



Women and Equalities Committee

7 May 2025

Baroness Falkner
Chair
Equality and Human Rights Commission

Dear Baroness Falkner

Supreme Court judgment in *For Women Scotland Ltd v The Scottish Ministers*

I am writing to you concerning the Supreme Court's recent judgment and the EHRC's revised Code of Practice which, subject to ministerial approval, you expect to be laid before Parliament before the summer recess.

We note that the EHRC is required to publish proposals before issuing a new code of practice and to consult such persons as the EHRC considers appropriate. The EHRC's update of 25 April set out that a two-week consultation will be launched in mid-May and that other non-statutory guidance documents will be updated, such as the guidance on single-sex services, as a matter of urgency.

We would appreciate your response to the following points:

- What advice the EHRC is giving to organisations that raise queries, prior to the publication of the updated Code of Practice?
- What the reasoning was on deciding on a two-week consultation period and how that consultation will work in practice, for example will the EHRC proactively seek input from any particular groups or stakeholders? As a Committee, we feel that at least six weeks minimum would be more appropriate to allow all stakeholders, including individuals, charities and disability groups, businesses, health providers and local authorities to contribute.
- What the timeline is for updating any further guidance, including any plans for public consultation?



Women and Equalities Committee

- What steps the EHRC will be taking to ensure that the Code of Practice is supportive of the rights of all people (as noted by the Supreme Court judgment)?
- There may be legal implications beyond the scope of the issues considered by the Supreme Court. As part of its consultation on the updated Code of Practice, will the EHRC be accepting submissions on those important related and consequential legal issues?
- What process will be in place for any review or feedback on future guidance?
- Whether the Code of Practice will clarify rights of trans people, for example around strip searching by police officers?
- How the EHRC will direct its work to enforce the Code of Practice?

We would welcome a response by 28 May, in advance of our annual scrutiny session with you in June.

I am copying this letter to the Minister for Women and Equalities, Bridget Phillipson MP, and to the Chair of the Joint Committee on Human Rights, Lord Alton.

Kind regards

Sarah Owen MP
Chair, Women and Equalities Committee