

Losing focus

Women's charities and the UK Supreme Court ruling

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‘It is essential that charities are clear about why they exist and who they are there to help, so that they do not lose direction. Lack of clarity about direction and purpose can be the first step towards mission drift.’

Charity Commission, 2012

‘... many organisations feel pressured into accepting de facto self-identification for the purposes of identifying whom to treat as a woman or girl when seeking to apply the group-based rights and protections of the EA 2010 in relation to the protected characteristic of sex. The result in some cases is that certain women-only groups, organisations, and charities have come under pressure (including from funders and commissioners) to include trans women and policy decisions have been taken simply to accept members or users of the opposite biological sex, either assuming that they hold a confidential GRC or on the basis of self-identification.’

UK Supreme Court judgment in For Women Scotland Ltd v The Scottish Ministers, para. 203

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Introduction

This report is concerned with charities whose objects, as set out in their governing documents, state that they should benefit solely women and/or girls, or that their beneficiaries must be female. We also consider some charities whose names or other branding still implies they are only for women and/or girls, but whose formal objects have been changed, so that this is no longer true.

The report is intended as a resource for women concerned about these charities losing sight of their purpose, including service users and their advocates, and for trustees and staff who have felt isolated and unsupported in raising concerns about that. Its contents should interest all trustees of women's charities, and their funders. It also includes important messages for those charged with regulating the charitable sector.

Background

In 2025 the charity Rosa reported that just over 7,000 registered charities in the UK, or around 3.5% of the total, are run by, and for, women and girls. Rosa documented a chronic funding crisis, describing a sector that is 'underfunded, under-resourced and under the radar'. Separate [research](#) by Rosa showed that in 2021 the 'women and girls sector' received just 1.8% of all charitable grants and that one-third of all grants for activity focused on 'women and girls' went to organisations with no specific focus on the female half of the population.

The discrimination and disadvantage experienced by women and girls is persistent and endemic. Despite significant legislative and public policy gains, stubborn disadvantages reach into all areas of life and, in many cases, persist and accumulate over a lifetime.

Since the nineteenth century, philanthropic and charitable organisations have sought to improve conditions and opportunities for women, often in challenging circumstances. This report addresses a twenty-first century challenge within the sector; the stretching of limited resources intended to benefit the female half of the population to benefit some members of the opposite sex as well. The issue is not just resources being spread more thinly; potential female beneficiaries are sometimes directly displaced by male ones, or may self-exclude from engaging with a charity, because of the move to a mixed-sex approach, or the benefit to them of being involved with the charity may be reduced by it becoming mixed-sex.

The analysis here applies last year's landmark UK Supreme Court ruling in *For Women Scotland v The Scottish Ministers*, which held that 'sex' in the Equality Act 2010 refers to biological sex. The Equality Act 2010 (EqA) applies to Great Britain (England, Scotland and Wales), but not Northern Ireland. Our analysis is supported by a specially commissioned legal opinion by Karon Monaghan KC, which considers the implication of the Supreme Court ruling for charities in Great Britain whose sole beneficiaries are women.

The full legal opinion is shown in the Appendix. In this Ms Monaghan states:

'Where a charity's purposes are restricted to benefitting women, they are not permitted to extend those charitable benefits to men or boys whether or not they have done so in the past.'

Findings

We illustrate how, across the women's sector, charities intended to benefit solely women have lost sight of their mission or purpose, as set out in their charitable objects, and are acting outside those. In doing so, they have also removed themselves from protections in the Equality Act, which allow charities to restrict their benefits to women without breaching discrimination law, as long as they follow the definitions in the Act.

For clarity, and for consistency with the Equality Act 2010, in this report we use woman to mean a female of any age and man to mean a male of any age. Representative [public opinion polling](#) undertaken in 2023 shows confusion around the terms 'transgender woman' and 'trans woman', with fewer than two-thirds of respondents understanding that these terms are intended to refer to 'someone registered as male/a boy at birth.' The remainder of responses were split fairly evenly between people who had the opposite understanding and those who were unsure what they meant. Those with the least or no qualifications were even less likely to understand these terms correctly. The lowest level of understanding was for the term 'trans woman', in London, where only 43% gave the correct response. As we show in Part 4, many women's charities have adopted this language, which is likely to be misunderstood by many users, particularly the most disadvantaged.

Despite the clarity provided by the Supreme Court's ruling, very few of the women's charities that had expanded their services to include some men appear to have reversed their policies. Some have issued holding statements, indicating that they are waiting for updated guidance from the Equality and Human Rights Commission (EHRC) and/or the Charity Commission for England and Wales before making policy changes.

Others have said that they intend to continue with policies which mean that they have some male beneficiaries. The Charity Commission itself has stated that it is awaiting publication of the EHRC guidance by the UK Government before publishing its own guidance.

This report should be read against the wider context of a trend over recent years for charities set up to support female victims and survivors of abuse (and sometimes also children of both sexes) changing their objects to include some or all adult male victims. This has happened in place of new services being set up for men, whether in general, or as a specialist service provided by organisations whose beneficiaries are defined by sexual orientation and/or gender reassignment. Yet, as we illustrate below, public and private funding for such organisations is now relatively high compared to that for women only, proportionate to population size.

A legacy held in trust

The resources of charities are held in trust by each generation for the next. Charities established to benefit women have often been built up over many decades, by the unpaid work of previous generations. In recent times, some trustees, staff, members and volunteers have decided that the social and financial resources built up in these organisations should be shared more widely. But such decisions now clearly stand at odds with the law. Practices promoted as ‘inclusive’ could equally be described as intrusive, from the perspective of women.

With the privilege of being a trustee come duties, to the past, the present and the future. As the social and economic climate becomes harsher, the need could hardly be greater for those entrusted with the small but vital charitable legacy for women, established by earlier generations, to regain their focus.

Legal disclaimer

This publication reproduces, and provides commentary upon, a legal opinion. The opinion is included strictly for information and explanatory purposes. Although the opinion may assist readers in understanding the issues addressed, in considering assertions about the law made to them by other parties, or in identifying matters on which they may wish to seek further advice, no part of this publication constitutes legal advice to readers, and it must not be construed or relied upon as such.

The authors therefore accept no responsibility or liability for any reliance placed upon the contents of this publication. Readers should obtain independent legal advice from an appropriately qualified legal professional in relation to any specific matter, as necessary.

Report structure

To begin, we set out the key findings and conclusions. The main body of analysis is then structured in five parts.

Part 1 looks at different types of systematic disadvantage and discrimination experienced by women such as economic and employment disadvantages, and unequal health outcomes, as context for the existence of charities that benefit women only.

Part 2 looks at the funding landscape for women's charities and the scarcity of resources against increasing demand.

Part 3 considers the legal context in relation to the Equality Act 2010, and highlights the main elements of the legal opinion commissioned for this report. It also discusses the role of regulators in ensuring that the interests of women as beneficiaries, and donors who believe they are supporting women, are protected, and of the umbrella bodies providing support to the voluntary sector.

Part 4 examines the redirection of charitable resources, intended for women, to men who identify as women. We review a range of charities whose sole beneficiaries are women but which in practice allow men who identify as women to be beneficiaries. The analysis covers: violence against women and girls (VAWG) charities and other service providers, charitable associations, advocacy or campaigning charities, educational charities, and charities that offer prizes and awards (positive action). For each charity, we show the difference between purpose, as set out in its charitable objects and how the organisation operates in practice. In some cases, we also show how the use of donations is described to potential donors. Where available, we show responses to the Supreme Court ruling. We then review a small sample of charities whose objects are not restricted to women, but whose name nonetheless suggests that the beneficiaries are women.

Part 5 looks at the role of external funders. The analysis illustrates how funding conditions and practices have created pressure on women-only charities to depart from their purposes by ceasing to be single-sex.

The full legal opinion provided by Karon Monaghan KC is reproduced in the Appendix. It can also be downloaded [here](#).

Methodology

Part 4 reviews a range of UK-based charities. We purposefully identified charities across a range of charitable activities and delivery models, and in different jurisdictions. These include service provision, charitable associations, advocacy or campaigning charities, educational charities, and award or prize-giving charities. We hoped to include a charity in England, Scotland or Wales whose only beneficiaries were lesbians, but our search did not find one.

We look at nineteen charities whose sole beneficiaries are women, but which in practice also offer services or opportunities to some men, if they identify as women. We also look at a further four charities whose charitable objects are mixed-sex and provide services both to women and to men who identify as women (in other words, their charitable objects and services are aligned) but label their service as ‘women-only’ or similar. Without being able to undertake a full search of the sector, we easily found charities in these two categories, suggesting that the issue examined in this report is common enough to deserve attention.

For each charity we identify its charitable objects, as set out in the governing documents. Charitable objects are the formal legal expression of a charity’s purpose, and, as noted in the legal opinion provided here, limit how resources can be spent. For charities registered in England and Wales, these details are held on the Charity Commission website, and for charities registered in Scotland, on the Office of the Scottish Charity Regulator website. In a small number of cases, we also traced how the organisation had changed its objects over time. This information is available on the UK Government Companies House website, which holds records for charitable companies.

We then assessed each charity against its objects or formal purpose, drawing on policy and position statements, online information for users, and campaigning activity. Lastly, we review how each charity has (or has not) responded to the Supreme Court ruling.

Overview

Our key findings and conclusions are set out below.

Any points taken directly from the legal opinion commissioned for this report are denoted 'LO'. 'Women's charity' is used in the legal opinion to mean a charity whose beneficiaries are solely women and/or girls. Any emphasis added is ours.

The report shows the difficult environment facing the trustees of such charities, in a climate of limited funding for the sector generally, internal and external activism, funder pressures and, on the part of regulators, an apparent lack of interest in a pattern of mission drift, and inertia in response to the Supreme Court judgment.

Funding pressures and need

- The discrimination and disadvantage experienced by women and girls is persistent, endemic, and deeply entrenched.
- These structural inequalities reach into all areas of life and, in many cases, persist and accumulate over a lifetime. They are exacerbated when combined with other factors such as ethnicity, disability and socio-economic status.
- The disadvantages experienced by women occur directly or indirectly as a consequence of their sex.
- In 2025, the charity Rosa reported that just over 7,000 registered UK charities are dedicated to women and girls.
- The proportion of registered charities serving women and girls specifically, as half of the population, is very small, estimated at around 3.5% by Rosa. They receive an even smaller share of all grants awarded to charities.
- Women's charities continue to face a chronic lack of resources and recognition, and struggle to meet increasing demand.

Charitable purpose

A charity's purposes, as set out in its objects, have legal weight. They determine what it can do. So these should be well-understood by its board, employees and volunteers. Charities exist for their beneficiaries, not their trustees or staff. Our research raises questions about whether charitable purposes, as set out in a charity's objects, are always as central as they should be to recruitment, induction and training across all roles, as well as to day-to-day decision-making.

- Charitable ‘objects’ describe a charity’s purposes, that is, what a charity is for and who it benefits. A charity can only apply its funds to advance its purposes: **‘A charity’s mission and all its activities must be within the scope of its objects and powers’** (Charity Commission, 2012).
- Trustees must further the purposes of their charity for the public benefit. **A women’s charity will not be furthering the purposes of the charity for the public benefit if it applies its resources to carry out its purposes for men, whether or not they identify as women. (LO)**
- Since a charity can only apply its resources in furtherance of its charitable purposes, a charity whose beneficiaries are women and/or girls will not be acting within the scope of its powers if it enters into an agreement which requires it to undertake activities for the benefit of men and boys. (LO)
- In the same way, where a charity’s purposes are restricted to benefitting women, they are not permitted to extend those charitable benefits to men or boys whether or not they have done so in the past. (LO)
- **The Equality Act 2010 allows charities to restrict benefits lawfully to women through the ‘charities exception’ (s193)**, providing it is a proportionate means of achieving a legitimate aim. (LO)
- **If this exception applies, a charity that restricts the provision of benefits to women will not be acting unlawfully under the Equality Act. If a charity decides to restrict its benefits to women only, it must treat women as referring to biological women. (LO)**
- This is because the UK Supreme Court ruling in *For Women Scotland vs the Scottish Ministers* (2025) settled that under the Equality Act, references to ‘women’ refer to biological sex. (LO)
- A charity may alter its charitable purposes, and apply funds donated to it for different purposes, but only in narrow circumstances. This area of the law is complex and could not be dealt with in the sort of general opinion commissioned for this report. (LO)
- The Charity Commission for England and Wales [has noted](#) that in assessing any application for changes to governing documents, it will ‘consider as far as is possible and desirable whether the new purposes are similar to the original purposes – the “similarity test” – and that this could add complexity to such an exercise, depending upon each charity’s particular circumstances.’

Failure to meet charitable purposes

Following the methodology outlined above, we found plentiful evidence that charities supposed to benefit only women have lost their focus.

- Some, possibly many, women's charities are not adhering to their charitable purposes, as set out in their objects. Across a range of services and activities, charities whose purpose is to benefit women, are using resources to benefit men who identify as women.
- Some women's charities have taken on an activist role, using resources to promote gender self-identification policies and laws to the benefit of men who identify as women.
- Some charities have developed policies in partnership with organisations focused on activism for those covered by 'gender reassignment' in the Equality Act, whose purposes are not aligned.
- Some charities misleadingly refer to women or girls in their title when they also provide services to men who identify as women.
- Of the charities reviewed, very few appear to have amended their policies in response to the Supreme Court ruling.
- Some charities with women-only beneficiaries have stated that they will continue to offer services to men who identify as women.
- Some organisations have published holding statements, indicating that they are awaiting guidance from the Equality and Human Rights Commission and/or the Charity Commission.

Naming, fundraising and advertising

The legal issues here are not limited to whether a charity's policies and practices are in line with its purposes. They also cover its name and how it describes itself and the purposes of any fund-raising.

- Where a charity's main or working name indicates that it is for women, this is likely to be misleading if the charity's purposes are not so restricted and/or its benefits are extended to men who identify as women. (LO)
- Charities are bound by the UK-wide Code of Fundraising Practice. A failure to comply with it may result in the regulator taking regulatory action, since a finding against a charity by the Fundraising Regulator may give rise to governance concerns. (LO)
- A women's charity that fundraises on the basis that funds will be applied to the benefit of women when they are also used to benefit men who identify as women, may breach the terms of the Code. (LO)

- An advertisement that states that all donations will be used to fund women's services may well be misleading where those services are also provided to men. A failure to comply with regulatory guidance addressing advertising and broadcasting may result in the charity regulators taking regulatory action. (LO)

Trustee duties

Trustees bear the overall legal responsibility for ensuring a charity's lawful operation and proper stewardship of its funds. Guides from the [Charity Commission](#) (England and Wales) and the [OSCR](#) (Scotland) explain the law here in detail to trustees. Where charities use external organisations in any way, for example as trainers or consultants, trustees still have responsibility for ensuring due diligence over which organisations are chosen and how any legal implications of their contributions are assessed.

- Trustees' primary and overarching duty is to further the purposes of the charity. (LO)
- As already noted, trustees must further the purposes of their charity for the public benefit. **This means that where the charity's beneficiaries, as reflected in its purposes, are women, it is the continuing duty of the trustees to further its purposes for the benefit of women.** (LO)
- A charity must apply funds and other resources for those charitable purposes only. (LO)
- For example, a women's charity will not be furthering the purposes of the charity for the public benefit if it applies its resources to carry out its purposes for men, whether or not they identify as women. (LO)
- Trustees who act in breach of their legal duties can be held responsible for the consequences that flow from such a breach and for any losses that a charity incurs as a result. Additionally, the regulators can take action under statute to have them disqualified from acting as a trustee. (LO)
- Under the Equality Act 2010, trustees who are responsible for making decisions that result in unlawfully discriminatory acts or harassment may be personally legally liable for those acts. (LO)

Language and exclusion

- In many cases the language used by charities to describe a person's sex is confusing. Many charities use the term 'women-only' or similar to describe services that include men, and/or define 'trans women' as women. This type of language, which departs from ordinary meanings, is likely to be misunderstood.
- The use of confusing and opaque language to obscure mixed-sex service provision is a significant problem, particularly within the VAWG sector where clarity as to the nature of services is vital to users.
- Some VAWG service providers describe themselves as 'women-only' or similar, but elsewhere explain this includes 'trans women', or describe a mixed-sex service as 'single-gender'. References to including 'non-binary people' generally leave unclear if this means people of either sex.
- The language used by charities is likely to disadvantage service users. Representative [public opinion polling](#) undertaken in 2023 showed the terms 'transgender woman' and 'trans woman' were not clearly understood, with less than two-thirds of people understanding these terms refer to 'someone registered male/a boy at birth', and fewer again among some groups in the population.
- The use of this language is likely to act as a barrier for those wishing to access services, and more so for some users, including women with English as a second language, and first language English speakers with more limited language skills, for any reason.

External funders

External funders appear to have had an important influence here. We had limited capacity to look at this, but what we were able to do suggests this is an issue requiring much more attention.

- Since a charity can only apply its resources in furtherance of its charitable purposes, a charity whose beneficiaries are women and/or girls will not be acting within the scope of its powers if it enters into an agreement which requires it to undertake activities for the benefit of men and boys. (LO)
- There is evidence that external funders have been involved in pushing for women-only charities to extend their activities to include some men.

Regulators and umbrella bodies

The proper operation of the law here relies on regulators acting to protect the interests of beneficiaries. This becomes especially important whenever there is evidence of a widespread, specific failure of governance affecting a particular group of beneficiaries. This is the case for women. The Supreme Court judgment is having only a slow and uneven impact. Our findings and our legal opinion taken together raise a significant question about the role of regulators in allowing the erosion of benefits intended specifically for women, and their failure to act on the Supreme Court judgment to reverse that. The role played by umbrella bodies for voluntary organisations in shaping charities' understanding of the law is also a consideration here.

- The Charity Commission (CC) (for England Wales) and the Office of the Scottish Charity Regulator (OSCR) are responsible for regulating charities. They can investigate cases and take a range of enforcement action (this varies between jurisdictions).
- In relation to the Supreme Court judgment the Charity Commission has said that it can be a 'reasonable decision for trustees to await the final statutory guidance, or alternatively to seek legal advice relevant to their charity's position and make changes as they consider necessary.' It has written to Ministers about the need for urgent 'improved clarity and guidance.'
- The EHRC, as regulator for the Equality Act, has stressed the subordinate status of the Code to the law itself, and that waiting for the Code leaves charities exposed to the risk of legal action, as explained in the advice from Ms Monaghan. That risk increases with further delay to the Code. The Commission's general statement that waiting for the Code may be 'reasonable' looks unreliable for women's charities that now treat some men as beneficiaries.
- The evidence collected for this report provides grounds for an investigation into how far resources originally intended for female beneficiaries have been systematically extended in recent years to male ones, either through mission drift or formal abandonment of female-only purposes. However, regulators have shown little interest in this.
- There is evidence of public and private funders' conditions creating pressure on charities to act outside their purposes. This is also an issue for regulators.
- Given the relatively limited number of charities formally devoted specifically to the female half of the population, any failure by the regulators to take action in the face of evidence that the already limited resources ring-fenced in law for women have repeatedly been opened to men would appear to be a serious regulatory failure.

- We assume, but have not sought advice on whether, failure here might open the regulators to claims of discrimination on the grounds of sex and also failure to comply with their duties under the Equality Act's Public Sector Equality Duty.
- Smaller charities will depend more on support from umbrella bodies for the voluntary sector, particularly the National Council for Voluntary Organisations and the Scottish Council for Voluntary Organisations. These bodies do not provide legal advice, but do provide resources and support which will influence charities' understanding of their legal obligations. On this issue, that raises questions for both NCVO and SCVO. Both bodies are themselves charities, and their trustees will have relevant duties.

Part 1. The need for women's charities

The discrimination and disadvantage experienced by women is persistent, endemic, and deeply entrenched. As detailed below, these structural inequalities reach into all areas of life and, in many cases, persist and accumulate over a lifetime. They are exacerbated when combined with other factors such as ethnicity, disability and socio-economic status.

The disadvantages experienced by women occur directly or indirectly as a consequence of sex. Many of the most severe disadvantages women face are inextricably linked to their female biology, such as maternal mortality disparities, and pregnancy discrimination. Others can be traced to how the lives of the female half of the population tend to unfold differently from those of the male half, due to assumptions and practices which relate back to sex, such as the 'motherhood penalty' in the workplace. The financial penalties women endure compound over the lifecycle. The 13.1% pay gap, the fact that women make up 59% of unpaid carers, and the severe pension wealth gap leave older women at a disproportionate risk of poverty.

Tackling a life-course trajectory of systemic economic disadvantage requires dedicated and focused advocacy for women that recognises how their sex shapes their needs, experiences and treatment over a lifetime, generally to their economic disadvantage compared to men. The same is true of addressing violence against women, redressing unequal health outcomes and other types of disadvantage. The importance of women having places where they can meet, find support, share experiences, obtain access to resources and organise without men follows from this. Women's charities have historically played an important role here.

Economic disadvantage

Structural inequality in earnings between men and women is a persistent feature in the UK. The 'gender' [pay gap](#) for all employees stands at 12.8%. Whilst the gap for full-time employees is lower (6.9%), it remains stubborn and women continue to earn less than men in all major occupation groups.

The cumulative effect of lower pay results in a drastic disparity in wealth in [retirement](#). Women aged 55-64 hold just 46% of the private pension wealth held by men of the same age (a median of £57,500 compared to £125,000 for men). This wealth gap leaves [older women](#) disproportionately vulnerable; 67% of pensioners currently living in poverty are women, and half of pensioners in poverty are single women.

Pregnancy and maternity discrimination

Despite new protections introduced in April 2024 (extending redundancy protection to 18 months post-birth), discrimination persists. Government [impact assessments](#) in late 2024 highlighted the need to further strengthen laws to prevent employers from unfairly dismissing pregnant women and new mothers. [Analysis](#) from the TUC in 2025 shows the gender pay gap widens significantly with age, largely due to the 'motherhood penalty' and unpaid care, with women aged 40-49 facing a 16.5% pay gap.

Unequal burden of care

The 2021 Census found that in England and Wales women continue to shoulder the majority of [unpaid labour](#), comprising 59% of all unpaid carers. [Research](#) in Scotland found that women are twice as likely than men to give up paid work to provide care. This burden directly forces women out of the workforce. A 2024 [survey](#) by Carers UK found that 71% of female unpaid carers who look after family full-time had given up paid work to provide that care. Pressure is highest on [older women](#), with one in five women aged 55-59 providing unpaid care.

Leadership positions

The [2026 FTSE Women Leaders Review](#) found that women held 43% of FTSE 350 board roles as of 2025. However, this does not translate to executive power. Women remain disproportionately excluded from the highest decision-making roles, with only 8% of CEO positions in the FTSE 350 held by women. In 2025 Women held only 33% of wider leadership roles in the FTSE 350 (Executive Committees and their direct reports), indicating a persistent barrier to women ascending to the very top.

Health outcomes

Pregnancy, its prevention or termination when unwanted, and safe and successful outcomes for those having a baby, are critical issues for women. An [inquiry](#) in 2020 by the Westminster All Party Parliamentary Group on Sexual and Reproductive Health in the UK found that whilst most women are able to access some form of contraception, the choice of both method and location of provision was 'being eroded', with disproportionate impact on groups less able to travel further and those who 'struggle to navigate the increasingly complex system'. Abortion services remain uneven in practice. [The Women's Equality Network Wales](#) reported in 2025 that 'In many parts of Wales, there is no abortion care beyond 9 weeks of pregnancy, and after 18 weeks there is no care available in Wales at all.'

Women's deaths during pregnancy, labour or soon after giving birth are at the [highest level for two decades](#). Inquiries have recently been separately commissioned into maternity services in all three of [England](#), [Wales](#) and [Scotland](#), after failings were separately exposed in each. These failings are an issue for women generally, but affect some groups much more than others. Black women are [still twice as likely](#) as white women to die from pregnancy-related causes, for example.

The economic cost of absenteeism due to severe period pain and conditions like endometriosis is estimated at nearly £11 billion per year, yet these conditions remain historically under-funded and under-researched. The lack of support for [menopausal health](#) has a direct economic cost, with approximately 60,000 women out of employment due to menopause symptoms, costing the economy £1.5 billion annually.

The [Health Survey for England 2021-2024](#) reveals that women in England report higher rates of long-standing conditions (43%) than men (37%), including higher prevalence of musculoskeletal, mental health, and endocrine issues. Approximately 14% of women in the UK suffer from [high-impact chronic pain](#) - defined as pain that severely restricts daily activities - compared to 9% of men.

Women are more vulnerable to cuts to mental health support services. They report higher levels of anxiety and mental health problems. The 2024 [Adult Psychiatric Morbidity Survey](#) found that women were more likely than men to have reported [common mental disorder symptoms](#) (19% and 12% respectively). Women were also more likely than men to report severe symptoms (10% and 6% respectively). The survey reported that mental illness had increased in women but remained largely stable in men.

Clinical research and data deficit

A historic and ongoing failure to include female biology in medical research contributes to poor health outcomes. Despite making up 51% of the population, women remain underrepresented in clinical trials. A 2020 study by the British Heart Foundation found that women made up 38% of participants of cardiovascular trials: cardiovascular disease is a leading cause of death in women in the UK.

A [study](#) by the Medicines and Healthcare products Regulatory Agency (MHRA) and the University of Liverpool found that male-only trials (6.1%) were nearly twice as common as female-only studies (3.7%). Yet as highlighted by [Caroline Criado-Perez](#), the study failed to capture the representation of women within mixed-sex trials, describing this as a ‘major flaw’.

Violence and domestic abuse

In 2024 the National Police Chiefs Council and College of Policing [reported](#) that VAWG ‘has reached epidemic levels in England and Wales, in terms of its scale, complexity and impact on victims’, documenting a 37% increase in VAWG-related crimes from 2018/19 to 2022/23. The report estimated that at least one in twelve women will be a victim of VAWG each year.

In Scotland, reports of domestic abuse [increased](#) by 10% over the past year, continuing a trend in recent years. Reports of rape and attempted rape have increased by 60% over a decade. Women form the large majority of victims of domestic violence and sexual abuse, and the men the large majority of perpetrators.

In 2025 disabled women experienced domestic abuse at around twice the rate of non-disabled women (14.5% for disabled women vs 7.7%). They also face greater barriers to accessing support services.

Housing and homelessness

Women are starkly over-represented in ‘hidden’ forms of [homelessness](#) (e.g., sofa surfing or living in temporary accommodation) rather than rough sleeping. As of late 2024, 58% of families in temporary accommodation were lone-mother households, despite lone mothers making up only 22% of families in the general population. The High Court [ruled](#) in 2024 that local housing allocation policies often indirectly discriminate against women fleeing violence, as they are significantly more likely to need to move boroughs for safety.

Criminal justice

A large proportion of women are imprisoned for non-violent offences. In 2022, 71% of women sentenced to immediate custody in England and Wales received [sentences](#) of 12 months or less, often disrupting childcare and housing stability.

Women in prison have significantly higher rates of self-harm than men. In England and Wales, in the year ending March 2024, the rate of [self-harm incidents](#) per 1,000 prisoners was 341 for females compared to 146 for males - more than double the rate.

Hostility to women online

The NPCC and College of Policing [reported](#) that 'tech-enabled' VAWG 'continues to evolve at pace'. A 2025 poll found that 80% of Gen Z women (aged 16 to 25 at the time of polling) reported encountering [misogynistic content](#) on TikTok, and 44% reported negative mental health impacts from such exposure. Fear of abuse is leading to [self-censorship](#): 22% of young women avoid posting certain content, and 20% have left platforms altogether to avoid misogynistic abuse.

Part 2. The funding landscape

'Stick to your mission

It is essential that charities are clear about why they exist and who they are there to help, so that they do not lose direction. Lack of clarity about direction and purpose can be the first step towards mission drift.'

Charity Commission, 2012

Since the 1800s, charities have worked to improve the lives of women. In 2025, the charity Rosa [reported](#) that there were just over 7,000 registered UK charities dedicated to women and girls. At the same time, women's charities continue to face a chronic lack of resources and recognition, and struggle to meet increasing demand. These pressures are documented in the reports outlined below.

Whilst charities must apply their resources exclusively to their stated beneficiaries, over the last decade or so many charities that purport to benefit women have diverted resources for the benefit of men who identify as women (as discussed further in Part 4). Departure from charitable purposes, described by the Charity Commission as '[mission drift](#)' potentially exposes both the charity and trustees to regulatory action, and risks putting organisations under further financial pressure.

Underfunded, under resourced and under the radar (2025)

A 2025 [report](#) by Rosa and Pro Bono Economics set out the challenges facing women and girls' charities (WGCs) in the UK. Based on a survey of 211 women and girls' organisations conducted in the summer of 2024, it noted:

- Demand for services had been steadily increasing, exacerbated by the long tail of the Covid pandemic, and cost of living crisis
- Trusts and foundations remained a critical funding source but that government funding still played an important role
- Government funding and service contracts were seen to favour larger generalist organisations at the expense of smaller, specialist providers
- Only 36% of respondents said that their financial position was stronger compared to the previous year

The report painted a picture of WGCs under considerable financial strain, uncertain of what services they would be able to offer in future.

State of the Women's Sector (2024)

A [membership survey](#) undertaken by the Women's Resource Centre in 2024 reported similar findings: increased demand for services, funding worries and concerns about the impact of the cost of living crisis.

Mapping the UK Women and Girls Sector and its Funding: Where Does the Money Go? (2023)

A [2023 report](#), commissioned by Rosa, the National Lottery Community Fund, and Esmée Fairbairn Foundation, found that in 2021, a total of £4.1 billion worth of grants was awarded to charities, but the women and girls sector received just 1.8% of these. One-third of all grants for activity focused on 'women and girls' went to organisations with no specific focus on the female half of the population.

Of the estimated 7,079 charities that exist primarily to support women and girls, the most common type are 'social' organisations – from the Women's Institute and Girlguiding down to small, local organisations. This was followed by those focused on tackling VAWG and health issues. Organisations tackling VAWG received the most grants in terms of number and value, and were most reliant on government funding.

Part 3. Legal framework

This part sets out the legal context for this report and draws out some key points from the legal opinion commissioned for it. It also highlights the role of regulators in ensuring that the interests of women as beneficiaries, and donors who believe they are supporting women are protected.

3.1. Charities and the Equality Act

Section 193 of the [Equality Act 2010](#) permits charities to restrict their benefits to those sharing a particular protected characteristic without contravening the Act's prohibitions against discrimination, as long as (a) they are acting within the terms of the charity's charitable instrument and (b) further conditions set out in sub-section 193(2) are met.

193 Charities

(1) A person does not contravene this Act only by restricting the provision of benefits to persons who share a protected characteristic if—

- (a) the person acts in pursuance of a charitable instrument, and
- (b) the provision of the benefits is within subsection (2).

(2) The provision of benefits is within this subsection if it is—

- (a) a proportionate means of achieving a legitimate aim, or
- (b) for the purpose of preventing or compensating for a disadvantage linked to the protected characteristic.

3.2. Sex in the Equality Act

The judgment in *For Women Scotland Ltd v The Scottish Ministers* was issued by the UK Supreme Court on 16 April 2025. When the Supreme Court interprets a statute, it decides what that statute has always meant. The law has not been changed and no more legislation is needed. A judgment sets out what the law already means.

The full judgment and other associated documents are [here](#).

The Court unanimously held that the terms “man”, “woman” and “sex” in the Equality Act 2010 (EA) refer to biological sex. The brief description below of key points for this report is taken from the Supreme Court's press summary (the Court cross-refers to paragraphs in the full judgment):

For Women Scotland Ltd v The Scottish Ministers

It is important that the EA 2010 is interpreted in a clear and consistent way in order that groups which share a protected characteristic can be identified by those that the EA 2010 imposes obligations on so that they can perform those obligations in a practical way [151]-[154].

Additional provisions that require a biological interpretation of “sex” in order to function coherently include separate spaces and single sex services (including changing rooms, hostels and medical services) [211]-[221], communal accommodation [222]-[225], and single sex higher education institutions [226]-[228]. Similar confusion and impracticability arise in the operation of provisions relating to single sex characteristic associations and charities [229] [231], women’s fair participation in sport [232]-[236], the operation of the public sector equality duty [237]-[244], and the armed forces [245]-[246].

The meaning of the terms “sex”, “man” and “woman” in the EA 2010 refer to biological sex, as any other interpretation would render the EA 2010 incoherent and impracticable to operate [264]

The Supreme Court, Press Summary, 16 April 2025

3.3. Legal Opinion

As part of this project, we commissioned Karon Monaghan KC to consider the legal situation for charities whose objectives state that their sole beneficiaries are women, following the Supreme Court judgment. In commissioning this opinion, we were able to take into account announcements made by Girlguiding and the National Federation of Women’s Institutes in December 2025 about their proposed response to the judgment.

This report is interested in the situation of charities intended to benefit women specifically in their capacity as single-sex charities. These organisations are also however bound like all other organisations by the Equality Act 2010 in their provision of services and other functions, including applying the law correctly as it applies to single-sex activities. As Ms Monaghan comments, **‘It goes without saying that charities should also comply with the law more widely.’**

In carrying out particular activities, any revised EHRC Code of Practice for Services, Public Functions and Associations will be a relevant source of guidance for women-only charities, once available. Obligations to comply with the law apply immediately, however, irrespective of what may happen with the revision of that guidance.

We highlight points from Ms Monaghan's opinion below. Added emphases (in bold) are ours. The full opinion is in the Appendix and should be read in its entirety.

The opinion is in three parts: an introduction and summary (6 pages), a detailed background discussion (30 pages), and answers to our original questions (3 pages).

Legal disclaimer

This publication reproduces, and provides commentary upon, a legal opinion. The opinion is included strictly for information and explanatory purposes. Although the opinion may assist readers in understanding the issues addressed, in considering assertions about the law made to them by other parties, or in identifying matters on which they may wish to seek further advice, no part of this publication constitutes legal advice to readers, and it must not be construed or relied upon as such.

The authors therefore accept no responsibility or liability for any reliance placed upon the contents of this publication. Readers should obtain independent legal advice from an appropriately qualified legal professional in relation to any specific matter, as necessary.

Legal opinion: key points

Charitable purpose

- A charity's purposes may restrict its benefits to women only.
- **If a charity's purposes clearly state that the beneficiaries are women and/or girls, the fact that the charity has decided to provide services to men and/or boys who identify as women or girls, does not alter the meaning of its charitable purposes.**
- **Where a charity's purposes are restricted to benefiting women, they are not permitted to extend those charitable benefits to men or boys whether or not they have done so in the past.**
- A charity may alter its charitable purposes, and apply funds donated to it for different purposes, but only in narrow circumstances. This area of the law is complex and cannot be dealt with in general advice.

Charity name

- A charity will have an official name on the register. It may also have a working name; that is, another name that it uses. **A main name or a working name must not be misleading by, for example, suggesting that the charity does something that it does not.**
- Where a charity's main or working name indicates that it is for women and/or girls ("Women's Aid", "Women's Institute", for example) thereby suggesting that its purposes or activities are restricted to benefiting women and/or girls only, the name is likely to be misleading if the charity's purposes are not so restricted and/or its benefits are extended to men who identify as women.

Trustees' duties

- Trustees' primary and overarching duty is to further the purposes of the charity. They are required to act honestly, reasonably (with all due care and skill) and responsibly and in the best interests of the charity and its purposes. They must exercise their powers in good faith for the proper purposes for which those powers were given; that is, to advance the charity's purposes, not personal advancement or for other interests. A charity must apply funds and other resources for those charitable purposes only.

Legal opinion: key points continued.

- Trustees must further the purposes of their charity for the public benefit. This means that **where the charity's beneficiaries, as reflected in its purposes, are women, it is the continuing duty of the trustees to further its purposes for the benefit of women.** For example, a women's charity will not be furthering the purposes of the charity for the public benefit if it applies its resources to carry out its purposes for men, whether or not they identify as women.
- It is not clear how associated groups (such as the 'sisterhood groups' proposed by the Women's Institute) set up in order to include men or boys who identify as women or girls could further the purposes of a charity established to advance the interests of women or girls. If they do not, charities should not be applying their resources to them.
- Trustees who act in breach of their legal duties can be held responsible for the consequences that flow from such a breach and for any losses that a charity incurs as a result. Additionally, the regulators can take action under statute to have them disqualified from acting as a trustee.
- Since a charity can only apply its resources in furtherance of its charitable purposes, a charity whose beneficiaries are women and/or girls will not be acting within the scope of its powers if it enters into an agreement which requires it to undertake activities for the benefit of men and boys.

Fundraising and advertising

- Charities are bound by the UK-wide Code of Fundraising Practice. A failure to comply with it may result in the regulator taking regulatory action, since a finding against a charity by the Fundraising Regulator may give rise to governance concerns.
- The Code of Fundraising Practice states that fundraising must be legal, open, honest and respectful and must not mislead existing or potential donors. This means that a charity must not claim that a donation will only be used for a particular purpose, if it may be used for another purpose.
- **A women's charity that fundraises on the basis that funds will be applied to the benefit of women and/or girls when they are also used to benefit men who identify as women, may breach the terms of the Code.** This may result in the regulator taking action against the charity and trustees pursuant to their powers to intervene, or taking action against individual trustees including disqualification.
- There are a number of regulatory and legal restrictions on campaigning.

Legal opinion: key points continued.

- Advertisements and broadcasting must not be misleading. **An advertisement that states that all donations will be used to fund women's services may well be misleading where those services are also provided to men.**
- There are a number of regulatory and legal restrictions on campaigning. Advertisements and broadcasting must not be misleading.
- **An advertisement that states that all donations will be used to fund women's services may well be misleading where those services are also provided to men.**

Equality Act Compliance

- The protected characteristics under the Equality Act 2010 (EqA) include sex and gender reassignment. Sex means biological sex.
- The EqA makes direct and indirect discrimination and harassment, including sexual harassment, unlawful across a range of activities.
- **There are exceptions under the EqA to the prohibitions on sex discrimination. A charity cannot rely upon these exceptions unless it treats sex as biological.**
- Section 193, EqA contains an exception which permits a charity to restrict the provision of its benefits to persons who share a protected characteristic. If this exception applies, a charity that restricts the provision of benefits to women will not be acting unlawfully under the EqA.
- Conversely, **if a charity decides to restrict its benefits to women only, it must treat women as referring to biological women.**
- Discrimination and harassment by "associations" is unlawful under the EqA. An exception applies to the prohibition on sex discrimination by associations. **This permits an association to restrict membership or associate membership to women only and/or allow in only female guests, as long as it treats sex as biological.**
- Discrimination and harassment by any service provider is unlawful under the EqA. "Services" include goods and facilities. This covers a wide range of services and benefits.
- Many charities will provide services or facilities that fall within the EqA, where exceptions permit women and men to be treated differently. These might include medical or counselling services, sporting events and facilities, domestic violence services, the making of grants, among other services and facilities.

Legal opinion: key points continued.

- **Whenever a charity relies on an exception under the EqA concerning sex, it must treat women as referring to biological women in accordance with the judgment in FWS. If it does not do so, it will not be able to rely on the exceptions and may find itself acting unlawfully.**
- Under the EqA, trustees who are responsible for making decisions that result in unlawfully discriminatory acts or harassment may be personally legally liable for those acts. This means that where trustees introduce policies or do acts that are unlawfully directly or indirectly discriminatory, or which result in harassment, they may - if proceedings are brought against them - have a finding of unlawful discrimination or harassment made against them and may be made to pay compensation.

Educational establishments

- Section 193 of the EqA means that an education provider which is a charity will not breach the EqA by providing benefits only to girls or women if certain conditions are met.
- Schedule 11, para 1, EqA contains an exception permitting single-sex schools and Schedule 12, para 1 contains an exception permitting single-sex further and higher education institutions. Sex, again, means biological sex.
- A girls' school will not lose its single-sex status if it admits boys where the admission of boys is exceptional or where their numbers are comparatively small and their admission is confined to particular courses or classes. The same applies for a women's only further or higher education institution.
- In the case of a single-sex female school or further or higher education institution, **it does not seem to me that the "exceptionality" criterion would be met where the reason for the admission of boys or men was solely that they identify as girls or women.** This is because the exception plainly anticipates that it is something other than sex that creates the exceptional circumstance.
- A school or further or higher education institution which is a charity the stated beneficiaries of which are girls and/or women only, is unlikely to be acting outside its purposes if it admits boys or men where the conditions in Schedules 11 or 12 are met. This is because any benefits to boys or men would be small in number and incidental. **For the conditions in Schedules 11 and 12 to be met, sex must be treated as biological sex.**

Legal opinion: key points continued.

Responsibility for employees' acts

- Charities are vicariously liable for the acts of their employees where those acts are done in the course of their employment. A charity may escape liability for an employee's act if it can show that it took all reasonable steps to prevent the employee from doing the act in question or from doing acts of that description. Charities should, therefore, give clear guidance to its employees on the law as it affects their charity's functions and on its effect on services to women.

3.4. Regulatory Bodies

Our research suggested a shift to mixed-sex beneficiaries on the part of charities whose purposes, as set out in their objects, and name and fund-raising messages, are only women-only on a scale implying a significant compliance issue for regulators.

The regulator of charities in England and Wales is the Charity Commission (Charity Commission), which is an independent, non-ministerial government department accountable to Parliament, most recently re-established under the [Charities Act 2011](#). This is supplemented by the [Charities Act 2022](#). The Charity Commission's governance framework sets out its structure, policies, and regulatory approach. The Commission's statutory objectives are set out in s14 of the 2011 Act. They include, as Objective 3, 'The compliance objective', which is set out in law as:

'The compliance objective is to promote compliance by charity trustees with their legal obligations in exercising control and management of the administration of their charities.'

The parallel function for charities in Scotland is undertaken by the Scottish Charity Regulator (OSCR), established under the [Charities and Trustee Investment \(Scotland\) Act 2005](#), recently strengthened by the [Charities \(Regulation and Administration\) \(Scotland\) Act 2023](#).

Some charities that operate across the UK have to register with both regulators. [Additional arrangements](#) are in place between Charity Commission and OSCR for overseeing these.

Ms Monaghan's advice draws repeated attention to the role of the regulatory bodies in ensuring that the law relating to charities is enforced. She notes that the Charity Commission and OSCR are responsible for:

- Regulating charities and maintaining a register of charities; one for England and Wales and one for Scotland.
- If an institution no longer meets the requirements to be a charity, taking it off the register.
- Taking action where trustees act in breach of their legal duties, against the charity and trustees, or taking action against individual trustees, including by disqualifying them.
- Directing charity trustees to change a misleading name or working name of a charity.
- Taking regulatory action where there is failure to comply with the UK-wide Code of Fundraising Practice. A separate UK-wide [Fundraising Regulator](#) oversees the Code of Fundraising Practice and can also report concerns to the Charity Commission and OSCR.
- Taking regulatory action where there is failure to comply with regulatory guidance addressing advertising and broadcasting.

In January 2026, in response to an [open letter](#) titled 'Third Sector Against Transphobia', the Charity Commission CEO advised that the Commission was awaiting further guidance before directing charities:

'the Commission cannot pre-empt publication of the statutory Code of Practice from the Equality and Human Rights Commission (EHRC), the regulator responsible for guidance and enforcement of the areas of law covered under the Equality Act 2010. As soon as it is finalised, though, we will move to update our own focussed guidance relating to specific matters for charities under the Equality Act.... [O]ur regulatory approach whilst the Code of Practice is being finalised... has been to accept that it can be a reasonable decision for trustees to await the final statutory guidance, or alternatively to seek legal advice relevant to their charity's position and make changes as they consider necessary.'

And:

'it is vital that the EHRC's Code of Practice is published as soon as reasonably practicable. I have now written to Ministers to that effect setting out some of the serious impacts on the sector and the need for urgent improved clarity and guidance.'

*David Holdsworth, HM Registrar of Charities for England and Wales,
[Response to open letter on charity governance and Equality Act 2010](#),
21 January 2026*

The Charity Commission's message that charities may reasonably wait for the EHRC's updated Code contrasts with advice from EHRC itself, as the relevant regulator for the Act.

In October 2025, the Charity Commission [wrote](#) to the Secretary of State, urging the government to bring the updated Code into force as soon as possible, adding 'In the meantime – as we have said consistently since 16 April – duty-bearers must ensure that they comply with the law, seeking their own expert legal advice if necessary.'

Given the relatively limited number of charities formally devoted specifically to the female half of the population, inaction by the regulators in the face of evidence that the already limited resources ring-fenced in law for women have repeatedly been opened to men would appear to be a serious regulatory failure. We assume that a pattern of failure to intervene where women's charities use their resources for male beneficiaries might open the regulators themselves to claims of discrimination on the grounds of sex, but for the purpose of this project we did not seek an opinion on that.

The evidence collected for this report provides grounds for an investigation into how far resources originally intended for female beneficiaries have been systematically extended in recent years to male ones, either through mission drift or formal abandonment of female-only purposes. However, regulators have shown little evident interest in this.

'Mapping the UK Women and Girls Sector and its Funding: Where Does the Money Go?', discussed in Part 2, noted that the Charity Commission was reviewing the categories that charities can select to indicate who they work with. The report noted that: 'One of the proposed new categories is 'people of a specified sex/gender'. In a response to us, the Commission confirmed that this review had not been completed.

Related to this, we note in Part 5 below that there is evidence of funders' conditions creating pressure on charities to act outside their purposes. This is also an issue for regulators.

Regulators should also be aware that organisations and individuals other than funders may seek to influence charities' decision-making. For example, the Children's Commissioner for England [suggested](#) in December 2025 that a charity set up to benefit girls only had some responsibility for supporting the participation of some boys in youth groups generally. Regulators have a responsibility to protect charities from expectations or pressure from any source to act beyond their purposes.

3.4. Umbrella Bodies

The [National Council for Voluntary Organisations](#) and the [Scottish Council for Voluntary Organisations](#) are membership bodies providing services to a large number of charities and other voluntary organisations in England and Wales, and in Scotland, respectively. Smaller organisations are most likely to look to these bodies for practical support. Neither provides legal advice, but through training, resources, newsletters and other activities, both will shape charities' understanding of their legal obligations. Both organisations are charities themselves.

We looked for material published by each body related to the protected characteristic of sex in the Equality Act 2010, single-sex organisations and the Supreme Court decision.

National Council for Voluntary Organisations

The NCVO is 'the membership community for charities, voluntary organisations and community groups in England...We have over 17,000 members, made up of all causes, shapes and sizes.' It provides a variety of services and support to members.

The NCVO's [discussion](#) of the Equality Act correctly lists sex as a protected characteristic. We could not find any material produced by the NCVO on single-sex organisations or any statement on the Supreme Court judgment.

The NCVO offers '[Introduction to EDI in charities](#)' training which members can pay to attend. It describes the course as 'created by The Social Justice Collective to help you understand, address and embed equality, diversity and inclusion (EDI) into your governance practice.' The content of the training on the Equality Act is not shown, but the Collective's own separate '[resources](#)' page links to material from bodies critical of the Supreme Court judgment (Gendered Intelligence, Transactual and Stonewall) but none taking any other view. For example, [Maximising trans inclusion after the Supreme Court Judgment v3](#) (Gendered Intelligence, March 2026) argues, contrary to Ms Monaghan's opinion, that 'a service for all women does not have to say that it is a single sex provision. We believe it could reasonably describe itself as a single gender provision instead, or 'for women'/'for men', and make it clear that this is trans-inclusive.' The Collective's own 'Language Guide' includes definitions such "Gender identity: A person's innate sense of their own gender, whether male, female or something else (see non-binary below), which may or may not correspond to the sex assigned at birth.'

This raises a question about the messages external training organisations are giving charities about their responsibilities under the law, and how far such messages may have contributed to some charities for women extending their activities to include male beneficiaries. It also raises a question about what due diligence is done by umbrella bodies such as the NCVO on training they offer or promote on any topic. The responsibilities of the NCVO's own trustees are relevant here.

Scottish Council for Voluntary Organisations

The SCVO plays a similar role in Scotland, and has a 'community of 3,663 members and supporters.'

The SCVO's [model template](#) for members for an 'Equality Diversity Monitoring Form' does not include sex. Instead, under 'Gender', it offers the options of 'Man/Woman/Intersex/Non-binary/Prefer not to say' and a space where respondents may offer an alternative to any of these terms. It therefore directs members to collect data that is non-compliant with the Equality Act 2010.

We could not find any guidance or statements in the name of the SCVO about single-sex organisations or provision, or the Supreme Court judgment. However Third Force News (TFN), an online newsletter [published](#) by the SCVO, has run several relevant pieces, mainly about the response of Girlguiding, which has been to revert to female-only membership, as discussed below. TFN's '[long read](#)' on this is typical of these, placing weight on lengthy contributions from legal commentators critical of the judgment, and of Girlguiding's decision, and not presenting other perspective. Elsewhere, TFN comments that the judgment 'has wreaked havoc.'

TFN is one of the main ways that the SCVO communicates about current events with its membership, and a wider audience (it is not paywalled). Its content here raises questions about the obligations of umbrella organisations towards their members, especially those organisations least able to seek independent advice, where they publish commentary on issues with legal implications. As with the NCVO above, this engages the responsibilities of the SCVO's own trustees.

It is also relevant to the Scottish Government, as a major funder. In the most recent financial year reported ([2024-25](#)) SCVO received just under a quarter of its income from the Scottish Government, and slightly more in the previous year. By comparison, in the [most recent year reported](#) the NCVO received no income from central government; in the previous year, grants from the Department of Culture, Media and Sport accounted for less than 5% of its income.

Part 4. Losing focus: review of charities for women and girls

Within the last two decades, many charities whose beneficiaries are women have extended their activities to include men who identify as women. This change is particularly noticeable in the VAWG charitable sector.

This shift can be largely attributed to the successful promotion of gender self-identification principles by activist groups from outside the women's sector, particularly in relation to VAWG organisations. As acknowledged by former Scottish Trans Alliance Director James Morton, 'ensuring gender identity self-declaration works well in single-sex services' required 'strong alliances with feminists and violence against women organisations'.

'Ensuring gender identity self declaration works well in single-sex services

...Together with LGBT Youth Scotland's domestic abuse project, the Scottish Transgender Alliance could see how necessary it was to have strong alliances with feminists and violence against women organisations in Scotland... Very well respected Scottish feminists... warmly and cogently advocated for trans inclusion while Shakti Women's Aid and the Edinburgh Rape and Sexual Abuse Centre had the confidence to lead through example by becoming trans-inclusive. By being openly trans while doing crucial violence against women sector work... Mridul Wadhwa demonstrated first-hand the inaccuracy of anti-trans stereotypes. Likewise, Katherine Burrows and Jan Irvine not only provided trans awareness training to a wide range of service providers but also held volunteer roles within Engender and Scottish Women's Aid. All Scottish Government funded violence against women services are now trans inclusive and trans activists campaign with feminist activists on a wide range of gender equality issues'

Former Scottish Trans Alliance Director James Morton (2007-2020) in 'Trans Britain' ed. C. Burns, 2018

Illustrative of this, in 2010 the Tayside Violence Against Women Training Consortium began work with the LGBT Domestic Abuse Project to develop '[Guidance for women's services on the inclusion of transgender women](#)' (discussed in more detail in Part 5). Scottish Women's Aid has [noted](#) a history of developing policies here to a similar timetable.

Looking beyond the VAWG sector, in 2017, with [support](#) from Stonewall and Gendered Intelligence, the Guide Association extended its membership to boys and young men who identified as girls or young women. Prizes and funds created for women have been opened to some men. Some women's charities have adopted policies requiring female users who wish to be beneficiaries to treat men who identify as women as if they were women. These and other examples are discussed in more detail below.

For each charity we show its objects, as set out in the governing document. We then review how each charity operates in practice, drawing variously on policies, position statements or other relevant documentation. Where available, we show responses to the Supreme Court ruling. Part 4.7 reviews a small sample of charities whose beneficiaries are not limited to women, but whose name nonetheless suggests that the service is women only. As indicated by Ms Monaghan's legal opinion, the name of a charity is expected not be misleading in respect of its services.

The use of unclear language by charities to refer to sex more generally remains problematic, particularly by organisations dealing with structural disadvantage or other vulnerabilities. For example, some charities use the term 'women-only' when describing services that include 'trans women' or 'transgender women'. As noted earlier, representative [public opinion polling](#) undertaken in 2023 shows considerable confusion around these terms, with fewer than two-thirds of respondents understanding they are intended to refer to 'someone registered as male/a boy at birth.' Those with the least or no qualifications were even less likely to understand these terms correctly. The lowest level of understanding was for the term 'trans woman', in London, where only 43% gave the correct response.

Whilst intended as inclusive, language that departs from ordinary meanings is likely to act as a barrier for some women wishing to access services. This includes women with English as a second language, and first language English speakers with limited language skills. Scottish Government guidance on [inclusive language](#) identifies disability, age, poverty, unemployment, and care experience as predictors of communication disadvantage. It recommends using simple, everyday language and advises against jargon and abbreviations.

4.1. Violence against Women and Girls charities

The violence against women and girls (VAWG) charity sector evolved from the 1970s grassroots feminist movement, providing services to women and girls who have experienced violence, including sexual violence and domestic abuse. Early providers established the ‘for women, by women’ ethos, recognising that vulnerable survivors required trauma-informed, single-sex spaces to seek help and feel safe.

The development and professionalisation of the sector saw the founding of Women’s Aid Federations in England (1974), Scotland (1976) and Wales (1978). Rape Crisis England and Wales was established in 1973 and the organisation now known as Rape Crisis Scotland in the mid-1990s. These umbrella organisations increasingly acted in a representative capacity, leading campaigning activity and working with governments to influence policy. Frontline VAWG services collectively include temporary accommodation, counselling (both one-to-one and group), and therapy.

We identified very few charitable service providers that clearly and openly provide nothing but single-sex services to women and girls. Examples include [nia](#) (London), [CIS’ters](#) (a small charity serving members across England and Wales but not currently accepting new members, due to financial constraints), and [Glasgow and Clyde Rape Crisis](#), which severed its association with the umbrella organisation Rape Crisis Scotland, stating its priority was to provide a single-sex service by an all-female workforce, and that this was ‘at odds’ with Rape Crisis Scotland priorities (which has also announced limits on its services, due to financial constraints). [Beira’s Place](#) provides single-sex support for women in Edinburgh and the Lothians, but is not a charity.

In 2023 a Scottish Government [Independent Strategic Review of Funding and Commissioning of Violence Against Women and Girls Services](#) reported:

‘We were told that some women were self-excluding from services because of the potential inclusion of trans women, either as staff or as service users. The trauma experienced by women, children and young people as a result of VAWG is well recognised and can endure for a considerable time after they have left the abuser, affecting their interactions with other people and the level of threat they perceive around them. This was frequently cited as a strong rationale for single-sex spaces being guaranteed...’

Scottish Government, [The Independent Strategic Review of Funding and Commissioning of Violence Against Women and Girls Services](#), 2023

The authors also spoke directly to a small number of women who had self-excluded from services. The report stated it was not possible to assess the extent of self-exclusion, noting also that ‘the prevailing climate around trans inclusion may prevent more women from speaking openly’.

These fears are founded in experience. In 2024, an Employment Tribunal determined that Roz Adams had been the victim of a ‘[heresy hunt](#)’ at the Edinburgh Rape Crisis Centre, after she sought advice on how to have a clear conversation with women approaching the service seeking reassurance about the sex of counselling staff. In the judgment’s words, ‘In most situations the law insists that men and women are treated exactly the same. The Tribunal agreed with the claimant’s representative that this is one of these cases where sex does matter in that the respondents are a Rape Crisis Centre.’

A report published by Sex Matters in 2024, [Women’s services: a sector silenced](#) found ‘The interviewees – seasoned leaders within the women’s sector – describe harrowing experiences of being investigated, ostracised and bullied, and pressured into adopting policies that compromise women’s welfare and safety.’ Interviewees also reported that where any men were admitted to these services, women reported feeling unsafe and their trust in the service was undermined, diminishing what the service could achieve for them, that some self-excluded, and that there were examples of women’s and children’s safety and security being compromised in practice.

In the examples below, the charities discussed are intended for female beneficiaries only, but in practice, also use resources to benefit some male users in some way. This includes key umbrella bodies that set standards and/or shape policy for frontline service providers.¹

Separately, Rape Crisis England and Wales (RCEW) presents an interesting case, which is not covered by our legal opinion. RCEW is a national membership organisation for 36 independent centres that provide front-line services such as one-to-one and group-based counselling services. It also hosts a national support line. RCEW [describes](#) its mission as ‘[working] for women and girls, in partnership with our member centres...’.

¹ This report is interested in the move over time to treat some male users as if they were women. Some charities have longstanding objects which refer to women and children, implying children of either sex. Particularly in the domestic violence sector, enabling women to bring their children with them was seen from the start as essential to providing women with support. We therefore treat organisations whose objects include ‘women and children’ as women’s charities, for the purpose of the analysis below.

As a condition of [accreditation](#), member centres must meet National Service Standards that require centres to be ‘women-only’: this [condition](#) can however, be met on the basis of biological sex and/or self-defined gender identity. RCEW states members should ‘provide clear and coherent descriptions of their services (however they choose to deliver them)’.

It therefore clearly presents itself as a charity for women and girls. This was aligned with its charitable objectives until recently. For example, its [2024-25 accounts](#), submitted in January 2026, quote its objectives as:

‘to relieve the trauma and distress of women and girls, their families, friends, or others connected to them, who have experienced any form of sexual violence, in particular but not exclusively through the support and promotion of rape crisis centres and through the provision of services and information.’

Rape Crisis England & Wales, [Annual Report & Financial Statements 2024/25](#)

However, its formal objectives as shown on the [Charity Commission site](#) are that its objective is (emphasis added) ‘to relieve the trauma and distress of **primarily** women and girls’. The Charity Commission shows that the most recent [changes](#) to its objectives were made in August 2025 and March 2026. Shortly after the Supreme Court ruling RCEW [announced](#) it was awaiting the updated EHRC Code of Practice and any other statutory guidance, and taking legal advice on the ruling. We could not find a further update.

There are other organisations that appear to have made a similar change. For example, the domestic abuse charity Refuge states that it is ‘For women and children’ on its logo. As of 2000, the [objective](#) of Refuge was ‘to provide for the relief of women and their children who have been physically and/or mentally abused...’. In 2012 Refuge amended its objects to also provide for ‘other victims’. Refuge confirmed its position in its [response](#) to the Supreme Court ruling.



‘Today’s ruling by the Supreme Court will not change the way Refuge operates. We remain firmly committed to supporting all survivors of domestic abuse, including trans women.’

Gemma Sherrington, CEO of Refuge. 16 April 2025. Accessed 7 April 2026.

Given the availability of resources for groups focussed on sexual orientation and/or gender reassignment, and experience developed in providing services for survivors of abuse, setting up separate specialist services for some or all male victims would appear to be more straightforward now than it was when women first did this for themselves. The most visible explanation of why this has not happened is the promotion of identity over sex. However, other pressures may also have played a part.

One attraction for funders of reshaping what were once women-only services rather than setting up new specialist ones may simply have been as a way to expand provision more cheaply. Meanwhile some staff and trustees in organisations will also always be tempted by any opportunity to expand, even to the detriment of pursuing the organisation's purpose. The Charity Commission warns about mission drift, generally, for a reason. Even if organisations do not particularly wish to expand, they may wish to reduce the risk of new specialist organisations increasing competition for existing resources. More selflessly, using existing provision created for a larger population allows more efficient accessibility for smaller groups. However, we note that small population arguments have not prevented specialist services being set up for women which are based on the intersection of sex and another characteristic. Pressure to give up single-sex provision from identity-focused lobby groups may therefore have been successful partly because it could take advantage of the sort of considerations above.

Whatever the full range of reasons, this has happened at the expense of retaining resources specifically for women, and arguably also at the expense of treating the needs of male victims of various sorts as distinctive. Considering all the reasons why women-only services have faced erosion, formally and informally, in recent years helps to think about how this process can be halted and reversed, as well understanding where there may be a need for new services and organisations, that might work in partnership with existing ones, but remain distinct.

4.1.1. Support after Rape and Sexual Violence Leeds

Charitable objects

'(1) to relieve the mental and physical distress of women and girls affected, or at risk of being affected, by rape and sexual violence, recognising their diverse needs; (2) to promote the education of the public and to raise awareness of rape and sexual violence and its effects; (3) to promote research into rape and sexual violence and its effects and to disseminate or publish the useful results of such research.'

Charity number 1139555: [Governing document](#)

SARSVL is part of the RCEW network, [describing](#) itself as 'the dedicated Rape Crisis Centre for all women and girls in Leeds affected by rape and sexual violence'.

SARSVL also provides services to some men, which are labelled 'women only'. Under the heading '[Why 'Women Only'](#)' SARSVL refers to the importance of protecting women-only services and spaces, noting 'the majority of statutory services and spaces are not specialist for women, so it's important to us that we protect and maintain our safe women-only service', describes 'transgender women and girls' as female, and suggests the right to self-identify into services is provided for in the Equality Act 2010. SARSVL does not support women and girls who identify as men or boys.

'Why is SARSVL women only?'

SARSVL is proud to be a feminist organisation and member of Rape Crisis England and Wales. We offer services by women, for women and girls. This is because, throughout Rape Crisis England and Wales' 40+ years' experience of frontline work, this is what women and girls have told us they want.

The majority of statutory services and spaces are not specialist for women, so it's important to us that we protect and maintain our safe women-only services and spaces for those who want and need them.

Research conducted by the Women's Resource Centre found that women who had used women-only services greatly valued this support. An independent poll of 1,000 women across the UK found that 97% of those interviewed thought a female rape victim should have the choice of accessing a women-only support service.

What's your policy on gender identity?

SARSVL is here to support women and girls – that means people who self-identify as being a woman or a girl. We are a proudly trans inclusive organisation and we recognise that transgender women and girls are female and have the right to self-identify as such in accordance with the Equality Act (2010).

Transgender women are welcome and encouraged to seek support from SARSVL and to deliver our services as volunteers or employees.

As a women only service, SARSVL does not work with transgender men or boys.'

SARSVL '[Why 'Women Only'](#)'. Accessed 4 April 2026

Supreme Court ruling response

We could not find a response from SARSVL to the Supreme Court ruling.

4.1.2. Rape Crisis Tyneside and Northumberland

Charitable objects

'a) to relieve the emotional, psychological and/or physical distress of women and girls who have experienced sexual violence at any time in their lives; b) to educate the public in the nature of sexual violence and its impact on women and girls in particular by offering training and conducting research and disseminating the useful results of that research.'

Charity number 1138149: [Governing document](#)

Rape Crisis Tyneside and Northumberland (RCTN) [state](#) on the charity register that its resources are for the 'provision of direct support services to female survivors of sexual violence aged 13 and over...'. The RCTN website [expands](#) this to include 'trans women'.

RCTN states it has [offered](#) services to men since at least [2016](#). The [2023/24 Trustee Report](#) describes the service as 'women's only' but adds this includes 'trans women and non-binary individuals'. Similarly, the RCTN website [describes](#) its service as 'for women and girls only', with 'trans women and non-binary people' included in this definition.

'Is the service women-only?

All of our services are for women and girls only and all of our trustees, staff and volunteers are women. That means that when you call us you will only speak to a woman and your worker or counsellor will be a woman.

Our main office and some of our outreach bases are women-only... Our definition of women-only includes trans women and non-binary people who identify that women's services are right for them.'

Rape Crisis Tyneside and Northumberland, [Frequently Asked Question: Is the service women-only?](#) Accessed 19 March 2026

Under 'Group work' the website states:

'Unless a group is specifically advertised as single-sex, our groups are inclusive of women, trans women and non-binary and inter-sex people who feel a women's space is right for them.'

Group Work. Accessed 19 March 2026

At the time of writing, we could not find any groups advertised as single-sex. RCTN does not collect data on sex on its [referral form](#) (as of 3 April 2026).

In 2022 the RCTN Chief Executive and a further nineteen staff/volunteers signed a [multi-signatory letter](#) objecting to EHRC [guidance on separate and single-sex service provision](#) that referenced women's likely trauma at sharing services with biological men. The letter stated 'In our experience, it is very unusual for cis service users to object to trans women joining a support group.'

RCTN fundraises on the basis that funds are used to support women and girls.

'Your donations and support will go towards providing vital counselling and support services to women and girls aged 13+ who have experienced sexual violence. Further enabling us to continue to educate, break the stigma and raise awareness on sexual violence.

Fundraising. Accessed 4 April 2026

Supreme Court ruling response

On 24 April 2025 RCTN [stated](#) it was reviewing its service and awaiting further guidance, but remained 'remain committed to supporting trans women affected by sexual violence'. On LinkedIn, the Chief Executive [stated](#) the service was unchanged and that 'we offer single sex spaces, and we also offer mixed spaces... it's clear on our website, and in our literature.'

4.1.3. Women's Aid Federation of England

Charitable objects

'for the public benefit, to promote the protection of women and children who have suffered from or are exposed to domestic violence, by such means as are charitable including (without limitation): (a) the preservation and protection of their mental and physical health; (b) the relief of need; (c) the promotion of research and education concerning violence against women and children and the publication of the useful results of such research; and (d) increasing the public understanding and awareness of violence against women and children and changing public perceptions of such violence in situations where it is still tolerated.'

Charity number: 1054154: [Governing document](#)

Women's Aid is the organising body for over [185 member organisations](#) that provide frontline domestic abuse services, including temporary accommodation and counselling. It also runs online support services and offers training and consultancy.

In March 2020 Women's Aid published a [statement](#) confirming it supports the principle of providing single-sex domestic abuse services, as per its charitable objects. The statement acknowledged however, that Federation organisations offered a range of services, 'including single-sex services and services that meet the needs of trans and non binary people'. Federation members that also offer services to men include: [Latin America Women's Aid](#) and [Solace Women's Aid](#) (see Part 4.6.5). Women's Aid also [fundraises](#) on the basis of supporting women and children (see below: accessed 4 April 2026).

Donate to help more women and children get the support they need to escape abuse

Supreme Court ruling response

Women's Aid issued an initial [response](#) on 25 April 2025: 'Over the coming weeks we will seek to engage with the EHRC on their forthcoming guidance which will set out the implications of the ruling. This may impact on various aspects of our work including the general guidance we provide to members and on our national quality standards framework'. We could not find an updated position.

4.1.4. Scottish Women's Aid

Charitable objects

'(a) To encourage the provision of temporary refuge for women and their children where the woman has been abused ... (b) To offer support, information and help to women and their children who ask for such help ... also to offer support and information to any woman and children who have left a temporary refuge. (c) To provide equal opportunities for, and participation of, women in society to enable them to determine their own futures. (d) To provide opportunities to meet the educational and emotional needs of children... (e) To encourage statutory authorities and other agencies to recognise their obligations, legal and otherwise, towards women, children and young people who have experienced domestic abuse...'

Charity number SC001099: [OSCR register](#)

Scottish Women's Aid (SWA) has a similar remit to the Women's Aid Federation of England, as the organising body for over thirty local organisations. SWA has used its resources to support and campaign for gender self-identification policies and laws, as set out in its [submission](#) to the 2017 Scottish Government Review of the Gender Recognition Act 2004:

'Scottish Women's Aid has a history of deliberating on the relationship between trans rights and women's equality. SWA worked with the Scottish Trans Alliance and LGBT Youth Scotland to develop training, guidance and support for WA groups in delivering trans inclusive services. In 2010, we developed our Guidance for Supporting Trans Women for Women's Aid Groups in Scotland, which was updated in 2015. We will update this document to reflect changes in legislation and language in 2018....

Women's Aid's gendered analysis of domestic abuse recognises gender as identity and separate to biologically assigned sex, and Women's Aid services are women-only organisations open to self-identifying women. Existing practice reflects this...

Transgender inclusion has also been present in Equality Unit funding for VAWG services for some 8 years now, and the policies of Women's Aid groups that receive this funding reflect this. Some groups have already met or is working to achieve their LGBT Chartermark, which includes adopting trans inclusive policies'

[Scottish Women's Aid response to the Scottish Government consultation on the Review of the Gender Recognition Act 2004, February 2018](#)

In 2022 SWA [reiterated](#) that it ‘already works on the basis of self-identification in its service provision’ in its submission to the Equalities, Human Rights and Civil Justice Committee on the Gender Recognition Reform (Scotland) Bill. Contrary to its policy, at the time of writing the Scottish Women’s Aid [fundraising page](#) suggests that its resources are only used to benefit women, children and young people (accessed 4 April 2026).

Fundraise for Scottish Women's Aid

We still have a mountain to climb

Support our work towards a Scotland where every woman and child is safe.

Your fundraising efforts will help us work to end domestic abuse and provide vital support for survivors and services across Scotland. The money you raise goes straight back into our work to improve the lives of women, children and young people experiencing domestic abuse in Scotland

Supreme Court ruling response

A social media post (11 May 2025) suggested that SWA [stated](#) it was ‘currently preparing a statement regarding support available from local services in line with the Supreme Court ruling and interim guidance’. At the time of writing, however, we could not find a record of this, or any subsequent statement.

4.1.5. Dundee Women's Aid

Charitable objects

a) The provision of public benefit through the relief of women, children and young people who have experienced or are in fear of domestic abuse by: (i) the provision of temporary refuge accommodation...’.

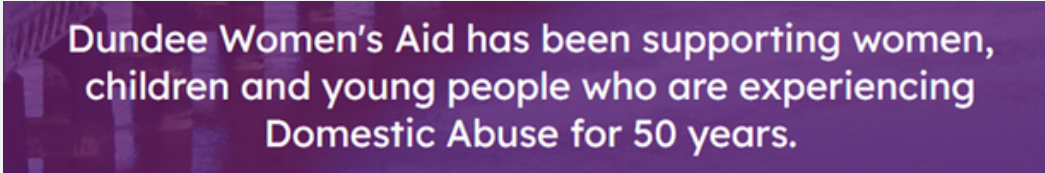
Charity number SC006691: [OSCR register](#)

Dundee Women’s Aid (DWA) is part of the Scottish Women’s Aid network and has supported women and children experiencing domestic abuse since the [1970s](#). They state ‘we provide a confidential, and non-judgemental service to women, young people and children who have experienced domestic abuse’, adding that they do not discriminate on the basis of ‘transgender identity’.

In practice, DWA includes some adult men in its service provision. It also uses resources to promote gender self-identification. It [asks](#) prospective supporters to ‘pledge to promote to the LGBT community that DWA welcomes all LGBT women and stands against prejudice and discrimination.’ The DWA website [states](#) ‘We hold the LGBT Youth Scotland charter mark and work with members of the LGBT community who identify as women’.

Supreme Court ruling response

We could not find a response from DWA to the Supreme Court ruling.



Dundee Women’s Aid has been supporting women, children and young people who are experiencing Domestic Abuse for 50 years.

4.2. Other service providers

Below we review two single-sex service providers whose services are not covered under other headings in this part of the report.

4.2.1. Glasgow Women's Library Limited

Charitable objects

'The objects for which the Company is established are the advancement of education and the relief of poverty of women who are often thus affected because of the discrimination they are subjected to.'

Charity number SC029881, [OSCR register](#)

Established in 1991, Glasgow Women's Library (GWL) [describes](#) itself as 'dedicated to women's lives, histories and achievements'. The library is not women-only, although some activities are [reserved](#) for women. In practice, these are inclusive of men.

'Glasgow Women's Library welcomes people of any gender, although some activities and events are only open to women, inclusive of Trans and Intersex women, as well as non-binary and gender fluid people who are comfortable in a space that centres the experiences of women.'

Glasgow Women's Library, [Plan your visit](#). Accessed 19 March 2026.

Whilst stating that 'different views and beliefs are welcome', the GWL [Code of Conduct](#) cautions 'any objectionable manifestation of any beliefs will not be tolerated' and warns against 'comments or actions that minimise a person's lived experience, identity or safety', 'constant and deliberate mis-gendering'.

Supreme Court ruling response

We could not find a response to the Supreme Court ruling.

4.2.2. Women in Prison Limited

Charitable objects

'(i) to promote the resettlement, personal development, education and training of women in, or who have been released from, prison or youth custody. (ii) to relieve poverty and sickness and to promote the physical and mental well-being of such women and their dependent children. (iii) to promote research into the broader issues of prevention, offending, imprisonment, resettlement and recidivism. (iv) to educate the public and policy makers about the reality of women's involvement in the criminal justice system.'

Charity number 1118727, [Governing document](#)

Women in Prison (WIP) [states](#) it supports 'women affected by the criminal justice system and campaign to end the harm it causes'.

In practice, WIP also provides support to some men. Under the heading 'Do you provide support for transgender women' WIP [states](#): 'Yes, for thirty five years, one of the main purposes of Women in Prison has been to offer support to women, trans women and trans men...'. A [statement](#) issued in November 2020 supported a case-by-case risk assessment to housing men who identify as women, which WIP believed to be enabled by exemptions in the Equality Act 2010.

Supreme Court ruling response

Following the ruling, WIP [announced](#) it was awaiting guidance from the EHRC to inform its future service provision, that 'our services will continue to welcome and support trans women' and that WIP remained 'committed to offering inclusive, trauma-informed support' and would 'continue to ensure that trans women feel respected, safe and supported when accessing our services.'

We support women affected by the criminal justice system and campaign to end the harm it causes

4.3. Associations

Some charities are also ‘associations’ within the meaning of the Equality Act 2010 (defined as having at least 25 members and regulated membership). As set out in Ms Monaghan’s opinion, associations can restrict membership to people who share a protected characteristic.

4.3.1. The National Federation of Women's Institutes

Charitable objects

‘The main purposes of the Women's Institute organisation are: (a) to advance the education of women and girls for the public benefit in all areas including (without limitation): (i) local, national and international issues of political and social importance; (ii) music, drama and other cultural subjects; and (iii) all branches of agriculture, crafts, home economics, science, health, and social welfare; (b) to promote sustainable development for the public benefit by: (i) educating people in the preservation, conservation and protection of the environment and the prudent use of natural resources; and (ii) promoting sustainable means of achieving economic growth and regeneration; (c) to advance health for the public benefit; and (d) to advance citizenship for the public benefit by the promotion of civic responsibility and volunteering.’

Charity number 803793: [Governing document](#)

Established in 1915, the Women’s Institute (WI) is the largest voluntary women’s organisation in the UK. The National Federation of Women’s Institutes (NFWI) is the organising body for Regional Federations and WI branches. In 2015 NFWI extended its [membership](#) to men who identify as women.

Supreme Court ruling response

In December 2025 the NFWI [announced](#) it was required to limit membership to biological women, acknowledging not to do so ‘would leave us at risk of costly legal challenge and potential regulatory action from the Charity Commission’.

At the same time, the NFWI announced it would launch ‘local WI Sisterhood groups’, outside of formal membership, offering ‘monthly opportunities for all people, including transgender women, to come together to socialise... and share their experiences of living as women’. The NFWI [confirmed](#) it would provide resources to establish and maintain groups. Inclusion of ‘transgender women’ in ‘activities outside of membership’ is promoted in the updated [Equality, Diversity and Inclusion Policy](#) (April 2026).

4.3.2. The Guide Association

Charitable objects

'To promote the education of girls and young women to help them develop emotionally, mentally, physically and spiritually so that they can make a positive contribution to their community and the wider world.'

Charity number 306016: [Governing document](#)

Established by Royal Charter in 1922 the Guide Association ('Girlguiding') is the UK's largest youth organisation dedicated to girls, with [membership](#) 'open to any girl or young woman or young member aged between the ages of 4 and 19'. It reports that it has around [300,000 members](#) between 4 and 18. Staff and volunteer positions are open to men, but only women can become Guide leaders.

In [2017](#) the Girlguiding Board adopted an 'equality and diversity' policy that allowed boys to join as youth members and men as adult members, able to undertake roles reserved for women, if they identified as women or girls. A [statement](#) issued in March 2018 said 'as a girl-only organisation Girlguiding does not have the right to exclude trans young people from guiding and nor would we wish to'. Advice on 'supported trans members' said its guidance was [developed](#) with support from transactivist organisations Stonewall and Gendered Intelligence. Some Guide leaders who complained or disagreed were [disciplined](#).

Supreme Court ruling response

On 2 December 2025 the Chair of Trustees, CEO, and Chief Guide announced that boys and men would no longer be permitted as members. This appeared to be prompted by a [pre-action letter](#) on behalf of a parent, stating that Girlguiding policy resulted in direct and indirect discrimination and harassment.

In a [statement](#) on 24 March 2026, Girlguiding announced that men and boys already in membership could remain so until September 2026. The statement added that 'Since 2025, we have been engaging with the government on its support for charities and organisations navigating the impact of the Supreme Court's decision.' It noted that its Charter requires that 'Girlguiding beneficiaries are girls and young women... We could explore updating the Charter with the Board of Trustees' agreement, but it wouldn't help with our current situation given the length of time it would take – which could be a period of years'. Meantime, 'The decision – to change our policy so Girlguiding could remain lawful - is now both our policy and a legal requirement.'

Like the WI, Girlguiding continues to use resources to include men and boys in its provision. Following the December announcement, it established a [taskforce](#) to explore ‘opportunities for trans girls and trans women to connect with and be supported by Girlguiding, while operating within our equality and diversity policy’. At the time of writing, the taskforce has around 500 members, overseen by a panel that includes senior volunteers, unit leaders, and members of the [Girlguiding Council](#) (responsible for changes to governance and/or the Royal Charter), with further input from chief commissioners, senior Girlguiding HQ staff, and external specialist organisations

4.4. Advocacy/campaigning charities

4.4.1. Engender

Charitable objects

‘To advance the education of the general public about matters relating to the relative position of men and women in Scottish society • To promote the equality of women with men • To relieve poverty among women • To promote, encourage and facilitate the activities of charities and charitable activities and work with women in Scotland and elsewhere.’

Charity number SC029053: [OSCR register](#)

Established in 1993, Engender describes itself as ‘Scotland’s feminist policy and advocacy organisation’. It is largely Scottish Government funded. Engender has campaigned on behalf of men, if they identify as women, since at least [2009](#). Although not as strictly a woman-only charity in the same way others we discuss here, we include it as an example of an organisation evidently set up to benefit women deploying resources towards promoting the interests of some men, even when in conflict with those of women.

WOMEN THINKING TRANS ISSUES

A Report on Findings of Participatory Action Research on the Inequality of Access to NHS Services by Trans Women, Engender 2011

Engender's 2017 [submission](#) to the Gender Representation on Public Boards (Scotland) Bill expressed concern that men who identify as women might not be included in the definition of women. Later amendments to the Bill provided for a definition based on gender self-declaration. This change sparked the legal action taken by For Women Scotland that led to the Supreme Court ruling.

At the time of writing, Engender remains [committed](#) to gender self-identification, with membership open to 'self-identified women who agree that they are feminists'. At the same time, it solicits [donations](#) on the basis that these are used to support 'women's equality and rights' (accessed 11 April 2026).

Donate to
Engender

Engender is Scotland's feminist policy & advocacy organisation.
Your support helps our work for women's equality & rights.

Supreme Court ruling response

Engender [expressed](#) 'disappointment' in the ruling, which it believed to be 'regressive'.

4.4.2. Young Women's Movement (Scotland)

Charitable objects

'to advance education among women, especially those under 30, in issues related to them so far as charitable in law, to relieve their needs resulting from poverty and to promote any other charitable purpose for the benefit of women...'

Charity number SC034132: [OSCR register](#) (formally YWCA Scotland)

The Young Women's Movement [describes](#) itself as 'Scotland's national organisation for young women and girls' leadership and rights'. At the time of writing, the YWM [website](#) states 'Self-identifying young women, girls and non-binary people who recognise themselves within this movement are at the heart of everything we do' [and](#) 'Every time we say 'young women', we mean all self-identifying young women and girls.' This position is reiterated in the 2023-27 [Strategic Plan](#).

At the time of writing, the YWMA seeks donations on the basis that funds are used to support women and girls, noting that the 'charity landscape is incredibly tough just now'.

DONATE TODAY

We're fundraising to help ensure that our fight for young women and girls' rights in Scotland can keep going.

The charity fundraising landscape is incredibly tough just now, at a time when our work is becoming more vital all the time. With a global rise in misogyny, an ongoing cost-of-living crisis and poor access to public services, **young women and girls' rights are at risk.**

Our movement supports young women and girls to lead change on issues that matter to them, and amplifies their voices and experiences in decision-making spaces. Donate £10 to help us continue this work.

Donate. Accessed 3 April 2026.

Supreme Court ruling response

We could not find a response to the ruling, although the YWM [submission](#) (February 2026) to the Scottish Government consultation on adding 'sex' as a protected characteristic to the Hate Crime and Public Order (Scotland) Act 2021 expressed strong concern about the government's intention to define sex as biological: '...using the Supreme Court ruling definition will mainstream the harm that has been caused by that ruling to women and girls, causing more segregation, harassment and exclusion....'

4.4.3. Nottingham Women's Centre

Charitable objects

'To promote the benefit of the woman of Nottinghamshire (hereinafter called 'the area of benefit') without distinction of race, political, religious, or other opinions by associating the local authorities, voluntary organisations and in a common effort to advance education and training and to provide services for women by women in the interests of social welfare for recreation and leisure time occupation with the object of improving the conditions of life for the said persons; to establish or to secure the establishment of a community centre (hereinafter called 'the centre') and to maintain and manage, and as appropriate to work in association with any local authority in the maintenance and management of such a centre for activities promoted by the charity and its constituent bodies in furtherance of the above objects...'

Charity number 1105837: [Governing document](#)

Nottingham Women's Centre (NWC) was founded in 1971. NWC [states](#) it is 'Run by women for all women', with the strapline 'We provide a supportive space to help all self-identifying women achieve their goals'.

NWS states that it has formally [offered](#) services to men under a trans-inclusion plan since 1998, and informally before that. NWC [Trans-Inclusion Policy](#) applies its belief that ‘trans women are women’ to the Equality Act 2010:

‘In line with the Equality Act 2010, Schedule 9, Part 1, Paragraph 1, most roles at Nottingham Women’s Centre require the staff member or volunteer to be a woman. This definition includes all trans women and some non-binary people.’

Nottingham Women’s Centre, [Trans-Inclusion Policy](#). Accessed 3 April 2026.

Supreme Court ruling response

Following the ruling, NWC [reiterated](#) its existing policy:

Our statement on the Supreme Court ruling on the Equality Act

‘Nottingham Women’s Centre is proud to be a space where all women are welcome - and this includes trans women. We know that the Supreme Court ruling on the Equality Act is distressing for trans communities and has created uncertainty. We want to reassure you that trans women continue to be welcome at Nottingham Women’s Centre.’

Nottingham Women’s Centre, [Trans Inclusion at NWC](#). Accessed 3 April 2026.

4.5 Educational charities

4.5.1. Newnham College, University of Cambridge

Charitable objects

'(a) to further public benefit by providing a liberal education and promoting learning and research through the provision of a college for women within the university of Cambridge. (b) to do all such other things as are incidental or conducive to advancing education and learning among women in Cambridge and elsewhere.'

Charity number 1137512: [Governing document](#)

Newnham College describes itself as the 'iconic women's college at Cambridge University' and [states](#) it is 'the oldest college run by women, for women'.

Your donations help sustain excellence in teaching and research for future generations of students and encourage the brightest and best women, regardless of background or means, to come to Newnham.

Newnham College, [Why make a gift to Newnham?](#) Accessed 8 April 2026

Prior to the Supreme Court ruling, Newnham [permitted](#) male applicants based on the sex marker stated on administrative documentation such as a passport or driving licence (which may be altered based on self-declared identity), a Gender Recognition Certificate (GRC), which is acquired via a formal legal process, or a birth certificate (which may be changed subject to acquiring a GRC).

Supreme Court ruling response

Following the ruling, Newnham amended its female-only research scholarship eligibility policy to [limit](#) applications to biological women but [retained](#) the same admissions policy. (Murray Edwards College, another women-only University of Cambridge has a [similar policy](#)). Drawing on the 'exceptionality' provision in the Equality Act (Schedule 12), Newnham [asserted](#) that the admission of a small number of 'transwomen students' did not invalidate its status as a single-sex higher education institution for women. The College stated that its policy had support from the Governing body and student representatives. This argument is considered in Ms Monaghan's opinion (paragraphs 89-93).

The College also argued that it was not a single-sex space because it employed male staff and allowed male guests. We did not raise this specific element of the argument in seeking Ms Monaghan's advice; the college's observation here disregards the issue of who is able to be a beneficiary of a single-sex educational charity, and what the relevance of staff and guests is to that.

4.6. Prizes and awards

Charities that offer prizes and awards to benefit women do so under positive action provisions in the Equality Act 2010 ([Section 158](#)) aimed at addressing underrepresentation, disadvantages, or other needs. The same provisions also allow for single-sex scholarships and in certain circumstances, to recruitment.

4.6.1. Women's Prize Trust

Charitable objects

'The objects for which the company is established are restricted specifically to the advancement of the art of literature for the public benefit and in particular to foster and promote literature of merit written by women in all its forms, including by the encouragement of diversity and greater gender equality amongst writers and by the award of an annual prize for a full length novel written by a woman of any nationality and published in English.'

Charity number 1181253: [Governing document](#)

The Women's Prize Trust (WPT) website [describes](#) its role as 'building a better future by championing women's writing'.

Women's Prize for Fiction

The Women's Prize for Fiction is the greatest celebration of female creativity in the world.

[Women's Prize for Fiction](#). Accessed 3 April 2026

In response to criticism from a nominated author who identified as non-binary, in 2020 WPT issued a [statement](#) confirming that eligibility for the prize extended to 'all women' authors', defining woman as 'a cis woman, a transgender woman or anyone who is legally defined as a woman or of the female sex'. WPT also confirmed it was working on a policy 'around gender fluid, transgender and transgender non-binary writers'. 'Woman' is not defined in the 2026 terms and conditions for either prize ([fiction](#) or [non-fiction](#)). In July 2025 Scene Magazine [reported](#) 'Trans women eligible for 2026 Women's Prize for Non-Fiction' citing a Women's Prize Trust spokesperson.

Supreme Court ruling response

We could not find a response to the Supreme Court ruling.

4.6.2. Futures for Women

Charitable objects

'The Objects of the Charity are for the public benefit:- (1) to advance the training of girls and women for business and other careers and occupations by the giving to such persons who are unable to meet the cost of training such assistance during the period of training by way of grant, loan or otherwise as may be thought fit out of the funds of the Society and other available funds of which the Society may have control; (2) the doing of all such other lawful things as are incidental or conducive to the attainment of the above object.'

Charity number 313700, [Governing document](#)

Futures for Women (formerly Society for Promoting the Training of Women) was established in 1859 by suffragist Jessie Boucherett to advance economic independence for women through employment. It [supports](#) women into work via an interest-free loan programme (up to £1,000) and partnership projects with other charities.

At the time of writing, Futures for Women offers opportunities to men, welcoming [applications](#) from 'anyone who identifies as a woman. This includes, but is not limited to, someone who was assigned as male at birth but identifies as female; someone who fluctuates between genders; or someone who identifies with both, or multiple, genders'.

Supreme Court ruling response

We could not find a response to the Supreme Court ruling.

4.7. Charitable names

The issue of misleading names is relevant to some of the charities reviewed above.

Below we look at four charities that have gone further, and widened their charitable objects to benefit both sexes, but retained a name that suggests female-only beneficiaries. In these cases, the charitable objects and beneficiaries match, but the name suggests female-only beneficiaries and so appears to us to be misleading.

4.7.1. Welsh Women's Aid

Preamble and Charitable objects, 2011

'Welsh Women's Aid is established for the benefit of women and children who have experienced domestic abuse and is working to end violence against women. ... The object for which the charity is established is for the benefit of the community to promote the relief of distress and suffering experienced by any woman or her children from differing social groups who have or are experienced domestic abuse and all other forms of violence against women, including the wider social and economic impacts.'

[Certificate of Incorporation](#), Companies House, 2011

Amended objects, 2013

'The object for which the Charity is established is for the benefit of the community to promote the relief of distress and suffering experienced by, in particular but not exclusively, any woman or her children from differing social groups who have all experienced domestic abuse and all other forms of 'Violence Against Women', including the wider social and economic impacts'.

[Amendments to WWA memorandum and articles](#), Companies House, 2013

Welsh Women's Aid (WWA) was incorporated in 2011 as a service for women and their children experiencing domestic abuse and other types of violence. In 2013 this was widened, as to be 'not exclusively' to women. A [position statement](#) published in 2018 confirmed that WWA had a [policy](#) based on gender self-identification by 2016. As noted below, WWA did not appear to include women who identified as men in their service provision.

‘We further support the inclusion of all transgender people in all domestic abuse and sexual violence support services, including refuge services. In the instance of single sex provision, both outreach and residential, transgender people will be supported to access the service which fits with their gender identity. In the instance that services only provide services for women, they will refer and sign post transgender men to the relevant service to ensure they receive support.’

Welsh Women’s Aid, [Transgender Inclusion Statement](#). April 10 2018. Accessed 3 April 2026.

In 2022 WWA [confirmed](#) that it had not altered the position set out in the 2018 statement. This statement remained online as of March 2026.

Supreme Court ruling response

We could not find a response to the Supreme Court ruling.

4.7.2. Women’s Aid East and Midlothian

Charitable objects, 2008

‘To relieve the needs of women and any accompanying children who have experienced or are experiencing abuse, either mental, physical or sexual, in their home or within a relationship with a partner of either sex.’

[Certificate of Incorporation](#), Companies House, 2008

Amended objects, 2020

‘The Company has been formed to benefit the community of women, trans-women, children and young people experiencing domestic abuse in the areas of Midlothian and East Lothian. The company's objects are: a) The relief of those in need by providing safe accommodation to women, children and young people with experience of domestic abuse b) To advance the human rights of women and children and promoting, protecting and safeguarding women's equality by actively campaigning to end violence against women c) To generate personal, social and community awareness on domestic abuse in order to create responses that protect the rights of all citizens.’

Charity number SC028191, [OSCR register](#)

Women’s Aid Midlothian was incorporated in [2008](#) as a service for women and children, later expanding to cover East Lothian. In 2020 Women’s Aid East and Midlothian (WAEML) [amended](#) its governing document to add ‘trans-women’ to its beneficiaries.

This change in provision is not clear from the charitable name, nor from its main webpage, which [states](#) WAEML provides ‘Information, support, advocacy and temporary accommodation for women, children and young people who have been subjected to domestic abuse’.

A separate [Information about Domestic Abuse](#) page states that services are available ‘to any woman (including transwomen)’. Similar statements can be found on the [Inclusion](#) pages.

Supreme Court ruling response

We could not find a response to the Supreme Court ruling.

Women’s Aid East and Midlothian

Information, support, advocacy and temporary accommodation for women, children and young people who have been subjected to domestic abuse

4.7.3. Solace Women’s Aid

Charitable objects, 1997

‘The promotion of the physical, emotional and psychological well-being and safety of women (and their children) who seek protection from domestic abuse.’

[Certificate of Incorporation](#), Camden Women’s Aid, Companies House, 1997

Amended objects, 2013

‘The Company’s objects are, for the benefit of the public, the relief of need by the portion of the physical, emotional and psychological well-being and safety of victims of domestic, sexual and associated abuse, in particular women, young people and children’.

Charity number 1082450: [Amended Articles and Memorandum of Association](#)

See also: [Charity Commission register](#)

[Solace Women’s Aid](#) (SWA) grew out of Camden’s Women’s Aid and has extensive reach across London. The main SWA [webpage](#) (shown over) purports to provide services for women and girls. On other webpages, SWA [states](#) its services include ‘transwomen and non-binary people’.

This change in provision is not clear from the charitable name, nor from its main webpage, which [states](#) WAM provides ‘Information, support, advocacy and temporary accommodation for women, children and young people who have been subjected to domestic abuse’.

London's largest domestic abuse and sexual violence charity

We work with thousands of women and children every year, supporting them to build safe lives and strong futures.

Providing free advice, advocacy, refuge accommodation and more, we are working to end violence against women and girls.

Solace Women's Aid, [Main webpage](#). Accessed 3 April 2026.

Supreme Court ruling response

We could only find a response from Solace on its Instagram account, which committed to continued provision for 'trans women', as shown below.

"Solace will continue our commitment to supporting **all survivors of domestic abuse and sexual violence and providing specialist services, **including for trans women.**"**

"We know that trans women and non-binary people are affected by **misogyny, which causes harm to cis women and girls, and as such, supporting these survivors is **core to Solace's mission.**"**

Solace Women's Aid, [Instagram](#) 17 April 2025. Accessed 3 April 2026.

4.7.4. End Violence Against Women Coalition

Charitable objects, 2011

'To ensure that governments around the UK at all levels take all steps necessary to prevent and eliminate violence against women and girls including – developing integrated and strategic approaches to violence against women that are compliant with international and national obligations – ensuring that every woman and girl across the national and regions of the UK has access to the support services that will end the violence and support them in rebuilding their lives. 3.2 To enable individuals and organisations to become part of a movement to eliminate violence against women and girls including – increasing the capacity of civil society to support victims and challenge perpetrators – changing the cultural acceptance of violence against women. 3.3 For violence against women to be understood as a cause and consequent of women's inequality. 3.4 Sharing knowledge, skills and information across the National and Regions of the UK.'

[Articles of Association](#), Companies House, 2011

Amended objects, 2015

'The objects are: 3.1 to promote human rights (as set out in the Universal Declaration of Human Rights and subsequent United Nations conventions and declarations), and in particular the rights of women and girls to be free from violence, throughout the world, including by all or any of the following means: a. Monitoring abuses of human rights; b. Obtaining redress for the victims of human rights abuse; c. Relieving need among the victims of human rights abuse; d. Research into human rights issues; e. Providing technical advice to government and others on human rights matters; f. Contributing to the sound administration of human rights law; g. Commenting on proposed human rights legislation; h. Raising awareness of human rights issues; i. Promoting public support for human rights; j. Promoting respect for human rights among individuals and corporations; k. International advocacy of human rights; l. Eliminating infringements of human rights.'

Charity number 1161132: [Governing document](#)

EVAW [describes](#) itself as 'a group of feminist organisations and experts from across the UK, working to end violence against women and girls in all its forms'. [Funders](#) include the Esmée Fairbairn Foundation, Oak Foundation, and City Bridge Foundation. EVAW has over 160 [member organisations](#). Formal [members](#) 'must work primarily on addressing violence against women and girls...' and can 'advise the Board on strategic direction and priorities for policy and campaigning'. Associate members 'must work primarily on a cause compatible with ending violence against women and girls'. Both types can participate in consultations, policy development, campaigns, workshops, roundtables and events.

EVAW members include charities with female-only beneficiaries that include some men in their service provision, including Women in Prison (see Part 4.2.2) and Nottingham Women's Centre (see Part 4.4.3). It also includes charities that have campaigned for the male inclusion in women-only services and spaces, and/or opposed the Supreme Court ruling on this basis (for example, the [Trades Union Congress](#), [Zero Tolerance](#), and [Humanists UK](#)).

Supreme Court ruling response

EVAW has responded to the Supreme Court ruling by commenting that it 'is already having a worrying knock-on effect... with a number of organisations announcing they have felt left with no choice but to change their membership policies to now exclude trans girls and women.'

It also quotes LGBT+ charity, GALOP, saying that 'The EHRC's subsequent proposed guidance on the Supreme Court Ruling risks leaving LGBT+ victims and survivors with less access to support, and more vulnerable to abuse.'

The ruling only affects the access of male people to women-only services. Those male survivors and victims also require support. It is striking however, that despite the growth in the number and funding of organisations specifically serving the demographic represented by GALOP, providing that support is still seen so much as the responsibility of organisations set up specifically for women.

Part 5. External funders

‘Objects and mission-related risk: in order to obtain funding, there is a risk of charities undertaking activities or delivering services that are outside their objects or powers. (This is commonly known as mission drift...).’

Charity Commission, 2012

Individual charities can be dependent on a relatively small number of external funders. Depending on their location and type of activity, this can include local authorities, Police and Crime Commissioners, the NHS, UK government departments, the devolved administrations, the National Lottery and Children in Need, and private charitable trusts and foundations, which may be confined to the UK or be international in scope. All of these are or have been prominent funders of charities for women.

Funding conditions can influence a charity's activities and services, for example, by restricting or expanding particular services. As noted by the Charity Commission, there is a risk here that charities may undertake activities or deliver services beyond their objects. The Commission refers to this as ‘[mission drift](#)’. Sometimes the pressure may be by inducement or it may be more direct. [At least one case](#) has been reported of a domestic abuse service which has come under local political pressure, after stating that its group work and communal housing are single-sex.

We did not have the capacity to undertake a survey of funders for this project. Instead, below we consider three examples where funders’ policies or terms have potentially contributed to mission drift by encouraging or requiring women-only charities to replace sex with self-declared gender identity as a basis for their activities, and in doing so expand their services or opportunities to men who identify as women.

The first example looks at a ‘Diversity, Equity and Inclusion Data Standard’, developed by a group of UK funders and designed for use by charitable funders when collecting data from recipients.

Next, we look in detail at one major UK-based private funder which funds projects across the UK (the Esmée Fairbairn Foundation) and one public funder (the Scottish Government).

A related issue not explored further here is the duty on funders themselves to ensure both that funds they have dispersed are being used for the purpose given, and not to induce unlawful activity. Where funders are themselves charities, the general duties of charitable trustees will come into play.

5.1 Funders Collaborative Hub: Diversity, Equity and Inclusion data standard

The [Funder Collaborative Hub](#) is hosted by the Association of Charitable Foundations (ACF), the main membership association for UK foundations and independent grant-makers. The Hub [encourages](#) collaboration between funders aimed at addressing funding gaps and improving effectiveness.

In October 2021 the Hub introduced a Diversity, Equity and Inclusion (DEI) [Data Standard](#) to improve the targeting of funding. This was integrated into the [360Giving Data Standard](#), used by UK grant makers to publish information on funding. The Data Standard provides a framework for categorising charities by their intended beneficiaries, as well as leadership within organisations applying for funds. The Hub explains the Standard was:

‘created by an independent working group of UK funders who believe that without an effective framework to capture DEI data there can be no effective action to identify and target funding to address structural inequalities.’

Funder Collaborative Hub, [DEI Data Standard](#). Accessed 19 March 2026.

Collaboration on the DEI Data Standard involved a significant number of the largest private and public donors to the UK charities:

Esmée Fairbairn Foundation, The National Lottery Community Fund, John Ellerman Foundation, The Fore, Garfield Weston Foundation, Paul Hamlyn Foundation, Tudor Trust, Big Society Capital, Lloyds Bank Foundation, Big Issue Invest, Barrow Cadbury Trust, Power to Change, BBC Children in Need, SIB Group, Henry Smith Charity, Quartet Community Foundation, Barts Charity, Nesta, PRS Foundation, Arts Council England, UK Community Foundations, John Lyon’s Charity, Mission44, Trust for London, London Community Foundation, Comic Relief, Bell Foundation, NPC, The Social Impact Consultancy, People’s Health Trust, 360Giving, Blagrove Trust, NFP Synergy, City Bridge Foundation.

Data requirements

The data standard sets out a taxonomy of ‘population groups’ for charitable purposes. It does not have a category for ‘sex’ (or ‘gender’) but instead has the category ‘women and girls.’ Departing from the Equality Act, this is defined as ‘Those who identify and live as women and girls.’ The data standard was last updated in December 2022.

Therefore, the Data Standard, with the support and participation of major donors, encourages funders to depart from the Equality Act and to treat ‘women and girls’ as a self-defined category for the purposes of charitable activity and related grant applications.

5.2 The Esmée Fairbairn Foundation

The [Esmée Fairbairn Foundation](#) is one of the UK’s largest independent funders of organisations in the third sector. Its funding is subject to strong competition: in 2025, only 5% of expressions of interest received through its website went on to be awarded a grant. It only funds work that is ‘[A strong fit for our strategy.](#)’

Applicants for its funding are required to submit a [Diversity, Equity and Inclusion](#) form describing the group(s) their project funding will benefit. The form sets out broad categories and, in some cases, further sub-categories. Under the heading “Women and Girls”, it provides a definition in line with the ‘DEI data standard’ above:

Category: Women and girls

Description	Sub-categories
Those who identify and live as women and girls.	No additional sub-categories to choose from.

Esmée Fairbairn Foundation, [Diversity, Equity and Inclusion \(DEI\) monitoring form](#) (sample). Accessed 19 March 2026

The Foundation reports that, according to the data they collected through their DEI monitoring, in 2025 £5.5m, or around 11.5% of total spending, and 12.9% of total grants by number, went to projects that support women and girls as a specific community, using the Foundation’s self-identification definition. This data is shown in Figures 1 and 2. Note that some grants cover more than one group.

Figure 1. Value of grants awarded (£ million) in 2025 by communities supported

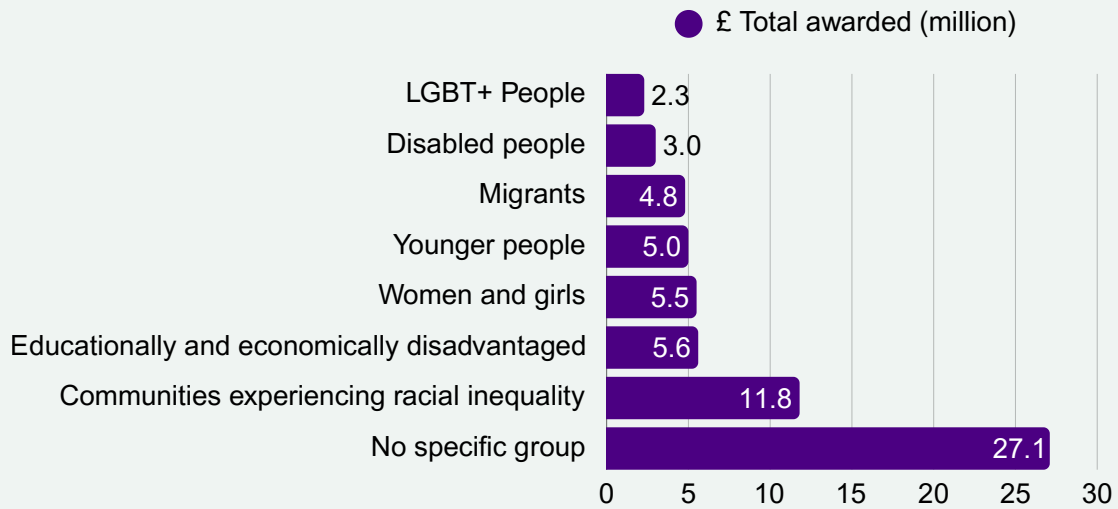
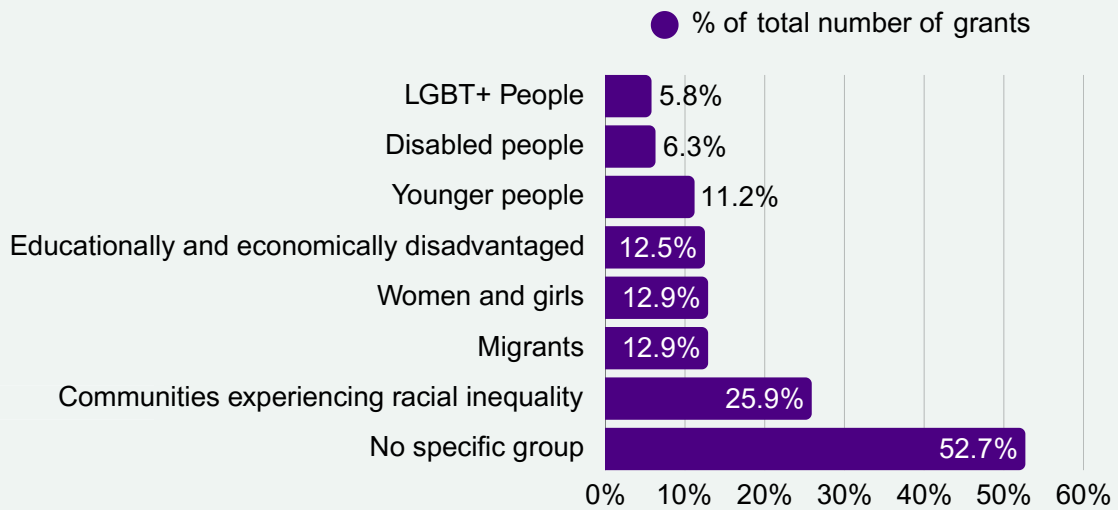


Figure 2. Percentage of grants awarded in 2025 by communities supported



Note: Percentages do not add to 100% because some grants are included in more than one category. Figures reproduced from Esmée Fairbairn Foundation, [Who our funding is reaching 2025](#) (Chart 2). Accessed 19 March 2026.

Gender Justice fund

The Foundation has a [Gender Justice](#) fund which awarded £4.4m in 2025. The Foundation states:

‘We will work with others to ensure that women and girls can live in safety and fulfil their potential, and that transgender and non-binary people’s voices are heard.’

Esmée Fairbairn Foundation, [Gender Justice](#). Accessed 19 March 2026.

The fund sets out four outcomes. These are:

1. Gender based violence is reduced through the delivery of preventative work.
2. Trans and non-binary people’s rights are recognised and protected.
3. Policy, practice, and the law better meets the needs of women experiencing multiple challenges and discrimination.
4. The negative impacts of the criminal justice system on women and their families are reduced.’

We sampled large grants (in excess of £200,000) given since 2020 under the [Gender Justice](#) heading. Of the [awards made since 2015](#), the sample covers £9.2m of the Fund’s £19m total value, 27 of the 75 organisations supported, and 32 of the 103 individual grant awards. Of this sample, our research suggested that:

- £3.5m (38%) went to organisations or projects defined as being for women but whose websites show they are mixed sex in practice.
- £1.7m (19%) to organisations that explicitly include men in their target group.
- £1.3m (14%) went to organisations dealing with female-only issues (such as pregnancy, childbirth, and FGM), which we assume can only benefit women, irrespective of what language is used to describe beneficiaries.
- £1m (11%) to transgender advocacy and support (mainly [Gendered Intelligence](#)).
- £0.8m (9%) went to organisations which support other women’s organisations; some of those other organisations are single-sex in practice and some not.
- £0.5m (5%) to organisations whose coverage was unclear.
- £0.5m (5%) went to an organisation we understand has always operated a definition of women consistent with the Equality Act (Southall Black Sisters).

Influence and leadership

In its main application form, under ‘Diversity, Equity and Inclusion (DEI)’, the Foundation says (emphasis added):

‘Why are we asking about DEI? **We think it's a key responsibility for us as a funder to influence more inclusive practice** in the sectors and organisations we support. We are interested in hearing about current challenges and any changes you are looking to make. By learning about the progress of those we fund, we will be able to share good practice with others. We also want to support organisations that have further to go on DEI who are keen to improve their practice.’

Esmée Fairbairn Foundation, [Sample Grant Expression of Interest Form](#), Accessed 19 March 2026.

The Foundation also [states](#), ‘We commit to living up to our value of “equity” in our culture, systems and practices.’ Given its commitment to leading by example, we looked at the Foundation’s own record in relation to equal treatment of women and men by checking its most recent reported [gender pay gap](#). This was 23.8% in 2025, higher than the 17.4% reported in 2024; this made its ‘gender’ pay gap larger than the gap for the other two reported categories (ethnicity and disability). This is well above the [national figure](#) for all employees, of 12.8% in April 2025 (13.1% in April 2024). The Foundation states that its gender pay gap data is based on people identifying as female and male, and that ‘the majority of staff at Esmée are female. And as the data shows below, the majority of male staff are in senior roles.’

As noted above, the Esmée Fairbairn Foundation has provided large-scale funding to at least one organisation that we believe has always taken an Equality Act compliant approach to the meaning of ‘woman’. Nonetheless, examination of its grant giving paperwork and outcomes raises questions about the role of major private funders in the process of mission drift by women’s organisations towards providing mixed-sex services.

Gender justice: mid-strategy review

Note: Just as this report was going to publication, the Foundation published [Gender justice: mid-strategy review](#). This came too late to be analysed here, but relevant to the analysis above is its observation that, ‘[trans and non-binary people’s rights] is one of the most challenging areas of the gender justice portfolio. Significant blows include... the UK Supreme Court ruling on the Equality Act 2010 terms, leading to an openly discriminatory environment.’ It also argues that ‘Funders should also work collectively to... Be more vocal externally, particularly on trans and non-binary rights.’

5.3 The Scottish Government's Equally Safe Fund

In 2014 the Scottish Government launched [Equally Safe, Scotland's Strategy for Preventing and Eradicating Violence Against Women and Girls](#). From 2017 it was accompanied by a funding stream, now called the Delivering Equally Safe (DES) fund. In 2025-26 this distributed over £21m. It is one of the main sources of funding to organisations in Scotland which work to combat violence against women, including frontline service providers.

The chronology below documents the pressure placed on VAWG charities to include men who identify as women, through funding criteria imposed by the Scottish Government. As discussed in Part 4, and detailed further below, this direction can be traced back to the successful promotion of self-identification principles by activist groups from outside the women's sector, particularly in relation to VAWG organisations. As quoted in Part 4, the then Director of Scottish Trans commented in 2018:

'Ensuring gender identity self declaration works well in single-sex services

'.....Together with LGBT Youth Scotland's domestic abuse project, the Scottish Transgender Alliance could see how necessary it was to have strong alliances with feminists and violence against women organisations in Scotland... All Scottish Government funded violence against women services are now trans inclusive and trans activists campaign with feminist activists on a wide range of gender equality issues''

Former Scottish Trans Alliance Director James Morton (2007-2020) in 'Trans Britain' ed. C. Burns, 2018

2011 to 2015: Mixed-sex definition of 'women'

In 2011 LGBT Youth Scotland, the Tayside Violence Against Women Training Consortium and LGBT Domestic Abuse Project published '[Stronger Together: Guidance for women's services on the inclusion of transgender women](#)'. All contributors have received Scottish Government funding.

The guidance stated that 'trans women in possession of a GRC' were legally entitled to be included in women's services and argued for the admission of non-GRC holding men who identify as women. The only evident legal input into the guidance is a strong legal disclaimer from Dundee City Council, as publisher, on the back page. This stated that the Council would not accept liability for loss, damage, or inconvenience arising from use of the guidance, was not responsible for third-party claims, and would not accept responsibility for any issues caused by using the information.

The document was updated in 2015, with additional involvement by Scottish Women's Aid and Scottish Trans, and published this time by LGBT Youth Scotland. This carried a similar legal disclaimer that it was 'not intended to provide legal advice.' Even so, the 2015 version took a stronger line on the law requiring self-identification in place of sex (emphasis added):

'Whilst much of the guidance included in this document can be applied to the inclusion of all transgender people, **the guidance predominantly relates to trans women** with the protected characteristic of gender reassignment **because those are the trans people which the Equality Act 2010 requires women only services to be inclusive of**. Women only services **are not legally required to be inclusive of trans people who do not identify as women** (such as trans men, cross-dressing people and non-binary people).'

LGBT Domestic Abuse Project et al. 2015: 3

'Should women's only organisations provide a trans woman with the same quality of service they would provide to a non-trans woman? Could a women's only service which refuses to provide their services to a trans woman be deemed to be unlawfully discriminating?'

Yes. It is unlawful discrimination to treat someone worse than others because they have a protected characteristic (as identified within the Equality Act 2010), in this case gender reassignment. **It would therefore not be acceptable to refuse to provide a service to a trans woman because she is trans.** The Equality Act 2010 allows single sex services to make proportionate adaptations to how they provide their services in order to address the needs of a trans person. Therefore, just as a service might adapt its service provision to address the needs of a disabled woman, **the service should explore ways in which a trans woman's needs can be met and how to ensure that she receives the same quality of service provided to non-trans women.'**

LGBT Domestic Abuse Project et al. 2015: 11

Whilst containing significant legal disclaimers, Stronger Together remained accessible for many years as a source of guidance to women's charities, most likely with limited capacity to take their own independent legal advice. It could be found on the Rape Crisis Scotland website until early 2019 and on the Scottish Government funded [Women's Support Project](#) up to at least mid-2019. As at March 2026, it was also listed on the 2024 Edinburgh Council [Multi-agency Domestic Abuse Policy](#).

2017 to 2024: Equally Safe trans inclusion plan requirement

Although early strategy documents for Equally Safe in 2014 and 2017 did not refer to transgender service users, from the start of the associated funding in 2017 applicants were required to submit a Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Inclusion plan. In December 2018 the Scottish Government confirmed this requirement to the Scottish Parliament.

'Applicants to the Equally Safe Violence Against Women and Girls fund are required to provide their LGBTI Inclusion plan (or an GBTI plan for organisations providing direct support to men) as part of their application. Applicants without these plans in place are not considered.'

SNP MSP Christina McKelvie, Scottish Parliament Question reference: [S5W-19971](#) 4 December 2018

In a later FAQ document, the Scottish Government confirmed that this requirement was prompted by a concern about trans inclusion:

'Our reason for requesting LGBTI inclusion plans grew from a Scottish Government policy objective to improve approaches to trans inclusion amongst organisations working in this field.'

Scottish Government, [Delivering Equally Safe Fund October 2021 – September 2024 Frequently Asked Questions](#). Accessed 19 March 2026

The 2021-24 funding round requirement for a Lesbian, bisexual, trans and intersex Inclusion Plan was framed like this:

'All applicants to the Delivering Equally Safe Fund must ensure that the service is inclusive to lesbian, bisexual, trans and intersex (LBTI) women. An inclusion plan for LBTI women should be submitted along with your application.'

Scottish Government, [Delivering Equally Safe Fund 2021 – 2024: Lesbian, bisexual, trans and intersex Inclusion Plan](#). Accessed 19 March 2026

Applicants were also told however that:

‘This plan does not impact on the ability of organisations to utilise the single sex exceptions in the Equality Act where that is a proportionate approach to achieving a legitimate aim.’

Scottish Government, [Delivering Equally Safe Fund 2021 – 2024: Lesbian, bisexual, trans and intersex Inclusion Plan](#). Accessed 19 March 2026

The apparently contradictory message about inclusion and exclusion is most likely to be explained by the argument put forward by Scottish Trans that the Equality Act exceptions should be applied on an individual basis. That is, the Scottish Government appeared to expect that all services for women would be mixed-sex by default, but that some individual men who identify as women might sometimes be excluded from single-sex services, if the provider felt able to defend that.

A 2023 [strategy document](#) confirmed that the Scottish Government continued to use a mixed-sex definition of ‘woman’ in this context, noting that it was relevant to ‘transgender women and girls.’

The case study below shows how, when a single funder such as the Scottish Government provides most of a charity’s income, anxiety over its views can have an impact beyond policies and practices.

Box 1. Case study of funding impacts on organisational behaviour

On 28 March 2026 The Times reported that Professor Sarah Pedersen was:

‘asked to lead the board of a women’s charity in Aberdeen... But within a few days of her appointment in May 2021, her new deputy contacted her. The head office in Edinburgh had been in touch. There had been criticism of her social media posts on sex and gender.

Pedersen and her board initially believed the controversy would blow over, but a couple of days later central office was on the phone again. Now a “dossier” on her social media output, compiled by an activist, had been submitted to the charity.

Among other “evidence” included was that Pedersen had retweeted an interview with Johann Lamont, the former Scottish Labour leader, who had successfully pushed in the Scottish parliament for sexual assault victims to be able to choose the sex of the person examining them after an attack.

Pedersen’s branch deputy told her that bosses in Edinburgh said that if she was to remain in her job, her branch’s funding from the Scottish government could be cut off. The national charity has a budget of about £3 million, three quarters of which came from the government.

Feeling she could not jeopardise the future of a body she had given years of her life to, Pedersen resigned. ... Pedersen, 60, who declines to name the charity involved because of fear of further repercussions, said: “They [the bosses] just said, ‘Look, the Scottish government may not fund your branch if she continues as chair.’

“It just made me feel awful and very lonely. The work was something I felt very strongly about. Even looking back on the emails now, they’re still upsetting. But this had been brought up by head office, so they had to take it seriously. There is a major, major problem in that charities in Scotland are so reliant on the government for funding. So they tread carefully and try not to upset them. So even a whisper of ‘If you do that, you might lose your funding’, is problematic.”

Source: *The Times*, 28 March 2026

Missing audit trail

We asked the Scottish Government for information it held on the background to the introduction of the requirement for a LGBTI Inclusion plan into Equally Safe funding, including any records held of proposals for its introduction from external organisations. We also asked for any assessments made in advance of the potential impact of introducing this.

The Scottish Government said, ‘the Scottish Government does not have the background to the introduction of the LGBTI inclusion plan.’ It added ‘we do not hold written records, meeting notes or discussions regarding its potential impact’ (Scottish Government correspondence, 9 February 2026).

Funding since 2024

No new applications have been made to the Fund since 2024. Payments for more recent years are instead based on rolling forward existing allocations, with some general increase applied, rather than new bids.

Grant letters to two recipient organisations issued in 2024 (for 2024-25) and 2025 (for 2025-26) released under Freedom of Information do not refer to trans inclusion and simply [describe](#) the award of grant as being for services for women and girls.

There is an Equally Safe Joint Strategic Board which meets periodically. Minutes for these meetings are [available](#) from May to September 2025, that is, following the Supreme Court ruling. Only a brief discussion of the Supreme Court ruling is noted in May (below). There is no record of any discussion of revisiting any aspect of the DES.

‘The Minister provided an update on the UK Supreme Court ruling. The Minister reiterated that the ruling is not a victory for one group at the expense of another: it provides legal clarity. The Government’s approach has been guided by the Equality and Human Rights Commission’s published guidance, and this has been explicitly recognised by the Supreme Court in its decision.’

Scottish Government, [Equally Safe Joint Strategic Board Minutes: May 2025: Item 7](#)

The final comment appears to be a reference to the 2011 EHRC Code of Practice which the Commission has placed on record is now ‘[unlawful](#).’

The impact of mission drift

Local women's aid and rape crisis services across Scotland rely on the DES Fund. The introduction of compulsory trans-inclusion plans into Scottish Government funding for VAWG, created a pressure on women-only services to become mixed-sex.

It is unclear how far VAWG organisations in Scotland have in practice continued to provide services for women only, as defined under the Equality Act, notwithstanding the Fund's requirements. The Scottish Government told us that it does not have any records of assessments made on the impact of these plans after the requirement was introduced. As noted in Part 4.1, there is [evidence](#) that some charities provide female-only single-sex services, but do not make this clear due to fear of a backlash from activists for self-identification.

How far this requirement is still a live policy since the Supreme Court judgment is also unclear.

A number of frontline organisations in Scotland have recently established the [Scottish Rape Crisis Alliance](#), explicitly to focus on women and girls. This rejects the leadership of the existing umbrella organisation Rape Crisis Scotland, which has advocated strongly for self-ID. The four organisations involved in SRCA serve around 40 per cent of Scotland's population, and 40 per cent what they describe as 'national support' to survivors of rape and sexual violence. They have all been in receipt of DES Funding.

Appendix: Legal opinion by Karon Monaghan KC

The legal opinion provided by Karon Monaghan KC is shown below. It can also be downloaded [here](#).

IN THE MATTER OF:

THE IMPACT OF *FOR WOMEN SCOTLAND* ON CHARITIES

ADVICE

Introduction and Summary

1. I am asked to advise Murray Blackburn Mackenzie (MBM) on the implications of the Supreme Court's judgment in *For Women Scotland Ltd v The Scottish Ministers* [2025] UKSC 16; [2025] 2 WLR 879 (FWS) for charities whose stated sole beneficiaries are women and/or girls.
2. Murray Blackburn Mackenzie (MBM) is an Edinburgh-based policy analysis group which researches and writes about women's sex-based rights and gender self-identity across different areas of public policy in the UK.
3. MBM is currently working on a project on the implications of FWS for charities whose stated sole beneficiaries are women and/or girls, for which this Advice is required. I have been asked a series of particular questions which I address at the end of this Advice. As to the issues more broadly, in summary I advise as follows,
 - (a) The Charity Commission (CC) and the Office of the Scottish Charity Regulator (OSCR) are responsible for regulating and registering charities.
 - (b) A charity is an institution which is established for charitable purposes.
 - (c) Permissible charitable purposes are wide ranging and include, for example, the prevention or relief of poverty; the advancement of

education; the advancement of health or the saving of lives; the advancement of citizenship or community development; the advancement of the arts, culture, heritage or science; the advancement of amateur sport; the advancement of human rights, equality and diversity; and the relief of those in need because of youth, age, ill-health, disability, financial hardship or other disadvantage.

(d) A charity's purposes should be precise and "use plain, simple language" avoiding "vague or ambiguous wording".

(e) A charity's purposes may restrict its benefits to women only.

(f) If a charity's purposes clearly state that the beneficiaries are women and/or girls, the fact that the charity has decided to provide services to men and/or boys who identify as women or girls, does not alter the meaning of its charitable purposes.

(g) A charity may alter its charitable purposes, and apply funds donated to it for different purposes, but only in narrow circumstances. This area of the law is complex and cannot be dealt with in a general advice such as this.

(h) The CC's and OSCR's register of charities contain the names of every charity registered with the CC and the OSCR. A charity will have an official name on the register. It may also have a working name; that is, another name that it uses. A main name or a working name must not be misleading by, for example, suggesting that the charity does something that it does not. If it does, the CC may direct the charity trustees to change the name or the working name of its charity.

(i) Where a charity's main or working name indicates that it is for women and/or girls ("Women's Aid", Women's Institute", for example) thereby suggesting that its purposes or activities are restricted to benefiting women and/or girls only, the name is likely to be misleading if the charity's purposes are not so restricted and/or its benefits are extended to men who identify as women. In these circumstances, the CC and OSCR can direct the charity to change its name.

(j) Trustees' primary and overarching duty is to further the purposes of the charity. They are required to act honestly, reasonably (with all due care and skill) and responsibly and in the best interests of the charity and its purposes. They must exercise their powers in good faith for the proper purposes for which those powers were given; that is, to advance the charity's purposes, not personal advancement or for other interests. A charity must apply funds and other resources for those charitable purposes only.

(k) Trustees must further the purposes of their charity for the public benefit. This means that where the charity's beneficiaries, as reflected in

its purposes, are women, it is the continuing duty of the trustees to further its purposes for the benefit of women. For example, a women's charity the purpose of which is the relieving of the emotional, psychological and/or physical distress of women and girls caused by sexual violence, will not be furthering the purposes of the charity for the public benefit if it applies its resources to the relief of emotional distress of men, whether or not they identify as women.

(l) Trustees who act in breach of their legal duties can be held responsible for the consequences that flow from such a breach and for any losses that a charity incurs as a result. Additionally, the CC and the OSCR can take action under the Charities Act 2011 (CA) and the Charities and Trustee Investment (Scotland) Act 2005 (CTI(S)A), respectively, to have them disqualified from acting as a trustee.

(m) Charities are bound by the Code of Fundraising Practice (Nov 2025). This is a UK wide Code. A failure to comply with it may result in the CC or the OSCR taking regulatory action, since a finding against a charity by the Fundraising Regulator may give rise to governance concerns.

(n) The Code of Fundraising Practice states that fundraising must be legal, open, honest and respectful and must not mislead existing or potential donors. This means that a charity must not claim that a donation will only be used for a particular purpose, if it may be used for another purpose.

(o) A women's charity that fundraises on the basis that funds will be applied to the benefit of women and/or girls when they are also used to benefit men who identify as women, may breach the terms of the Code. This may result in the CC or the OSCR taking action against the charity and trustees pursuant to their powers to intervene, or taking action against individual trustees including disqualification.

(p) There are a number of regulatory and legal restrictions on campaigning arising out of, for example, regulation governing advertising (the Advertising Standards Authority; Broadcast Committee of Advertising Practice), radio and TV etc (Communications Act 2003) and defamation.

(q) Advertisements and broadcasting must not be misleading. An advertisement that states that all donations will be used to fund women's services may well be misleading where those services are also provided to men.

(r) A failure to comply with regulatory guidance addressing advertising and broadcasting may result in the CC or OSCR taking regulatory action.

- (s) The protected characteristics under the EqA include sex and gender reassignment. Sex means biological sex.
- (t) The EqA makes direct and indirect discrimination and harassment, including sexual harassment, unlawful across a range of activities.
- (u) There are exceptions under the EqA to the prohibitions on sex discrimination. Sex means biological sex, and a charity cannot rely upon these exceptions unless it treats sex as biological.
- (v) Section 193, EqA contains an exception which permits a charity to restrict the provision of its benefits to persons who share a protected characteristic. If this exception applies, a charity that restricts the provision of benefits to women will not be acting unlawfully under the EqA.
- (w) Discrimination and harassment by “associations” is unlawful under the EqA. An exception applies to the prohibition on sex discrimination by associations. This permits an association to restrict membership or associate membership to women only and/or allow in only female guests.
- (x) Discrimination and harassment by service providers is unlawful under the EqA. “Services” include goods and facilities. This covers a wide range of services and benefits.
- (y) Many charities will provide services or facilities that fall within the EqA. These might include medical or counselling services, sporting events and facilities, domestic violence services, the making of grants, among other services and facilities.
- (z) The EqA allows service providers, including charities, to operate separate and single-sex services where certain conditions are met. In some circumstances, not providing separate or single-sex services may result in discrimination or harassment of a woman.
- (aa) Discrimination and harassment in organising or staging sporting events may be unlawful under a number of provisions in the EqA. An exception under the EqA allows for women only sporting events and competitions where certain conditions are met.
- (bb) Discrimination and harassment by employers against employees are unlawful under the EqA. An exception applies where being a woman¹ is an occupational requirement and certain conditions are met.
- (cc) The EqA makes it unlawful for a school or further or higher education institute to discriminate against, or harass, a pupil or student or a person seeking admission as a pupil or student. Exceptions apply allowing for single-sex schools and further and higher education institutions.

¹ The same applies to other protected characteristic but sex is relevant to this Advice.

(dd) Whenever a charity relies on an exception under the EqA concerning sex, it must treat women as referring to biological women in accordance with the judgment in FWS. If it does not do so, it will not be able to rely on the exceptions and may find itself acting unlawfully.

(ee) Under the EqA, trustees who commit acts of unlawful discrimination or harassment may be personally liable. If proceedings are brought against them, they may be found to have acted unlawfully and ordered to pay compensation.

(ff) Charities are vicariously liable for the acts of their employees where those acts are done in the course of their employment. A charity may escape liability for an employee's act if it can show that it took all reasonable steps to prevent the employee from doing the act in question or from doing acts of that description. Charities should, therefore, give clear guidance to its employees on the law as it affects their charity's functions and on its effect on services to women.

Background

4. Enclosed with my instructions is a Briefing Note from MBM. This Note includes examples of the charitable objects of charities that currently provide services to women and girls, and to men and boys who identify as women and girls. By way of illustration and as relevant to this Advice:

Rape Crisis Tyneside and Northumberland (Charity number 1138149) (RCT&N)

Charitable objects

(a) to relieve the emotional, psychological and/or physical distress of women and girls who have experienced sexual violence at any time in their lives; (b) to educate the public in the nature of sexual violence and its impact on women and girls in particular by offering training and conducting research and disseminating the useful results of that research.

RCT&N's website states that,

We are a charity that provides services to women, trans women and girls aged 13+, who have been affected by sexual violence and abuse at any times in their lives.

Unless a group is specifically advertised as single-sex, our groups are inclusive of women, trans women and non-binary and inter-sex people who feel a women's space is right for them.

All of our services are for women and girls only and all of our trustees, staff and volunteers are women. That means that when you call us you will only speak to a woman and your worker or counsellor will be a woman.... Our definition of women-only includes trans women and non-binary people who identify that women's services are right for them.

Dundee Women's Aid Company Limited (Charity number SC006691)
(DWA).

Charitable objects

(a) The provision of public benefit through the relief of women, children and young people who have experienced or are in fear of domestic abuse by:

- (i) the provision of temporary refuge accommodation;
- (ii) providing support and information on access to other services;
- (iii) providing structured supportive opportunities to allow these women, children and young people to make choices for their future;
- (iv) liaising with other services, including the police, and advocating for women, children and young people affected by domestic abuse within legal and other protection services.

(b) The advancement of education by:

- (i) raising awareness of the effects of domestic abuse with the public and with young people in particular;
- (ii) providing opportunities for women, children and young people to shape the development of services, policy and practice.

(c) The promotion of equality and diversity by upholding and promoting the rights of all women, children and young people regardless of ethnicity, religion or cultural background, who have experienced domestic abuse in the belief that violence against women, is symptomatic of wider structural inequalities in society, and thus mainly perpetrated by men.

DWA's website states that,

We hold the LGBT Youth Scotland charter mark and work with members of the LGBT community who identify as women...

DWA welcomes all LGBT women and stands against prejudice and discrimination.

Women's Aid East and Midlothian (Charity number SC028191)
(WAEM)

Charitable objects

The Company has been formed to benefit the community of women, transwomen, children and young people experiencing domestic abuse in the areas of Midlothian and East Lothian. The company's objects are: a) The relief of those in need by providing safe accommodation to women, children and young people with experience of domestic abuse b) To advance the human rights of women and children and promoting, protecting and safeguarding women's equality by actively campaigning to end violence against women c) To generate personal, social and community awareness on domestic abuse in order to create responses that protect the rights of all citizens.

WAEM's website states that,

Women's Aid East and Midlothian (WAEM) is a charity and company limited by guarantee to provide support, information, advocacy and temporary accommodation to all women (including transwomen), children and young people who have been subjected to domestic abuse

5. There are, then, charities whose objects identify the beneficiaries as women and girls, but which provide services additionally to "transwomen" and, presumably, "trans girls"; that is, men and/or boys who identify as women or girls. There is also at least one charity (WAEM) whose name identifies it as a charity for women but whose governing document refers to "transwomen", although its objects do not. To be clear, in law sex is biological (*FWS*). This means that men and boys who identify as women or girls, are men and boys in law.
6. Some charities are federations with oversight of local or regional associations such as women's institutes, in the case of the National Federation of Women's Institutes², or girl guides, in the case of the Guide Association³ (Girlguiding). Some of these local or regional associations will be "associations" for the purposes of the Equality Act 2010 (EqA) (see below) and /or charities in their own right.

² Objects: "The main purposes of the Women's Institute organisation are: (a) to advance the education of women and girls for the public benefit in all areas including (without limitation): (i) local, national and international issues of political and social importance; (ii) music, drama and other cultural subjects; and (iii) all branches of agriculture, crafts, home economics, science, health, and social..."

³ Objects: "To promote the education of girls and young women to help them develop emotionally, mentally, physically and spiritually so that they can make a positive contribution to their community and the wider world."

Charities

7. Charities are largely regulated by the Charity Commission (CC) in England and Wales pursuant to the provisions of the Charities Act 2011 (CA), and by the Office of the Scottish Charity Regulator (OSCR) in Scotland pursuant to the Charities and Trustee Investment (Scotland) Act 2005 (CTI(S)A). The CC and OSCR have wide regulatory powers and though their powers differ, for the purposes of this Advice, they are substantially similar. The powers include the power to remove an institution from the register where they no longer consider it a charity, give directions as to the name of a charity, institute statutory inquiries (with information gathering powers), take steps to protect a charity's assets, and the power to disqualify trustees.
8. Both the CA and the OSCR keep a register of charities. An organisation that does not meet the conditions for entry on the register will not be entered, and where an organisation is already on the register and it is found not to meet the conditions for entry, it may be removed (ss.29-30, s.34, CA and ss.4-5, s.30, CTI(S)A).
9. The statutory schemes and the broader legal context applicable in England and Wales and in Scotland are similar. The focus below is on England and Wales⁴ but where there are material differences, I have pointed them out.

A Charity

10. A charity is an institution which—(a) is established for charitable purposes only (s.1, CA). A charitable purpose is a purpose which—(a) falls within section 3(1), and (b) is for the public benefit (s.4, CA).⁵

Purposes

11. Section 3(1), CA⁶ states that charitable purposes for England and Wales, so far as most relevant to this Advice, include the following
 - (a) the prevention or relief of poverty;
 - (b) the advancement of education;
 -

⁴ This Advice would be too cumbersome, lengthy and complex were I to include the text of both sets of statutory provisions throughout.

⁵ See too, s.7, CTI(S)A.

⁶ Section 7, CTI(S)A identifies the charitable purposes for Scotland.

- (d) the advancement of health or the saving of lives;
- (e) the advancement of citizenship or community development;
- (f) the advancement of the arts, culture, heritage or science;
- ...
- (g) the advancement of amateur sport;
- (h) the advancement of human rights,...or equality and diversity;
- ...
- (j) the relief of those in need because of youth, age, ill-health, disability, financial hardship or other disadvantage, [including relief given by the provision of accommodation or care to these persons⁷].
- (m) any other purposes—

- (i) that are not within paragraphs (a) to (l) but are recognised as charitable purposes by virtue of section 5 (recreational and similar trusts, etc) or under the old law,

- (ii) that may reasonably be regarded as analogous to, or within the spirit of, any purposes falling within any of paragraphs (a) to (l) or sub-paragraph

- (i), or

- (iii) that may reasonably be regarded as analogous to, or within the spirit of, any purposes which have been recognised, under the law relating to charities in England and Wales, as falling within sub-paragraph (ii) or this sub-paragraph.

12. “The advancement of health” includes the prevention or relief of sickness, disease or human suffering (s.3(2)(b), CA).

13. “Citizenship or community development” includes “the promotion of civic responsibility, volunteering, the voluntary sector or the effectiveness or efficiency of charities” (s.3(2)(c)).

14. “Sport” means “sports or games which promote health by involving physical or mental skill or exertion” (s.3(2)(d), CA).

⁷ Section 3(2)(e), CA.

15. As to the purposes, each item listed in s.2(2) is a description or “head” of charity rather than a fully stated charitable purpose in itself (Charity Commission (CC), Guidance⁸, Charitable Purposes (Sept 2013), para 2; Explanatory Notes, Charities Act 2006⁹, para 21).
16. Specific provision is made in relation to some recreational trusts and leisure facilities. It is charitable to provide, or assist in the provision of, facilities for —(a) recreation, or (b) other leisure-time occupation, if the facilities are provided in the interests of social welfare (s.5(1), CA). Facilities are provided in the interests of social welfare where they are provided with “the object of improving the conditions of life for the persons for whom the facilities are primarily intended, and that those persons have the need of the facilities because of their youth, age, infirmity or disability, poverty, or social and economic circumstances, or the facilities are to be available to members of the public at large or to male, or to female, members of the public at large” (s.5(2) and (3), CA). This applies to the provision of facilities at village halls, community centres and women’s institutes, and the provision and maintenance of grounds and buildings to be used for purposes of recreation or leisure-time occupation, and extends to the provision of facilities for those purposes by the organising of any activity (s.5(4), CA). The public benefit requirement must still be satisfied if an institution is to be a charity (s.5(5), CA, see below) but these facilities satisfy the charitable purposes aspect of the requirements that must be met for an organisation to qualify as a charity.
17. As can be seen, subject to the public benefit requirement (see below), the range of potential charitable purposes is wide.
18. A charity’s purposes will generally be contained in a charity’s objects clause/s.

⁸ The CC is empowered to issue guidance for the encouraging and facilitating the better administration of charities, s.15(2) and (3), CA.

⁹ This has been substantially repealed but this remains instructive because provision is made in the CA to the effect that law preceding the CA continues to have effect (s.3(3) and s.4(3), CA).

19. The CC's Guidance advises that, a charity's purposes "should make it clear: what the charity is set up to achieve; how it will achieve these outcomes; who will benefit from these outcomes; where the benefits extend to." The purposes should be precise and "use plain, simple language" avoiding "vague or ambiguous wording". The Guidance states that terms "that may not be generally understood or have more than one meaning must be explained and all of charity's purposes must be included, if there is more than one." (CC Guidance, How to Write Charitable Purposes (Nov 2014)).
20. In understanding the meaning of a charity's purposes, the principles that are generally applicable to the interpretation of instruments including, for example, contracts will apply. The purposes will be given the meaning which it would convey to a reasonable person having all the background knowledge which would reasonably be available to those to whom the purposes are directed.¹⁰
21. Where a charity is established with clearly stated purposes, the motives and intentions of the founders are irrelevant to the interpretation of the purposes. Similarly, what the charity has done since it was established will not normally be relevant in understanding its purposes.¹¹
22. This means if the purposes clearly state that the beneficiaries are women and/or girls, the fact that the charity has decided to provide services to men and/or boys (where they identify as women or girls) is irrelevant in understanding the meaning of its purposes; they should not be read as including men or boys because a charity decides to treat them as beneficiaries.
23. The CC's Guidance states that,

If your charity's purpose will only benefit a defined group of people, this needs to be a sufficient section of the public.
Where relevant, include in your charity's purpose any specific definitions of who can benefit, such as:
their age
where they live
their gender
any other defining characteristics (Guidance, How to Write Charitable Purposes (Nov 2014)).

¹⁰ *Attorney General of Belize v Belize Telecom Ltd* [2009] 1 WLR 1988, para 16-38; *Cherry Tree Investments Ltd v Landmain Ltd* [2013] 1 WLR 481.

¹¹ *James Miller and Partners Ltd v Whitworth Street Estates (Manchester) Ltd* [1970] AC 583.

24. While “gender” is used in the Guidance, it is plainly used as a synonym for sex. The term “gender” has no legal meaning and, absent clear definition in a charity’s purpose clause or governing document, it is insufficiently precise. As is apparent from case law, gender is often used interchangeably with sex but to mean sex (*R (Elan-Cane) v Secretary of State for the Home Department* [2021] UKSC 56, [2023] AC 559, para 52). To be clear, whether sex or gender is used,

legislation across the statute book assumes that all individuals can be categorised as belonging to one of two sexes or genders (terms which have been used interchangeably). Some rights differ according to whether a person is a man or a woman: for example, rights of succession to hereditary titles. There are criminal offences that can only be committed against persons of a particular gender: for example, female genital mutilation. There is a raft of legislation which assumes that only a woman can give birth to, or be the mother of, a child, including legislation relating to maternity rights and benefits, health provision and fertility treatment, and nationality. The legislation governing the registration of births requires the sex of children to be recorded. Legislation relating to marriage and civil partnership (including legislation permitting same sex marriages) assumes that everyone is either a man or a woman. Equality legislation protects people from discrimination if it arises from their being a man or a woman (*R (Elan-Cane) v Secretary of State for the Home Department* [2021] UKSC 56, [2023] AC 559, para 52).

25. Sex, therefore, is “binary” (*R (Elan-Cane) v Secretary of State for the Home Department* [2021] UKSC 56, [2023] AC 559, para 52). The equality legislation to which *Elan-Cane* refers is the EqA. The EqA defines “man” and “woman” as corresponding to “male” and “female” and these terms refer to biological sex (*FWS*). The CC’s Guidance on the EqA is clear that the relevant characteristic is sex and where trans identity is concerned, gender reassignment.

Public benefit

26. A purpose must be for the public benefit if it is to be a charitable purpose (s.4(1), CA) (“the public benefit requirement”) and this is not to be presumed (s.4 (2), CA, see too s.8, CTI(S)A) in slightly different terms¹².
27. The Charity Commission (CC) has issued Guidance on the public benefit requirement, pursuant to its powers so to do (s.17(1), CA, see too s.9, CTI(S)A¹³). The trustees of a charity must “have regard” to any such guidance when exercising any powers or duties to which the guidance is relevant (s.17(5), CA).
28. The CC’s public benefit Guidance (Public Benefit: The Public Benefit Requirement (PB1) (Sept 2013), 5) states that there are two aspects of public benefits: the “benefit aspect” and the “public aspect.” In general, for a purpose to be “for the public benefit” it must satisfy both the “benefit” and “public” aspects.¹⁴ The “benefit aspect” of public benefit is about whether the purpose is beneficial. The “public aspect” is about whom the purpose benefits. To satisfy the public aspect of public benefit the purpose must benefit the public in general, or a sufficient section of the public.
29. Where a charity has more than one purpose, each purpose on its own must meet the public benefit requirement.
30. A purpose cannot be a charitable purpose where any detriment or harm resulting from it outweighs the benefit. The fact that a purpose is for the benefit of women only, does not mean it is detrimental to men.

¹² (1) No particular purpose is, for the purposes of establishing whether the charity test has been met, to be presumed to be for the public benefit. (2) In determining whether a body provides or intends to provide public benefit, regard must be had to—(a) how any— (i) benefit gained or likely to be gained by members of the body or any other persons (other than as members of the public), and (ii) disbenefit incurred or likely to be incurred by the public, in consequence of the body exercising its functions compares with the benefit gained or likely to be gained by the public in that consequence, and (b) where benefit is, or is likely to be, provided to a section of the public only, whether any condition on obtaining that benefit (including any charge or fee) is unduly restrictive.

¹³ The OSCR has issued guidance on meeting the charity test; <https://www.oscr.org.uk/becoming-acharity/meeting-the-charity-test-guidance/>.

¹⁴ In the case of poverty charities the position is different. In the case of charities for the relief and in some cases the prevention of poverty, the courts consider that the public benefit requirement can be satisfied by the benefit aspect only. There is no separate consideration of the public aspect. This means that charities to relieve poverty may sometimes have smaller sections of the public than my otherwise be expected in ordinary charities, so they can define who can benefit by reference to for example employment by an employer.

31. The benefits of a charitable purpose may be restricted to those with a particular protected characteristic under the EqA, where certain conditions under the EqA are met. This means that a charity's purpose may restrict its benefits to women where this is a proportionate means of achieving a legitimate aim, see s.193, EqA (discussed below) (Public Benefit: The Public Benefit Requirement (PB1) (Sept 2013), 11; *Catholic Care (Diocese of Leeds) v Charity Commission for England and Wales (Equality and Human Rights Commission intervening)* [2010] PTSR 1074, para 97). If a charity decides to restrict its benefits to women only, it must treat women as referring to biological women (FWS).

Altering purposes and cy pres

32. In certain circumstances, a charity may alter its purposes. There are complex rules about this but generally the authority of the CC or OSCR is required in advance of any change. A charity may wish to alter its purposes where, for example, the group that a charity's purposes benefit has reduced significantly in size over time, but there will be other circumstances. In deciding whether to seek authority to change its purposes, a charity must consider whether, for example, the needs or circumstances of its beneficiaries have changed, or whether new circumstances affect who those beneficiaries are, or how they are defined.¹⁵

33. Where a charity's purposes identify women as the sole beneficiaries, but that charity has in practice provided benefits to men who identify as women, the charity could conceivably seek authority to amend its purposes so as to include men who identify as women as beneficiaries (assuming the class of beneficiaries could be defined sufficiently clearly and without ambiguity).

¹⁵ See the CC's guidance at <https://www.gov.uk/government/publications/changing-your-charitysgoverning-document-cc36>.

34. Further, and to address one point raised in my instructions, if a charity's purposes are altered and it has funds – for example as a result of a legacy gift – to be applied only to the furthering of the original purposes (women), there is provision allowing for those funds to be used to further any altered purpose. The CC, OSCR and a court can establish a cy-pres scheme which allows charitable property to be applied to purposes as close as possible to the donors' original charitable intention where the original purposes cannot be carried out or have ceased to be suitable or effective (CA, Part 6,¹⁶ ss.39-43, CTI(S)A). However, the circumstances in which this can occur are narrow and the legal rules and context are very complex. Were this to occur in the case of a particular charity, separate advice would need to be taken. The issue does not lend itself to general advice in the context of a project of the sort MBM are undertaking.

Charities' names

35. The CC's and OSCR's register of charities contain the name of every charity registered with the CC and OSCR (with some exceptions) (ss. 29-30 CA, s.3, CTI(S)A)).

36. A charity will have an official name (its "main name") on the register. It may also have a "working name"; that is, another name it uses (s.42, CA, s.12, CTI(S)A). A main name or working name must not be misleading, for example by suggesting the charity does something it does not. The CC may direct charity trustees to change the name or working name of a charity where in the opinion of the CC, the name is "likely to mislead the public as to the true nature of— (i) the purposes of the charity as set out in its trusts, or (ii) the activities which the charity carries on under its trusts in pursuit of those purposes" (s.42(2)(b), CA; see too, ss.10(1)(b) and 12, CTI(S)A in the case of the OSCR to the same effect).

¹⁶ "It is hereby declared that a trust for charitable purposes places a trustee under a duty, where the case permits and requires the property or some part of it to be applied cy-pres, to circulate to secure its effective use for the charity by taking steps to enable it to be so applied" (s.61, CA).

37. It is clear from the register of charities that there need not be an exact match between a charity's name and its purposes. However, sex is binary and it is a biological concept, both under the EqA and under common law (*FWS, Corbett v Corbett* [1970] 2 WLR 1306; *Bellinger v Bellinger* [2003] 2 AC 467, paras 28, 56, 57). One can only be a woman or a man; one cannot be both and this status is immutable. One's sex cannot be changed: "Individuals cannot choose for themselves whether they wish to be known or treated as male or female. Self-definition is not acceptable. That would make nonsense of the underlying biological basis of the distinction" (*Bellinger v Bellinger* [2003] 2 AC 467, para 28).

38. It follows that where a charity's main or working name indicates that it is for women and/or girls ("Women's Aid", Women's Institute", for example), thereby suggesting that its purposes or activities are restricted to benefiting women and/or girls only, the name is likely to be misleading if the charity's purposes are not so restricted and/or its benefits are extended to men who identify as women. In these circumstances, the CC and OSCR can direct the charity to change its name.

Associations

39. A membership organisation may be a charity so long as a sufficient section of the public can access those benefits by becoming members (CC Public Benefit: Running a Charity (PB2), (Sept 2013), 9); that is, it is not effectively a private members' club (*ibid.*, 14). Some women's charities are also membership organisations, for example some women's institutes. The EqA will cover these (see below).

Duties of Trustees

40. Trustees' "primary and overarching duty is to further the purposes of the charity (*Butler-Sloss and Ors v Charity Commission for England and Wales* [2022] Ch 371 and *Harries v Church Com'rs* [1992] 1 WLR 1241). They are required to act honestly, reasonably (with all due care and skill) and responsibly and in the best interests of the charity and its purposes (*Butler-Sloss and Ors v Charity Commission for England and Wales* [2022] Ch 371). They must exercise their powers in good faith for the proper purposes for which those powers were given; that is, to advance the charity's purposes, not personal advancement or for other interests. A charity must apply funds and other resources for those charitable purposes only (*Butler-Sloss and Ors v Charity Commission for England and Wales* [2022] Ch 371).

41. A trustee's overriding duty is summarised as follows,¹⁷

It is axiomatic that charity trustees... are concerned to further the purposes of the trust of which they have accepted the office of trustee. That is their duty. To enable them the better to discharge that duty, trustees have powers vested in them, these powers must be exercised for the purpose for which they have been given: to further the purposes of the trust.

42. In furthering the purposes of their charity, trustees must further those purposes for the *public benefit*. This means that where the charity's beneficiaries, as reflected in its purposes, are women (a sufficient section of the public as to meet the public benefit requirement), it is the continuing duty of the trustees to further its purposes for the benefit of women. For example, a women's charity established to relieve the emotional, psychological and/or physical distress of women and girls caused by sexual violence would not be furthering its charitable purposes for the public benefit if it applied its resources to the relieving of such distress in men, whether or not they identify as women.

43. Necessarily trustees will have a discretion in performing their duties as to how to pursue their charity's purposes and apply its resources. However, trustees must exercise any discretion in good faith and in accordance with the charity's purposes, taking account of all relevant considerations and disregarding all irrelevant considerations. If they do so, they will be acting lawfully and within the scope of their powers and duties.¹⁸

44. Since trustees must operate their charity solely in furtherance of its charitable purposes, a charity whose purposes identify women as its beneficiaries must apply its charitable benefits exclusively for the benefit of women.

45. As fiduciaries at common law, trustees who act in breach of their legal duties can be held responsible for the consequences that flow from such a breach and for any losses that a charity incurs as a result (CC The Essential Trustee: What You Need to Know, What You Need to (May 2018)). Additionally, the CC can take action under the CA to have them disqualified from acting as a trustee (s.181(A), CA), including where,

¹⁷ *Harries v Church Com'rs* [1992] 1 WLR 1241, 1246B.

¹⁸ *R (Independent Schools Council) v Charity Commission* [2012] Ch 214, 220.

- there was misconduct or mismanagement in the administration of the charity, and the trustee was responsible for misconduct or mismanagement (181(A)D, CA), or
 - the trustee knew of misconduct or mismanagement and failed to take any reasonable steps to oppose it, or the person's conduct contributed to or facilitated the misconduct or mismanagement (181(A)D, CA), or
 - any other past or continuing conduct by the person, whether or not in relation to a charity, is damaging or likely to be damaging to public trust and confidence in charities generally or in the charities or classes of charity specified or described in the order disqualifying a trustee (181(A)F, CA)
- and
- That (i) the person is unfit to be a charity trustee, either generally or in relation to the charity or class of charities specified or described in the order and (ii) that the making of the order is desirable in the public interest in order to protect public trust and confidence in charities generally or classes of charity specified or described in the order.

46. The position as set out above is as it pertains to England and Wales. The same is broadly true of Scotland except that trustees' duties in Scotland are more explicitly defined in statute than in England and Wales (ss.66¹⁹ and 69, CTI(S)A).²⁰

¹⁹ "(1) A charity trustee must, in exercising functions in that capacity, act in the interests of the charity and must, in particular- (a) seek, in good faith, to ensure that the charity acts in a manner which is consistent with its purposes, (b) act with the care and diligence that it is reasonable to expect of a person who is managing the affairs of another person, and (c) in circumstances capable of giving rise to a conflict of interest between the charity and any person responsible for the appointment of the charity trustee (i) put the interests of the charity before those of the other person, or (ii) where any other duty prevents the charity trustee from doing so, disclose the conflicting interests to the charity and refrain from participating in any deliberation or decision of the other charity trustees with respect to the matter in question".

²⁰ Charities must set out in their annual report the main or in the case of auditable charities (generally, those with larger funds) (i) significant activities undertaken by the charity to further its charitable purposes for the public (or a sufficient section of the public) benefit (Charities (Accounts and Reports) Regulations 2008) (similar provision is made for Scotland; Charity's Accounts (Scotland) Regulations 2006). There are other requirements, but these do not affect the matters addressed in this Advice.

Fundraising

47. Charities are bound by the Code of Fundraising Practice (Nov 2025). This is a UK wide Code. The Fundraising Regulator is responsible for setting, maintaining and promoting the rules under the Code. The Code is not legally binding but as the CC makes clear, a failure to comply with it may result in the CC taking regulatory action since a finding against a charity by the Fundraising Regulator may give rise to governance concerns (CC Guidance, Charity Fundraising: A Guide to Trustee Duties (Oct 2022)).
48. The Code provides that fundraising must be legal, open, honest and respectful. A charity must take all reasonable steps to make sure that their fund raising is carried out in a way that reflects positively on fundraising in general. This includes, not putting on the pressure on a person to donate. A charity must not, when fundraising, unfairly criticise or insult other people or organisations. Charities must not mislead existing or potential donors. This includes by leaving out information, giving inaccurate or unclear information. This means that, for example, a charity must not claim that a donation will only be used for a particular purpose, if it may be used for another purpose.
49. As the CC's Fundraising Guidance makes clear (CC Guidance, Charity Fundraising: A Guide to Trustee Duties (Oct 2022)), charities should identify and follow any recognised standards that apply to charities' fundraising, and these include the Fundraising Regulator's Code. The CC further recommends that information on the following issues is provided when running appeals; the identity of the charity and what it does, what the funds raised are for and how they will be used.
50. A women's charity that fundraises on the basis that funds will be applied to the benefit of women and/or girls when in fact they are also used to benefit men, may breach the terms of the Code. This may result in the CC or the OSCR taking action in relation to the charity and trustees pursuant to their powers to intervene or taking action against individual trustees, including disqualification.

Campaigning and Advertising

51. There are a number of regulatory and legal restrictions on campaigning/ political activity arising out of, for example, regulation governing advertising (the Advertising Standards Authority; Broadcast Committee of Advertising Practice), radio and TV etc (Communications Act 2003) and defamation (see CC Guidance: Campaigning and Political Activity Guidance for Charities (Nov 2022)). The CC's guidance indicates that a failure to comply with regulatory guidance addressing advertising and broadcasting may be an indicator of underlying mismanagement or maladministration of the charity's affairs such as to require the CC to take regulatory action.
52. The British Code of Advertising, Sales Promotion and Direct Marketing (the CAP Code) and the Code of Broadcast Advertising (BCAP) which are administered by the Advertising Standards Authority, apply to charities. So far as relevant to this Advice, they are principally concerned with "preventing the abuse of people's charitable impulses. Charity advertisements or advertisements that feature charities should treat with care and discretion any subjects likely to arouse strong emotions" (BCAP Code, Ch 16). Advertisements and broadcasting must not be "misleading". (CAP Code, Ch 3; BCAP, Ch 3). Typically, in the context of charities, advertisements found to have been misleading concern claims suggesting endorsements from other organisations or where donations are likely to end up (ASA: Third Sector Charity and Public Awareness Advertising (April 2025)). An advertisement that stated that all donations would be used to fund women's services may well be misleading where those services are also provided to men.

The Equality Act 2010

53. Part 2, EqA identifies and defines the "protected characteristics" under the EqA. These include sex and gender reassignment (ss.4, 7 and 11 EqA 2010).
54. As to sex: Sex is "a reference to a man or to a woman" (s.11, EqA) and man and woman means "male" and "female" respectively (s.212, EqA). Sex is binary, biological and immutable. "Sex", "woman" and "man" under the EqA, therefore, refer to biological sex, biological woman and biological man (*FWS*, para 264). The same is so in the case of boys and girls. This means that a man or a boy who identifies as a woman or girl is male, and either a man or a boy. How they identify does not change their sex.

55. As to gender reassignment: “A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person’s sex by changing physiological or other attributes of sex” (s.7, EqA). A person who has the protected characteristic of gender reassignment is referred to under the EqA as a “transsexual person” (s.7, EqA). As can be seen the characteristic of gender reassignment applies to men and women, boys and girls, including those who have not yet started the process of transition (“proposing to undergo”) but continue to live their lives in accordance with the social attributes usually associated with members of their sex (for example, in the case of a man who identifies as a woman continuing to use a male name, dress in male clothes, wear his hair, including facial hair, in a way that is usually associated with being male) and with all the physiological characteristics of being male. Having the protected characteristic of gender reassignment (being a transsexual) does not change a person’s sex (*FWS*).

56. The EqA makes it unlawful for a service provider to discriminate or harass a person in the provision of services (s.29, EqA), unless an exception applies. Services include goods and facilities (s.31(2), EqA).²¹ This covers a wide range of services and facilities including, for example, medical or counselling services, domestic violence and victim support, and the making of grants,²² pursuant to the sorts of charitable purposes identified above.

57. The EqA also makes it unlawful for an employer to discriminate or harass an employee or an applicant for employment (s.39, EqA); for an association to discriminate or harass members, or guests, or applicants for membership or as guests (ss.101 and 102, EqA); for a school or further or higher education provider to discriminate against or harass a pupil or student, or an applicant for admission to a school or higher education institute (s. 85 and ss.91 and 92, EqA).

²¹ It also makes discrimination in the exercise of public functions unlawful (s.29(6), EqA). Although charities are not core public authorities, they may exercise public functions for particular purposes (s.31(4)) and so fall within this provision too.

²² The Sex Discrimination Act 1975 (SDA) gave a list of examples of “facilities” and explicitly referred to “facilities ...for grants, loans, credit or finance” (s.29(2)(c), SDA)). The EqA does not include such a list of examples. However, s.29 EqA replaced the provision in the SDA “and extends protection so that it is generally uniform across all the protected characteristics” (Explanatory Notes, para 113). It is very clear that facilities has the same meaning under the EqA as under the SDA.

58. There are exceptions to these unlawful acts, and these are discussed below. If a charity seeks to rely upon one of these exceptions, it must treat sex as biological sex otherwise it will act unlawfully. This is because “sex”, “woman” and “man” in the EqA refer only to biological sex (*FWS*; (1) *Good Law Project Ltd* (2) *BOT* (3) *BNW* (4) *BBS* [2026] EWHC 279 (Admin) (*Good Law Project*)).

59. “Discrimination” for these purposes includes direct and indirect discrimination.

60. Direct discrimination is defined as follows; “[a] person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others” (s.13, EqA). Treating a man less favourably than a woman, for example, would constitute sex discrimination. There is no general defence of justification for direct discrimination and as such unless an exception applies, direct discrimination in the areas covered above will be unlawful.

61. Section 19, EqA defines indirect discrimination as follows,

(1) A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice [PCP] which is discriminatory in relation to a relevant protected characteristic of B's.

(2) For the purposes of subsection (1), a provision, criterion or practice is discriminatory in relation to a relevant protected characteristic of B's if—

(a) A applies, or would apply, it to persons with whom B does not share the characteristic,

(b) it puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it,

(c) it puts, or would put, B at that disadvantage, and

(d) A cannot show it to be a proportionate means of achieving a legitimate aim.

62. Harassment under the EqA is defined as follows,

- (1) A person (A) harasses another (B) if—
 - (a) A engages in unwanted conduct related to a relevant protected characteristic, and
 - (b) the conduct has the purpose or effect of—
 - (i) violating B's dignity, or
 - (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.
- (2) A also harasses B if—
 - (a) A engages in unwanted conduct of a sexual nature, and
 - (b) the conduct has the purpose or effect referred to in subsection (1)(b).
- (3) A also harasses B if—
 - (a) A or another person engages in unwanted conduct of a sexual nature or that is related to ...sex,
 - (b) the conduct has the purpose or effect referred to in subsection (1)(b), and
 - (c) because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.
- (4) In deciding whether conduct has the effect referred to in subsection (1)(b), each of the following must be taken into account—
 - (a) the perception of B;
 - (b) the other circumstances of the case;
 - (c) whether it is reasonable for the conduct to have that effect.
- (5) The relevant protected characteristics are—
 -
 - sex.

63. In summary, harassment may occur in three ways (i) unwanted conduct related to sex (ii) unwanted conduct of a sexual nature, and (iii) less favourable treatment of a woman because she submits to or rejects sexual harassment or harassment related to sex.

64. Allowing men or boys, whether or not they identify as women or girls, to access services intended for women and girls only may result in indirect discrimination against those women and girls. This is because granting access to men or boys to such services may subject women and girls to a particular disadvantage. Where a PCP (“trans inclusive”) causes a particular disadvantage to women and girls, unless it can be shown to be a proportionate means of achieving a legitimate aim, it will be indirectly discriminatory. Men will not experience the same disadvantage if women

who identify as men are permitted entry into men only spaces, for obvious reasons. Those reasons include the increased vulnerability of women, as compared to men, and their safety (*FWS*, paras 213-214). For the same reasons, and others, women may also be subject to harassment if men are permitted to enter women only spaces. Where women and girls use a changing facility at a swimming pool, for example, requiring them to undress in front of men and boys may at the very least be unwanted and have the purpose or effect of violating the dignity of those women and girls and/or create an intimidating, hostile, degrading, humiliating or offensive environment for them.

65. There are exceptions in the EqA that allow charities to restrict benefits to women. The relevant exceptions are those that apply to,

- Charities
- Associations
- Single sex – services
- Sport
- Occupational Requirements
- Education

66. The exceptions do not apply where the conduct amounts to harassment.

67. If any one of these exceptions is to apply, sex must be treated as biological sex. For example, “if...a service provider provided a service to be used both by women and transsexual women, that service would not be a single sex service” (*Good Law Project*, para 5). If sex is not treated as biological, then a charity will not be able to rely on these exceptions. It is likely to act unlawfully under the EqA if it restricts benefits to women and to men who identify as women only.

Charities

68. On the face of it, a body that restricts the provision of benefits to (biological) women will directly discriminate against (biological) men.

69. However, an exception applies in the case of charities. Section 193, EqA, allows charities to limit the provision of benefits to people who share a particular protected characteristic to the exclusion of those with other protected characteristics. It provides that,

- (1) A person does not contravene this Act only by restricting the provision of benefits to persons who share a protected characteristic if—
 - (a) the person acts in pursuance of a charitable instrument^[23], and
 - (b) the provision of the benefits is within subsection (2).
- (2) The provision of benefits is within this subsection if it is—
 - (a) a proportionate means of achieving a legitimate aim, or
 - (b) for the purpose of preventing or compensating for a disadvantage linked to the protected characteristic).²⁴

70. Where a charity’s governing document (“charitable instrument”) restricts the provision of benefits to women, and those benefits are provided in order to tackle disadvantage linked to being a woman, then this exception will apply. The exception also applies where restricting benefits to women is a proportionate means of achieving a legitimate aim. The aim of any restriction will generally be identified in the charity’s charitable purposes. Assessing proportionality will involve four questions; (i) is the restriction sufficiently important to justify the limitation of a protected right to non-discrimination? (ii) is the restriction rationally connected to the aim? (iii) could a less intrusive measure have been used without unacceptably compromising the achievement of the aim? and (iv) whether, balancing the severity of the restriction on the rights of the persons to whom it applies against the importance of the aim, to the extent that the restriction will contribute to its achievement, the former outweighs the latter (*Bank Mellat v HM Treasury (No 2)* [2014] AC 700, para 74). Proportionality, then, requires that a balancing exercise is undertaken.

71. The Supreme Court addressed this exception in *FWS*. It stated that,

Schedule 16 [associations] and section 193(1) plainly intend that single-sex associations and charities should be permitted to exist along with other single-characteristic associations. A certificated sex [ie non-biological] meaning applied to these exceptions would make it impossible for any association or charity—including, for example, a mutual support association for women who are victims of male sexual violence, a lesbian

²³ That is the legal document (governing document) setting out the charity’s purposes.

²⁴ For completeness, s193(7) includes an exception so that it is not for a person, in relation to an activity which is carried on for the purpose of promoting or supporting a charity (i.e. any charity), to restrict participation in the activity to persons of one sex. This is intended to cover, for example, women only fun runs to raise money for charities (the Explanatory Notes give the following example: “Race for Life, a women-only event which raises money for Cancer Research UK, is lawful” (para 611)).

social association, a breast-feeding support charity—to be set up or to pursue a dedicated purpose which is directed at the needs of biological females. To require such associations or charities to reconceive of their objects as targeting a group that does not correspond with their original aims, and to allow trans people with a GRC (of the opposite biological sex) to join would significantly undermine the right to associate on the basis of biological sex... (para 231).

72. It follows that a charitable purpose which provides benefits to women and to some men (those who identify as women) cannot be characterised as restricting benefits to women alone (see too, *Good Law Project*). Section 193, EqA would not then apply because the provision of benefits would not be restricted to those who share the protected characteristic of sex.

73. If s.193, EqA does not apply, unless another exception applies, a charity that provides benefits to women only will unlawfully directly discriminate against men. Even where benefits are provided to women and to men who identify as women, this would still be directly discriminatory against men. This is because men are treated less favourably than women; they are only provided with benefits if they identify as women, whereas all women qualify. Women only charities relying on s.193, EqA, therefore, must treat sex as biological sex if they are not to unlawfully discriminate against men.

74. Section 193, EqA is wide and embraces benefits consisting of both the direct delivery of services and the making of grants to other charities for the delivery of services to women.

Associations

75. As mentioned above, some charities are also “associations” within the meaning of the EqA (see women’s institute, for example). Section 107(2), EqA defines an association as an association of persons which has at least 25 members and admission to membership of which is regulated by the association's rules and involves a process of selection. A membership organisation may be a charity so long as a sufficient section of the public can access those benefits by becoming members (CC Public Benefit: Running a Charity (PB2), (Sept 2013), 9; that is, it does not effectively turn the charity into a private members’ club, *ibid.*, 14).

76. The EqA allows for an association to restrict membership to those who share a protected characteristic (which would otherwise be unlawful under s.101(1) (b), EqA). This means that an association may restrict membership or associate membership to women only, and/or allow in only female guests (Schedule 16, para 1, EqA). The Supreme Court in *FWS* (para 231 set out above) explicitly stated that sex for the purposes of the associations' provisions in the EqA, just as with the other provisions of the EqA, means biological sex. If a women's association allows in men, it will not be able to rely on this exception (*FWS* and *Good Law Project*).

Separate and Single- Sex Services

77. Section 29, EqA makes it unlawful to discriminate in the provision of a service, including by the provision of goods or facilities. Schedule 3 contains exceptions from this general prohibition. Those exceptions “permit carve-outs from what would otherwise constitute sex discrimination under the EA 2010” (*FWS*, para 211):

These provisions are directed at maintaining the availability of separate or single spaces or services for women ... as a group—for example changing rooms, homeless hostels, segregated swimming areas (that might be essential for religious reasons or desirable for the protection of a woman's safety, or the autonomy or privacy and dignity of the two sexes) or medical or counselling services provided only to women...—for example cervical cancer screening for women..., or counselling for women only as victims of rape or domestic violence” (*FWS*, para 211).

78. Again, sex has its biological meaning for the purposes of these exceptions (*FWS*, paras 211-221 and para 265).

79. Allowing men who identify as women to access single -sex services will mean that the single-sex exceptions do not apply (*Good Law Project*, para 5). Charities should, therefore, ensure that all men are refused access to women only separate and single-sex services.

Sport

80. Section 195, EqA provides that,

(1) A person does not contravene this Act, so far as relating to sex, only by doing anything in relation to the participation of another as a competitor in a gender-affected activity.

...

(3) A gender-affected activity is a sport, game or other activity of a competitive nature in circumstances in which the physical strength, stamina or physique of average persons of one sex would put them at a disadvantage compared to average persons of the other sex as competitors in events involving the activity.

(4) In considering whether a sport, game or other activity is gender-affected in relation to children, it is appropriate to take account of the age and stage of development of children who are likely to be competitors.

81. According to *FWS*, this provision is predicated on biological sex (*FWS*, para 234). This means, again, that if a charity wishes to rely on this exception, it must treat sex as biological sex.

Occupational Requirements

82. Section 39, EqA makes it unlawful for employers to discriminate against their employees or against applicants for employment (s.39, EqA).²⁵ Schedule 9, para 1, EqA creates an exception. This provides, in summary, that it is not unlawful for an employer to impose a requirement that successful applicants for employment and employees be women, where certain conditions are met.²⁶

83. The conditions are that, having regard to the nature or context of the work (i) the requirement is an occupational requirement; (ii) the application of the requirement is a proportionate means of achieving a legitimate aim. There must be a link between the requirement and the job. Where the occupational requirement exception applies in the case of women, jobs must be advertised and filled by biological women. Whereas in the case of other protected characteristics an employer may refuse to employ a person where it has reasonable grounds for not being satisfied that the applicant or

²⁵ Similar provision is made in relation to contract workers, partners, members of LLPs, personal office holders and public office holders (ss.41, 44, 45, 49, 50 and 51).

²⁶ Similar provision is made in respect of principals, LLPs, firms or persons who have the power to appoint or remove office holders and a persons who have the power to recommend an appointment to a public office.

or employee has the protected characteristic concerned (for example, disability) (Schedule 9, para 1(1)(c), EqA), in the case of sex an employer is concerned with *actual* sex, not whether there are reasonable grounds for being satisfied that the condition as to sex is met (Schedule 9, para 1(4), EqA). This means that if this exception is to apply in the case of a job that is reserved for women, only biological women must be employed in that job.

84. The Code of Practice²⁷ issued by the Equality and Human Rights Commission (EHRC) gives the following examples of the circumstances where an occupational requirement may be lawful: “some jobs which require someone of a particular sex for reasons of privacy and decency or where personal services are being provided. For example, a unisex gym could rely on an occupational requirement to employ a changing room attendant of the same sex as the users of that room. Similarly, a women’s refuge which lawfully provides services to women only can apply a requirement for all members of its staff to be women.”²⁸

85. The purposes of the occupational requirement exception as it applies to sex mirrors those behind the separate and single - sex service exceptions; for example, privacy, dignity and safety (FWS, para 211).

Education

86. Part 6, EqA makes it unlawful for schools and higher and further education institutions to discriminate against or harass a school pupil or student, or an applicant for admission to a school or higher or further education institution (ss. 85, 91 and 92, EqA).

87. Section 193 (Charities, see above) means that an education provider which is a charity will not breach the EqA by providing benefits only to girls or women if certain conditions are met.

²⁷ To which a court or tribunal must take into account in any case in which it appears to the court or tribunal to be relevant; s.15, Equality Act 2006.

²⁸ Paragraphs 13.7-8. A revised Code of Practice has been sent by EHRC to the Minister pursuant to s.14, EqA 2006 for laying before Parliament or to give reasons why she does not agree with the draft. There has been delay in the Minister acting on this but there have been no changes to the law on this aspect of Schedule 9 and so the examples remain apt.

88. Further, Schedule 11, para 1, EqA contains an exception permitting single-sex schools. Single-sex schools are allowed to admit pupils of only one sex without this being unlawful sex discrimination. Sex, again, means biological sex (FWS, paras 228 and 265(xviii)). A girls' school will not lose its single-sex status if it admits boys where the admission of boys is exceptional or where their numbers are comparatively small and their admission is confined to particular courses or classes. Typically, this occurs in sixth form where a school needs a minimum number of students to ensure an A' Level course is viable (see, Explanatory Notes para 862 and examples thereunder), or to attract funding.
89. Further, Schedule 12, para 1 contains an exception permitting single-sex further and higher education institutions. Sex, again, means biological sex (FWS, paras 228 and 265(xviii)). A women's only institution will not lose its single-sex status if it admits men where the admission of men is exceptional or where their numbers are comparatively small and their admission is confined to particular courses or classes. "Exceptionality" would cover, for example, a "groundskeeper at a women - only college" who "lives with his family in a cottage on the college premises. The groundskeeper's son is permitted to attend the college. It is still regarded as a single-sex institution" (EHRC, Technical Guidance on Further and Higher Education, para 14.31).
90. In the case of a single-sex female school or further or higher education institution, it does not seem to me that the "exceptionality" criterion would be met where the reason for the admission of boys or men was solely that they identify as girls or women. This is because the exception plainly anticipates that it is something other than sex that creates the exceptional circumstance. This is apparent from *FWS*, para 228 in which the Supreme Court said: "It was plainly Parliament's intention to allow for single-sex higher education institutions. That much is plain from the express terms of Schedule 12, paragraph 1. However, if sex means certificated [non-biological] sex, the exception from the sex discrimination provisions for single-sex higher education institutions would not allow such institutions to be limited to girls and women, given the absence of any separate exception for gender reassignment discrimination. We can see no rational basis for a certificated sex reading that would oblige such institutions to admit transsexual members of the opposite (biological) sex with a GRC, whose biological sex is likely to be readily identifiable, whilst excluding others without a GRC, whose circumstances may be materially indistinguishable." In other words, there is nothing exceptional about transsexual boys or men (whether they have a

GRC or not) that justifies them being treated differently from non-transsexual boys or men.

91. Schedule 12(3)(b) is concerned with courses and classes. The Explanatory Notes give the following example: “If the college admits a small number of men to make up the numbers on a particular course of study, it is still regarded as a single-sex college. It is not discriminating unlawfully by refusing to admit men to other courses.” (para 877). This is not concerned with the admission of men generally, whether or not they identify as women.
92. Schedule 12, paragraph 2(4) provides that a further or higher education institution can restrict access to courses which prepare people for a particular job or profession, where that job or profession is lawfully restricted to people of a particular sex. This covers those jobs where occupational requirements apply (see, Schedule 9, EqA above). This means that a college could, for example, run a course on women’s sports massage (addressing issues such as pregnancy, pelvic and hip tension etc) and admit women only on to the course. Again, sex would have to be defined by reference to biological sex.
93. A school or further or higher education institution which is a charity the stated beneficiaries of which are girls and/or women only, is unlikely to be acting outside its purposes if it admits boys or men where the conditions in Schedules 11 or 12 are met. This is because any benefits to boys or men would be small in number and incidental. For the conditions in Schedules 11 and 12 to be met, sex must be treated as biological sex.

Liability of Trustees

94. Under the EqA, trustees who are responsible for making decisions that result in unlawfully discriminatory acts may be legally liable for those acts. This is because the EqA fixes liability on a principal (the charity) and the agent (the trustees), where the agent has done the unlawfully discriminatory act (s.110, EqA). This means that where trustees introduce policies or do acts that are unlawfully directly or indirectly discriminatory, or which result in harassment, they may - if proceedings are brought against them - have a finding of unlawful discrimination or harassment made against them and may be made to pay compensation.²⁹

²⁹ An exception applies in a case where a trustee has relied upon a statement by the charity that doing the act in question is not a contravention of the EqA and it was reasonable for them to rely upon that statement (s.110(3), EqA). It is difficult to see how that exception could ever apply in the case of trustees since they would not be relying on a statement by the charity but would be making the decisions themselves.

95. Charities are also vicariously liable for the acts of their employees where those acts are done in the course of their employment (s.109(1), EqA). A charity may escape liability for an employee's act if it can show that it took all reasonable steps to prevent the employee from doing the act in question or from doing acts of that description (s.109(4), EqA).
96. Charities should, therefore, give clear guidance to their employees on the law as it affects their charity's functions and on its effect on services to women.

The Questions

My instructions include a number of specific questions. The answers to those questions have been substantively addressed above. However, I address them below in summary.

1. *What duties do the relevant charities and their trustees have to ensure that they are acting to ensure that services or other benefits are provided to their stated beneficiaries? What action would be required to fulfil these duties and what risks would trustees be taking in not doing so?*
2. Trustees' primary and overarching duty is to further the purposes of the charity. In so doing they are required to act honestly, reasonably, and responsibly and in the best interests of the charity and its purposes only. This requires them to exercise their powers in good faith and apply their funds and other resources to their charitable purposes only.
3. It goes without saying that charities should also comply with the law more widely and that includes the law as it is set out in this Advice.
4. *What is the legal position of charities that have women and/or girls named as sole beneficiaries in their charitable objects, which have taken steps to stop men and boys who identify as women and girls from becoming new beneficiaries, but allow existing male beneficiaries to continue being beneficiaries?*
5. Where a charity's purposes are restricted to benefitting women, they are not permitted to extend those charitable benefits to men or boys whether or not they have done so in the past; that is, if they have been providing charitable benefits to men or boys, they must stop doing so (unless the law explicitly allows it as with the very limited exception applicable in the field of education).

6. *Is there any element of financial impropriety if a charity uses any money it has raised, explicitly or implicitly for the benefit of women and/or girls, for the benefit of men and/or boys who identify as women and girls? This should include current and past donations as well as historic legacies set out in a will.*
7. A charity must only apply its resources to further its charitable purposes. A charity that applies its funds to activities which do not further its charitable purposes is acting improperly and, in some circumstances, trustees may be liable for any financial losses that result.
8. A charity may be acting in a misleading way if it suggests to donors that it will be applying funds exclusively to the benefit of women and girls when it intends to use those funds to benefit men instead or additionally. Where a charity does act in that way, it may breach the CC's guidance on fundraising and the UK-wide Code of Fundraising Practice, and this may result in regulatory action being taken against them by CC or the OSCR.
9. A charity may alter its charitable purposes, and apply funds donated to it for different purposes, but only in narrow circumstances. This area of the law is complex and cannot be dealt with in a general advice such as this.
10. *Specifically, are the relevant charities able to lawfully devote their resources to supporting new associated "sisterhood" groups whose beneficiaries will include men and/or boys who identify as women and/or girls (whether or not such groups will include men who do not identify as women).*³⁰
11. Again, a charity must only apply its resources to further its charitable purposes. It is not clear how "sisterhood groups" of the sort described by the National Federation of Women's Institutes (Briefing Note, 11) could further the purposes of the women's institutes which are concerned with advancing the interests of women and girls. The Federation could be asked this question but presently such groups do not appear to further the purposes of the women's institutes and if that is right, the Federation and women's institutes, where they are charities, should not be applying their resources to them.

³⁰ See for example the Women's Institute's plan to launch such groups as detailed in the Briefing Note (pages 11-13).

12. Such groups may also directly discriminate against men where men who do not identify as women are denied access (depending on the nature of the groups).
13. *Do the relevant charities which have “women” or “girls” in their in their name have any further obligations arising from that? For example, does it mean a donor more clearly has a legitimate expectation that that is what money given to them will solely be used for? Is there any element of a concept akin to “false advertising”?*
14. A charity’s main or working name must not be misleading. A charity that includes within its main or working name “women” and/or “girls” only (Women’s Aid, Women’s Institute, for example) thereby suggests that its purposes or activities are restricted to benefiting women and/or girls. If the charity's purposes are not so restricted, then the name of the charity is misleading and in those circumstances the CC and the OSCR can direct the charity to change its name.
15. *Are the relevant charities able to lawfully accept funding which comes with a condition that requires them to provide services that benefit men or boys who identify as women or girls? Would commissioning bodies which require charities, whose sole beneficiaries are women and girls, to include men and boys who identify as women and girls, be culpable of asking them to act unlawfully?*
16. Since a charity can only apply its resources in furtherance of its charitable purposes, a charity whose beneficiaries are women and/or girls will not be acting within the scope of its powers if it enters into an agreement which requires it to undertake activities for the benefit of men and boys.
17. *Are the relevant charities which provide single-sex services more clearly affected than those which have a general advocacy role. ?*
18. No. All charities are affected by the law as it is stated above. Different forms of discrimination and different unlawful acts may apply in respect of certain aspects of a charity’s activities, but it is difficult to state as a generality that some will be affected more than others.

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