# County Durham NHS Trust faces legal action over female nurses’ changing facilities after Supreme Court ruling



An ongoing dispute is unfolding at the County Durham and Darlington NHS Foundation Trust regarding the use of changing facilities for female nurses, raising significant legal and ethical questions surrounding women's rights and gender identity. The trust has drawn criticism for reportedly requiring female staff to change in the presence of a transgender nurse, known as Rose, which has resulted in allegations of violations of the law and breaches of privacy rights.

Despite a recent Supreme Court ruling establishing that service use in workplaces, including changing facilities, should be based on biological sex, the NHS trust has yet to implement necessary changes. This ruling has ignited a broader discussion on how public and workplace regulations accommodate transgender rights while ensuring the privacy and dignity of all employees. The Equality and Human Rights Commission (EHRC) is currently revising its guidance to align with the Supreme Court’s judgement, explicitly stating that while single-sex facilities can legally exclude trans women, discrimination against transgender individuals remains unlawful under the Equality Act.

This situation has escalated into a legal challenge initiated by eight nurses from Darlington Memorial Hospital, who have filed claims against the trust, citing sexual harassment, discrimination, and victimisation. Their argument rests primarily on breaches of their right to a private life as encapsulated in Article 8 of the European Convention on Human Rights. The nurses contend that they are being pressured to conform to a policy that they believe violates their rights, as they were allegedly told to be "more inclusive" regarding the changing arrangements.

Bethany Hutchison, a representative of the nurses and President of the Darlington Nursing Union, has expressed deep frustration over the lack of action following a notification from the Royal College of Nursing, which highlighted the trust's failure to comply with legal standards for female staff's changing spaces. "We appreciate the letter from the Royal College of Nursing, but it has been a month now and there has been no sign of any action," Hutchison remarked, spotlighting the inadequacies of the temporary arrangements offered by the trust, which have been described as "humiliating" and lacking essential facilities.

The issue extends beyond individual grievances, addressing wider societal debates about gender identity, privacy, and the scope of inclusivity policies within institutions like the NHS. The Director of Workforce at the trust has been accused of disregarding the legal framework by reissuing a “Transitioning in the Workplace” policy that ostensibly continues to permit individuals to access changing facilities based on gender identity rather than biological sex. This action has raised eyebrows, particularly in light of the legal clarity provided by the Supreme Court ruling.

As tensions escalate, the situation serves as a poignant example of the challenges faced in reconciling the rights of transgender individuals with the rights of women to maintain privacy and dignity in sensitive environments. As the autumn tribunal hearing approaches, the eyes of legal experts, human rights advocates, and healthcare professionals alike remain fixed on this case, anticipating its implications for NHS policy and its adherence to lawful directives.

Health Secretary Wes Streeting has publicly stated his support for the nurses, yet the trust's ongoing reluctance to act raises questions about institutional commitment to conforming to legal and ethical guidelines. Advocates for women's rights assert that the NHS must align its policies with the Supreme Court’s determinations swiftly to affirm the principle of dignity and privacy for all staff.

The intersection of gender identity and women's rights continues to be a contentious topic in the UK, and the outcomes of this case may set crucial precedents for how single-sex services are managed within health services and other public sectors across the nation.

### Reference Map

1. Paragraphs 1, 2, 3, 4, 5, 6, 7 - Source [[1]](https://www.christiantoday.com/news/darlington-nurses-still-waiting-for-single-sex-changing-space-despite-supreme-court-ruling)
2. Paragraph 3, 4 - Source [[2]](https://www.standard.co.uk/news/crime/nurses-county-durham-newcastle-seven-b1220306.html)
3. Paragraphs 2, 4 - Source [[3]](https://www.theguardian.com/society/2025/apr/17/how-will-uk-judgment-on-legal-definition-of-womanhood-affect-policy)
4. Paragraphs 2, 4 - Sources [[4]](https://www.theguardian.com/society/2025/apr/17/nhs-guidance-single-sex-spaces-hospitals-supreme-court-ruling), [[5]](https://www.thepinknews.com/2025/04/23/darlington-nhs-trust-trans-supreme-court-ruling/)
5. Paragraphs 1, 5, 6 - Source [[6]](https://www.standard.co.uk/news/crime/nurses-county-durham-newcastle-seven-b1220306.html)
6. Paragraph 2 - Source [[7]](https://www.theguardian.com/society/2025/apr/17/how-will-uk-judgment-on-legal-definition-of-womanhood-affect-policy)

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

## Bibliography

1. <https://www.christiantoday.com/news/darlington-nurses-still-waiting-for-single-sex-changing-space-despite-supreme-court-ruling> - Please view link - unable to able to access data
2. <https://www.standard.co.uk/news/crime/nurses-county-durham-newcastle-seven-b1220306.html> - A group of eight nurses from Darlington Memorial Hospital are challenging the County Durham and Darlington NHS Foundation Trust's policy that allows a transgender colleague, Rose Henderson, to use the women's changing facilities. The nurses have filed claims of sexual harassment, discrimination, victimisation, and breaches of their right to a private life under Article 8 of the European Convention on Human Rights. The case is set to be heard at an employment tribunal in the autumn, with the trust seeking a postponement to complete its internal investigation.
3. <https://www.theguardian.com/society/2025/apr/17/how-will-uk-judgment-on-legal-definition-of-womanhood-affect-policy> - Following the UK Supreme Court's ruling that the legal definition of 'woman' under the Equality Act 2010 refers to biological sex, there are concerns about the impact on single-sex services such as changing rooms, toilets, and hospital wards. The Equality and Human Rights Commission (EHRC) plans to issue updated codes of practice to reflect this decision, emphasizing that while single-sex services can lawfully exclude trans women, discrimination against trans individuals remains unlawful under the Equality Act.
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