

A Challenge the Supreme Court Decision and the Revised EHRC Guidance for Transgender Access to Spaces and Services

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1 October 2025

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This document has been written to challenge a recent Supreme Court judgement on transgender issues. For many years, transgender women have been able to call themselves “women” through their “performance of gender” in everyday life. But the judgement of the Court greatly affects the access that transgender women traditionally have had to women’s spaces, services and facilities, by declaring that “transgender women are men” for the purpose of the 2010 Equality Act. And it now restricts the interpretation of the Act to the “biology of sex”. That denial immediately turns an approach which had previously sought to maximise the inclusion of transgender people in society, into one which focusses on exclusion instead: The Court’s conclusion that “inspections of the genitals at birth is sufficient to determine the appropriateness of all future gender and sexual behaviour”: so that unless some perversion or disruption occurs, gender identity must always be congruent with “biological sex”; has utterly been condemned by expert opinion as “unfounded, transgender exclusive, and totally incorrect”¹.

Most modern definitions of gender identity divide it into two components, which must be considered as independent of each other: For one involves the search for a coherence of identity, and the other the drives of sex. Where either or both usually; but need not, always correspond the expectations of biological sex. The “core gender identity”, which is the first to be created, is a measure of the deeply held sense of belonging without behavioural implications, and I show in my own study that it coalesces from previously fragmented thought around a median age of two years: And it is created through the search for a coherence of identity; not drives of sex². This is why so many feminists are happy to welcome transgender people into their ranks. These results entirely support the scientific consensus adopted by the World Authorities and Professional institutions which consider transgender conditions to be “naturally expected variations of the human condition, intrinsic to the personality created, arising very early in life, and cannot be changed either by the individual concerned or by the predations of others in subsequent life”. It shows that transgender women are no greater a danger than any other woman in women’s spaces and services. Therefore, the core gender identity; instead of biological sex should be the primary factor in determining how people socially interact. Their welcome and proud histories; as women with women in the fight for women’s rights, gives every reason to maximise their inclusion in everyday life.

The second is the gender role identity: It can only develop as an overlay on the core gender identity, which has already been formed, since awareness of self and the other must already be in place; to be able to measure and respond to what society expects. However, the impact or the existence of the core gender identity is dismissed or denied by cognitive neuroscientists, including Rippon, Sullivan, Stock, Cass and others and others, who presume that cognition and sexual motives alone are the primary organising forces which drive development forward. That leads these “gender critical” groups to dismiss or deny the influence of the core gender identity and to presume that gender identities are “perversions, paraphilias and disruptions of the gender role”: And to adopt an assumed “gender ideology”, which alleges that “transgender people believe they can choose, change or deny biological sex: This totally transforms the situation. For instead of associating transgender conditions as searches of coherence of identity, it alleges that they are driven by desires for a role, or the attractions of sex. This leads to a view of transgender women as being as great a danger as all males in women’s spaces and services. Which leads to the drives for exclusion, and all of the fears of male abuse and attacks.

One of the Supreme Court judges, Lord Hodge has said. “Did we realise that [our decision] would cause an outrage for people? Yes, because people had been led to believe by public authorities, among others, for the last 15 years that they had rights, which they didn’t have”³. However, there is the counter argument that these are instead expectations of human rights that have been taken away by a Supreme Court judgement which; by the Court’s own admission, relies entirely on the views of “Sex matters” and other gender-critical groups. Examining the judgement and the references cited by the Court reveals that the views of world Authorities and Professional institutions were not considered: The Court’s refusal to accept the intervention of the “Good Law Project” also meant that expert opinion, which would have provided a counterpoint to the arguments was denied. Without any other expert input the advances in science, clinical, medical, experiential evidence and public understanding since the 1960s are also denied. In place of an approach which had sought with no problems for many years to maximise the inclusion of transgender people in everyday it now focusses on exclusion instead⁴. It is only seven years since Penny Mordaunt; on the grounds of “performance of gender” said in Parliament: “Transgender women are women, that’s the starting pint of the conversation”, to today when the Supreme Court actively denies it, and confines the Equality Act to the biology of sex⁵: Thus, turning the understanding of transgender conditions from coherences of identity into drives of sex⁶. The imposition of the gender critical ideology on the EHRC interpretation of the Supreme Court judgement even more strongly maximises exclusion. This approach dismisses the impact of the key neural transformations and changes in pre-cognitive and early development. It makes the mistake that considering sexual motives and cognition alone drive development forward. It destroys the legitimacy of transgender identities as searches of coherence of identity, by representing these as drives of sex. Therefore, transgender conditions are misdiagnosed as personality disruptions instead of personality variations, with dangers to others. And anything which further excludes an already vilified group, from everyday life, has very damaging results. At present this EHRC advice is being laid before Parliament. Please take action to stop it if you can ... For this is why it is essential that the new EHRC advice is withdrawn with immediate effect

Two short documents giving more detail are available at: Gilchrist, S: (2025) “Why you should Challenge the Supreme Court Decision and the Revised EHRC Guidance for Transgender Access to Spaces and Services”:

<https://www.tgdr.co.uk/documents/256P-TransContest.pdf> Gilchrist, S. (2025): “Why the Supreme Court Misdiagnoses Transgender Conditions”: <https://www.tgdr.co.uk/documents/256P-TransMisdiagnosis.pdf>

Notes and references to original sources are given overleaf, or in other documents on my website www.tgdr.co.uk

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Gilchrist, S. (2025): “Why you should Challenge Supreme Court Decision and the Revised EHRC Guidance for Transgender Access to Spaces and Services” 256P

First Issued: 1 October 2025. Last update: 18 October 2025

Access via: <https://www.tgdr.co.uk/articles/bibliography.htm>

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Printed: 08/10/2025 14:32 1

Notes and Endnotes

This is one of a series of documents: These are:

Gilchrist, S: (2025) *"A Challenge the Supreme Court Decision and the Revised EHRC Guidance for Transgender Access to Spaces and Services"*: <https://www.tgdr.co.uk/documents/256P-TransDamage.pdf> (1 page)

Gilchrist, S. (2025) *"Why the Supreme Court is Mistaken in its Understanding of Transgender Conditions"*: <https://www.tgdr.co.uk/documents/256P-TransMisdiagnosis.pdf> (2 pages)

Gilchrist, S: (2025) *"Why You should Contest the Supreme Court Decision and the Revised EHRC Guidance for Transgender Access to Spaces and Services"*: <https://www.tgdr.co.uk/documents/256P-TransContest.pdf> (2 pages)

Gilchrist, S: (2025) *"Verdict of the United Kingdom Supreme Court: Overview of the Effects of Misdiagnoses and the Independence of the Cass and Sullivan Reports"*: <https://www.tgdr.co.uk/documents/256P-TransVerdictOverview.pdf> . (2 pages)

Gilchrist, S: (2025) *"Actions of the United Kingdom Supreme Court and the Diagnosis of Transgender Conditions"*: <https://www.tgdr.co.uk/documents/255P-TransActions.pdf> .

Gilchrist, S: (2025) *"Verdict of the United Kingdom Supreme Court: The Consequences of Misdiagnoses and the Independence of the United Kingdom Cass and Sullivan Reports"*: <https://www.tgdr.co.uk/documents/255P-TransVerdict.pdf> .

For other documents go to the bibliography tab on www.tgdr.co.uk

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All material is referenced back to original sources.

¹ See section 18:0 Feminist Issues and Decisions of the Supreme Court in Gilchrist, S: (2025) *"Verdict of the United Kingdom Supreme Court: The Consequences of Misdiagnoses and the Independence of the United Kingdom Cass and Sullivan Reports"*:

² For more on the development of transgender identities; see Gilchrist, S. (2024): *"On the Diagnosis of Transgender Conditions: A Study of Current Understandings and a Commentary on the Cass Review"*: <https://www.tgdr.co.uk/documents/255P-CassFinalCommentary.pdf>; Gilchrist, S. (2020b): *"Responsibility in Transgender Disputes"*: <http://www.tgdr.co.uk/documents/248P-Responsibility.pdf>; Gilchrist, S. (2013d): *"Personality Development and LGBT People: A New Approach"*: <http://www.tgdr.co.uk/documents/201P-PersonalityDevelopmentAndLGBTPeople.pdf>²

³ Gilchrist, S: (2025) *"Judgement of the United Kingdom Supreme Court and the Diagnosis of Transgender Conditions"*: <https://www.tgdr.co.uk/documents/255P-TransJudgement.pdf>

⁴ Gilchrist, S: (2025) *"Verdict of the United Kingdom Supreme Court: Overview of the Effects of Misdiagnoses and the Independence of the Cass and Sullivan Reports"*: <https://www.tgdr.co.uk/documents/255P-TransVerdictOverview.pdf> .

Gilchrist, S: (2025) *"Judgement of the United Kingdom Supreme Court and the Diagnosis of Transgender Conditions"*: <https://www.tgdr.co.uk/documents/255P-4TransJudgement.pdf> .

⁵ Gilchrist, S. (2024): *"What is a Woman?"*: <https://www.tgdr.co.uk/documents/255P-WhatsAWoman.pdf>.

⁶ Gilchrist, S. (2019a): *"Divisions: Self-Declaration and Gender Variant People"*: <http://www.tgdr.co.uk/documents/243P-DivisionsSelfDeclaration.pdf>