

IN THE COUNTY COURT AT [REDACTED]

BETWEEN:

[REDACTED]

[REDACTED]

[REDACTED]

[Anonymity sought]

Claimant

-and-

[REDACTED] [REDACTED]

Defendant

PARTICULARS OF CLAIM

SUMMARY

1. The Claimant [REDACTED] is a child who attended [REDACTED] [REDACTED] (the “**School**”), operated by the Defendant Trust. The School operates a uniform policy (the “**Policy**”) where girls and boys must dress in different uniforms, dictated by sex stereotypes: girls must wear skirts (not skirts or trousers) and boys must wear trousers (not trousers or skirts). The Policy purported to be applied

¹ This claim was originally issued against the [REDACTED] [REDACTED] (the “**School**”) (noting that in its first pre-action response, the Defendant said “*the correct Defendant is the School*”). As the Governing Body of the School is not a legal entity, the correct name of the Defendant is [REDACTED] (who has legal control over the School and is situated at the same address as the School). The Claimant has amended the Claim Form pre-service.

flexibly depending on certain of a child’s protected characteristics, including that of gender reassignment (but not that of sex). The application of the Policy to ■ ultimately culminated in him leaving the School because of the gender-associated distress associated with being forced to wear skirts. ■ contends that the School has accordingly (i) discriminated against him and subjected him to harassment, contrary to the Equality Act 2010 (the “**EqA 2010**”); and (ii) breached his right under the s.6 of the Human Rights Act 1998 (the “**HRA 1998**”) not to be subjected to treatment which is contrary to Convention rights, namely Article 14 (the right to be free from discrimination).

THE PARTIES

2. The Defendant is ■. At all material times:

(1) ■
■
■
■

(2) ■
■
■.

(3) ■
■.

(4) ■.

(5) ■
■.

(6) The Defendant was the proprietor of, and was responsible for the management of, the School, for the purposes of the EqA 2010.

(7) The Defendant was a public authority for the purposes of section 6 of the HRA 1998.

3. As to the Claimant:

(1) [REDACTED].

(2) [REDACTED]
[REDACTED].

(3) The Claimant's legal sex is female. The Claimant holds the protected characteristic of female under section 11 of the EqA 2010.

(4) The Claimant is transgender, in that from [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] The Claimant therefore has the protected characteristic of gender re-assignment under section 7 of the EqA 2010.

FACTS GIVING RISE TO THE CLAIM

The Uniform Policy

4. At all material times, the School operated the Policy. The Policy relevantly provides:

(1) Girls and boys are subject to different uniform standards because of their sex. Relevantly, boys are required to wear [REDACTED]
[REDACTED] "trousers" and girls are required to wear [REDACTED]
[REDACTED] "skirt [REDACTED]". Girls are not permitted to wear trousers.

(2) That "*Any hairstyle or item of uniform that does not conform to this policy will only be permitted, if the pupil and their family*

persuade the school that there is a genuine particular requirement based on the pupils' race, religion or belief, sex, disability, gender identity (the gender the pupil identifies with, not the gender assigned to them) or medical grounds for it".

5. The Claimant therefore infers that the School accepts that pupils wearing trousers (that are part of the school uniform) is not detrimental to any child or wider interest of the school.

The Claimant's gender

6. The Claimant has felt unsettled in his gender [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

7. [REDACTED] the Claimant socially transitioned in all areas of life save for that of School. In particular:

- [REDACTED]
[REDACTED]
[REDACTED]

- [REDACTED]
[REDACTED]

- [REDACTED]
[REDACTED]

- [REDACTED]
[REDACTED]

8. As to transition at school:

(1) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

(2) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The School's response to the request for an exemption

9. [REDACTED] contacted the School to request that the Claimant be permitted to wear trousers. She was referred to the uniform policy and asked to provide evidence.

10. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

11. [REDACTED] to obtain more evidence that may have satisfied the school, noting the long delays in accessing services for transgender adolescents. Throughout this time, the Claimant continued to be forced to either wear a skirt or not attend school.

12. [REDACTED] provided the school with a variety of medical and other evidence which referred to, inter alia, the Claimant having gender dysphoria and the significant harm that the application of the School's uniform policy was having on

him. This harm included anxiety, stress, low mood, self-harm, and poor sleep.

13. [REDACTED]
He referred to feeling that the School was a very forced environment, where he was forced to pretend to be feminine and that he found this extremely challenging. [REDACTED]
[REDACTED]

14. [REDACTED] asked, by email to the headteacher, for the Claimant to be able to wear trousers at school.

15. [REDACTED] attended the School to discuss [REDACTED] needs and how the School could support and accommodate him. [REDACTED]
[REDACTED] The School refused to permit him to wear trousers.

16. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

17. [REDACTED] the Headteacher of the School wrote [REDACTED]
[REDACTED]
expressed willingness to discuss the matter if advice were obtained [REDACTED] [REDACTED] What precise standard of advice, or what the advice needed to say, was never explained [REDACTED].

18. [REDACTED]
[REDACTED]
[REDACTED] explained that the Claimant did not feel safe going to school. The School (through the headteacher) accepted that he was not asking to socially transition in name,

pronouns or bathrooms. Nonetheless she viewed the uniform request as a part of social transition and stated that only clinical evidence recommending such a transition would be acceptable to persuade the School.

19. [REDACTED]
[REDACTED] alleging (among other things) that the Policy was discriminatory. This was a protected act.

20. [REDACTED] Governor appointed to investigate the complaint wrote [REDACTED]
[REDACTED] Governor [REDACTED] wrote [REDACTED] and confirmed that the complaint would be investigated, and the investigator would report back to the Governing Body.

21. [REDACTED] investigation report was finalised. It found no evidence of discrimination because, inter alia, the School were purporting to follow the approach in (draft and withdrawn) non-statutory guidance and the Cass Review. As to which:

(1) In December 2023, the previous Government produced draft non-statutory guidance for consultation “gender-questioning” children. This guidance was never brought into force and was withdrawn at the time of the School’s reliance on it.

(2) The position in the Cass Review is equivocal. The Claimant will rely on the Cass Review in full but notes that *“The systemic review showed no clear evidence that social transition in childhood has any positive or negative mental health outcomes, and relatively weak evidence for any effect in adolescence. However, those who had socially transitioned at an earlier age and/or prior to being seen in a clinic were more likely to proceed to a medical pathway...it is not possible to know from these studies whether earlier social transition was causative in this outcome...”*

- (3) Any non-statutory guidance and/or review cannot, in any event, override the Defendant's statutory obligations.
22. ██████████ an addendum to the report was provided.
23. ██████████ (the Governor of the School ██████████ ██████████ met with regarding the complaint) met ██████████ ██████████ again and explained that she would not be upholding the complaint, adopting the findings of the investigation.
24. ██████████ the outcome of the complaint was given in writing. The complaint was not upheld. The School advanced the following legitimate aims and justifications for the Policy:
- (1) To act cautiously and in line with the Cass Review, which advises against premature social transition without clinical input;
 - (2) To follow the draft DfE non statutory guidance;
 - (3) To safeguard and wellbeing and dignity of all students.
25. As regards justification and proportionality, the School relied on what the School perceived as the absence of clinical advice.
26. ██████████ the Claimant came to school wearing trousers. The School asked him to change into a skirt ██████████ ██████████. The Claimant refused. He was sent home to change, but did not return. His anxiety about having to wear a skirt escalated to such an extent that he was unable to attend School. The School failed to send home any work for him ██████████ He was therefore without education for a period of approximately five weeks.
27. ██████████ the complaint was escalated to stage 2.

28. [REDACTED] the School held a complaint hearing chaired by the Panel of Governors. [REDACTED] [REDACTED] [REDACTED] attended with a representative [REDACTED]
[REDACTED]
29. [REDACTED]
30. [REDACTED] the School produced the outcome of the [REDACTED] [REDACTED] Stage 2 Complaint. The Claimant will rely on the complaint letter for its full terms and effect. In the complaint outcome, the School upheld the decision that there had been no indirect discrimination because the School's approach was justified. In short, the School decided that because there was, in their view, no clinical evidence confirming that social transition was in the Claimant's best interests, they would not permit him to wear trousers (notwithstanding the School's position that he was not in fact asking for full social transition). The School also accepted that the reasons for there being no such evidence were delays that were out of the Claimant's control. The outcome letter invited him [REDACTED] to a reintegration meeting [REDACTED] intending that he come back to School for the new academic year.
31. [REDACTED] attended the re-integration meeting hoping to persuade the School to permit the Claimant to wear trousers. The meeting was unsuccessful. The School instead suggested that he remain isolated at home (receiving education at home) until sufficient clinical evidence was provided. What the evidence needed to say was still not explained [REDACTED].
32. [REDACTED] removed him from the School.
33. The Claimant started a new school [REDACTED]. His new school permits him (and all students) to wear trousers, calls him by his male name, and has the option of unisex bathrooms and changing rooms (through access to accessible facilities).

34. Since starting the new school, [REDACTED] a clear improvement in his mental health. He appears calmer, more settled and more confident in himself. He seems more able to be himself, and does not appear to carry the same daily fear and distress that he had while he was at the Defendant School. He feels more accepted and supported by the new school in his identity as a boy, and this has made a visible difference to his confidence, mood, sleep and general wellbeing. He is engaging better with school life and appears less anxious about attending school.

THE DEFENDANT'S DUTIES

The Equality Act 2010

35. At all material times, the Defendant was subject to the following duties under the EqA 2010. The Defendant cannot contract out of these duties by parental agreement or otherwise. The duties are:
- (1) Not to discriminate against the Claimant, pursuant to s.85(2) EqA 2010, on the grounds (inter alia) of sex or gender-reassignment:
 - (a) In the way it provides education for him;
 - (b) In the way it affords him access to a benefit, facility or service;
 - (c) By not providing education for him;
 - (d) By not affording him access to a benefit, facility or service;
 - (e) By excluding him from school; or
 - (f) By subjecting him to any other detriment.
 - (2) Discrimination includes direct and indirect discrimination contrary to ss.13, 19 and 19A of the EqA 2010.

- (3) Not to harass the Claimant, contrary to s.85(3)(a) EqA 2010. Harassment for the purposes of s.85 includes harassment related to sex but does not include harassment related to gender-reassignment.

36. At all material times the Defendant was subject to the Public Sector Equality Duty (the “**PSED**”) set out in section 149(1) of the EqA 2010. Pursuant to the PSED, the School was required, in the exercise of its public functions, to have due regard to the need to:
 - (1) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the EqA 2010.
 - (2) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it.
 - (3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

37. Breach of the PSED will not give rise to a cause of action in private law. However, non-compliance with it is relevant to the justification analysis under s.19 of the EqA 2010.

The HRA 1998

38. The Defendant is a public authority for the purposes of the 1998 Act. By section 6 of the 1998 Act it has an obligation not to act contrary to Convention rights. Those Convention rights include Article 8 and Article 14 of the Convention.

39. Article 8 protects, inter alia, a person’s psychological integrity and identity, including their gender-identity.

40. Article 14 affords the Claimant the right not to be discriminated against through actions or failures to act which fall within the ambit of other Convention rights. Discrimination under Article 14 can be direct

(treating similarly situated persons differently without justification), indirect (operating a neutral policy which has a disproportionately prejudicial impact on a group with a particular status, without justification), or *Thlimmenos* (treating differently situated persons the same without justification). Discrimination on the basis of sex or gender identity status may only be justified by very weighty reasons.

BREACHES

EqA 2010

41. The Defendant, its employees and/or agents, directly discriminated against the Claimant because of his sex (female), contrary to sections 85(2), 13 and 11 of the EqA 2010.
 - (1) The Claimant relies on being of the female sex for the purposes of section 11 of the EqA 2010.
 - (2) The Claimant relies on the treatment articulated at paragraphs 9-34 above, separately and cumulatively. He was subject to a series of detriments (separately and amounting to a continuing act of discrimination) through being required to wear a skirt from [REDACTED], ultimately culminating in him leaving the School.
 - (3) The Claimant was required to wear a skirt. Being required to wear a skirt was a detriment. The Claimant values the choice of wearing trousers and considers being required to conform to sex-stereotypes in school uniform is something he can reasonably complain about.
 - (4) By means of the above conduct, the School treated the Claimant less favourably than it treated or would have treated others. On each occasion he was required to wear a skirt he was subjected to less favourable treatment.

- (5) The reason for the less favourable treatment was the Claimant's sex. Pupils who are male are not required to wear skirts. If the Claimant's sex had been male, none of the detriments articulated at paragraphs 9-34 above would have been applied to him.
 - (6) He was therefore treated less favourably because of his sex.
 - (7) There is no defence in the EqA 2010 against direct sex discrimination.
42. Further or alternatively, the Defendant, its employees and/or agents harassed the Claimant contrary to sections 85(3), 26 and 11 of the EqA 2010:
- (1) The Claimant relies on the treatment articulated at paragraphs 9-34 above. The Claimant relies on the treatment articulated at paragraphs 9-34 above, separately and cumulatively. He was subject to a series of conducts (separately and amounting to a continuing act harassment). Each time he was required to wear a skirt he was subjected to conduct.
 - (2) The conduct was unwanted.
 - (3) The unwanted conduct was related to the Claimant's sex. It was imposed on him by reason of his sex.
 - (4) The unwanted conduct had the proscribed effect. The School's conduct violated the Claimant's dignity and/or created an intimidating, hostile, degrading, humiliating or offensive environment for the Claimant.
 - (5) It was reasonable for the unwanted conduct to have the proscribed effect on the Claimant.

43. Further or alternatively, the Defendant, its employees and/or agents indirectly discriminated against the Claimant on account of his gender-reassignment contrary to s.85(2), 19 and 7 of the EqA 2010:

- (1) The School operated the Uniform Policy at all material times.
- (2) The Uniform Policy was applied to pupils who did, and who did not, have the protected characteristic of gender reassignment.
- (3) The Uniform Policy put pupils with the protected characteristic of gender reassignment to a particular disadvantage, namely heightened and/or a greater prospect of distress at being forced to conform to sex stereotypes in dress.
- (4) The Uniform Policy put the Claimant to that disadvantage on each occasion he was required to wear a skirt, particularised at paragraphs 9-34 above, separately and cumulatively.
- (5) The School cannot show the Uniform Policy to be a proportionate means of achieving a legitimate aim. In particular, the Claimant avers that (i) the school accepts that the wearing of trousers does not harm any ethos of the school nor the interests of any pupils; (ii) it was not proportionate to rely on non-statutory draft guidance, which was never promulgated, to justify its actions; (iii) the School failed to weigh in the balance the evidence of harm that was being done to the Claimant including self-harm, anxiety, low mood, sleep issues, and missed education. None of the School's aims would have been compromised by, either (i) allowing all female pupils to wear trousers, as boys were permitted to; or (ii) permitting the Claimant an exception.

Human Rights Act 1998

44. Further or alternatively, the Defendant, its employees and/or agents, breached section 6 of the HRA 1998 by breaching the Claimant's right

not to be discriminated against contrary to Article 14 (taken with Article 8) of the European Convention on Human Rights. In particular:

- (1) The Claimant relies on the School's conduct set out at 9-34 above, separately and cumulatively, ending in [REDACTED].
- (2) Forcing the Claimant to present and dress as a girl at school, by wearing a skirt (repeatedly from [REDACTED] to [REDACTED]), falls within the ambit of Article 8 of the Convention as it is connected to, and compromises, his identity and psychological integrity.
- (3) Forcing the Claimant to present and dress as a girl at school, by wearing a skirt (repeatedly from [REDACTED] to [REDACTED]), falls within the ambit of Article 2 of the First Protocol (the right not to be denied education) as it relates to the manner in which the State is providing education and matters ancillary to education.
- (4) The Defendant directly discriminated against the Claimant on the basis of his sex without justification. There was no proportionate reason to require boys and girls to wear different uniforms. This was a breach of Article 14.
- (5) The Defendant indirectly discriminated against the Claimant on the basis of being transgender without justification. The Uniform Policy had a disproportionately prejudicial impact on the Claimant because of his status of being transgender. There was no proportionate reason to maintain the Uniform Policy (at all or as it was applied to the Claimant). This was a breach of Article 14.
- (6) The Defendant discriminated against the Claimant on a *Thlimmenos* basis. The Claimant was in a significantly different situation to other pupils with the legal sex of female (by reason

of being transgender) yet the School treated him the same without proportionate justification. This was a breach of Article 14.

LOSS AND DAMAGE

45. The Claimant has suffered distress, injury, and loss as a result of the breaches of the duties set out above. In particular:

- (1) Injury to feelings, including emotional and psychological trauma, stress, low mood, poor self-esteem, poor sleep, feeling foolish and humiliated, feeling invisible, losing confidence, and suffering panic attacks.
- (2) Personal injury, including depression, anxiety, and self-harm.
- (3) Pecuniary loss, namely the cost of a new uniform.

46. The Claimant claims interest pursuant to s.69 of the County Courts Act 1984 at such a rate and for such a period as the court thinks fit.

AND THE CLAIMANT CLAIMS

- (1) A declaration that the School contravened the Claimant's rights under the EqA 2010 and the HRA Act in the ways set out above.
- (2) Compensation for injury to feelings under section 119 EqA 2010.
- (3) Compensation for personal injury under section 119 EqA 2010.
- (4) Damages by way of just satisfaction for the breach of the HRA 1998.
- (5) Interest as aforesaid.
- (6) Costs.

HUGH SOUTHEY KC

KATY SHERIDAN

MATRIX

14 MAY 2026

STATEMENT OF TRUTH

I believe that the facts stated in these Particulars of Claim are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified a statement of truth without an honest belief in its truth.

Signed: [REDACTED]

Name: [REDACTED], litigation friend to [REDACTED]

Dated: 14.05.26

The Claimant's solicitors are Good Law Project of 167-169 Great Portland Street, London W1W 5PF. They will accept service of documents by email to [REDACTED].