# EHRC set to extend gender guidance consultation after Supreme Court ruling sparks backlash



The UK’s Equality and Human Rights Commission (EHRC) is poised to extend the consultation period regarding its guidance on gender issues, following a backlash from employees and stakeholders. This anticipated shift comes on the heels of a Supreme Court ruling that established a narrow definition of "woman" in the context of the Equality Act, stating it refers only to biological females. Such a ruling has far-reaching implications for how gender identity is perceived legally and socially, especially concerning access to facilities and services.

Insiders indicate that the EHRC may reconsider its initial stance, described by many as overly rigid. The interim guidance, released shortly after the Supreme Court decision, recommended that transgender individuals should not use facilities corresponding to their lived gender, a position that has caused considerable distress among transgender communities and their allies. Reports have surfaced indicating that some employers are already enforcing these guidelines, which has raised concerns about the psychological impact on trans staff and the potential to "out" them to colleagues.

Kishwer Falkner, the chair of the EHRC, noted the intention to finalise the formal response and an updated code of practice by summer 2025, but this was initially slated to occur with only two weeks for public input. In light of increasing pressure, including a letter from the House of Commons Women and Equalities Committee asking for an extension to at least six weeks, the strategy appears to pivot towards a more inclusive approach. Experts argue that a more extended consultation could foster a dialogue that respects the rights of all individuals involved, particularly the often-vulnerable transgender population.

In discussing the potential changes, some EHRC staff expressed significant dissatisfaction with the process leading to the interim guidance, describing it as secretive and disorganised. Following the guidance's release, many employees were caught unaware, leading to confusion and concern within a workplace that prides itself on inclusivity. This internal turmoil raises questions about how well the leadership, many of whom were appointed under previous Conservative administrations, can navigate the complex and sensitive terrain of gender identity issues.

While the EHRC works to align its policies with the Supreme Court's ruling, the implications of this guidance extend beyond the commission itself. Institutions such as the London Marathon are postponing decisions on transgender athlete participation until clearer guidance from the EHRC is established. Race director Hugh Brasher has indicated a cautious approach, awaiting direction on how to ensure fair competition while respecting the rights of all athletes.

The discourse surrounding the EHRC's guidance has captured national attention, with Prime Minister Keir Starmer aligning his stance with the court's interpretation. His acknowledgment that "a woman is an adult female" signifies a significant political pivot, aiming to clarify the legal ambiguities that have historically plagued discussions of gender and equality.

Given the turbulence surrounding these issues, the EHRC's forthcoming guidance will be crucial not only for legal frameworks but also for shaping public understanding and acceptance of gender diversity in society. The ongoing consultations reflect broader societal shifts and the urgency of finding a balanced approach that safeguards both individual rights and collective needs.

As the EHRC prepares to navigate this complex landscape, the call for a more considerate and comprehensive approach to gender identity remains paramount. With much at stake, it is clear that the decisions made in upcoming months will significantly impact the lives of many across the UK.

### Reference Map

1. Paragraph 1: Sources (1), (3), (4)
2. Paragraph 2: Sources (1), (2)
3. Paragraph 3: Sources (1), (2)
4. Paragraph 4: Sources (1), (3)
5. Paragraph 5: Sources (1), (2), (5)
6. Paragraph 6: Sources (1), (3), (4)
7. Paragraph 7: Sources (1), (3), (4)
8. Paragraph 8: Sources (1), (2), (5), (6)

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.theguardian.com/society/2025/may/14/uk-equality-watchdog-to-extend-gender-guidance-consultation-say-insiders> - Please view link - unable to able to access data
2. <https://www.theguardian.com/society/2025/may/14/uk-equality-watchdog-to-extend-gender-guidance-consultation-say-insiders> - The UK's Equality and Human Rights Commission (EHRC) is expected to extend its consultation period on new guidance following a Supreme Court ruling that defines 'woman' in the Equality Act as a biological woman. The EHRC's initial advice, which restricted transgender individuals' access to certain facilities, faced significant backlash from staff and stakeholders. The House of Commons Women and Equalities Committee has requested a six-week consultation period to ensure the guidance considers the needs of transgender people. The EHRC aims to have its formal response ready by summer 2025.
3. <https://www.ft.com/content/9f4feaeb-44ba-42d2-8187-aa3760443d53> - Following a UK Supreme Court ruling that defines 'woman' as a biological female under equality laws, Prime Minister Sir Keir Starmer has revised his stance, now affirming that 'a woman is an adult female.' This decision aligns with the court's interpretation and marks a shift from his previous position. The Equality and Human Rights Commission (EHRC) is drafting new guidance for public institutions in response to the ruling, with updates expected by summer 2025.
4. <https://www.reuters.com/world/uk/pm-starmer-welcomes-uk-top-court-ruling-biological-sex-equality-laws-2025-04-22/> - Prime Minister Keir Starmer has welcomed a UK Supreme Court ruling that defines 'woman' under equality laws as a biological female. The decision clarifies that single-sex services can lawfully exclude trans women, resolving prior legal ambiguities. The Equality and Human Rights Commission (EHRC) is expected to provide further guidance and a statutory code to uphold safe and appropriate access to services for all, with updates anticipated by summer 2025.
5. <https://www.reuters.com/sports/london-marathon-will-wait-guidance-trans-athletes-before-making-changes-2025-04-23/> - The London Marathon will not implement immediate changes regarding the participation of transgender athletes following a recent UK court ruling defining only biological women under equality laws. Race director Hugh Brasher supports World Athletics’ decision to require gender testing in elite women's events to protect fair competition but stated that the marathon awaits further guidance from the Equality and Human Rights Commission (EHRC) and Sport England. Currently, mass race participants can self-identify their gender, while elite and championship events are restricted to those born female.
6. <https://www.equalityhumanrights.com/about-us/our-strategy/our-business-plan/business-plan-2024-2025> - The Equality and Human Rights Commission (EHRC) has outlined its Business Plan for 2024–2025, focusing on key projects such as tackling sexual harassment in the workplace, supporting change in uniformed services, regulating artificial intelligence, and refreshing and developing its guidance. The plan emphasizes the EHRC's commitment to achieving real-world system and behavior change, with a focus on areas where they can make a lasting positive difference to individuals across Britain.
7. <https://www.equalityhumanrights.com/our-work/our-strategic-plan-consultation-2025-2028> - The Equality and Human Rights Commission (EHRC) is seeking public feedback on its draft Strategic Plan for 2025–2028. The plan outlines the EHRC's vision, purpose, and priorities for the next three years, focusing on areas such as work, participation and good relations, and justice and the balance of rights. The consultation aims to gather views on how the EHRC can achieve the greatest impact and which topics should be prioritized, with a survey open until 3 October 2024.