# NEU vows to fight Supreme Court ruling limiting trans women’s access to school toilets



Britain’s largest teaching union, the National Education Union (NEU), has taken a firm stance against a recent Supreme Court ruling that defines 'woman' solely based on biological sex, asserting that trans women should have the right to use ladies' toilets in schools. This controversial ruling, which limits access for male-born trans individuals to women-only spaces, has ignited significant debate within educational circles and broader society.

During a meeting of the NEU's National Executive, held shortly after the April ruling, the union voted overwhelmingly in favour of a motion stating that 'trans rights are human rights.' This resolution not only supports trans teachers' rights to choose facilities according to their gender identities but also commits the union to campaign against any restrictions that may disenfranchise trans individuals in educational settings. General Secretary Daniel Kebede has highlighted the rising challenges for trans individuals, noting a “toxic climate” where they are often perceived as threats. He stated, “The NEU is looking carefully at the Supreme Court ruling and its implications for employment,” reflecting a cautious yet determined approach towards ensuring inclusivity.

The Supreme Court's decision has provoked mixed responses. On one hand, it acknowledged protections against discrimination for transgender individuals; on the other, it reinforced boundaries that many see as exclusionary, particularly for trans women in sensitive settings like toilets and hospital wards. The ruling has left many organisations, including advocacy groups such as TransActual and Gendered Intelligence, grappling with an influx of calls from distressed trans individuals fearing exclusion.

Adding to the complexity is the evolving political landscape, as exemplified by recent statements from political figures like Prime Minister Sir Keir Starmer. After the ruling, Starmer revised his previous position to align with this new legal interpretation, stating, “a woman is an adult female.” Such shifts in stance highlight the contentious moral and legal terrain surrounding gender identity in Britain.

The NEU has expressed intent to provide legal support for members faced with bans from female toilets or changing rooms, and it has called upon employers to develop trans-inclusive policies. In its bid to combat discrimination, the union is also advocating for the creation of resources to facilitate discussions on trans issues among educators and parents, aiming to foster a more understanding environment.

In contrast to the NEU's proactive measures, the guidance recently issued by the Equality and Human Rights Commission (EHRC) stipulates that the exclusion of trans individuals from single-sex spaces can be lawful, provided the reasons are "justifiable and proportionate." This perspective has been met with criticism; the NEU condemned the guidance as “incoherent and unclear,” arguing that it risks enabling discrimination against vulnerable individuals. Kebede reiterated the urgent need for clearer support for schools navigating these policies.

The current situation is further complicated by the fact that primary schools are legally required to provide separate facilities for children aged eight and over. Although the Conservative government has drafted guidelines favouring biological sex in restroom assignments, these regulations are non-statutory, leading to local variations and uncertainties in enforcement. The tension between safeguarding traditional spaces and ensuring inclusivity for trans individuals encapsulates the ongoing struggle over gender identity in the UK.

As the NEU prepares to challenge these developments, it underscores a broader battle for recognition and rights within educational institutions. The implications of the Supreme Court ruling are set against a backdrop of national dialogue about inclusion, rights, and the complexities of identity—a conversation that promises to remain highly charged in the years to come.

### Reference Map

1. Paragraph 1, 2, 3, 5, 8
2. Paragraph 6
3. Paragraph 4
4. Not used
5. Paragraph 7
6. Not used

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

## Bibliography

* <https://www.dailymail.co.uk/news/article-14700723/Teaching-union-Supreme-Court-gender-trans-toilets.html?ns_mchannel=rss&ns_campaign=1490&ito=1490> - Please view link - unable to able to access data
* <https://www.apnews.com/article/21fcf89b655712351ba2696795d49ece> - A recent UK Supreme Court ruling has defined 'woman' for anti-discrimination legal purposes as someone born biologically female, sparking concerns among transgender women in Britain. The court acknowledged transgender individuals are protected from discrimination but limited their access to women-only spaces such as toilets, hospital wards, and sports teams. This decision has led to fears of exclusion, with support organizations like TransActual and Gendered Intelligence overwhelmed by distressed calls from trans people. The ruling adds to the ongoing gender identity debate in the UK, with potential implications for public institutions revising policies for handling transgender individuals.
* <https://www.ft.com/content/9f4feaeb-44ba-42d2-8187-aa3760443d53> - Following a recent UK Supreme Court ruling stating that the legal definition of 'woman' is based on biological sex, Prime Minister Sir Keir Starmer publicly revised his stance on the issue. Previously, Starmer had expressed the view that 'trans women are women,' citing the Equalities Act. However, he now affirms that 'a woman is an adult female,' aligning with the court's interpretation. This marks another shift in his evolving position over recent years. The ruling has prompted the Equality and Human Rights Commission (EHRC) to draft new guidance for public institutions, while Equalities Minister Bridget Phillipson pledged to end mixed-sex hospital wards based on biological sex. She clarified that although biological sex will determine access to single-sex services, providers can still opt for inclusive services. The Supreme Court also ruled that organizations can exclude transgender individuals from single-sex spaces if it is proportionate, potentially affecting access to restrooms, changing areas, and healthcare settings. Critics, including MPs, have voiced concerns that the ruling could expose trans individuals to increased vulnerability. The EHRC plans to release updated statutory guidance by summer 2025.
* <https://time.com/6176799/trans-sports-bans-conservative-movement/> - In 2020, Idaho became the first U.S. state to ban transgender girls and women from participating in women's sports. This has sparked a wave of similar legislation in 15 other states, primarily driven by conservative political strategies rather than a significant presence of trans athletes. These bans, targeting trans and gender-expansive youth, are used to galvanize Republican support and dominate cultural debates about trans rights. These laws are criticized by LGBTQ advocates as unnecessary and discriminatory, given the very low number of trans student athletes affected. The debate over trans rights now extends to Title IX and discrimination protections, with upcoming federal rule changes and anticipated legal battles. The issue has been politically advantageous for Republicans, who use it to rally their base, while Democrats struggle to provide a coherent counter-narrative. This battleground reflects broader efforts to roll back LGBTQ protections following the legalization of same-sex marriage and other gains in transgender rights.
* <https://www.equalityhumanrights.com/media-centre/news/guidance-published-providers-single-sex-services> - The Equality and Human Rights Commission (EHRC) has published guidance to assist service providers in making lawful decisions regarding single-sex spaces. The guidance clarifies that under the Equality Act 2010, organizations can lawfully provide separate or single-sex services if it is a proportionate means of achieving a legitimate aim, such as privacy or health and safety. It advises organizations like hospitals, retailers, and sports clubs to implement policies that balance the needs of different groups while ensuring compliance with the law. The guidance emphasizes the importance of considering the rights and needs of all users, including trans individuals, when making decisions about single-sex services.
* <https://www.theguardian.com/society/2022/apr/04/trans-people-can-be-excluded-single-sex-services-if-justifiable-says-ehrc> - The Equality and Human Rights Commission (EHRC) has stated that transgender people can be legitimately excluded from single-sex services if the reasons are 'justifiable and proportionate.' Justifications could include privacy, decency, to prevent trauma, or to ensure health and safety. The EHRC advises organizations such as hospitals, retailers, and sports clubs to implement policies that balance the needs of different groups while ensuring compliance with the law. The guidance emphasizes the importance of considering the rights and needs of all users, including trans individuals, when making decisions about single-sex services.