

Meeting with your MP – Some guidance notes

If you have managed to schedule an appointment with your MP to talk about the disastrous recent Supreme Court ruling, and what's come next, thank you.

Here are some ideas for topics on which you could focus. There's quite a lot here, so pick out what feels most relevant and powerful *for you* – though keep in mind that there are some general points here that are very powerful.

Remember to end on what you want your MP to *do*.

Broadly the notes below are grouped into the following areas:

- Preparation and introduction
- Aims for your meeting
- Talking about yourself a little
- The Supreme Court ruling has created a massive legal mess, not 'clarity'
- Trans people have been using the facilities from which they are about to be banned for literally decades, without problems
- The government and the EHRC are trying to push everything through and the consequences for trans people are looking horrific
- The so-called solutions just don't work
- Cisgender (non-trans) women are going to be badly affected by all this too
- The Supreme Court deliberately ignored the voices of trans people or organisations speaking for them. Completely unfair and a major reason why this mess has occurred.
- The Equality and Human Rights Commission is seeking to fast track draconian new guidance into place which will enshrine deep prejudice and be a disaster for trans people
- What we want your MP to do. Stop the EHRC guidance from going into effect by bringing a motion in Parliament, at least until the chaotic legal situation has been properly reviewed, which means including trans people in a discussion about laws that affect them deeply. And speak publicly for us.

Upfront – *prepare*

1. Get your thoughts straight before you go. Write some notes and take them. Think about:

- The key points you want to make
- What you want your MP to do as a result of your meeting (and tell them).

2. Try and get a sense of where they stand on issues of LGBTQ+ and especially trans rights. You can do a bit of research [here](#) on what they've been saying and how they

have been voting. And of course, the tone and language of their email response to you will tell you something too.

3. Take someone else along for support if that feels right for you.

At the meeting

1. Thank them for their time.
2. Ask how long you have and focus on your key points if you need to.
3. Explain why you are there. MPs will see lots of people and although they'll have dug your email/file out before you arrive, they may not have given it much attention. You might say something like

- *'I'm here because I am terrified by what's happened in the Supreme Court and looks like it's about to happen to me. It's going to wreck my life'*
- *'I'm here because I am not out to others at work, because I am really scared of how I'll be treated and this ruling plus what the EHRC and the government has been saying afterwards is going to out me publicly and put me in real danger'*
- *'I'm here because my friend/child/loved one/other person is now living in fear because of this awful decision'*
- *'I'm here because I have been living quietly and using the facilities that fitted my lived gender for x years without the slightest problem and now, I am being told I can't.'*
- *'I'm here because I'm terrified of being kept out of the women's/men's toilet/changing room or being forced into the men's/women's. I'll be in danger and it's utterly humiliating'.*
- *'I'm here because I'm a trans man and the government is now telling me I must use the women's toilets. How are all the women in there going to react to that?'*

...or whatever feels right for you.

- *Add... 'and I want you to speak for me, and people like me, in Parliament and urgently please'.*
4. Don't hold back on how you feel but stay polite. Your aim is to create support from the MP a best you can, or at least to give your MP a picture of the key arguments if they are less sympathetic.
 5. Tell them a bit of your story. Be brief, but it's really important for them to start to see you as a person – as opposed to the media-created object that we've all got used to hearing. Perhaps your gender journey, or your loved one's, your family, a little about your work or life in other ways. If you've suffered abuse or hardship for being trans that may be worth mentioning. Explain that the last few years for trans people in the UK have been awful – monstered in the press, treated as a political football, NHS healthcare for trans people in chaos. But no-one expected what's just happened.

6. Turn to the key points that you want to make about why The Supreme Court ruling is a disaster, how it is being used and how the ramifications of it are going to be confused and very dangerous for trans people *and* cisgender people (mostly cis women) too.

Here are some of the main ones.

You're unlikely to get through them all, so go through these beforehand and decide what you want to concentrate on.

- a) **The Supreme Court ruling has suddenly created confusion (not “clarity”) around 50 years of established law – and public policy (i.e. what the government promotes as normal practice in society) that’s lasted over 50 years.**

This doesn't *just* mean the 2004 Gender Recognition Act which allowed trans people to be recognised in their lived gender 'for all legal purposes' and the Equality Act 2010, but lots of individual rulings and guidance both before and after.

These include:

- As early as the late **1960's**, transgender women were cared for in female hospital wards (e.g. April Ashley)
- As early **1982** transgender women were held in women's prisons (e.g. Gloria Greaves who was held at Holloway)
- In **2002**, the legal case of *Goodwin* established transgender people's right to change their birth certificate, marry in their acquired gender, and their right to be private about their transition
- In **2003**, the legal case of *Croft v Royal Mail* established that trans people had a right to use the toilet that corresponds to their lived gender at work once they had passed a specific point in their transition
- In **2004**, the legal case of *A v Chief Constable of West Yorkshire Police* established that post-operative transgender women had a right to work as female police officers, a role that involves strip searching women. *A v Chief Constable* also established that the definition of women in equality law includes post-operative trans women.
- In **2011**, the EHRC's Services Code (**still in force irrespective of what recent pronouncements the EHRC has made**) explains that when it comes to single/separate sex spaces, the default rule is that transgender people should use the facilities in which they present
- In **2015**, the Government Equalities Office's guidance was that transgender employees should use the facilities at work that match the sex in which they present
- In **2018**, the case of *Taylor v Jaguar Land Rover* was the first case that confirmed non-binary individuals are protected under the Equality Act

The existence of these cases demonstrates just how long trans people have been protected in law. People are saying that the Equality Act and the GRA represented our only protections – that’s not true.

And at least two of these cases (*Croft* and *Taylor*) still stand, because the Supreme Court has **not** overruled them. They are still in force. **In fact, the ruling in *Croft* actually reaffirmed the key legal principle that protects trans women** (para 134, pp. 39-40) - something that hostile commentators have completely ignored!

Some are saying that the ruling brings ‘legal clarity’ but it absolutely does not. It is focused on the meaning of sex within the **Equality Act** alone.

Not only does its definition of ‘biological sex’ run completely counter to established medical understanding (see this [BMA press release](#)) nor say anything about intersex people (about 1.7% of the population), it also does not address all sorts of other law that affects the definition of sex in society.

This includes employment law and The Human Rights Act. No matter how ‘clear’ some are calling the Supreme Court ruling (mostly because they’d like it all to go away), *there are going to be years of court cases coming up*. And – critically – there is nothing in the recent Supreme Court ruling that states in which situations a blanket ban on transgender women using a female only service/space is lawful. Nor does it at any point suggest that pre-emptive bans are required.

- b) **Trans people have been using facilities that match their lived gender for decades without incident.**

[Ewan Forbes](#), [Jan Morris](#), [Michael Dillon](#) and [April Ashley](#) did from the 1950s and 1960s, [Wendy Carlos](#) did in the 1970s [Caroline Cossey](#) did in the 1980s. And the story goes back much further too.

That has meant using toilets, hospital wards and changing rooms. [This article](#) talks about the experiences of some trans people who have been doing so for 30 or more years and how their lives have suddenly been turned upside down.

- c) **The government and the Equality Human Rights Commission (EHRC) are rushing to try and make this whole issue ‘go away’...**

...but their attempts to do so will lead to disaster. For the government this may be because it’s an issue in which they feel vulnerable to attack by the Conservatives and Reform, and the newspapers. For the EHRC it’s because they have a history of being profoundly anti-trans and many of the key figures there were installed by deeply anti-trans Conservative ministers. But by trying to force through new proposals that insist trans people should always use the

toilet or changing room that reflects their so-called biological sex they will bring about some terrible consequences:

1. Trans women will be forced into men's toilets (see below). If you are a trans woman, you might say that you are *simply not going to do this*. And if you did, you would likely be subject to astonishment, ridicule or even violence and rape. And of course, its degrading and dangerous.
2. Trans men will be legally forced into women's toilets. Trans men are often visibly identical to cisgender men – and women would now be sharing the toilet or changing room with them. And if they did enter, they could also be at risk of violence from male partners of women in the changing room or toilet – this has already happened in [Ohio in the US](#).

Further, this is literally an open ticket for a cisgender male predator to actually walk into a women's single-sex space. All he has to do is claim he is a trans man. (Watch [this video for the reaction of one Tory politician when the penny suddenly dropped on this](#)).

3. Because of this, the EHRC and others are now even suggesting that trans men cannot use the men's toilets (because of their biological sex) **OR** the women's toilets (because of the anxieties of women in there). They have gone on to also suggest that trans women should also be barred from men's changing room or toilets too (even if a trans woman would consider using one) *along with* women's ones, presumably because if they're going to be outrageously cruel to trans men, they'll need to treat trans women the same way.

The law is now a complete mess thanks to the Supreme Court and the EHRC is doing everything possible to make it worse (see also [this from Melanie Field](#) who helped draft The Equality Act and who worked at the EHRC until, under Baroness Falkner's new regime she decided to resign).

After years of using toilets and changing rooms without any issue, trans people could be left with nowhere.

Ask your MP what he/she would do if they were banned from using the toilet whenever they left the house?

*If you are trans, ask your MP which toilet he/she thinks **you** should use?*

- (d) **Some are suggesting that gender neutral or even disabled toilets are the answer. They are not.**

The solution that some are suggesting is that trans people should use unisex/gender neutral toilets or even disabled toilets *only*. There are many problems with this:

1. A trans person at work who is not out, and maybe just last week was using the men's or the women's, will now be forced to use a gender-neutral toilet – **thus outing themselves to others**. Apart from the danger of casual abuse from others this might put them in given the current public frenzy, this is in direct conflict with The Human Rights Act and, if they have a Gender Recognition Certificate, also The Gender Recognition Act which outlaws this kind of public exposure.

(In fact, if an employer who knows an employee has a GRC asks that trans person to use any facility other than the one to which they are entitled under The Gender Recognition Act, then that employer (specifically the actual manager who does it) could well be committing a criminal offence ([Para 22 \(1\) of The Gender Recognition Act](#)) by forcing the public disclosure of their employee's identity.)

2. And how many businesses *have* gender neutral facilities? Some of the larger ones might. But what about the thousands of pubs, clubs, restaurants or cinemas around the country? What about schools or shopping centres? What about small accountancy firms, hairdressers, garden centres, petrol stations... any of the myriad places where they probably won't exist? In fact, the last Conservative government was so concerned to **stop** businesses installing gender neutral toilets in its rush to enforce traditional gender binaries that it passed laws to say that businesses **couldn't** do so unless they *also* added male and female ones – making the practical cost and space of adding gender neutral toilets a real issue.
3. Suggestions have been made that transgender people should use disabled toilets. This is a non-starter. First, disabled people need disabled toilets, and they are served with far too few already. Second, it is not unknown for disabled toilets to be *inside* men's or women's toilets. Third trans people are not as a group disabled (some, like members of all groups in society of course may be). But telling disabled people that they have to now share their inadequate facilities with another group of often able-bodied people simply because cisgender society finds it unacceptable for that group to share *their* toilets sends a message of exclusion and shame to all.

- (e) **Cisgender women are going to get badly affected by all this. They already are.**

The climate that's being created is also one of hostility and fear for cisgender (non-trans) women who don't conform to the 'accepted' norms of femininity. Proposals being pushed through **amount to gender policing for all women**, as a woman's appearance will inevitably be assessed when she uses a toilet or a changing room.

Women who don't conform to stereotypical versions of femininity – i.e. long

hair, make up, dresses, or who are ‘too’ tall or muscular, perhaps – can increasingly expect to be under suspicion, challenged and asked to prove their identity. This already happens - women of colour who may not conform to white Western images of femininity disproportionately experience it. It will worsen and become more sinister and dangerous.

In such situations, cisgender women may say that they are not trans. *How are they to be believed?* Will women be expected to carry their birth certificates around to enter a toilet or a changing room? Will their genitals be checked? A voice analysis perhaps? And in this ludicrous, Orwellian, scenario, how would a post-operative trans woman’s genitals be distinguished from those of a cis woman? Chromosome tests in changing rooms? A CT Scan?! Who’s going to do all this policing?

The rules of what it is to be a 'permissible' woman are going to become ridiculous and extreme - **a profoundly anti-feminist turn** and one which many thought Britain had left behind. Once more women will be asked to conform to stereotypical rules of what it is to be a woman, defined by how they look and/or their body parts, to gain access to spaces designed for them.

- (f) **Point out that all of these legal and practical implications could have been pointed out to The Supreme Court for their consideration, if they’d asked any trans people or trans organisations to take part in the For Women Scotland hearing.** The Court actively refused to allow submissions from trans people or groups. Yet they took extensive in person evidence from *six* anti-trans groups (we include the EHRC and For Women Scotland), with most of the assertions made by these groups going completely unchallenged in court and many later appearing in its ruling.

One of the central legal arguments – the very strongest – made by the Scottish government as it fought in court – was not even addressed in the ruling, leading to some astonishment in the legal profession. It was simply ignored. The only submission received by the Court that did not come from anti-trans actors, was from Amnesty International. But their evidence was confined to 2,000 words, and it was not given in person. The ruling includes barely any discussion of Amnesty’s arguments in its 38,000 words

Since the ruling was announced one of the trans women who requested an opportunity to make a submission, Dr Victoria McCloud, has announced that she is taking the case to the European Court of Human Rights. Dr McCloud was until recently the only trans High Court judge in the UK, before she was targeted by opponents and forced to retire. McCloud is bringing action against the UK under Article 6 of the [European Convention on Human Rights](#) (ECHR). This guarantees the right to a ‘fair and public hearing’ in both criminal and civil matters. As the judgment concerned Dr McCloud’s rights, and the outcome has affected her (and many others) deeply (including removing her rights under Articles 3, 8 and 14 of the ECHR), she asserts that she should have been

permitted a voice in the proceedings. But, like all other trans people, she was not.

In our view, the whole Supreme Court hearing and its subsequent ruling was a charade. We believe it was a judicial stitch-up.

- (g) **The EHRC is now attempting to fast track this disastrous decision into law widely by producing completely unworkable guidance for the government that will destroy trans people's lives.**

Already (25th April), the EHRC has rushed out [an 'interim update'](#) that pressurises organisations to 'comply in advance', with a legal take on the Supreme Court ruling that promotes its deeply anti-trans position and stating that trans women *should* immediately be banned from all women's spaces and trans men *should* immediately be banned from all men's spaces.

This is **not what the Supreme Court ruling said**. The Court ruled that facilities *could* be operated on the basis of biological sex, but service providers ([as ex Supreme Court judge Lord Sumption notes](#)) **were not required to do so**.

The Court did not go into the circumstances in which it would be lawful to operate facilities on the basis of biological sex. (Note also that doing this indirectly discriminates against trans people on the basis of gender reassignment, which can be unlawful. That remains the law too. Yes, once more, it's a legal mess).

In fact, The Supreme Court ruling said **nothing** about what employers should or should not do. Bans are already coming in, [like this one by Barclays](#) (and by the time you are reading this there may be more) – with trans women being prevented from entering women's toilets they could use without a second thought just a few weeks ago. We have seen a story of a trans woman to whom this has happened at a bar in Cornwall, as she was jeered and insulted by bystanders.

The EHRC update is tortured, unworkable and deeply humiliating to trans people, none of whom were – as usual – consulted. Tonally it treats trans people like aliens. And if employers need to go through all these expensive hoops to accommodate just a few trans employees (which is all it will ever be), wouldn't it be easier to somehow **just not employ them at all**? Wouldn't that also help the employer avoid getting into the crosshairs of the EHRC Gender Police?

Don't let your MP palm you off with how the ruling points out that trans people are still 'protected' from discrimination. Trans people face discrimination every day and the data suggests that hate crime [is skyrocketing](#). Discrimination can take plenty of forms, many of which are completely deniable. Just ask any person of colour or a disabled person. (Trans people have been the subject of a

public witch-hunt in Britain for years which has inspired prejudice and violence against them. Between April 2024 and April 2025 just four English newspapers (The Daily Telegraph, The Times, The Daily Mail and The Guardian/Observer plus their Sunday editions) printed over a thousand articles about trans people, the vast majority of them highly hostile. Since April 16th the rate has increased even more.)

Last, the EHRC has announced a 'consultation' on these proposals in May, prior to sending recommendations to the government for Statutory Guidelines. It is allowing just 2 weeks for this - a hyper-accelerated attempt to railroad its proposals through and to prevent opponents from gathering their arguments to challenge it. A typical consultation period for something like this, in which the body running the process wanted to be seen to be transparent and inclusive, could easily be 6-12 weeks, to ensure all voices are heard and especially in respect of an issue like this where an entire minority group is staring at having its long-held rights completely removed.

We believe that it has been put under pressure by the government to do this – to bury this issue before their political opponents can do them more damage. Ironically, 2 or 12 weeks, one phrase in the EHRC's press release is especially chilling: *'The Supreme Court made the legal position clear, so we will not be seeking views on those legal aspects'*. To paraphrase this: *'We'd like to invite people to confirm we have got the law all exactly right and we won't accept contributions saying we've got any of this wrong. Trans people are getting blanket banned, even if the Supreme Court didn't suggest that. We'd just like ideas on how to do it.'*

7. Finally, explain what you want your MP to **do**:

- The EHRC's new Statutory Guidance – which it will put before the government by the end of June – will go into effect unless it is stopped. It advises services, organisations, and individuals how to interpret the laws in the Equality Act. It's not the law in itself, but it carries a lot of legal weight.

It is highly likely that the EHRC is going to try and construct this guidance in such a way that trans people face the most severe 'bathroom ban' in the Western World. And we know – because the Head of the EHRC has said it – that they intend to go even further after that, looking at how trans people change (or even *if they can*) change their ID in the UK.

- **MPs can stop this. Ask your MP to do three things:**
 - **Urgently contact Bridget Phillipson MP, [Secretary of State for Education](#) and [Minister for Women and Equalities](#).** Phillipson is responsible for this area, and it is to her that the EHRC will submit its proposals. Request that your MP writes to her and/or arranges a meeting to explain the mess the law is in, and the dangerous consequences of pushing

ahead with the EHRC's plans without attention to the disaster about to happen to trans people or the consequences for the operation of the law.

If you're not getting much traction with your MP around the idea of trans people's human rights, point out again the legal and societal mess that's coming is going to be a major disaster. Any competent and responsible government should reflect properly to try and sort out a workable system before the whole thing gets locked into place with new Statutory Guidance.

- **If/when discriminatory EHRC guidance is laid before Parliament ask your MP to put down a [Prayer Motion](#).** This is a kind of '[Early Day Motion](#)' designed to stop a 'negative statutory instrument' from coming into effect. This stops the clock until the chaos is properly sorted out, with companies and service providers potentially running into major legal problems, including criminal liability, unless it is. A successful Prayer Motion forces a rethink.
- **Beyond this, ask your MP to speak out for trans people** – in Parliament and in public. It's become a toxic discussion, and many MPs are afraid of getting involved, but using the information here hopefully you can influence them to understand that allowing the bandwagon of hate and the misuse of an already deeply flawed Supreme Court judgment will only make the situation *much* worse – both for trans people, cisgender women and the credibility of the UK legal system.

In the time since this was written and you read it there may be new developments out there – bans are coming in and anti-trans actors are hard at work to keep the momentum up. But allies are emerging – letters, petitions, expert opinions etc. Look out for them and use them alongside what's in this briefing paper.

And...good luck.

Footnote

¹ The Equality and Human Rights Commission is a semi-autonomous body that was set up under the Blair government to give the government of the day advice on equalities law, to promote equality in society and to produce guidance for businesses, services and individuals on what equality law means in practice. During the Johnson and Truss periods in office, the Commission was stocked with appointees who reflected the new Tory antagonism towards trans people, including its Chair. This led to an exodus of staff.

In 2023, the United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity visited the UK and [condemned the EHRC's stance in very powerful terms \(paras 21-22\)](#). Most senior appointees – appointed by Liz Truss or Kemi Badenoch when they were ministers

responsible - are still there. The EHRC's attitude to trans inclusion turned 180 degrees from this time.

Governments (and the EHRC itself) like to present the EHRC as a legal touchstone that somehow knows the legal truth. It puts out guidance with this tone, but this is in fact not the case. It can be politically guided, and it has been, influenced to direct its advice one way or another. Only the Courts can decide what is actually legally the case and the EHRC has no greater expertise than any other group of lawyers who are dedicated to trying to support their own position and defeat another. The EHRC has been deeply implicated in a long-running strategy to remove trans people's rights (especially trans women's) at the initial direction of the Conservative Party and subsequently in collaboration with Keir Starmer's government.

TLP May 5th, 2025 v.3