

## **Freedom of Information – Response – 27384**

*The Equality and Human Rights Commission (EHRC) has recently laid before Parliament (21 May 2026) an updated statutory Code of Practice for services, public functions and associations under the Equality Act 2010.*

*This Code provides guidance on complying with equality law, including in relation to single-sex services, protected characteristics, and public functions delivered by local authorities.*

*Please provide the following information:*

*1. Does the council currently have any internal working group, task group, implementation group, steering group, or similar body that is specifically tasked with reviewing, discussing, or implementing the new EHRC Code of Practice?*

No

*2. If the answer to question 1 is yes, please provide:*

- *The full name of the group*
- *Its terms of reference or purpose*
- *The date it was established*
- *The frequency of its meetings*
- *A list of the departments or officers involved (e.g., Legal, Equalities, HR, Children's Services, etc.)*
- *The name and job title of the senior officer responsible for the group (if applicable)*

N/A

*3. If no such dedicated group exists, please confirm whether the Code has been referred to any existing committee, board, or officer group for consideration, and provide details of that referral (including dates and relevant minutes if held).*

Corporate Leadership Team (CLT) on 02/06/2026 – no minutes are held for this meeting

*4. Please provide any internal correspondence, reports, or briefing papers produced since 1 May 2026 that discuss the new EHRC Code of Practice and the council's response to it.*

The slides presented to CLT on 02/06/2026 are attached:

# EHRC Guidance – Top 10 Key Points

- **Legal clarity:**
  - “Sex” in the Equality Act means biological sex.
- **GRC does not change this:**
  - Legal protections remain, but sex-based provisions still rely on biology.
- **Single-sex provision:**
  - Must be based on biological sex in law and guidance.
- **Alternative provision expected:**
  - Organisations should consider universal / mixed-sex options where proportionate.
- **No exclusion:**
  - Trans people should not be left without access to facilities.
- **Scope (for now):**
  - Current guidance applies to services/public functions, not yet employment.
- **Workplace implications coming:**
  - Future employer guidance is expected to follow the same principles.
- **Legal risks to manage:**
  - Including indirect discrimination, particularly regarding provision for women.
- **Wider equality impacts:**
  - Must consider impacts on trans staff, disabled users, and other protected groups.
- **Status and approach:**
  - Guidance is draft and subject to change

# Approach principles

## Toilets

- Where there are three or more accessible toilets, every third one will be made a universal toilet
- Where there are two accessible toilets, one of the two will be made a universal toilet
- Where there is only one accessible toilet, it will be made a universal toilet
- Where there isn't an accessible toilet or the accessible toilet(s) does not meet the criteria for a gender-neutral toilet requirements we will need to explore how we proportionately meet the requirement.

## Showers / Changing facilities

- Where there are more than two existing showers / changing facilities which meet the gender-neutral facility requirements, every third one will be made a universal facility.
- More likely, where there isn't an available third facility which meets the criteria for a gender-neutral facility we will need to explore how we proportionately meet the requirement.

# Next steps

Further engagement with LGBT+ Staff Network



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graph TD; A[Further engagement with LGBT+ Staff Network] --> B[Completion of full Equality Impact Assessment]; B --> C[Amendment to existing policies / guidance documents]; C --> D[Changes to main SCC buildings initially]; D --> E[Wider roll-out across estate];
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Completion of full Equality Impact Assessment

Amendment to existing policies / guidance documents

Changes to main SCC buildings initially

Wider roll-out across estate