

**Examples of policy or guidance in which public bodies – or organisations that advise public and private organisations – wrongly suggest that people have a legal right to access single-sex spaces and services according to their self-identified gender.**

Submitted to UK Govt consultation 25 June 2024:

<https://www.gov.uk/government/publications/call-for-input-incorrect-guidance-on-single-sex-spaces-and-gender-self-identification>

**NHS Highland**

[https://www.nhshwellbeingatwork.scot.nhs.uk/wp-content/uploads/2020/06/NHS\\_Highland-Supporting\\_Transgender\\_Staff\\_in\\_the\\_Workplace.pdf](https://www.nhshwellbeingatwork.scot.nhs.uk/wp-content/uploads/2020/06/NHS_Highland-Supporting_Transgender_Staff_in_the_Workplace.pdf)

[https://web.archive.org/web/20230611071438/https://www.nhshwellbeingatwork.scot.nhs.uk/wp-content/uploads/2020/06/NHS\\_Highland-Supporting\\_Transgender\\_Staff\\_in\\_the\\_Workplace.pdf](https://web.archive.org/web/20230611071438/https://www.nhshwellbeingatwork.scot.nhs.uk/wp-content/uploads/2020/06/NHS_Highland-Supporting_Transgender_Staff_in_the_Workplace.pdf)

“in 2019 NHS Highland, in consultation with Stonewall, the Scottish Transgender Alliance and Inverness Gender Identity Clinic introduced “Supporting Transgender Staff in the Workplace - Protocol & Guidance”.

<https://www.nhshighland.scot.nhs.uk/media/mjibvz2l/nhs-highland-equality-outcomes-and-mainstreaming-report-2021.pdf>

<https://web.archive.org/web/20240613215210/https://www.nhshighland.scot.nhs.uk/media/mjibvz2l/nhs-highland-equality-outcomes-and-mainstreaming-report-2021.pdf>

The following sections of the guidance allow men to access women's changing, showering and toilet facilities on the basis of self-identifying as a woman. We do not have self-id in the UK. Gender identity is not in the Equality Act. No man should be in women's spaces. It disregards For Women Scotland's 1st judicial review decision: Equality Act exception provisions for women, by definition exclude biological males. Also disregards the 2nd judicial review decision (still under appeal) that a GRC is needed to possibly access women's spaces (though may still be excluded).

4.8 "NHS Highland supports the right to use the facilities that they feel are the most appropriate to their gender. This includes the right of non-binary people to use the facilities that they feel are most appropriate to them, i.e. male, female or accessible facilities."

4.9 "The use of changing/showering facilities and toilets will be part of the discussion process with the member of staff transitioning, with a view to agreeing the point at which the use of facilities should change from one gender to another. An appropriate stage for using the facilities of their affirmed gender is likely to be the change of social gender.

Should there be any objections to this; the objections will be dealt with by a manager in a sensitive and understanding way while not denying the transgender person access to facilities appropriate to their affirmed gender. It is not good practice to allocate specific facilities for the individual who is transitioning.

A trans person should be granted access to men-only and women-only facilities according to the gender in which they most closely identify with. It would not be acceptable to expect an individual undergoing transition to use facilities designated for use by the gender they were assigned at birth."

## **NHS Lanarkshire**

<https://forwomen.scot/wp-content/uploads/2020/08/NHS-Lanarkshire.pdf>

Page 11: "The use of changing/showering facilities and toilets will be part of the discussion process with the member of staff transitioning to their affirmed gender with a view to agreeing the point at which the use of facilities should change from one gender to another.

Should there be any objections to this by other staff; the objections will be dealt with by a manager in a sensitive and understanding way while not denying the Trans staff member access to facilities appropriate to their lived gender. It would not be acceptable to expect an individual undergoing transition to use facilities designated for use by the gender they were assigned at birth. It is not good practice to allocate specific facilities for the individual who is transitioning.

Trans staff must not be asked, expected or required to use accessible facilities allocated for people with disabilities (unless they have a disability which requires this). Where a Trans staff member freely prefers to use accessible gender neutral facilities then this should be permitted."

## **NHS Tayside**

[https://www.nhstaysidecdn.scot.nhs.uk/NHSTaysideWeb/idcplg?IdcService=GET\\_SECURE\\_FILE&dDocName=DOCS\\_030314&Rendition=web&RevisionSelectionMethod=LatestReleased&noSaveAs=1](https://www.nhstaysidecdn.scot.nhs.uk/NHSTaysideWeb/idcplg?IdcService=GET_SECURE_FILE&dDocName=DOCS_030314&Rendition=web&RevisionSelectionMethod=LatestReleased&noSaveAs=1)

[https://web.archive.org/web/20231206192330/https://www.nhstaysidecdn.scot.nhs.uk/NHSTaysideWeb/idcplg?IdcService=GET\\_SECURE\\_FILE&dDocName=DOCS\\_030314&Rendition=web&RevisionSelectionMethod=LatestReleased&noSaveAs=1](https://web.archive.org/web/20231206192330/https://www.nhstaysidecdn.scot.nhs.uk/NHSTaysideWeb/idcplg?IdcService=GET_SECURE_FILE&dDocName=DOCS_030314&Rendition=web&RevisionSelectionMethod=LatestReleased&noSaveAs=1)

Page 6: "Trans people who have proposed, commenced or completed reassignment of gender should be accommodated according to their presentation (the way they dress, the name and pronouns that they currently use). This may not be the same as their physical/biological sex appearance; it is not dependent on them having a legal name change or gender recognition certificate."

## **NHS Greater Glasgow and Clyde**

<https://www.nhsggc.org.uk/media/266027/gender-reassignment-policy-review-2021-revised.pdf>

<https://web.archive.org/web/20240625115638/https://www.nhsggc.org.uk/media/266027/gender-reassignment-policy-review-2021-revised.pdf>

### **"4.2 In-Patient Accommodation**

Where in-patient accommodation remains configured by sex (female/male only wards), patients with the protected characteristic of gender reassignment will be offered services in line with current guidance from the Equality and Human Rights Commission that uses an example stating –

'An organisation which is providing separate sex services or single-sex services should treat a transsexual person according to the gender they identify with (as opposed to the physical

sex they were born with). The service provider can only exclude a transsexual person or provide them with a different service if they can objectively justify doing so.

A voluntary organisation may have a policy about providing its service to transsexual users, but this policy must still be applied on a case-by-case basis. It is necessary to balance the needs of the transsexual person for the service, and the disadvantage to them if they are refused access to it, against the needs of other users, and any disadvantage to them, if the transsexual person is allowed access. To do this may require discussion with service users (maintaining confidentiality for the transsexual service user). Care should be taken in each case to avoid a decision based on ignorance or prejudice.

One factor an organisation should consider, is where a transsexual person is visually and for all practical purposes indistinguishable from someone of the gender they identify with, they should normally be treated according to their gender identity unless there are strong reasons not to do so.'

<https://www.equalityhumanrights.com/en/advice-and-guidance/services-particulargroups>"

See case study on page 15. If a female patient complains about a man on the ward the nurse is directed to lie and tell her "the ward is indeed female only and that there are no men present".

Page 13: "They do not need to show a Gender Recognition Certificate in order to change over their day-to-day documentation or to use the toilet facilities of their acquired gender. Indeed, as it is necessary to live fully in the acquired gender for at least 2 years before applying for a Gender Recognition Certificate, a refusal by an employer or service provider to allow these changes at the start of an individual's gender reassignment process would unfairly prevent that individual from later being able to apply for a Gender Recognition Certificate and consequently would be discriminatory."

### **NHS Lothian**

Policy doc uploaded to site.

<https://forwomen.scot/wp-content/uploads/2024/06/NHS-Lothian-Supporting-trans-staff-and-gender-inclusive-workplaces-Final.docx>

Page 5: "If there are single or separate sex toilet or changing facilities for women and men, NHS Lothian staff should treat trans and non-binary people according to their gender identity. If we refuse to allow a trans person to use the toilet or changing facilities that they feel comfortable using, this could be unlawful discrimination on grounds of gender reassignment."

### **Edinburgh University**

[https://www.ed.ac.uk/sites/default/files/atoms/files/trans\\_equality\\_policy\\_2.pdf](https://www.ed.ac.uk/sites/default/files/atoms/files/trans_equality_policy_2.pdf)

[https://web.archive.org/web/20240527235744/https://www.ed.ac.uk/sites/default/files/atoms/files/trans\\_equality\\_policy\\_2.pdf](https://web.archive.org/web/20240527235744/https://www.ed.ac.uk/sites/default/files/atoms/files/trans_equality_policy_2.pdf)

Page 6 states:

"Single sex facilities

A trans person should have access to 'men-only' and 'women-only' areas according to

their gender identity. Ideally there should be access to gender neutral toilet facilities wherever this can be reasonably accommodated. The University and the individual will agree the point at which the use of facilities such as changing rooms, shower rooms and toilets change from one sex to the other. Requiring the person to use accessible toilet facilities is not acceptable unless the individual is disabled."

### **Napier University**

<https://my.napier.ac.uk/wellbeing-support-and-inclusion/your-health/gender-transitioning-guidance>

<https://web.archive.org/web/20240625111956/https://my.napier.ac.uk/wellbeing-support-and-inclusion/your-health/gender-transitioning-guidance>

The section on Guidance on Practical Considerations states:

"A trans person should have access to 'men-only' and 'women-only' areas according to their gender identity. Ideally there should be access to gender neutral toilet facilities wherever this can be reasonably accommodated, and there are a number of such facilities available at Edinburgh Napier. The University and the individual will agree the point at which the use of facilities such as changing rooms, shower rooms and toilets change from one sex to the other. Requiring the person to use accessible/gender neutral toilet facilities is not acceptable."

### **Scottish Government - school guidance**

<https://www.gov.scot/publications/supporting-transgender-young-people-schools-guidance-scottish-schools/>

<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2021/08/supporting-transgender-young-people-schools-guidance-scottish-schools/document/s/supporting-transgender-pupils-schools-guidance-scottish-schools/supporting-transgender-pupils-schools-guidance-scottish-schools/govscot%3Adocument/supporting-transgender-pupils-schools-guidance-scottish-schools.pdf>

Page 27: Recommended practice is that the young person's identity should be respected and "It is therefore important that young people, where possible, are able to use the facilities they feel most comfortable with"

Page 30: "if PE classes are organised by sex, a transgender young person should be allowed to take part within the group which matches their gender identity. For a non- binary young person, ask them which group they would feel most comfortable being with"

The Scottish Government is advising all schools to support pupils who self-identify as trans to use the opposite sex toilets, changing rooms, overnight accommodation and sports. All local authorities, with the exception of the Western Isles, have passed this guidance on to their schools with the expectation that it is used.

We don't have self-id in this country. GRCs are for adults over 18 years so do not apply to school children, who should always be treated as the sex they were born.

### **Scottish Government**

<https://www.gov.scot/publications/scottish-governments-transgender-policy-foi-release/>  
<https://www.gov.scot/binaries/content/documents/govscot/publications/foi-eir-release/2023/12/scottish-governments-transgender-policy-foi-release/documents/scottish-government-trans-and-non-binary-equality-and-inclusion-policy---2023/scottish-government-trans-and-non-binary-equality-and-inclusion-policy---2023/govscot:document/Scottish%2BGovernment%2BTrans%2Band%2BNon%2BBinary%2BEquality%2Band%2BInclusion%2BPolicy%2B-%2B2023.docx>

4.6 "Trans staff should choose to use the facilities they feel most comfortable with, including using accessible toilets if they prefer."

### **Scottish Parliament**

<https://www.parliament.scot/-/media/files/people-and-culture/employee-handbook/trans-and-nonbinary-policy-managers-guidance.pdf>  
<https://web.archive.org/web/20240625114329/https://www.parliament.scot/-/media/files/people-and-culture/employee-handbook/trans-and-nonbinary-policy-managers-guidance.pdf>

Page 5: "Access to the appropriate changing and toilet facilities is essential. This may mean access to a combination of different facilities. The person should never be required to use accessible toilets unless they wish to do so."

This statement is deliberately vague and tries to conceal that males are allowed to access female changing rooms and toilets on the basis of self-id. Many trans people consider the opposite-sex facilities to be the most "appropriate". We don't have self-id in this country. No man should be in women's spaces. It disregards For Women Scotland's 1st judicial review decision: Equality Act exceptions provisions for women, by definition exclude biological males. Also disregards the 2nd judicial review decision (still under appeal) that a GRC is needed to possibly access women's spaces (though may still be excluded).

### **Scottish Prison Service**

[https://www.sps.gov.uk/sites/default/files/2024-02/SPS\\_Policy\\_for\\_the\\_Management\\_of\\_Transgender\\_People\\_in\\_Custody.pdf](https://www.sps.gov.uk/sites/default/files/2024-02/SPS_Policy_for_the_Management_of_Transgender_People_in_Custody.pdf)  
[https://web.archive.org/web/20240620214156/https://www.sps.gov.uk/sites/default/files/2024-02/SPS\\_Policy\\_for\\_the\\_Management\\_of\\_Transgender\\_People\\_in\\_Custody.pdf](https://web.archive.org/web/20240620214156/https://www.sps.gov.uk/sites/default/files/2024-02/SPS_Policy_for_the_Management_of_Transgender_People_in_Custody.pdf)

Subject to a risk assessment, Scottish Prison Service will move men into the women's estate on request, irrespective of whether a GRC is held or not.

Page 10: "SPS will support people in custody that request assistance because they are considering transitioning. If the individual indicates that as part of their transition, they wish to be considered for a move to the estate which aligns with their gender identity, this will be considered through the Transgender Case Conference (TCC), which should take place, where reasonably practicable, within 72 hours of the individual making their desire to transition known."

On why it is misinterpreting the law:

<https://forwomen.scot/wp-content/uploads/2024/01/SPS-Policy-FWS-submission-to-the-Criminal-Justice-Committee-04Jan2024.pdf>

<https://murrayblackburnmackenzie.org/2024/02/12/mbm-submission-to-the-criminal-justice-committee-on-the-scottish-prison-service-transgender-prisoner-policy/>

### **Rape Crisis Scotland**

<https://www.rapecrisisscotland.org.uk/news/news/a-statement-from-scottish-civil-society-organisations-on-the-uk-governments-intervention-of>

<https://archive.ph/avR2F>

"Violence Against Women (VAW) services in Scotland already operate on the basis of self-ID."

"Rape crisis services in Scotland have been providing trans inclusive services for 15 years without incident."

Rape Crisis Scotland and its 17 member centres allow men who self-id as women to attend women-only group therapy sessions and be staff members/volunteers.

For example, Grampian Rape Crisis Centre offers women-only spaces that are inclusive of self-id transwomen:

<https://www.rcgrampian.co.uk/female-survivors/>

We don't have self-id in the UK. Women are self-excluding from these services as they are not women-only and cannot be assured of getting a female counsellor.

### **Scottish Women's Aid**

[https://womensaid.scot/wp-content/uploads/2018/03/single\\_sex\\_service\\_trans\\_guidance.pdf](https://womensaid.scot/wp-content/uploads/2018/03/single_sex_service_trans_guidance.pdf)

[https://web.archive.org/web/20240625140045/https://womensaid.scot/wp-content/uploads/2018/03/single\\_sex\\_service\\_trans\\_guidance.pdf](https://web.archive.org/web/20240625140045/https://womensaid.scot/wp-content/uploads/2018/03/single_sex_service_trans_guidance.pdf)

Page 6 states it is legally obliged to provide a service to a transwoman with a GRC in a women-only service. This is not true. Also says those without a GRC are entitled to service provision and transmen are not.

Appallingly on p8 it states:

"In the circumstance that other service users say that they are uncomfortable sharing a service with a trans woman, this is rightly seen as no reason for the trans woman to be moved. The service has to make any decision about provision based on good practice rather than prejudice. In this situation, we would work to educate other service users - much in the same way that we would if we received comments regarding other service user's ethnicity, religious affiliation or sexual orientation."

Scottish Women's Aid and its 33 network centres allow men who self-id as women to attend women-only group therapy sessions, accommodation and be staff members/volunteers. We don't have self-id in the UK. Women are self-excluding from these services as they are not women-only and cannot be assured of getting a female counsellor.

## **Traverse Theatre**

<https://www.traverse.co.uk/your-visit/traverse-handy-traverse-faqs>

<https://archive.ph/PfsSW>

<https://x.com/SunriseDances/status/1805549668199203265>

From the FAQ: "everyone is free to use the toilets that best reflect their gender identity"

Toilets are based on sex, not gender identity. We don't have self-id of gender in the UK.

## **The Queen's Hall**

<https://www.thequeenshall.net/access-information>

<https://archive.ph/qvg25>

Mixed-sex "cubicle toilets are located upstairs above the bar".

M/F or single occupant rooms with WC and sink are not provided, as per the requirements in Building Standards.

FOI responses from schools submitted, for example, in Aberdeenshire:

### **Aboyne Academy, Aberdeenshire**

Allows pupils to take part in sporting activities according to their self-declared gender identity rather than their sex.

### **Ellon Academy, Aberdeenshire**

Allows pupils to use toilet facilities and take part in sporting activities according to their self-declared gender identity rather than their sex.

### **The Gordon Schools, Aberdeenshire**

Allows pupils to use toilet facilities according to their self-declared gender identity rather than their sex.

### **Inverurie Academy, Aberdeenshire**

Allows pupils to use toilet facilities and take part in sporting activities according to their self-declared gender identity rather than their sex.

### **Kemnay Academy, Aberdeenshire**

Allows pupils to use toilet facilities and take part in sporting activities according to their self-declared gender identity rather than their sex.

### **Peterhead Academy, Aberdeenshire**

Allows pupils to take part in sporting activities according to their self-declared gender identity rather than their sex.

### **Portlethen Academy, Aberdeenshire**

Allows pupils to use toilet facilities, changing rooms, and take part in sporting activities according to their self-declared gender identity rather than their sex.

### **Westhill Academy, Aberdeenshire**

Allows pupils to use toilet facilities, changing rooms, and take part in sporting activities according to their self-declared gender identity rather than their sex.