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8 May 2026

Bailey v Stonewall Equality Limited and others

UK Supreme Court grants Allison Bailey permission to appeal in her case against Stonewall

On 7 May 2026, the Supreme Court of the United Kingdom granted permission to barrister Allison Bailey to appeal against the dismissal of her claim against Stonewall for causing her chambers, Garden Court Chambers, to discriminate against her because of her gender critical beliefs.

This will be an important case, which will decide when Stonewall – and other organisations which operate workplace schemes that seek to influence how employers approach equality and diversity issues – may be liable where their actions cause scheme members to discriminate against their employees.

The facts are that, in 2019, Ms Bailey was a barrister at Garden Court Chambers, which was a member of Stonewall’s Diversity Champions scheme. Ms Bailey posted various comments on Twitter (now X) expressing her gender critical beliefs and criticising Stonewall for sexist and homophobic campaigning. She said Stonewall was encouraging hostility and threats of violence against people who had gender critical beliefs, especially lesbians, in pursuit of its lobbying for gender Self-ID. She also tweeted in support of the creation of LGB Alliance, a new organisation for lesbian, gay and bisexual people founded on gender critical principles, which she was instrumental in helping to set up.

This led to a strong reaction on Twitter, and a number of complaints to Garden Court Chambers, including a complaint from Stonewall, which alleged that Ms Bailey’s beliefs were ‘*transphobic*’ and called for Garden Court to ‘*do what is right and stand in solidarity with trans people*’. Garden Court dismissed all the complaints apart from the one made by Stonewall, which it investigated and upheld in part. An employment tribunal decided in July 2022 that in doing so, Garden Court directly discriminated against Ms Bailey because of her gender critical beliefs.

However, the employment tribunal dismissed Ms Bailey's claim against Stonewall that it caused Garden Court to discriminate against her contrary to section 111(2) of the Equality Act 2010. That decision was upheld by the Employment Appeal Tribunal in July 2024 and by the Court of Appeal in December 2025.

The Supreme Court has now granted permission for Ms Bailey to appeal, and the case will be set down for a full appeal hearing in due course. The main grounds of appeal argue that Stonewall should be liable because its actions were themselves discriminatory and led in turn to Garden Court's discrimination: Stonewall made the complaint against Ms Bailey because of its incorrect and discriminatory position that Ms Bailey's protected gender critical beliefs were 'transphobic', and but for that complaint, Garden Court would not have directly discriminated against her by upholding it.

The Supreme Court's decision in this case will therefore provide important guidance about the duties on organisations like Stonewall which have a particular agenda that may not align with the correct legal position under the Equality Act 2010, but which nevertheless seek to influence how employers behave through workplace equality and diversity schemes. In particular, the court will decide the principles to be applied in deciding whether such organisations may be liable under section 111(2) of the Equality Act 2010 where their actions or influence lead scheme members to discriminate against their employees.

Allison Bailey said:

"I am deeply relieved that the Supreme Court has granted permission to appeal. This is not a final victory, and I do not treat it as one. But it is an enormously important moment.

"The Supreme Court grants permission only in a small minority of cases raising issues of general public importance. The fact that permission has now been granted after I lost against Stonewall at first instance, in the Employment Appeal Tribunal, and after the Court of Appeal itself refused permission, is highly significant.

“For years, I have argued that this case raises issues that go far beyond me personally. Those issues include the lawful limits of institutional pressure, the role and influence of Stonewall, and the ability of women to defend sex-based rights without suffering professional retaliation.

“The Supreme Court has not determined that I should ultimately win the case. But it has now determined that the legal issues raised are serious enough and important enough to warrant consideration by the highest court in the country. That matters enormously.

“This litigation has already had an impact. It has helped expose the extent of Stonewall’s influence and has become an important focal point for many concerned about women’s rights, LGB rights, child safeguarding, freedom of expression and institutional accountability.

“This is not the end of the story. It is where the next part begins.”

The appeal will be listed for hearing in due course.

ENDS