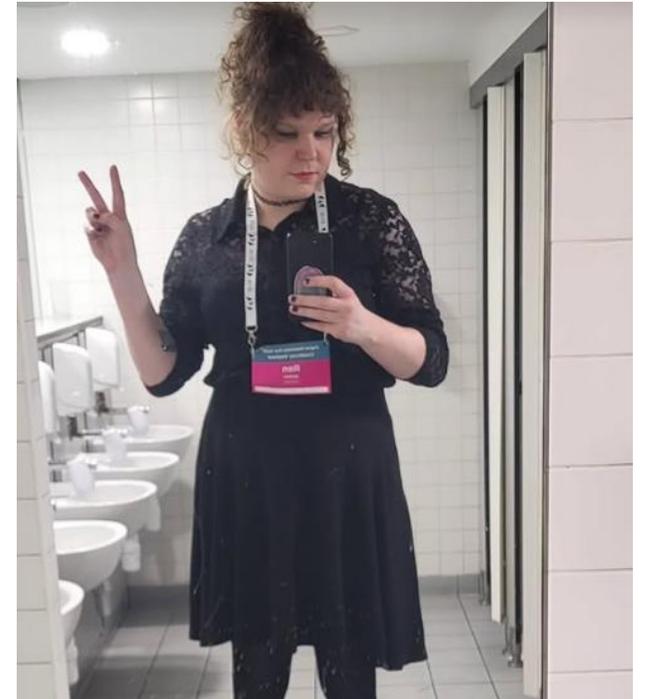




Supporting Trans Audiences Post- EHRC Consultation

Welcome!

- Ren James – Studio Director at Splitpixel
- Patron of the arts
- Real life trans woman and everything
- Frequent public facility user



Disclaimer 1

All information in these slides is based on my personal interpretation of existing sources. I am not a lawyer, nor am I qualified to give legal advice.

Disclaimer 2

Within this session I am mostly talking about the impacts had on trans women. Partially because that relates to my personal experience, but also, while trans men and nonbinary people are also greatly impacted by these changes, they have not been the target of specific legal cases, bans or media attention to the same degree - there are less sources available.

I stand in solidarity with all who experience transphobia.



Supporting Trans Audiences Post- EHRC Consultation

What happened?

April 2025 – UK Supreme Court rules that “sex” and “women” in the Equality Act refer to biological sex at birth, and later the EHRC issues guidance that trans women should be blocked from women’s facilities. By extension, the same was true for trans men and men’s spaces.

May 2025 – After some backlash, the EHRC opens a public consultation for us all to share our views.

June 2025 – The consultation ends.

September 2025 – EHRC submits updated code of practice to the government. Ren submits her TPC conference session idea to discuss what will surely have happened by next year.

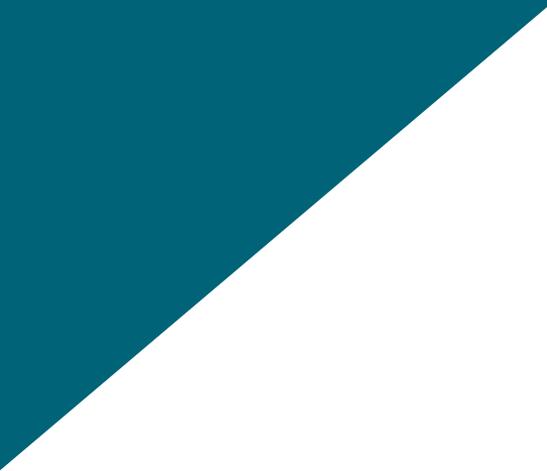
It's now six months later ffs

The head of the EHRC has changed once.

Multiple court cases have been decided on inconsistent interpretations of the original Supreme Court ruling and the interim guidance.

The guidance has actually technically been withdrawn, but still causes problems.

Multiple rule changes around trans healthcare have come in.



What is actually happening?

High profile court cases

S Peggie v Fife Health Board and Dr B Upton

- Nurse (Peggie) complained about a trans woman (Upton) in the women's changing room
- Tribunal found that Upton could use the changing room
- Peggie's only victory was a ruling that the trust treated her unfairly when she complained

Ms B Hutchinson and others v County Durham and Darlington NHS Foundation Trust

- Group of nurses claimed their rights were infringed because a trans woman (Henderson) was allowed in the women's changing room
- Tribunal ruled that Henderson should be protected from harassment – but that the nurses' rights trumped hers – and she shouldn't use the changing room

The outcomes

- Two cases – two essentially opposite outcomes
- Both relate to NHS and public sector – *not* private sector
- Decisions are *only* binding to those involved in the case – they set precedent but cannot be applied elsewhere
- Relate to *changing rooms* – not toilets or other facilities

Updated High Court ruling

- Good Law Project pressed the high court to declare the EHRC interim guidance “unlawful”
- They didn’t declare it unlawful, but some helpful clarifications came about:

“Service providers may lawfully allow trans women to use women’s facilities without being forced to open them to cis men. And such facilities may simply be labelled for ‘men’ and ‘women’. The court has also made clear that it will likely be discriminatory to force trans people to use facilities based on their sex recorded at birth. In short, the law does not require a bathroom ban.”

Other high profile UK stories

- Women's Institute ban trans women with “sincere regret”
- Girlguiding bans trans girls with “a heavy heart”
- FA bans trans women from English football
- Labour Women's Conference bans trans women from events
- England and Wales Cricket Board bans trans women

“Regrets and heavy hearts”

Organisations who don't want to ban trans women are scared of costly legal action from groups like:

- Sex Matters
- Women's Place UK
- Fair Play for Women
- The LGB Alliance
- Genspect
- Transgender Trend
- Freedom in the Arts
- JK Rowling and the rest of Slytherin

We know what *some* of you are thinking...

- Arts Marketing Association - Together We Act Campaign
- Political Landscape – communicating in polarised times

Together We Act – Findings

- “Many respondents said their organisations’ policy is not to comment on polarising issues.”
- “The stance of leadership and boards is often very different to the rest of staff teams.”
- “Internal communications and strategy appear to be lacking at many cultural organisations.”
- “Leaders are having to navigate unprecedented external pressures while also navigating internal pressures.”
- “Some respondents questioning whether cultural organisations should be sharing their views.”
- “Marketing and communications staff are often bearing the bulk of the emotional and professional risk when communicating publicly.”



Should you let trans people use the bathroom?

- Yes

Other ways to support trans audiences:

- Trans people need to feel safe, welcome and respected in public spaces
- Trans people actually need to *be* safe, welcome and respected in public spaces

How do you do that?

- Simple flags that help the feeling:
 - Pronouns on email signatures, bios, staff name tags
 - Signage in facilities telling people they can use them
 - Representation in marketing materials, website content
 - Non-binary options (pronouns, titles, genders) in data collection
 - Staff choices – allowing pride pins, etc.
 - Avoidance of unnecessary gendered language

How do you do that?

- Structural frameworks that help the being:
 - Leadership team aware of and active on trans issues and the current laws
 - Leadership team that includes trans people
 - Front of house and security teams with training on trans identities and issues, and how to deal with them sensitively and supportively
 - Gender neutral facilities where possible
 - Programming that centres trans creatives and experiences
 - Support for trans staff, and for FOH/comms staff dealing with the public
 - Divestment from clients, suppliers, trustees and artists who are transphobic, whether structurally or personally
 - Zero tolerance policies for harassment



That's it, bye.

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