

Thursday 12 June 2025: Letter from concerned staff regarding Supreme Court ruling on 'sex'

Thank you for your letter of 30th May 2025 on behalf of named staff concerned about the Supreme Court ruling in respect of For Women Scotland versus Scottish Ministers.

All staff and students at Durham University must be treated with dignity and respect. This applies equally to staff and students that identify as Trans, intersex, queer and non-binary. We have already in our previous letter and the Senate statement recognised the challenges and the emotional impact on the Trans community. We do so again in this letter.

The Supreme Court ruling explicitly reinforced there is no hierarchy of protected characteristics. Protections against discrimination based on gender reassignment remain firmly in place, as do protections against discrimination based on sex or sexual orientation, and harassment for people with protected characteristics, including, gender reassignment, sex, sexual orientation and religion and belief.

The University offers extensive support to all staff and students, having made important strides in addressing fairness, equity, respect, diversity and inclusion. As set out in our bullying and harassment policies, we do not tolerate bullying, harassment and discrimination of any kind.

Safeguarding and pastoral support remains a vital and important responsibility. We recognise there have been concerns raised about what the judgement means for those who are questioning their gender, have started to transition or have the protected characteristic of gender reassignment. It affects other legally protected groups such as women and men who have sex-based rights too.

The challenge for universities lies not just in the legal compliance but in fostering workplaces where all students and employees feel valued, respected, included and for a university to be an environment where they feel safe. Durham University will continue to comply with the law and work to ensure the privacy and dignity of every member of our community. We strive to be a place where people feel safe and belong.

We fully appreciate the depth of concern about the ruling. These sensitive matters require time to consider and engage effectively. It is helpful, therefore, that the Equality and Human Rights Commission (EHRC) extended the time available to respond to their consultation on updates to its statutory Code of Practice for services, public functions and associations.

The Supreme Court ruling has clarified the terms 'woman' and 'man' refer to biological sex and that references to 'sex' are, in law, binary. The University must comply with the law. We are not free to advocate against a Supreme Court ruling or engage in campaigning actively against it. The purpose of the EHRC consultation is to consult on the practical implications of that ruling and enable those who will use the Code to understand and comply with the Equality Act 2010.

Following a series of meetings with sector bodies in this past week, we have decided that Durham University should contribute to informing a UUK-led response to the EHRC consultation, in partnership with UCEA, AMOSSHE and AdvanceHE. We are awaiting a framework document from UUK to develop our own response. These matters are so important that our work will start imminently. It will feed into the ongoing review of our policies. We will shortly confirm the lead coordinator for this work.

In doing so, following a helpful and productive meeting with the Staff Network Chairs last week and encouraged by them, we will engage with Staff Networks to inform the University response. This will include the LGBTQ+ Staff Network. Additionally, we are in touch with the Durham Students' Union on their approach. We will consider their response direct to the EHRC in informing the University's response.

Individuals, groups (including the staff named in your letter), associations, etc. at Durham University may of course submit their own responses to the EHRC directly. Should they choose to do so, it would be helpful if they shared that response with us.

Yours,

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