23 April 2026

Dear Ms Duggan,

Re: Parkrun's Legal Obligations to Protect Women and Girls in Sport

We are writing jointly on behalf of ADF International and the Women's Sports Union ('WSU').

ADF International is a legal advocacy organisation dedicated to protecting fundamental freedoms and upholding the inherent dignity of every person before national and international institutions. It is committed to protecting women's sport worldwide, including in the United States, where ADF is currently litigating two cases on this matter before the Supreme Court.

The Women's Sports Union, led by Baroness Davies of Devonport MBE, a distinguished Olympic medallist and international athlete, exists to safeguard the sex-based rights of women and girls in sport. It works to ensure fair competition and equal opportunities, so that women and girls are properly seen, heard, supported, and celebrated through their sporting pursuits.

We are committed to protecting the legal rights, physical safety and equal sporting opportunities of women and girls in the United Kingdom. This commitment applies to every level of sport – from elite competition to grassroots and amateur participation. We recognise that what is unlawful, unfair, unsafe, or unequal for women and girls in elite sport is equally unacceptable in amateur sport.

Parkrun's current eligibility policy is not aligned with the judgment of the UK Supreme Court in *For Women Scotland v. Scottish Ministers* [2025] UKSC 16, handed down on 16 April 2025. Parkrun should now take prompt steps to ensure that the female category is reserved for biological females, consistent with the Equality Act 2010's provisions designed to secure fair competition and competitor safety in sport.

This is particularly urgent given that Parkrun receives £5 million in public funding from Sport England, with a key strategic objective of increasing participation in sport and physical activity among women and girls. Accurate monitoring and delivery of this objective is impossible without a female category defined by biological sex and free from biological males.

1. The Legal Position Under the Equality Act

Section 195 of the Equality Act 2010 provides a clear and specific framework for competitive sport. It authorises governing bodies to maintain separate categories for men and women – or to restrict participation – in any sex-affected activity, namely any sport in which the average physical strength, stamina or physique of one sex places competitors of the other at a disadvantage.

The statutory intention, now underscored by the Supreme Court, is unambiguous: where biological differences between the sexes materially affect performance or safety, sex-based categories are lawful and, in most cases, essential to deliver fair and safe competition. Governing bodies,

therefore, have both the power and, very frequently, the duty to organise categories by biological sex.

The Supreme Court has now settled the meaning of "sex" in the Equality Act. In *For Women Scotland v. Scottish Ministers* [2025] UKSC 16 the Court unanimously held that "sex", "man", "woman" and associated terms denote biological sex, and not any acquired gender or possession of a Gender Recognition Certificate.

This interpretation is supported by the draft Equality and Human Rights Commission (EHRC) Code of Practice (2025 consultation), Chapter 13, which states that in sex-affected activities under section 195, organisers may – and where physiological differences produce competitive disadvantage or safety risks, should – confine the female category to biological females. The draft guidance confirms explicitly that it is lawful for biological males to be excluded from the female category where exclusion is a proportionate means of achieving fair competition or competitor safety.

The position has been applied by the courts. In *Haynes v. The English Blackball Pool Federation* [2025] EWCC 50, the Court dismissed a discrimination claim filed by a biological male after exclusion from female pool competitions. Relying on *For Women Scotland*, the Court ruled that exclusion on biological-sex grounds was lawful and proportionate to protect fair competition in a sex-affected activity. The judgment confirmed that pool is sex-affected due to average male advantages (citing greater male strength and reach), that the threshold does not require "major" disparities, and that the analysis applies beyond stereotypically strength-based sports.

Several arguments sometimes advanced for retaining existing arrangements are untenable:

- Awaiting final EHRC guidance or code is not a valid reason for delay: *For Women Scotland* provides binding statutory interpretation; section 195 is fully in force; courts are applying the position directly (*Haynes*); postponement itself increases legal and liability risk.

- The need to "balance inclusion with fairness" has already been addressed by Parliament: section 195 is the statutory mechanism for that balance, and numerous governing bodies have adopted open or mixed categories that enable wide participation while preserving the integrity of the female category. It is not open to individual organisations to diverge from the statutory scheme, reflecting biological reality, in pursuit of an ideological agenda.

- Assertions that a particular sport is not sex-affected are difficult to maintain: the test rests on average differences in strength, stamina or physique; *Haynes* shows the threshold is modest and extends across a broad range of activities. This is reinforced by the Darts Regulation Authority, which ruled darts a sex-affected sport due to cumulative male physiological advantages, and by the IOC's March 2026 policy limiting all female-category eligibility to biological females via SRY gene screening.

- Dependence on testosterone suppression or case-by-case eligibility decisions is completely unworkable: the sector is moving away from testosterone-only proxies; the Rugby Football League has stated that no reliable, validated methods currently exist for case-by-case

physiological matching to ensure fairness and safety, and that such methods may heighten liability.

The legal framework therefore firmly positions the female category as a protective measure for biological females to compete fairly and safely. Any policy permitting biological male athletes to enter that category undermines the statutory protections Parliament enacted for women and girls.

2. Relevant Sector Developments

In light of the ruling in *For Women Scotland* and the scientific and sporting consensus, it is now well-established: male puberty confers enduring, irreversible physiological advantages. These include greater skeletal size and limb length, higher bone density and structural strength, significantly increased muscle mass and upper-body strength, superior aerobic capacity and cardiovascular output, and enhanced speed and explosive power (typically producing performance gaps of 10–30%, and up to 50% in strength-dominant disciplines, such as boxing where male punching power is on average 162% greater than female). Moreover, these advantages are not eliminated by testosterone suppression. In light of this, and the Supreme Court's judgment, a substantial and growing number of UK governing bodies have revised their eligibility policies.

Bodies that now protect the female category for biological females while providing open or mixed categories include: The Football Association, The England and Wales Cricket Board, England Netball, British Cycling, Swim England, British Rowing, UK Athletics, England Hockey, and British Triathlon, whose policy is widely regarded as the gold standard for being fully open, fair, and inclusive.

These revisions, made after careful legal review, reflect the prevailing standard across UK sport.

3. Legal Risk

Any governing body that continues to permit biological males to compete in the female category contravenes the Equality Act 2010 as interpreted by the Supreme Court. This exposes the organisation to immediate and substantial legal liability, including:

a. Direct or indirect sex discrimination claims by female athletes whose opportunities and achievements are displaced or diminished;
b. Breaches of safeguarding and common-law duty-of-care obligations, particularly in youth and amateur settings, including risks to privacy and safety in female-only changing rooms and facilities, contrary to the Equality and Human Rights Commission (EHRC) guidance on single-sex services and established safeguarding standards;
c. Increased insurance and tort liability from elevated injury risk;
d. Non-compliance with public funding conditions requiring adherence to equality law.

The foregoing risks apply equally to elite and amateur/grassroots sports. Protecting the elite level while maintaining the status quo for amateur and grassroots sport does not satisfy your legal obligations. It is essential to avoid the mistaken distinction between fairness and safety in elite sport and the application of those same principles at amateur and grassroots levels. What is unfair and

unsafe at the elite level is equally unfair and unsafe at the amateur and grassroots levels. Women and girls denied safety and fairness at the amateur level suffer a material detriment to their ability to participate in and enjoy sport; for many, this also jeopardises any realistic prospect of progressing to the elite level. Every elite sportswoman was once an amateur, and every elite athlete has progressed through the grassroots and amateur stages.

Male sport remains unaffected, preserving men's and boys' full ability to achieve sporting attainment; women and girls deserve the same protections and opportunities. To this end, prudent governance requires that you rectify, without delay, every policy or practice that is inconsistent with the law. It is your sole responsibility to find ways to ensure sporting inclusivity without compromising the integrity of the female category.

4. Request for Details

To confirm that Parkrun is fully implementing *For Women Scotland v. Scottish Ministers*, we request written confirmation including details of:

1. The current eligibility criteria for the female category at all levels;
2. The legal bases on which the existing policy is founded;
3. Whether a formal policy review has been conducted following the Supreme Court judgment;
4. Whether the organisation intends to align its policy with the approach now adopted by the majority of UK governing bodies and the IOC, and by when.

We would be grateful to receive your response within 21 days of the date of this letter.

5. Next Steps

We are actively working to ensure that the rights of women and girls in sport are protected in accordance with UK law and, in particular, the Supreme Court Decision in *For Women Scotland*. The integrity of the female category – rooted in biological reality and upheld by the essential requirements of safeguarding and fairness – is a matter of fundamental importance, not a matter for political or ideological ping-pong. Should Parkrun continue to disregard its legal obligations, we will not hesitate to pursue all legal remedies to ensure compliance.

If it would be helpful, we would welcome a constructive meeting to discuss these matters and to assist Parkrun in achieving alignment with the Equality Act 2010 and the Supreme Court judgment.

If active steps are not taken to ensure that the issues raised in this correspondence are satisfactorily resolved, and women and girls engaging with your organisation remain exposed to these risks even in light of the clarified legal position, we reserve the right to take further steps, including litigation, to protect their interests. Biological sex is not a negotiable category; it is the essential foundation for safeguarding women and girls and preserving fair competition.

Yours sincerely,

ADF International

The Women's Sports Union

Baroness Davies of Devonport MBE (WSU)

Tracy Edwards MBE (WSU)