23rd November 2026

Dear Members of the Equalities, Human Rights and Civil Justice Committee,

Thank you again for the opportunity to provide oral evidence last week on the implementation of the EHRC's revised Code of Practice for services, public functions and associations.

I'm getting in touch to share some of the evidence we have gathered around experiences people have had following the UK Supreme Court ruling on the meaning of 'sex' in the Equality Act 2010 when trying to use gendered services and spaces, some of which my colleague Florence Oulds referenced during her evidence last week.

Our colleagues at TransActual have been running a 'gendered spaces tracker' for a number of months in order to understand what people are experiencing in their daily lives and have published several reports about Britain-wide experiences – two of which we have shared with the Committee previously: "Trans segregation in practice", "A community living in fear", and a third of which has been published since that correspondence: "It happens every time".

Their tracker survey is shared online and reaches people connected to our and partner organisations' social media channels, so we know that it is not a complete picture. But it gives a sense of the decreased access that trans people have to a range of services and spaces, and also the increased scrutiny that all people – whether trans or not – are facing in gendered spaces as a result of the wider public and political discourse surrounding the Supreme Court ruling and the Code.

An annexe below provides a summary of the tracker data from Scotland.

Yours Sincerely,

Vic Valentine
Scottish Trans Manager, Equality Network

ANNEX A: Scottish responses to TransActual's gendered spaces tracker

The following quotes are from respondents in Scotland to TransActual's tracker survey.

What's happening?

"I work in an office building which has no single occupancy toilets, only gender separated loos with cubicles. A colleague of mine had asked on my behalf if anyone had issues with me using the ladies toilets and the feedback I got was positive. After a few days of using the toilets I had an update call with my HR department and told them of my plans to use the women's toilets going forward. They then told me 2 days later I was not allowed to use women's facilities anywhere on the company's premises. I've been working at home since then until they make changes to add fully enclosed/single occupancy toilets to my office."

- Transfeminine non-binary person

"I go to the gym a lot - it's hugely beneficial to both my transition and my mental health. But all of the toilets and changing rooms at the gyms that I go to are marked "male" and "female", and there are no gender neutral alternatives except the one disabled access toilet far away from the gendered spaces."

Immediately after the supreme court ruling, I had to ask gym staff, in front of other customers, which facilities I was allowed to use. They said they didn't know. So I had to get changed outside the gendered spaces near the lockers. I was scared. As a trans man, I was told by the Supreme Court that I'm not allowed to use the men's changing rooms. But I have a beard! If I use the women's changing room, someone is going to think I'm a creepy man, going in to assault the women, and I could be in real physical danger. So I have no where to change now. Just in front of the lockers. I don't get the same right or courtesy of privacy as a trans person as the "normal" people do."

- Trans man

“This was for a job interview, where the interview went well, I was exactly what they were after. Someone took issue with me using the ladies, they had the disabled in the ladies toilets at that location. Someone made a comment, and I was told that they wouldn't be offering me the job after all.”

- Trans woman

“Was staying at a truckstop, went to get key for shower and staff member assumed that I was a trans woman and started to say I had to use men’s shower as it was their policy following Supreme Court ruling. I asked what she was trying to imply and she said I was obviously a man based solely on my deep voice. To her I sounded like a man, no other reason. I objected and said she could not be more wrong and that she and her employer ran the risk of being accused of discrimination. I also objected that this was carried out in front of other customers. She apologised for getting it wrong and gave me key to women’s shower.”

- Cis woman

“I used the women's changing room as the government guidelines say that, as a non-binary AFAB [assigned female at birth] person who has had top surgery, I need to use. A woman confronted me and shouted at me that I shouldn't be in there.”

- Non-binary person

“Bouncers were transphobic to me on entry and throughout the night when I interacted with them… the first thing that was mentioned to me when they saw my ID in the queue outside was that I wasn't allowed to use ANY bathrooms because apparently there was no accessible gender neutral toilet??? Trans woman that made me feel put on the spot in front of other people in the queue and also really embarrassed that I had been outed that way!”

- Trans woman

What's the impact?

"Angry, depressed, and scared. In the building that I work there are no gender-neutral options for toilet or changing rooms, consequently their email attempts to force me to use the men's bathroom"

- Trans woman who experienced issues at work

"Scared and violated. I was worried that he would try to harass or attack me. It also made me feel like my privacy and dignity were being threatened."

- Trans man who experiences issues in public toilets

"I was very upset as it felt like my gender was being invalidated and I also felt inappropriately singled out as I was then the only person in my office who had to leave the building to find/use a toilet. I also felt that my company's HR and management didn't really care about LGBT+ equality beyond the absolute bare minimum"

- Transfeminine non-binary person who experienced issues at work

"Uncomfortable and helpless. I don't know how to dress any other way than what is comfortable for me."

- Cis woman who experienced issues in a healthcare setting

"I felt unsafe and humiliated. Like there was something wrong with me."

- Trans woman who experienced issues in a pub, bar or club

"Vulnerable - felt a certain safety working with [sector] who value equality and diversity but now feels very real. They are open and looking at ways to address situation and support everyone - however nothing in place in the meantime for trans people needing to access facilities now - today. Some buildings have limited disabled bathroom access or shared/rented spaces so not able to make physical changes to building".

- Trans man who experienced issues at work

"Humiliated, targeted and bullied"

- Trans woman who experienced issues at work

"I felt put off and I never went back. I felt singled out and targeted when I just wanted to go for a swim."

- Non-binary person who experienced issues in a gym, sports club or health centre

"Awful, shaken, like I was a threat and that I didn't fit in."

- Trans woman who experienced issues in public toilets

Summary of Scottish responses to the tracker

In total, 60 people across Scotland have reported negative experiences in gendered spaces to the tracker. Many people reported having more than one negative experience, so the total number of incidents is greater.

Who is having problems?

Trans women were the most likely to have reported problems – twice as likely to have done so than the next most common group to have reported problems – trans men.

Every cis person who reported a problem was a woman, who said that they had been mistakenly challenged as "incorrectly" using women's spaces.

Of those who experienced problems:

- 52% were trans women
- 26% were trans men (a fifth of whom were trans boys, whose parents were reporting problems at school)
- 17% were non-binary
- 4% were cis women

Where are people having problems?

People have had negative experiences across a range of different settings, with the most frequent setting being in the workplace. Whilst the updated Code of Practice from the EHRC only covers services, the interim update they provided in 2025 also made reference to use of facilities in the workplace, and of course the Equality Act 2010 applies in the workplace as well.

People reported negative experiences at:

- Work – 30%
- Pub, bar, or club – 17%
- Public toilets – 16%
- Shop or shopping centre – 12%
- Gym, sports centre, or health club – 10%
- Place of education – 7%
- Café or restaurant – 2%
- Domestic abuse support service – 2%
- Entertainment venue (such as a cinema or theatre) – 2%
- Healthcare provider – 2%
- Other – 3%

While a range of different kinds of settings were reported, access to toilets across these different settings was the most frequent source of people's negative experiences.

What kinds of negative experiences are people having?

TransActual updated their tracker last month to ask specific questions about the kinds of experiences people were having. The below describes what the 29 people who have reported issues to the tracker since then experienced:

- Verbal harassment, threat, intimidation, or abuse – 58%
- Derogatory comments, slurs, insults, or negative generalisations – 53%
- Being physically blocked or trapped – 21%
- Unwanted physical contact – 5%
- Physical violence – 5%

What impact did the experience have?

TransActual updated their tracker last month to ask specific questions about the impact of these experiences. The below describes what the 29 people who have reported issues to the tracker since then said:

- It had a negative impact on my mental health
    - 76% strongly agreed
    - 17% agreed
    - 3% somewhat agreed
    - 3% neither agreed nor disagreed
- It made me less likely to use a similar facility or space in public again
    - 50% strongly agreed
    - 21% agreed
    - 21% somewhat agreed

    - 4% neither agreed not disagreed
    - 4% somewhat disagreed
- It made me more scared to be in public
    - 45% strongly agreed
    - 38% agreed
    - 10% somewhat agreed
    - 7% neither agreed nor disagreed

Were people still able to use the space or service?

TransActual updated their tracker last month to ask specific questions about whether people reporting problems were able to use a space or service. The below describes what the 29 people who have reported issues to the tracker since then experienced:

- Yes, by using the service of my lived gender – 30%
- No, I no longer wanted to use any of the facilities in that location – 19%
- No, I was not able to use any facility / service at all – 19%
- Yes, I eventually found / gained access to a gender-neutral option in that location – 19%
- Yes, but only by using a service / facility that doesn't align with who I am – 7%
- Yes, but only by going to a different location – 7%

Who was involved in these experiences?

TransActual updated their tracker last month to ask specific questions about who was involved in these experiences. The below describes what the 29 people who have reported issues to the tracker since then experienced (people could select more than one response):

- A staff member (not security) – 57%
- A member of the public – 39%
- A colleague – 25%
- A security guard or bouncer – 4%