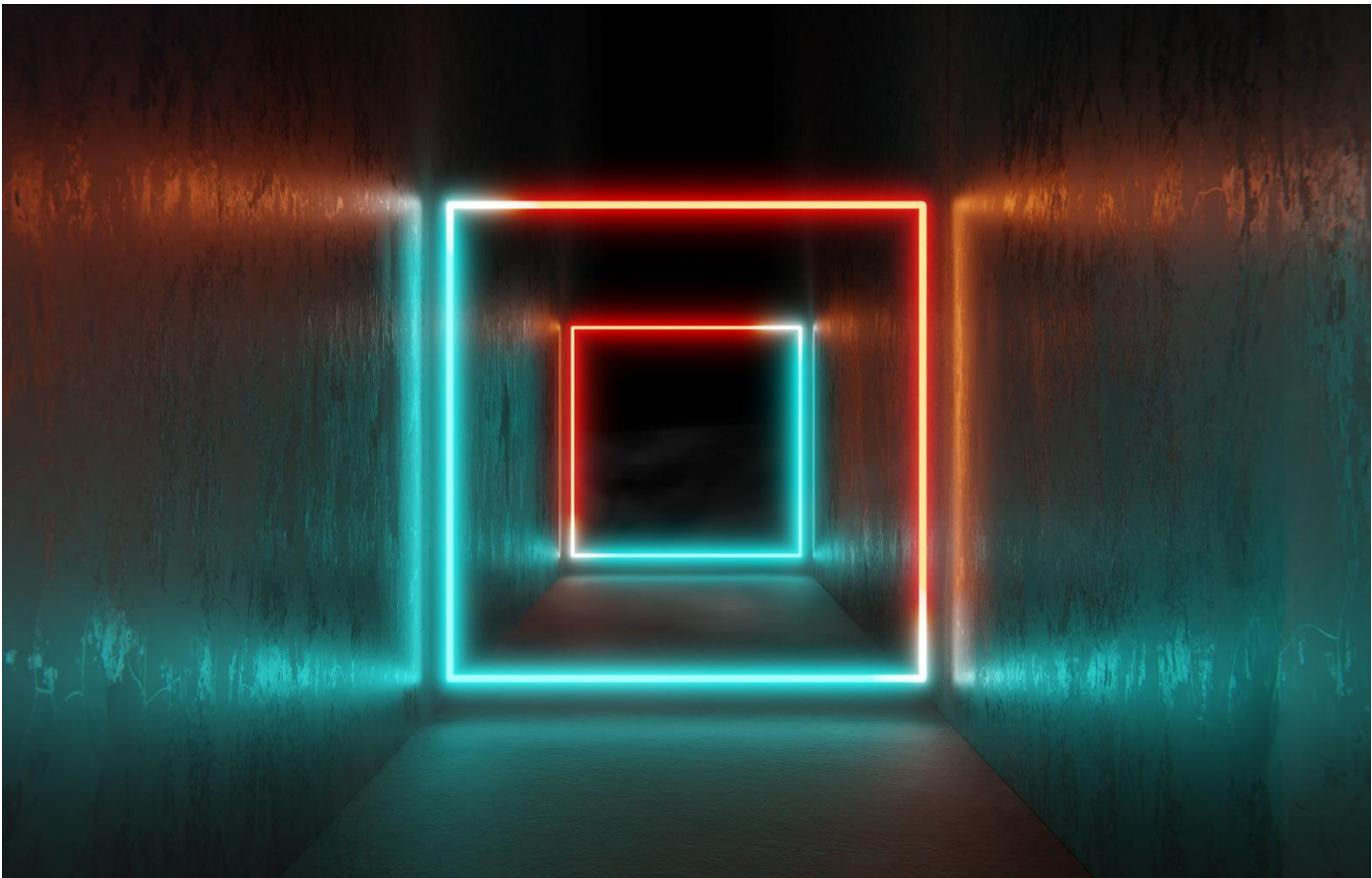


Navigating Change Together: UK Supreme Court Gender Ruling & EHRC Guidance – Member Toolkit



October 2025 – Interim Update

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“Following the significant changes since April, our priority has been to actively engage with our members to better understand the practical challenges they are facing. As we move through this period together, LGBT Great remains steadfast in providing clear guidance, practical resources, and consistent support. With the delay in the EHRC guidance, we felt it was important to offer you this timely update. Our goal is to share valuable insights and up-to-date information to help you navigate the road ahead.” – Matt Cameron, CEO of LGBT Great, part of APG

Introduction

This toolkit has been prepared to provide you with a clear and timely update of recent legal and policy developments following the UK Supreme Court’s gender ruling in April, the subsequent interim guidance issued by the Equality and Human Rights Commission (EHRC), and the draft of new guidance which was sent to the Minister for Women and Equalities in September.

The toolkit is designed to inform, support, and guide organisations as they respond to ongoing changes, offering practical information and resources relevant from April to October 2025. It outlines the key developments, ensuring that you remain up to date and equipped to navigate this evolving landscape. Please note that this toolkit does not serve as legal guidance. LGBT Great does not provide legal advice.

Section 1 – Developments Since April 2025*

April 2025:

- On the 16th of April the Supreme Court ruled on the scope of the terms ‘woman’ and ‘sex’ as referring exclusively to ‘biological sex’, determining that trans women holding Gender Recognition Certificates cannot be included within the definitions of ‘women’ under the provisions of the Equality Act 2010.
- Shortly after, LGBT Great released a Member Toolkit to help our member organisations navigate the ruling and its implications. You can download a copy [here](#).
- On the 25th of April, the EHRC published [interim guidance](#) on the practical implications of the Supreme Court judgement, which encouraged companies and public bodies to stop trans people from using toilets in line with their lived gender.



May 2025:

The Good Law Project teamed up with two trans people and a person who is intersex to challenge the EHRC's interim guidance. They argue that the EHRC's guidance goes far beyond what the For Women Scotland (FWS) judgment requires; amounting to a bathroom ban for trans people, violating people's right to privacy in their everyday lives. The challenge will be heard in the High Court in November 2025.

- On the 20th of May, the EHRC opened a six-week consultation period regarding the proposed changes.

June 2025:

- On the 24th of June, the EHRC provided a clarification to their earlier interim guidance in relation to the Workplace (Health, Safety and Welfare) Regulations 1992, abandoning their previous position that employers must provide single-sex toilets.
- On the 27th of June, the Equality Commission for Northern Ireland (ECNI) appealed to seek legal clarity regarding the FWS ruling. Although the Equality Act 2010 does not apply in Northern Ireland (which has its own distinct and separate equality legislation) the ruling raises significant legal uncertainties in the region. ECNI published a paper outlining its concerns and a roadmap to achieve clarity, including seeking a High Court declaration, issuing pre-action letters to government departments, and launching a 12-week public consultation, which is currently underway.
- The EHRC consultation period closed on the 30th of June. Over 50,000 organisations, individuals and legal professionals across England, Scotland and Wales were involved.

August 2025:

- TransActual UK released a study highlighting the rising levels of harassment and discrimination that people have faced following the Supreme Court ruling. They found that trans, intersex and cis people who do not meet the 'conventional standards' of gender had faced verbal and physical abuse when using bathrooms, changing facilities and other single-sex spaces.

September 2025:

- In the first week of September, the EHRC sent their updated guidance to the Minister for Women and Equalities, which has not been made public yet.
- Over 80 organisations signed a joint letter to the government calling on the equalities minister to stage a meaningful debate, declaring



that the updates should face ‘full scrutiny’ from MPs and the public before the guidance is published.

- Over 650 organisations also wrote to the government warning that the EHRC draft guidance on single sex spaces is ‘unworkable’ and would cause ‘significant economic harm’. Business owners have stressed that excluding trans people from single-sex spaces would present insurmountable challenges both logistically and financially.
- Northern Ireland’s Education Authority, led by Education Minister Paul Givan, withdrew guidance published in 2019 on supporting transgender students from their website, citing the guidance to be contradictory to the departmental policy and Northern Irish law. The guidance had allowed transgender students to use facilities (e.g. toilets, changing rooms) aligning with their gender identity and encouraged respectful use of pronouns.

*See Appendix A for Key Legal and Policy Developments Table entailing more detail.

Section 2 –What is Next?

1. The Equality and Human Rights Commission (EHRC) is a statutory body, independent in theory, but accountable to Parliament through the Minister for Women and Equalities (the Minister sits within the Cabinet Office or Department for Education, depending on the administration).
2. When the EHRC issues major statutory or interpretative guidance, such as the post-For Women Scotland clarification on the legal definition of “sex,” it must follow a defined approval and publication process under the Equality Act of 2010, and related governance rules.
3. The EHRC sent its updated guidance to the Minister for Women and Equalities in September 2025. While it has not yet been made public, multiple sources confirm it is under ministerial review for legal and political clearance.
4. This delay follows widespread backlash from over 650 organisations warning that the draft is “unworkable” and would cause “significant economic harm.”
5. The Government Equalities Office is reportedly considering whether to request revisions or open a short consultation before publication, due to the political sensitivity and potential impact on businesses and public bodies. The process is administrative in form but political in function.

In summary, while the EHRC’s draft guidance remains under ministerial review amidst considerable scrutiny and concern, its eventual fate will have profound implications for equality law, organisational practice, and the lived



experiences of many across the UK. Clarity and transparency in the final approach are essential to ensure fair treatment for all, mitigate economic risks, and uphold the core principles of equality and human rights in a rapidly evolving legal landscape.

What Happens if the EHRC Guidance is Changed?

Member firms should note that any revision to the EHRC guidance, currently under ministerial review, could reshape equality law and workplace practices. Key triggers for change include ministerial decisions, legal challenges, or strong feedback from institutions and businesses.

The revision process may involve technical reviews and stakeholder input, with possible new requirements on defining 'biological sex,' clearer workplace guidance, and phased compliance. Staying engaged and prepared for rapid policy updates is essential to safeguard your firm's reputation and support staff fairly.

Consideration	Key Points
Triggers for Change to Guidance	Ministerial decision to reject/amend draft; Judicial review/legal challenge; Change in government/policy direction; Evidence from employers of unworkable guidance/economic harm
The Revision Process	Withdrawal/suspension by EHRC with ministerial agreement; Technical/stakeholder review (6–12 weeks); Submission to Minister for Women and Equalities/GEO legal teams; Optional parliamentary laying; Re-publication by EHRC with updated FAQs, examples, sector communications
Likely Areas of Change	Clearer explanation of 'biological sex' vs gender reassignment protections; Practical workplace examples for facilities, data, pronoun policies; Transitional guidance for phased compliance; Reinforced human rights principles; Recognition of Northern Ireland's differing legal framework
What Employers Should Expect	Publication delays may extend clarity into mid-2026; Continue applying Equality Act protections; Maintain clear, inclusive policies/communications; Prepare for quick policy alignment; Train managers on respectful, legally consistent decision-making



“To build enduring trust with trans and non-binary colleagues, an organisation's commitment to belonging and psychological safety must be anchored in its core values, not in fluctuating legal definitions. By actively encouraging open dialogue & ensuring these values permeate workplace culture, leadership can cultivate a supportive and affirming environment.” – *Shreyas Dutta (he/they), Senior Consultant - Research, Workplaces and Data Lead, LGBT Great, part of APG*



Section 3 - Key Insights from Member Organisations

As the policy landscape evolves, member organisations are sharing a range of experiences and forward-thinking strategies. Here are the core themes shaping conversations across our network:

1. **Prioritising Employee Wellbeing:** Many members highlight a renewed focus on supporting trans and non-binary employees, who are feeling increased anxiety and uncertainty, particularly around access to facilities and concerns about potential exclusion. This has prompted organisations to explore new ways to foster reassurance and a sense of security.
2. **Guidance Gaps and Leadership in Action:** HR teams and people leaders are voicing a need for clearer, more actionable guidance. The current climate is challenging them to find creative ways to uphold organisational values while navigating complex regulatory requirements.
3. **Collective Support and Solidarity:** Employee Resource Groups (ERGs) and allies are stepping up, increasing their visibility and providing spaces for connection. These efforts are strengthening organisational cohesion and demonstrating a shared commitment to inclusion.
4. **Dialogue on Gender Perspectives:** Organisations are noting a rise in gender critical viewpoints and the emergence of new employee groups centred on the concept of 'sex'. This is leading to open, sometimes challenging, conversations that require sensitive facilitation.
5. **Reputation and Stakeholder Trust:** Members are mindful of reputational risks, as employees, clients, regulators, and investors are closely watching how organisations respond. Transparent communication and proactive engagement are becoming key to maintaining trust.
6. **Responsible Data Practices:** There's a concerted effort to review data management processes, ensuring not only legal compliance but also respect for individual identities.
7. **Taking Time to Reflect:** Most organisations are pausing on facility or policy changes, choosing to wait for further guidance from the EHRC. This period of reflection is being used to consult widely and prepare for future action.
8. **Listening and Learning:** Leaders are sending clear messages reaffirming their commitment to inclusion. Through listening forums, Q&A sessions, and open feedback channels, organisations are ensuring every voice is heard as they navigate the path ahead together.



What are we hearing from member organisations?

Member	Action Taken
Member 1	Introduced a confidential reporting line and convened listening sessions after its first whistleblowing case on bathroom access.
Member 2	Updated manager training with practical scenarios and created a rapid-response protocol for whistleblowing and employee relations cases.
Member 3	Paused planned facility changes and convened a cross-functional taskforce following a whistleblowing case on changing-room signage.
Member 4	ERG-led campaign encouraged anonymous sharing of experiences, shaping new FAQs and resources.
Member 5	Hosted a town hall where leaders confirmed any policy or facility changes would be made strictly for legal compliance, while reaffirming inclusion commitments.

Section 4 – Reminder, What Can You Do? Guidance for LGBT Great Member Organisations

The following guidance was set out in our toolkit in April:

1. Review Policies and Adjust

- Explore how you could update your HR policies to reflect that “sex” means Biological Sex in legal contexts.
- Continue to protect trans and non-binary employees under the protected characteristic of Gender Reassignment.
- Review processes for collecting and monitoring diversity and inclusion data. Explore options for collecting data on Sex Assigned at Birth, Certified Gender, and Acquired Gender.
- Review single-sex facilities policies (e.g., changing rooms, toilets, accommodation). Ensure trans people are supported with privacy, dignity, and choice, including providing gender-neutral options where provisions permit.

2. Reaffirm Commitment to All Talent Including Trans and Non-Binary People:

- Provide employees and leadership with clear communications on the implications of this ruling (see Appendix below).



- Offer learning workshops focusing on the impact of the ruling for everyone. Focus on understanding lived identities, allyship, and the evolving legal landscape.
- Provide support to your people and HR professionals to help them understand the changes.

3. Signpost Support Systems and Safe Spaces:

- Recognise the mental health impact on trans and non-binary talent and people effected by trans and non-binary issues such as parents and caregivers.
- Provide access to wellbeing support, safe space discussions, mentoring & supportive manager training, and employee assistance programmes.
- Signpost external partnerships and initiatives that focus on inclusion & belonging.

Support and Resources

We encourage members to lead with empathy and prioritise inclusive and psychologically safe workplaces; whilst laws have limits, culture is defined by you. Please see Appendix 2 and 3 for some potential examples about how you can acknowledge and respond.

To proactively reaffirm your commitment to trans employees, practical measures can be implemented such as establishing dedicated wellbeing forums for trans employees and issuing company-wide communications that clearly express support. These communications can include links to internal trans inclusion policies and external support resources (e.g.- [Switchboard](#), [Translifeline](#)).

Need Guidance? We're here to support you.

1. Discuss your queries in your next quarterly Member Meeting with us
2. Provide your colleagues with access to our [safe space community platform](#)
3. Access our [learning and awareness solutions](#) tailored to your organisation
4. Download the '[Supporting Transitioning Colleagues](#)' toolkit
5. Download other content available via the [Content Library](#)
6. Book a policy review meeting with our team





Navigating Change Together

Navigating change is a collective journey, one that we undertake side by side as we strive to foster a supportive and inclusive environment for everyone. At LGBT Great, we aspire to be not merely a connector; we are a dynamic and welcoming community, passionately committed to uniting people, ideas, and voices. Together, we seek genuine understanding and drive meaningful progress.

Your engagement has never been more important. Whether you have questions, seek guidance, or wish to share your experiences, we warmly invite you to connect with us. Every perspective and contribution are a cornerstone in building an inclusive workplace, where everyone is valued, respected, and empowered to flourish.

As we reflect on the conversations and actions that have shaped our journey so far, let us remember, inclusion goes beyond compliance, it defines who we are and how we lead. Your ongoing support and involvement are fundamental to creating a culture of dignity, respect, and belonging for all.

We encourage you to reach out, stay involved, and continue being an active part of this ongoing journey. Together, let us keep shaping a community where every individual can thrive and every voice is heard.

For further connection, support, or to share your thoughts, please get in touch at members@lgbtgreat.com



Appendix A - Key Legal and Policy Developments

Date/ Time Period	Event/Development	Org/Institution	Key Issues	Ruling/Action/Details/Outcome	Implications
16 Apr 2025	Supreme Court ruling / For Women Scotland Ltd v The Scottish Ministers	UK Supreme Court	Definition of "woman", "man" and "sex" in Equality Act 2010	Ruled "woman" and "sex" refer exclusively to "biological sex"; trans women with Gender Recognition Certificates not included as "women" under Equality Act 2010. Invalidated Scottish guidance treating transgender women with GRC as women for equality law.	Organisations must reassess single-sex policies; protections for gender reassignment remain; many pausing changes pending further guidance
Apr 2025	Toolkit release	LGBT Great	Support for navigating Supreme Court ruling	Released Member Toolkit to help organisations navigate ruling and implications	n/a
25 Apr 2025	EHRC interim guidance	EHRC	Interpretation of FWS ruling	Being trans or having a GRC does not change "sex" for Equality Act purposes	Highlights tension in balancing "sex-based rights" and "gender-reassignment protections" in workplaces. Concern and confusion for organisations
Post-Apr 2025	British Transport Police policy change	British Transport Police	Strip-searching policy	Searches to be made according to biological birth sex, even for detainees with GRCs	Public bodies re-evaluating practices on single-sex services, access rules, gendered spaces
Post-Apr 2025	Sports/membership exclusions (e.g. Harriet Haynes)	Court (not specified)	Exclusion of trans individuals from single-sex sports/services	Claims dismissed based on FWS legal understanding of "sex"	Sports/membership bodies reviewing gendered participation rules, particularly around the participation of trans women in women's sports. (Some bans came before the ruling but have been intensified since the judgement passed.)
20 May 2025	Consultation opened	EHRC	Proposed changes following Supreme Court ruling	Opened six-week consultation period	Mobilised a significant number of responses from several stakeholders
24 Jun 2025	Guidance clarification	EHRC	Workplace (Health, Safety and Welfare) Regulations 1992	Clarified interim guidance; abandoned requirement for single-sex toilets	U-turn on guidance put out in April
27 Jun 2025	Legal clarity appeal	ECNI	Legal clarity in Northern Ireland	Appealed for legal clarity; published paper outlining concerns and roadmap (High Court declaration, pre-action letters, public consultation underway)	The ECNI is seeking to adapt the <i>For Women Scotland</i> ruling into the Northern Ireland legal landscape, but it openly acknowledges there are unresolved tensions
30 Jun 2025	Consultation closed	EHRC	Consultation on proposed changes	Consultation period closed; over 50,000 organisations, individuals, legal	A huge number of responses to review in a short time frame



				professionals involved across England, Scotland, Wales	
Aug 2025	Study on harassment/discrimination	CIC TransActual UK	Impact of Supreme Court ruling on the trans and non-binary community	Released study showing rising harassment and discrimination post-ruling; trans, intersex, and cis people not meeting 'conventional standards' of gender faced abuse in single-sex spaces	The ruling has emboldened some people to police gender expression in ways that spill over beyond the trans community. This makes it not just a legal matter, but a cultural and reputational inflection point for organisations.
Feb-Sept 2025	Sandie Peggie v NHS Fife	Employment Tribunal (Scotland)	Sexual harassment, discrimination on basis of belief, victimisation	Peggie allowed to misgender Dr. Upton in tribunal on freedom of belief grounds; tribunal ongoing	Tests conflict between freedom of belief and protections from harassment/dignity; may influence policy on pronouns, complaints
01 Sept 2025	Joint letter for debate	Over 80 organisations	Call for meaningful debate	Signed letter to government calling for meaningful debate and 'full scrutiny' before guidance published	The joint letter demonstrates that the EHRC guidance is now politically contested, not just legally complex.
05 Sept 2025	Updated guidance sent to minister	EHRC	Updated guidance on ruling	Sent updated guidance to Minister for Women and Equalities; not made public yet	The updated EHRC guidance being held back creates a vacuum of clarity, amplifying uncertainty for employers, employees, and regulators. Organisations are caught between legal caution and cultural values, and the longer the delay, the greater the frustration, mistrust, and risk of workplace disputes.
Sep 2025	Letter warning of economic harm	Over 650 organisations	Warning on EHRC draft guidance	Wrote to government warning EHRC draft guidance on single-sex spaces is 'unworkable' and would cause 'significant economic harm'	Reframes the debate: it's no longer only about rights and compliance, but about the economic costs of exclusionary policy. That significantly increases the political stakes, likely slows publication, and strengthens the case for employers to take a visible, values-led stance.
08 Sept 2025	Trans supportive Guidance withdrawn	Northern Ireland's Education Authority, Education Minister Paul Givan	Support for transgender students	Withdrew 2019 guidance supporting transgender students, citing contradiction with departmental policy and Northern Irish law; previous guidance allowed use of facilities aligning with gender identity	The withdrawal of student guidance is not just an education issue - it's a signal of rollback risk. It undermines confidence in institutional support for trans people, raises wellbeing and safeguarding concerns, and creates long-term risks for talent development and employer reputations in Northern Ireland.
Sept-Oct 2025	Labour Party Conference	Lucy Powell, MP	UK Supreme Court Ruling	Powell has publicly described the EHRC guidance as "not right" and urged parliamentary review.	Powell's sentiment demonstrates that some MPs are urging a parliamentary review underpinned by democratic voting before any concrete guidance is published on the subject.



Appendix B – Updated Example Supportive Leadership Quotes (October 2025)

Example 1: Inclusion Statement on Legal and Social Commitment

- Balances compliance with moral leadership.
- Acknowledges ongoing debate and scrutiny.
- Reaffirms dignity and inclusion as core values.

“We acknowledge the Supreme Court’s ruling and the ongoing EHRC guidance discussions now before government. While the law and guidance are changing, our commitment is not. We will ensure compliance with legal requirements, but we remain resolute in creating a safe, respectful, and inclusive environment for trans and non-binary colleagues. Legal and guidance frameworks may shift, yet our values remain constant: dignity, respect, and belonging for all.”

Example 2: CEO or Executive-Level Message

- Keeps leadership visible and accountable.
- Positions the organisation as empathetic and forward-looking.
- Reinforces culture over compliance.

“As leaders, we have a duty to navigate changing legal and guidance frameworks for organisations while holding fast to our values. This moment is an opportunity to listen, learn, and reaffirm support for trans and non-binary colleagues. We will strengthen our networks, provide safe spaces, and continue to champion inclusion and belonging for all. Compliance is the floor, not the ceiling – our culture is built on respect, empathy, and empowerment.”

Example 3: DEI Policy Update

- Offers transparency to stakeholders.
- Signals preparedness, stability, and continuity.
- Reassures colleagues that inclusion remains strategic.

“In light of recent legal developments and ongoing EHRC guidance, we are reviewing our policies to ensure compliance, transparency, and lawfulness. At the same time, we want to be clear: every colleague deserves to feel seen, valued, and respected. Our DEI commitments are unchanged – inclusion is not optional; it is integral to who we are as an organisation.”



Appendix C – Updated Template Statement for an Executive Sponsor (October 2025)

Dear Colleagues,

I am writing in my capacity as **(Executive Sponsor for LGBTQ+ Inclusion / Diversity & Inclusion)** to re-acknowledge the UK Supreme Court's ruling in *For Women Scotland Ltd v The Scottish Ministers*, and the subsequent EHRC guidance processes now underway.

To refresh, the Court's decision clarified that, in certain legal contexts, the word 'sex' in the Equality Act 2010 refers specifically to biological sex, rather than legal sex as recognised through a Gender Recognition Certificate (GRC). Since April, interim guidance from the EHRC has been issued, and organisations across industries have raised considerable concerns about the practical implications for businesses like ours.

Where we are:

- These developments do not change our fundamental commitment: creating a workplace where all colleagues – including trans and non-binary people – belong, contribute, and thrive.
- It does not diminish our obligation to reflect the diversity of the clients and communities we serve.
- The ruling applies in certain legal contexts, but protections for colleagues under the Equality Act's Gender Reassignment provision remain firmly in place.
- The legal and guidance framework continues to evolve, and we are monitoring developments closely.

What we are doing:

1. Providing visible support systems for colleagues, including access to **[employee networks / wellbeing resources]**.
2. Reviewing our policies and practices to ensure compliance with law while staying true to our values.
3. Engaging with employee networks and wider communities to listen, learn, and adapt.
4. Equipping leaders and managers with guidance so that dignity, respect, and allyship are consistently upheld.

This moment has sparked important conversations across society. It is a reminder that inclusion is not just about compliance with the law – it is about who we are, and how we lead.

We will continue to move forward thoughtfully, balancing legal clarity with our unwavering commitment to respect, belonging, and inclusion. Thank you for your continued support and for playing your part in making our culture one of dignity and respect for all.

[Insert your name and job title]

