

Museums Face Closure Risk Over UK Trans Toilet Guidance

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— Categories: Human Rights



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A publicly funded body has warned that museums across Scotland could face closure due to the financial and logistical burdens imposed by new guidance on single-sex facilities. Museums Galleries Scotland (MGS) has raised serious concerns about the “time and resources” required to comply with updated directives from the Equality and Human Rights Commission (EHRC), following a landmark Supreme Court ruling in April 2025 that defined “sex” in the Equality Act 2010 as biological sex.

The EHRC recently concluded a consultation on its proposed changes to statutory guidance, which includes an interim update stating that trans women should not use women's facilities, and trans men should be excluded from men's facilities. This has sparked a heated debate, with MGS arguing that the guidance risks leaving trans individuals without access to any facilities if museums cannot adapt swiftly.

In its consultation response, MGS expressed alarm that the EHRC's approach lacks clarity on supporting trans inclusion, focusing instead on exclusionary measures. "The content and process of the EHRC Code of Practice do not uphold the spirit of inclusion," the response stated. "There is no guidance on how to include trans people, only information on how to exclude them."

MGS highlighted the practical challenges of implementing the guidance, particularly for front-of-house staff who may be tasked with verifying individuals' biological sex. The response questioned what forms of proof would be acceptable, noting that gender recognition certificates and amended birth certificates are not valid under the new guidance. This could place undue pressure on staff and create an unwelcoming environment for visitors.

Moreover, MGS warned that ensuring compliance could require checking every individual using toilet facilities, significantly increasing operational costs. For smaller museums with limited budgets, these additional expenses could prove unsustainable, potentially forcing closures. "Some museums may be forced to close while they invest time and resources to ensure adequate facilities," the response noted.

The MGS response also highlighted a growing issue of public "policing" of toilets at heritage sites, where assumptions based on gender presentation or stereotypes lead to confrontations. This, they argue, fosters an "environment of suspicion" that undermines the welcoming ethos of museums. The guidance, they claim, risks encouraging subjective decisions to exclude trans individuals based on appearance, which could lead to discrimination and legal challenges.

MGS urged the EHRC to reconsider its approach, calling for more time to assess the needs of trans individuals and organisations committed to inclusivity. "We strongly encourage the EHRC to review their processes around this guidance," the response concluded.

Not everyone agrees with MGS's stance. A spokesperson for MurrayBlackburnMackenzie, a policy analysis group, sharply criticised the organisation's response. "It is deeply concerning that a major national institution signed off and submitted such an ill-informed response to the EHRC consultation," they said. "The response fails to consider the needs of women and instead repeats trans activist talking points."

This critique reflects broader tensions surrounding the balance between protecting single-sex spaces and ensuring inclusivity for trans individuals. The current Labour-led UK government has faced scrutiny for its handling of related issues, with critics arguing that its broader equality policies lack coherence and fail to address the practical realities faced by public institutions like museums.

The EHRC's guidance has placed museums in a precarious position, caught between legal compliance, financial constraints, and their commitment to inclusivity. Without clearer directives or additional funding, many institutions may struggle to adapt, risking closure or reputational damage. As the debate continues, the cultural sector awaits further clarity from the EHRC to navigate this complex and divisive issue.