

Guidance for UCU branches: Supreme Court ruling

Introduction

The UK Supreme Court has ruled that the terms 'woman' and 'sex' in the Equality Act 2010 refer to 'biological sex', not gender identity. The Equality and Human Rights Commission (EHRC) has issued an **interim update** in response, with full guidance expected by June 2025. These developments raise significant legal and practical questions for universities and colleges, especially in relation to single-sex spaces, services, and protections.

It is important to clarify that this ruling **does not remove or diminish the legal protections afforded to trans individuals**. The Equality Act 2010 continues to protect people from discrimination based on gender reassignment, which is one of the nine protected characteristics under the Act. **This means that trans people are legally protected from discrimination, harassment, and victimisation in employment, education, and the provision of services.**

Union branches have a critical role in ensuring that universities and colleges uphold both legal compliance and actively promote inclusive, non-discriminatory practice. This briefing provides key recommendations, and the steps branches can take.

Wait for full EHRC guidance

Universities and colleges must comply with the law—but how they do so matters deeply. UCU is advocating for legal caution, practical preparedness, and unwavering support for inclusive principles. With the EHRC's full guidance still to come, now is the time to push for careful review, not rushed reaction.

Universities and colleges should avoid making hasty or permanent policy changes that may impact on other protected characteristics under the Equality Act or the dignity and respect that must be afforded to trans and non-binary people. The EHRC's full guidance will be published in June 2025.

Branches should encourage institutions to take a measured and consultative approach, and to avoid rushing changes that they may later need to reverse. Premature actions can carry legal, reputational, and human rights risks—especially if they lead to exclusion or distress for trans and non-binary staff or students.

The following serves as guide for reps when discussing with employers:

Engage with university and college leadership

Union reps should actively seek dialogue with senior leadership and equality teams. Doing this early make be helpful to avoid unnecessary changes taking place. Push for transparent policy reviews (where they are taking place) and inclusive consultation processes that involve staff and students.

Stress the importance of not making assumptions about the facilities that are needed by an individual. Gender-neutral options are recommended to support maximum inclusion but won't be the preferred solution for all.

UCU advocates for including the voices of trans, non-binary and intersex colleagues in the engagement process. Union branches are well placed to facilitate this engagement.

Promote practical, inclusive preparations

Universities and colleges can take steps now to prepare responsibly, without implementing discriminatory or rushed changes.

Branches play a vital role in defending the rights of trans and non-binary people by ensuring our workplaces are safe, inclusive, and affirming. We must hold employers to account and remind them that the Supreme Court ruling does not override their legal obligations under the Equality Act and other protections.

- **Ensure formal mechanisms are in place to allow trans and non-binary people to be involved in decision making that will impact them.**
The employer's HR and/or equality team should be actively seeking out the views of people impacted by and changes they propose to make.
- **Identify spaces and services that may be impacted.**
While employers may be identifying spaces, we strongly recommend no changes are made at this stage.
- **Update Equality impact assessments (EIAs).**
EIAs should be refreshed to consider the effects of any proposed changes, particularly in terms of discrimination and dignity.
- **Ensure clear, inclusive signage.**
If proposing adding additional facilities for maximum inclusion, signage should be updated with care. Use respectful and unambiguous language to support understanding and consult before implementing changes.

- **Provide training and briefings.**

Equip managers, front-line and all staff with the knowledge to understand their legal duties, support all users of university and college services, to know how to respond appropriately to questions or concerns or to signpost to where further support can be obtained/sought.

- **Create confidential reporting channels (or promote existing channels).**

Allow staff and students to raise concerns confidentially or share experiences related to access, discrimination, or safety.

Use UCU resources and advocate for UCU policy

UCU supports the rights of trans and non-binary people, including the right to self-identify.

- **UCU LGBT+ charter**
- **UCU resource: Gender identity and sexual orientation discrimination**
- **UCU 2023 statement on Equality Act review and EHRC guidance**
- **UCU 2025 statement following Supreme Court ruling**
- Your first point of contact for support is **your UCU regional office**

Monitor impact, and support members

Keep track of how universities and colleges implement any changes and gather feedback from staff and students. You can remind them that we do not advocate making changes before full guidance is published.

Union branches are a visible, safe point of contact for members affected by any updates to policy or practice. Run regular check-ins, offer advice sessions, and raise emerging concerns quickly.

Appendix A: Equality impact assessment templates

- **AdvanceHE—Equality impact assessment**
- **Inclusive Employers—Equality impact assessments: a definitive guide**

Appendix B: recommended training resources

For university managers and equality leads

- **AdvanceHE—Equality impact assessment**
- **EHRC guidance hub**
- **Acas training—Equality and wellbeing**

For union reps and staff members

- **UCU resource: Gender identity and sexual orientation discrimination**
- **TUC Education**
- **Stonewall LGBTQ+ workplace training and events**

Appendix C: UCU's vision for trans and non-binary members

UCU's vision for trans and non-binary members equality and inclusion: a trans and non-binary guide on discourse (2022). This guidance aims to help UCU members speak to UCU's vision, and democratically agreed position, in support of trans and non-binary people rights.

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