



## Gender, Changing Facilities and Toilets - Guidance

March 2026

We know that many clubs are keen to have guidance on how the Supreme Court decision last year in *For Women Scotland* affects them. Croquet England has recently published a Gender Policy<sup>[Ref 5]</sup> which covered eligibility to participate in events organised by Croquet England, including those publicised in the Fixtures Calendar. Clubs may wish to adopt the same approach.

Regrettably, in respect of changing facilities and toilets, the Equality and Human Rights Commission (EHRC) Code of Practice on the Equality Act, updated to take into account the Supreme Court decision as well as many other developments, is not yet available and there appears to be no clear timetable as to when it will be published. In those circumstances, the Gender Review Group feels unable to do more than other sports such as Bowls and Tennis have done, and note that it is not possible to offer advice at present and that clubs should read such guidance as is available when deciding what is appropriate for them in the context in which they operate.

The 2011 version of the Code of Practice<sup>[Ref 1]</sup> remains technically in force, but it does not reflect the Supreme Court decision and the Equalities and Human Rights Commission<sup>[Ref 3]</sup> have asked for it to be revoked.

What appears to be the consultation version of parts of the draft new Code of Practice is available on the EHRC website, with chapter 13<sup>[Ref 2]</sup> being of the most relevance to clubs. However, as the page was last updated on 30 June 2025, the date the consultation closed, it seems that this does not contain any changes which might have been made as a result of the consultation, and indeed a number of the paragraphs raise significant questions. Recent court cases<sup>[Ref 6]</sup> do not bring clarity, but do explain the circumstances in which previous interim guidance has been withdrawn. More concerningly, statements in the House of Lords<sup>[Ref 4]</sup> indicating that the government wish to be sure that the Code is legally defensible before it is laid before Parliament for approval suggest that further changes may yet be made before the Code is approved and can be relied upon.

Should clubs wish to consider the draft guidance from the consultation in the absence of anything more definitive, the full text is available at Reference 2. The full (unamended) Code of Practice which is to be amended following the consultation is available at Reference 1.

The two key points to be aware of are that the laws to protect trans people from discrimination and harassment remain in place but there are exceptions which permit conduct that would otherwise be unlawful discrimination under the Act in the provision of services such as changing facilities and toilets. Chapter 13 of the Code of Practice<sup>[Ref 2]</sup> explains those exceptions.

Meanwhile, it does seem clear that unisex facilities in lockable rooms, used by one person at a time, will not give rise to sex discrimination or discrimination on grounds of gender reassignment.

**Possible notice which clubs may wish to customise and post:**

**Facilities Use and Respectful Behaviour**

Our club provides [male and female facilities, each with toilets and small changing areas]. Anyone who prefers privacy is welcome to use a cubicle.

All members and visitors are expected to behave respectfully in these shared spaces. Any concerns about behaviour in the facilities should be reported [through the club's usual safeguarding or disciplinary process].

**References** [links checked on 15 February 2026]

1	Existing (2011) EHRC Code of Practice:	<a href="https://www.equalityhumanrights.com/equality/equality-act-2010/codes-practice/services-public-functions-and-associations-code-0">https://www.equalityhumanrights.com/equality/equality-act-2010/codes-practice/services-public-functions-and-associations-code-0</a>
2	EHRC 2025 consultation on changes to chapter 13 of the code of practice	<a href="http://equalityhumanrights.com/equality/equality-act-2010/codes-practice/code-practice-consultation-2025-changes-chapter-13">http://equalityhumanrights.com/equality/equality-act-2010/codes-practice/code-practice-consultation-2025-changes-chapter-13</a>
3	EHRC letter to the Minister for Women and Equalities about government action on our draft code of practice	<a href="https://www.equalityhumanrights.com/our-work/advising-parliament-and-governments/our-letter-minister-women-and-equalities-about">https://www.equalityhumanrights.com/our-work/advising-parliament-and-governments/our-letter-minister-women-and-equalities-about</a>
4	Example of House of Lords debate about EHRC guidance	<a href="https://hansard.parliament.uk/Lords/2026-02-02/debates/60534F2F-BDE1-4A95-A863-284B2AFE756B/Single-SexSpacesEHRCGuidance">https://hansard.parliament.uk/Lords/2026-02-02/debates/60534F2F-BDE1-4A95-A863-284B2AFE756B/Single-SexSpacesEHRCGuidance</a>
5	Croquet England Gender Policy	<a href="https://www.croquetengland.org.uk/app/uploads/2026/01/2026-01-28-Gender-Policy.pdf">https://www.croquetengland.org.uk/app/uploads/2026/01/2026-01-28-Gender-Policy.pdf</a>
6	Case No: AC-2025-LON-001953	<a href="https://www.judiciary.uk/wp-content/uploads/2026/02/good-law-project-EHRC-AC-2025-1953-judgment-13Feb26.pdf">https://www.judiciary.uk/wp-content/uploads/2026/02/good-law-project-EHRC-AC-2025-1953-judgment-13Feb26.pdf</a>