



association for public service excellence

Changing facilities and gender access policies survey



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Changing facilities and gender access policies survey

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1 Purpose of the survey

This report presents findings from APSE's "Changing Facilities and Gender Access Policies" survey. The objective was to gather insights into current practices, policies and challenges faced by organisations in accommodating gender diversity in public leisure facilities.

The survey was prompted by the UK Supreme Court's 2025 ruling affirming the legal definition of "woman" as based on biological sex.

1.1 UK Supreme Court ruling

On 16 April 2025, in *For Women Scotland Ltd v The Scottish Ministers* ([2025] UKSC 16), the UK Supreme Court unanimously ruled that the terms "man," "woman," and "sex" in the Equality Act 2010 refer to biological sex – the sex assigned at birth – not the sex indicated on a Gender Recognition Certificate (GRC).¹

This interpretation clarifies that only biological women (female at birth) are legally recognised as "women" in the context of sex discrimination law.

The judgment did not remove protections for transgender individuals – they remain protected under the Equality Act via the characteristic of gender reassignment.²

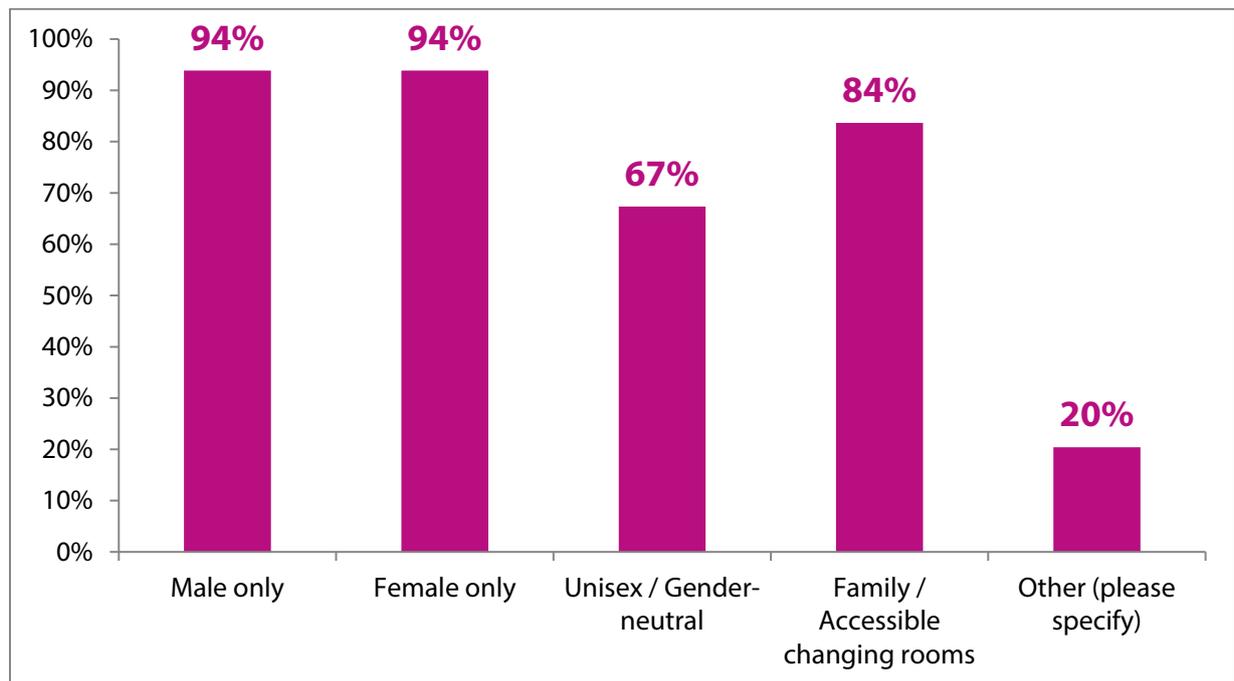
1.2 Methodology

APSE conducted an online survey of its member councils in June 2025. Respondents were relatively evenly spread across APSE's six areas of activity: APSE Scotland, APSE Wales, APSE Northern Ireland, APSE Northern, APSE Southern and APSE Central.

¹ https://supremecourt.uk/uploads/uksc_2024_0042_judgment_aea6c48cee.pdf

² <https://www.equalityhumanrights.com/equality/equality-act-2010/your-rights-under-equality-act-2010/gender-reassignment-discrimination>

2 What types of changing facilities are available at your centres?



Almost all respondents offer both male and female only changing spaces, which aligns with traditional facility design. Notably, two-thirds (67%) now also provide unisex or gender-neutral options, indicating a shift towards more inclusive practices. This may reflect increasing awareness of the needs of transgender and non-binary users. However, the adoption of unisex options is not yet universal, suggesting varying levels of readiness or resource capacity.

Others specified the following:

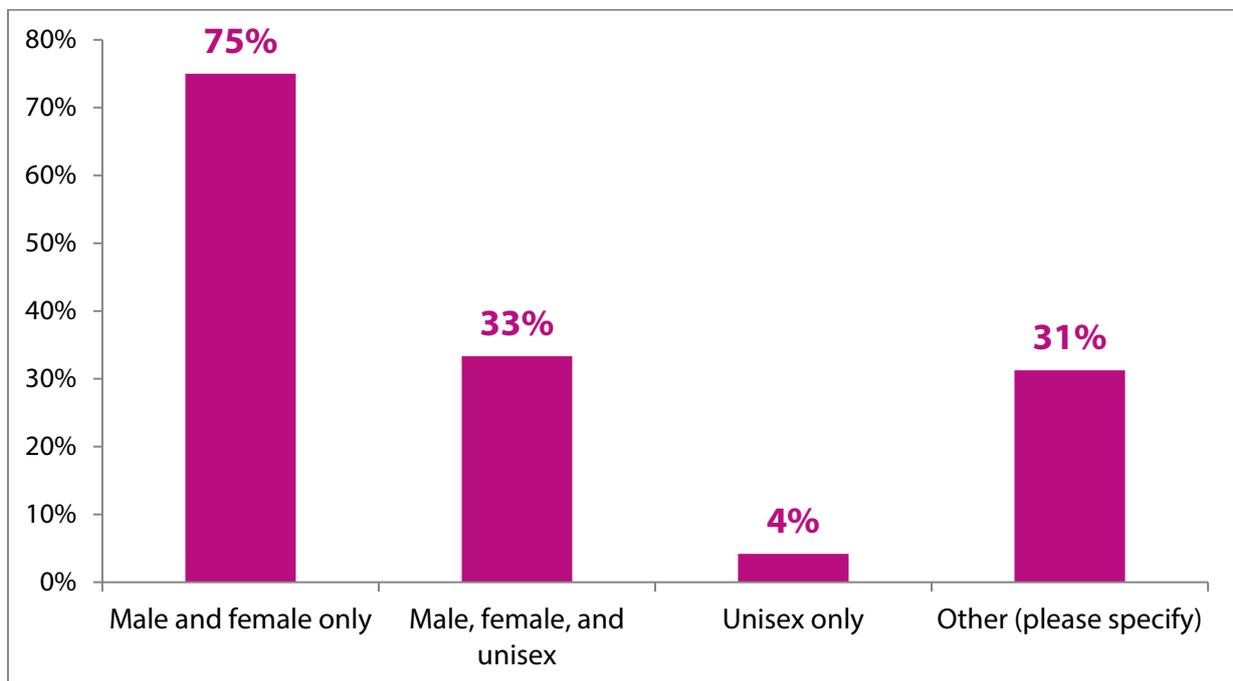
"We have a mixed gender changing village for swimming, single sex changing for fitness and accessible unisex facilities for swimming."

"We have a different mix of changing facilities across the 240+ leisure centres we manage on behalf of our 70+ local authority clients."

"Changing villages."

"Village style."

3 Are toilet facilities separated by sex, gender identity, or available as unisex?



The majority of facilities still adhere to binary toilet provision, with a quarter offering additional unisex options. Only a very small proportion rely exclusively on unisex toilets (4%).

Others specified the following:

"We have single sex toilets with an additional accessible unisex toilet available."

"Only accessible toilets for customers with a disability are unisex."

"Some centres only have male & female plus an accessible toilet."

"Single sex toilets, plus unisex accessible toilets."

"Disabled/Accessible Toilets are unisex."

4 Does your facility have a policy regarding access to changing and toilet facilities for transgender individuals?

55%

"Yes"

Just over half of the respondents report having a policy in place to manage gender access, indicating that this issue is receiving formal attention in many organisations. However, nearly half still operate without a defined policy, highlighting an area of potential development.

Among the responses, many organisations noted relying on national guidance such as Sport England's Accessible and inclusive Sports Facilities (AISF) guide³ or ukactive's 'Guidance For Front Line Staff To Assist Trans People To Access Leisure Facilities'⁴. However, they emphasised that these guides were now under review following the UK Supreme Court ruling. Others noted reliance on equality policies, while others outline bespoke internal protocols for managing access:

"Use current Sport England Policy which was issued before the Supreme Court Ruling, we are waiting for further guidance before updating our policies from Sport England etc. and dealing with any issues on a case by case basis."

"We are able to provide a private changing facility if required, we have a sign in reception."

"The policy was pre the court ruling, so a new policy is being arranged, but communications have advised we work to the latest court information, but as always if any situation arises to deal with the customer sensitively & look for alternative options."

"Falls within equalities and accessibility policies of the County Council and service where we seek to remove barriers to participation. We also benchmark our service with UKActive EDI and currently have a good rating in the benchmark."

"Until recently, transgender individuals were authorised to use the changing & toilet facilities of their chosen gender. Now, in the interim as we await further ukactive/CIMSPA guidance, only unisex/gender neutral facilities are available for their use."

³ <https://www.sportengland.org/guidance-and-support/facilities-and-planning/design-and-cost-guidance/accessible-inclusive#:~:text=We%20have%20produced%20guidance%20for,our%20vibrant%20and%20diverse%20communities.>

⁴ <https://www.ukactive.com/ehrc/>

"Guidelines – recognise that a Transgender/Non-binary person is protected from either direct or indirect discrimination under the Act; they should be treated equally and fairly and with sensitivity. Avoid any questioning about their sexuality and respect their right to privacy. A Transgender/Non-binary person may take the initiative and make a request concerning access to changing and toilet facilities. any request should be accommodated wherever possible.

"The policy is to deal with each individual separately, based on where they feel comfortable to change."

"Currently we allow customers to use areas of the building with whatever sex they identify as."

"Guidelines – recognise that a Transgender/Non-binary person is protected from either direct or indirect discrimination under the Act; they should be treated equally and fairly and with sensitivity. Avoid any questioning about their sexuality and respect their right to privacy. A Transgender/Non-binary person may take the initiative and make a request concerning access to changing and toilet facilities. any request should be accommodated wherever possible.

"The policy was in line with previous UKActive guidance which is now being reviewed and therefore it has been temporarily suspended pending this review."

"Anyone who identifies as a male/female gender are able to use those changing rooms."

"We had previously developed a transgender process for sites to follow aligning to the ukactive transgender guidance (<https://www.ukactive.com/wp-content/uploads/2023/06/Transgender-Guidance-22-11-2022.pdf>) which is now under review and has been taken down from the website awaiting further guidance from the EHRC in June.

"Not a policy in general but guidance for our staff to follow."

5 How do you currently accommodate transgender individuals in sex-segregated spaces such as changing rooms or toilets?

Responses varied widely. Some facilities reported offering unisex spaces or case-by-case flexibility, while others acknowledged a lack of specific procedures. A few emphasised respectful, inclusive treatment but admitted to lacking detailed guidance or staff training. These variations underscore the need for clearer national frameworks or sector-specific guidance to help organisations respond confidently and consistently.

"The ladies changing rooms have cubicles, the men's changing rooms do not, we can offer private changing spaces."

"We allow [them] to use the gender of their choice as per existing SE policy"

"The gender a person associates with most of the time is the changing room they should use. This will now need to change."

"We would advise that we have individual changing in the changing area and that we also have individual toilets or accessible toilets available."

"Try to direct to village unisex changing facilities and accessible toilets"

"As per the guidance from the Equality & Human Rights Commission we will be requesting that anyone presenting as Trans use a gender neutral facility (i.e. the accessible change) or the facility in keeping with their biological gender."

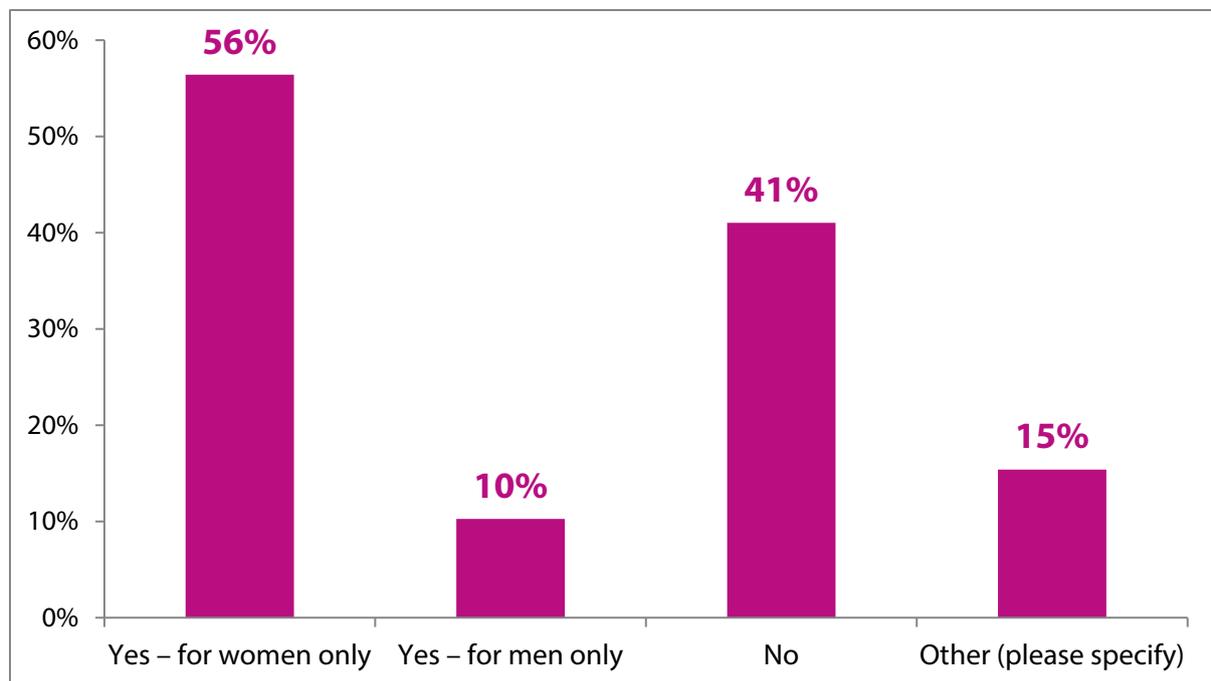
"Currently we allow customers to use areas of the building with whatever sex they identify as. if a Transgender feels uncomfortable using changing area or toilets we direct them to the disability changing or toilets."

"Gender neutral toilet facilities where we are able. The issue remains that our older sports changing pavillions are not designed to cater for transgender use and we would be required to retro fit at great cost to facilitate this."

"Allow them to choose the appropriate changing room."

"Based on biological sex as per recent ruling. Where the biological sex is different to the preferred gender this is dealt with on a case by case basis."

6 Does your facility host or operate any single-sex swimming sessions or sports clubs?



Over half of the respondents offer single-sex sessions for women, while only a small proportion do the same for men. This likely reflects demand for women-only spaces in areas like swimming or fitness, often for cultural, religious, or safeguarding reasons.

Responses noted:

"We do run all of these sessions where required at our sites depending on the needs of the local community and usually because the client has asked us to."

"And trans sessions in certain facilities."

"One session at one of our sites is single sex for religious reasons."

7 If yes, what eligibility criteria are used to determine access to single-sex sessions?

Among those offering single-sex sessions, responses show that criteria are often based on self-identification, with some referencing safeguarding or legal obligations. A minority expressed uncertainty or lacked clear criteria. This points to an overall ambiguity in how policies are applied, and highlights a need for clearer, sector-wide standards. Responses included:

"Previously this was by self (customer) identification. But we would also use the proportionate means to a legitimate end provisions if necessary."

"Appropriate costumes and sports wear."

"This is held for a specific minority community in association with Community Development. Only members of the community can access the swimming sessions."

"Currently by customer choice i.e. transgender would be allowed into a female only session. But this will be reviewed in light of guidance."

"Religious reasons."

"Currently we allow customers to swim based on whatever sex they identify as, however we have not had any Transgender attend the female only session and we don't know how faith based customers would feel about this."

"Biological sex. However where this may differ from physical appearance or gender this is considered on a case by case basis to reflect the need of the session with proportionate measures used to protect the session."

"People are allowed to attend according to the gender they identify as, i.e.. a transgender woman can attend women's only sessions. In practice, this does not happen."

"No such criteria but may need to develop."

"Based on biological sex as per recent ruling. Where the biological sex is different to the preferred gender this is dealt with on a case by case basis."

8 Do you host or run any sporting competitions or leagues?

45%

"Yes"

Of the 45% who run sporting competitions, few have formal eligibility guidance. Several refer to national governing body rules, while others manage decisions informally. This suggests a reliance on external frameworks, which can leave gaps when such guidance is absent or unclear.

Comments noted:

"We only host so the organiser would determine categories and eligibility"

"Five a side leagues - there is no gender category."

"We host through National Governing Bodies who oversee eligibility."

"We would advise that we have individual changing in the changing area and that we also have individual toilets or accessible toilets available."

"Not determined."

"This would be down to what the individual clubs or leagues stated in their own individual club statements, again, from my knowledge, this occurrence hasn't happened with any clubs or leagues we currently host."

"We only facilitate the bookings with the governing body managing the eligibility for male and female categories."

"Facilities host events but events are managed by outside providers."

"We host competitions run by clubs (e.g. swimming galas); eligibility for participation is a matter for the organisers of that competition. We do not intervene. If we were to run them ourselves, we would follow."

"Based upon biological sex or governing bodies policies for that event."

9 Are there any current challenges or considerations you face in implementing or updating policies relating to sex, gender identity, and facility access?

The most common themes were infrastructural limitations, such as older buildings lacking privacy or space for gender-neutral provision, and uncertainty among staff. Respondents also cited the challenge of balancing inclusion with safeguarding and user comfort. These comments reinforce the complexity of the issue and the value of training and shared best practice.

Comments included:

"No we will continue to offer private changing facilities upon request."

"Will follow industry guidelines following ruling. No particular challenges."

"Waiting for DCMS, Sport England and UK Active guidance based upon current court ruling."

"The challenges are around obtaining clear and specific guidance to allow the operator to fulfill obligations to all our customers."

"The lack of guidance from industry & governing bodies."

"Yes, the supreme court ruling came out and we have addressed this with both our private partner and the equalities officer in the council, but in the absence of further guidelines it was not felt appropriate that we make arbitrary decisions."

"No, We are part of a local authority, so we have departments who we can work with on any changes to ensure we have the correct policy's in place."

"We may need to reconfigure existing spaces to accommodate the new ruling that may impact financially on service provision or require capital investment."

"Experienced challenges from women only groups who want transgender women to be excluded from women only spaces. We have not experienced issues with transgender women accessing women only spaces. The challenge now is how we respond to the supreme court judgement."

"Yes, we have had a few issues with biological males trying to enter female only spaces due to their identifying as a women."

"Corporate approach to be agreed by Council."

"Yes, the increased profile in the public domain, and the possibility of customers feeling

" Corporately the council does not have a defined policy and so we are working to follow industry guidance.

"Not at the moment, however we will need safe changing places for transgender customers, if we change the current policies."

"Massive implications for our industry. Village change is the general ultimate solution. The biggest challenge is for someone that has fully transitioned. They now look fully in the gender that they are presenting, but legally have to use the changing room of there birth sex.

"Yes, issues are around acceptance of non transgender customers if they are aware that a trans person is accessing their changing space. I envisage this getting worse after the court ruling."

" Current ruling and no further guidance has resulted in challenges, however fortunately all facilities in question have the option to provide alternative spaces on a case by case basis."

"The cost of retro fitting for gender neutral facilities. Many women do not like using men's toilet facilities which generates a requirement for both male and female and transgender toilet availability. This with limited Council budgets."

"We have looked into writing a specific policy but it got very confusing and as we haven't had any issues relating to gender identity brought to our attention we decided to continue with the existing arrangement of customers choosing to change where they feel is appropriate."

"We have no challenges in terms of customer feedback and review our accessibility as part of routine development and consideration of equalities. Older estate properties do sometimes present limitations upon the scope of accessibility but opportunity is taken where possible to always improve choices and availability."

10 Conclusion

The survey provides valuable insight into the state of changing and toilet facilities, policy adoption and inclusivity practices following the UK Supreme Court ruling on the legal definition of “women”. While some progress is being made toward inclusive provision and transgender inclusion, many organisations remain uncertain or constrained and eagerly await updated guidance.

The EHRC issued interim guidance on the 25 April 2025 following the Supreme Court ruling.⁵ This interim guidance was created as a stop-gap measure because the EHRC opened consultation on proposed changes to the code of practice for services, public functions and associations (Code of Practice), resulting from that judgement which closed on 30 June 2025. The EHRC are currently reviewing the consultation responses received and intend to issue further guidance. Accordingly, the interim statement in the context of public services, including leisure facilities states:-

“It is not compulsory for services that are open to the public to be provided on a single-sex basis or to have single-sex facilities such as toilets. These can be single-sex if it is a proportionate means of achieving a legitimate aim and they meet other conditions in the Act. However, it could be indirect sex discrimination against women if the only provision is mixed-sex.

In workplaces and services that are open to the public where separate single-sex facilities are lawfully provided:

trans women (biological men) should not be permitted to use the women’s facilities and trans men (biological women) should not be permitted to use the men’s facilities, as this will mean that they are no longer single-sex facilities and must be open to all users of the opposite sex

in some circumstances the law also allows trans women (biological men) not to be permitted to use the men’s facilities, and trans men (biological woman) not to be permitted to use the women’s facilities however where facilities are available to both men and women, trans people should not be put in a position where there are no facilities for them to use where possible, mixed-sex toilet, washing or changing facilities in addition to sufficient single-sex facilities should be provided.

There are rules about when competitive sports can be single-sex, which we intend to address separately in due course.”

The APSE survey suggests that the majority of council leisure provision already allows for unisex provision or changing ‘villages’. However, for those that do not yet have this provision, it would be sensible and proportionate to consider how this could be introduced quickly.

⁵ <https://www.equalityhumanrights.com/media-centre/interim-update-practical-implications-uk-supreme-court-judgment>

10.1 How can APSE help?

Changing Facilities and Gender Access – Online Discussion

Free for members

Wednesday 16 July, 10.15-12.15, MS Teams

Join APSE's Sports and Leisure Network for a webinar exploring how local council leisure services are responding to recent legal developments regarding gender and access to changing facilities. Following the Supreme Court's ruling affirming the legal definition of "woman" as based on biological sex, we'll share findings from our national survey and hear legal insight from a specialist law firm on what this means for equality obligations, service provision and policy development.

This session will provide practical guidance and a platform for discussion as councils navigate this evolving and sensitive area.

[You can reserve your place here](#)

All APSE members can sign up to APSE's Sports and Leisure Network, which is an online network providing four learning events across the year, with expert speakers from across local government and the wider sports and leisure sector. You can sign up to the network using [this link](#).

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Sign up for APSE membership to enjoy a whole range of benefits

APSE member authorities have access to a range of membership resources to assist in delivering council services. This includes our regular network meetings, specifically designed to bring together elected members, directors, managers and heads of service, together with trade union representatives to discuss service specific issues, innovation and new ways of delivering continuous improvement. The networks are an excellent forum for sharing ideas and discussing topical service issues with colleagues from other councils throughout the UK.

Networks are a free service included as part of your authority's membership of APSE and all end with an informal lunch to facilitate networking with peers in other councils. If you do not currently receive details about APSE Network meetings and would like to be added to our list of contacts for your service area please email enquiries@apse.org.uk.

Our national networks include:-

- Building cleaning
- Catering
- Cemeteries and crematoria
- Housing, construction and building maintenance
- Parks, horticultural and ground maintenance
- Renewables and climate change
- Roads, highways and street lighting
- Social value, public procurement and commercialisation
- Sports and leisure management
- Vehicle maintenance and transport
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Visit www.apse.org.uk for more details.



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