

Code of practice consultation 2025: questions for organisations

This document is for information purposes only. You must submit your response to the consultation through the online survey. If you cannot use the online survey, or need a reasonable adjustment, you can:

- call us on 0161 829 8100
- email us at correspondence@equalityhumanrights.com

We are conducting a consultation to gather feedback on the code of practice for services, public functions and associations.

Code of practice for services, public functions and associations: consultation 2025

This is a consultation on our code of practice for services, public functions and associations. We previously consulted on this code of practice between 2 October 2024 and 3 January 2025.

We are opening another consultation on the code to gather feedback on changes we have made following the UK Supreme Court ruling on 16 April 2025 in *For Women Scotland Ltd v The Scottish Ministers (For Women Scotland)*.

If you have not yet read the [code of practice for services, public functions and associations](#), please read it before responding to this consultation.

We will use responses to make sure the changes are accurate, accessible and provide clarity to service providers, public bodies and associations on their duties under the Equality Act.

The Equality and Human Rights Commission (EHRC) undertakes research under its statutory duties and the information you provide will only be processed under these powers, for the purpose of this research.

All information will be stored in line with our [privacy notice](#) and used only for the purposes of this research. We are collecting this information under our statutory powers and we may publish a report of our research. Please do not provide any information that may identify you in any free-text responses. However, any information you provide will be anonymised in our published report and you will not be identified in our report.

Some data may be collected through the SmartSurvey website when you complete the survey. To find out more about this, please refer to SmartSurvey's [privacy policy](#).

Do you want to provide feedback as part of this consultation?

[Select one answer]

- Yes
- No

About you

Are you responding as an individual (service user), legal professional or on behalf of an organisation?

[Select one answer]

- An individual
- A legal professional
- An organisation

Which of the following characteristics protected under the Equality Act 2010 are relevant to your response?

[Select all that apply]

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation
- None in particular

Changes – organisations

This part of the survey asks questions about specific changes to the code of practice following the UK Supreme Court judgment on 16 April 2025 in *For Women Scotland v The Scottish Ministers* (For Women Scotland). The judgment found that the definition of sex in the Equality Act 2010 means biological sex.

These changes are all outlined in the [consultation pages](#).

You do not need to provide feedback on all changes.

Updated legal definition of sex - organisations

Updated definition of sex

We have updated the legal definition of sex throughout the code of practice. Our previous definition explained that:

'Legal sex is the sex that was recorded at your birth or the sex you have acquired by obtaining a Gender Recognition Certificate (GRC).'

Following the UK Supreme Court ruling in For Women Scotland, this definition is no longer accurate, because a GRC does not change your legal sex for the purposes of the Equality Act 2010. We have therefore updated this definition throughout the code to be:

'Legal sex is the sex that was recorded at your birth.'

Please go to the [consultation page](#) to read about this change.

You do not need to provide feedback for every change.

Would you like to provide feedback on the updated legal definition of sex throughout the code of practice?

[Select one answer]

- ☒ Yes
- ☐ No

Updated legal definition of sex

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We have updated the legal definition of sex throughout the code of practice. Our previous definition explained that:

'Legal sex is the sex that was recorded at your birth or the sex you have acquired by obtaining a Gender Recognition Certificate (GRC).'

Following the UK Supreme Court ruling in For Women Scotland, this definition is no longer accurate, because a GRC does not change your legal sex for the purposes of the Equality Act 2010. We have therefore updated this definition throughout the code to be:

'Legal sex is the sex that was recorded at your birth.'

To what extent do you agree or disagree with the following statement:

The explanation of the updated legal definition of sex is clear.

[Select one answer]

- ☐ Strongly Agree
- ☒ Agree
- ☐ Disagree
- ☐ Strongly Disagree
- ☐ Do not know

Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?

We believe that further clarification is needed regarding the practical implications of this definition for service providers, public bodies, and institutions like universities.

Feedback from our staff listening sessions highlighted significant uncertainty and concern about how this legal definition will be operationalised in everyday contexts—particularly in relation to access to single-sex spaces. Many colleagues expressed confusion about whether the updated definition mandates or permits exclusion, and how this interacts with existing commitments to inclusion and non-discrimination. There is a sense of communities being in limbo with no definitive answers.

We recommend that the EHRC provide additional explanatory material that:

- Clearly distinguishes between what is legally required and what is legally permitted under the Equality Act.
- Offers practical examples of how organisations can remain compliant with the law while upholding inclusive values.

Such clarification would help ensure that the Code of Practice is not only legally accurate but also accessible and implementable in a way that supports both compliance and inclusion.

Will your organisation make any changes as a result of this update to the code of practice?

For example, any changes to your policies, procedures or practices.

- Yes
- No

What changes might your organisation make as a result of this update to the code of practice?

We will consider the updated EHRC guidance alongside our current approach to determine if changes are necessary

Change 2.1: New content on Gender Recognition Certificates - organisations

Change 2.1: New content on Gender Recognition Certificates

This content explains that the Supreme Court in *For Women Scotland* has ruled that a Gender Recognition Certificate (GRC) does not change a person's legal sex for the purposes of the Equality Act 2010 (the Act). It also outlines what protections trans people have under the Act whether or not they have a GRC.

We have included paragraphs 2.1.1 to 2.1.5 for context for this change. We are looking for feedback only on paragraphs 2.1.6 to 2.1.9.

Please go to [Change 2.1 on the consultation page](#) to read about this change.

You do not need to provide feedback for every change.

Would you like to provide feedback on the new content on Gender Recognition Certificates?

- **Yes**
- No

Change 2.1: New content on Gender Recognition Certificates

Change 2.1: New content on Gender Recognition Certificates

This content explains that the Supreme Court in For Women Scotland has ruled that a Gender Recognition Certificate (GRC) does not change a person's legal sex for the purposes of the Equality Act 2010 (the Act). It also outlines what protections trans people have under the Act whether or not they have a GRC.

We have included paragraphs 2.1.1 to 2.1.5 for context for this change. We are looking for feedback only on paragraphs 2.1.6 to 2.1.9.

To what extent do you agree or disagree with the following statement:

The explanation of the legal rights and responsibilities set out in the new content on Gender Recognition Certificates is clear.

[Select one answer]

- Strongly Agree
- **Agree**
- Disagree
- Strongly Disagree
- Do not know

Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?

We believe that the current explanation would benefit from additional clarification to support practical understanding and implementation by organisations of all sizes and make ups.

Feedback from our staff listening sessions highlighted a number of concerns and questions about how this clarification affects the rights of trans individuals. There is a strong perception that Supreme Court Ruling, while legally accurate, may be interpreted in ways that undermine the dignity, safety, and inclusion of trans people in everyday institutional settings.

We recommend that the EHRC:

- Provide clearer guidance on how organisations can uphold the rights of all, including trans people, including in relation to access to facilities, participation in gendered spaces, inclusive policies where proportionate and justified and protection from harassment and discrimination.
- Include examples that demonstrate how the Equality Act continues to protect trans individuals under the characteristic of gender reassignment.

This additional clarity would help ensure that the Code of Practice is not only legally robust but also supportive of inclusive practice and aligned with the broader aims of the Equality Act.

Additionally, our colleagues ask if this definition applies only to the Equality Act and if a GRC still changes a person's legal sex for other UK legislation.

Will your organisation make any changes as a result of this update to the code of practice?

For example, any changes to your policies, procedures or practices.

- Yes
- No

What changes might your organisation make as a result of this update to the code of practice?

We will consider the updated EHRC guidance alongside our current approach to determine if changes are necessary

Change 2.2: New content on asking about sex at birth - organisations

Change 2.2: New content on asking about sex at birth

This section gives information on how requests about sex at birth should be made. It outlines the circumstances in which making such requests, with or without evidential proof of birth sex, may be unlawful.

Please go to [Change 2.2 on the consultation page](#) to read about this change.

You do not need to provide feedback for every change.

Would you like to provide feedback on the new content on asking about sex at birth?

- Yes
- No

Change 2.2: New content on asking about sex at birth

Change 2.2: New content on asking about sex at birth

This section gives information on how requests about sex at birth should be made. It outlines the circumstances in which making such requests, with or without evidential proof of birth sex, may be unlawful.

To what extent do you agree or disagree with the following statement:

The explanation of the legal rights and responsibilities set out in the new content on asking about sex at birth is clear.

[Select one answer]

- Strongly Agree
- Agree
- **Disagree**
- Strongly Disagree
- Do not know

Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?

While the legal explanation regarding the circumstances under which it may be lawful to ask about sex at birth is broadly clear, we believe the guidance would benefit from further clarification and practical examples to support implementation in complex institutional environments such as universities.

Insights from our staff listening sessions indicate that this area is a source of concern, particularly for trans and non-binary individuals. There is a need to ensure that any request for information about sex at birth is not only legally justified but also handled with sensitivity, confidentiality, and a clear rationale.

Colleagues have expressed that such requests — even when lawful — risk being perceived as discriminatory on the grounds of gender reassignment. There is concern that asking about sex at birth may lead to the outing of trans individuals, reinforce exclusionary practices, or create a hostile environment, particularly if the purpose of the request is not clearly communicated or if the information is not strictly necessary. There is also concern about how this information interacts with other systems/ organisations e.g. HMRC, Identification docs, pensions etc...

We recommend that the EHRC:

- Include varied examples of good practice in how such requests should be communicated and recorded, particularly in contexts such as student records, accommodation, and healthcare.

- Emphasise the importance of safeguarding dignity and privacy, and the potential harm of unnecessary or poorly explained requests.
- Reiterate that protections under the characteristic of gender reassignment remain in place and that such requests must not be used in ways that undermine those protections.

This would help ensure that the Code of Practice supports both legal compliance and the creation of respectful, inclusive environments for all service users and staff.

Will your organisation make any changes as a result of this update to the code of practice?

For example, any changes to your policies, procedures or practices.

- Yes
- No

What changes might your organisation make as a result of this update to the code of practice?

We will consider the updated EHRC guidance alongside our current approach to determine if changes are necessary

Change 2.3: New content on defining sex at birth - organisations

Change 2.3: New content on defining sex at birth

This content defines 'sex', 'man' and 'woman', and explains how a GRC does not change a person's legal sex for the purposes of the Equality Act 2010.

Please go to [Change 2.3 on the consultation page](#) to read about this change.

You do not need to provide feedback for every change.

Would you like to provide feedback on the new content on defining sex at birth?

[Select one answer]

- Yes
- No

Change 2.3: New content on defining sex at birth

Change 2.3: New content on defining sex at birth

This content defines 'sex', 'man' and 'woman', and explains how a GRC does not change a person's legal sex for the purposes of the Equality Act 2010.

To what extent do you agree or disagree with the following statement:

The explanation of the legal rights and responsibilities set out in the new content on defining sex at birth is clear.

[Select one answer]

- Strongly Agree
- **Agree**
- Disagree
- Strongly Disagree
- Do not know

Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?

We believe the current explanation in the Code of Practice requires further contextualisation to avoid misinterpretation and unintended harm.

Feedback from our listening sessions revealed that many colleagues are concerned that the newly clarified legal definition may be used to justify policies that discriminate on the basis of gender reassignment, particularly in relation to access to gendered spaces, services, and opportunities.

We recommend that the EHRC:

- Clarify that the definition of sex at birth does not override the protections afforded to individuals under the characteristic of gender reassignment.
- Provide varied examples of how organisations can lawfully and respectfully accommodate trans and non-binary individuals and promote inclusive practices while remaining compliant with the Equality Act.

This additional clarity would help ensure that the Code of Practice is not only legally sound but also aligned with the broader aims of equality, dignity, and inclusion and the University's duty under the Public Sector Equality Act.

Will your organisation make any changes as a result of this update to the code of practice?

For example, any changes to your policies, procedures or practices.

[Select one answer]

- **Yes**
- No

What changes might your organisation make as a result of this update to the code of practice?

We will consider the updated EHRC guidance alongside our current approach to determine if changes are necessary

Change 2.4: Updated description of the protected characteristic of sexual orientation - organisations

Change 2.4: Updated description of the protected characteristic of sexual orientation

We updated our description of sexual orientation. Our description now specifies that a person who is attracted to people of the same sex is either a lesbian woman or a gay man. The full description is as follows.

Sexual orientation is a protected characteristic (s.12(1)). It means a person's sexual orientation towards:

- persons of the same sex (the person is a lesbian woman or a gay man)
- persons of the opposite sex (the person is heterosexual), or
- persons of either sex (the person is bisexual)

Please go to [Change 2.4 on the consultation page](#) to read about this change.

You do not need to provide feedback for every change.

Would you like to provide feedback on the updated description of the protected characteristic of sexual orientation?

[Select one answer]

- Yes
- No

Change 2.4: Updated description of the protected characteristic of sexual orientation

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We updated our description of sexual orientation. Our description now specifies that a person who is attracted to people of the same sex is either a lesbian woman or a gay man. The full description is as follows.

Sexual orientation is a protected characteristic (s.12(1)). It means a person's sexual orientation towards:

- persons of the same sex (the person is a lesbian woman or a gay man)
- persons of the opposite sex (the person is heterosexual), or
- persons of either sex (the person is bisexual)

To what extent do you agree or disagree with the following statement:

The explanation of the legal rights and responsibilities set out in the updated description of the protected characteristic of sexual orientation is clear.

[Select one answer]

- Strongly Agree
- **Agree**
- Disagree
- Strongly Disagree
- Do not know

Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?

We believe the current wording could be improved to better reflect the diversity of sexual orientations and avoid reinforcing binary or exclusionary language.

Feedback from our LGBTQ+ staff network highlighted concerns that the phrasing — particularly the specification that a person attracted to the same sex is “a lesbian woman or a gay man” — may inadvertently erase or marginalise other valid identities, such as pansexual, or non-binary individuals who do not identify within binary gender categories.

We recommend that the EHRC:

- Consider including a note that terminology evolves and that organisations should be sensitive and inclusive to how individuals describe their own identities and that legal protections will apply regardless.

This would help ensure that the Code of Practice is not only legally accurate but also reflective of the lived experiences of LGBTQ+ people and supportive of inclusive practice.

Will your organisation make any changes as a result of this update to the code of practice?

For example, any changes to your policies, procedures or practices.

[Select one answer]

- Yes
- **No**

What changes might your organisation make as a result of this update to the code of practice?

This answer can be no longer than 1000 words.

[Free text answer]

Change 4.1: New example on sex discrimination by perception - organisations

Change 4.1: New example on sex discrimination by perception

This example explains how discrimination can occur based on a perceived protected characteristic, in the context of sex and gender reassignment.

Please go to [Change 4.1 on the consultation page](#) to read about this change.

You do not need to provide feedback for every change.

Would you like to provide feedback on the new example on sex discrimination by perception?

[Select one answer]

- ☒ Yes
- ☐ No

Change 4.1: New example on sex discrimination by perception

Change 4.1: New example on sex discrimination by perception

This example explains how discrimination can occur based on a perceived protected characteristic, in the context of sex and gender reassignment.

To what extent do you agree or disagree with the following statement:

The explanation of the legal rights and responsibilities set out in the new example on sex discrimination by perception are clear.

[Select one answer]

- ☐ Strongly Agree
- ☒ Agree
- ☐ Disagree
- ☐ Strongly Disagree
- ☐ Do not know

Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?

We support the inclusion of examples that clarify how discrimination by perception operates under the Equality Act 2010. However, we believe the current example

could be strengthened by explicitly acknowledging the complexity of how perceived sex and gender identity intersect in real-world contexts.

Feedback from our listening sessions highlighted that trans, non-binary and gender non-confirming individuals are often subject to discrimination based not only on their actual identity but also on how others perceive or misperceive them. This can result in exclusion, harassment, or denial of services, even when the individual's legal or lived identity is not known to the service provider.

We recommend that the EHRC:

- Expand the example to include scenarios where individuals are perceived to be trans or gender non-confirming, and are treated less favourably as a result.
- Clarify that discrimination by perception is unlawful regardless of whether the perception is accurate.
- Emphasise that organisations should take proactive steps to prevent such discrimination, including through training, inclusive policies, and clear accountability mechanisms.

Will your organisation make any changes as a result of this update to the code of practice?

For example, any changes to your policies, procedures or practices.

[Select one answer]

- Yes
- No

What changes might your organisation make as a result of this update to the code of practice?

This answer can be no longer than 1000 words.

[Free text answer]

Change 4.2: Removed reference to superseded caselaw - organisations

Change 4.2: Removed reference to superseded caselaw

We removed content that explained that, for trans men holding a gender recognition certificate (GRC), the protection from pregnancy and maternity discrimination under the Equality Act 2010 (the Act) arose from case law. This case law set out that trans men were still protected irrespective of them having a GRC that stated that their legal sex was male. Following the For Women Scotland ruling, their legal sex is now female for the purposes of the Act, and they therefore have protection on that basis.

Please go to [Change 4.2 on the consultation page](#) to read about this change.

You do not need to provide feedback for every change.

Would you like to provide feedback on Change 4.2?

[Select one answer]

- Yes
- No

Change 4.2: Removed reference to superseded caselaw

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We removed content that explained that, for trans men holding a gender recognition certificate (GRC), the protection from pregnancy and maternity discrimination under the Equality Act 2010 (the Act) arose from case law. This case law set out that trans men were still protected irrespective of them having a GRC that stated that their legal sex was male. Following the For Women Scotland ruling, their legal sex is now female for the purposes of the Act, and they therefore have protection on that basis.

To what extent do you agree or disagree with the following statement:

The explanation of the legal rights and responsibilities set out in Change 4.2 is clear.

[Select one answer]

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree
- Do not know

Is there anything you would change to make the explanation of the legal rights and responsibilities in this section clearer?

This answer can be no longer than 1000 words.

[Free text answer]

Will your organisation make any changes as a result of the update to this section of the code of practice?

For example, any changes to your policies, procedures or practices.

[Select one answer]

- Yes
- No

What changes might your organisation make as a result of the update to this section of the code of practice?

This answer can be no longer than 1000 words.

[Free text answer]

Change 5.1: New example on sex discrimination - same disadvantage - organisations

Change 5.1: New example on sex discrimination - same disadvantage

This example explains how indirect sex discrimination can occur when people experience the same disadvantage, even if they do not share the same protected characteristic. The example is in the context of sex and gender reassignment.

Please go to [Change 5.1 on the consultation page](#) to read about this change.

You do not need to provide feedback for every change.

Would you like to provide feedback on the new example on sex discrimination - same disadvantage?

Select one answer:

- Yes
- **No**

Change 5.1: New example on sex discrimination - same disadvantage

Change 5.1: New example on sex discrimination - same disadvantage

This example explains how indirect sex discrimination can occur when people experience the same disadvantage, even if they do not share the same protected characteristic. The example is in the context of sex and gender reassignment.

To what extent do you agree or disagree with the following statement:

The explanation of the legal rights and responsibilities set out in the new example on sex discrimination - same disadvantage is clear.

[Select one answer]

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree
- Do not know

Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?

This answer can be no longer than 1000 words.

[Free text answer]

Will your organisation make any changes as a result of this update to the code of practice?

For example, any changes to your policies, procedures or practices.

[Select one answer]

- Yes
- No

What changes might your organisation make as a result of this update to the code of practice?

This answer can be no longer than 1000 words.

[Free text answer]

Change 8.1: Updated example on harassment related to sex - organisations

Change 8.1: Updated example on harassment related to sex

We produced a new example to explain how harassment can occur based on a perceived protected characteristic, in the context of sex and gender reassignment.

We have included additional information to provide context for this example. We are only looking for feedback on the example in paragraph 8.1.6b.

Please go to [Change 8.1 on the consultation page](#) to read about this change.

You do not need to provide feedback for every change.

Would you like to provide feedback on the updated example on harassment related to sex?

[Select one answer]

- Yes
- No

Change 8.1: Updated example on harassment related to sex

Change 8.1: Updated example on harassment related to sex

We produced a new example to explain how harassment can occur based on a perceived protected characteristic, in the context of sex and gender reassignment.

We have included additional information to provide context for this example. We are only looking for feedback on the example in paragraph 8.1.6b.

To what extent do you agree or disagree with the following statement:

The explanation of the legal rights and responsibilities set out in the updated example on harassment related to sex is clear.

[Select one answer]

- Strongly Agree
- **Agree**
- Disagree
- Strongly Disagree
- Do not know

Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?

Based on feedback from our staff listening sessions, we believe the current example in paragraph 8.1.6b would benefit from further development. In particular, colleagues highlighted that harassment often arises not only from actual characteristics but also from assumptions or misperceptions about a person's identity — especially in relation to gender expression.

We recommend that the EHRC:

- Expand the example to reflect the complexity of how perceived sex and gender identity intersect, including scenarios where individuals are targeted based on assumptions about being trans or gender non-conforming.
- Clarify that harassment related to perception of a protected characteristic is unlawful regardless of whether the perception is accurate
- Emphasise the importance of organisational responsibility in preventing such harassment, including through training, inclusive culture, and clear reporting mechanisms.

Will your organisation make any changes as a result of this update to the code of practice?

For example, any changes to your policies, procedures or practices.

[Select one answer]

- **Yes**
- No

What changes might your organisation make as a result of this update to the code of practice?

We are currently undergoing a review of our policy and will consider the updated EHRC guidance as part of this review.

Change 12.1: New example on women-only associations - organisations

Change 12.1: New example on women-only associations

The example in this section explains when applications to an association can be lawfully refused based on a protected characteristic, in the context of sex and gender reassignment.

We have included additional information to provide context for this example. We are only looking for feedback on the example in paragraph 12.1.3.

Please go to [Change 12.1 on the consultation page](#) to read about this change.

You do not need to provide feedback for every change.

Would you like to provide feedback on the new example on women-only associations?

[Select one answer]

- ☒ Yes
- ☐ No

Change 12.1: New example on women-only associations

Change 12.1: New example on women-only associations

The example in this section explains when applications to an association can be lawfully refused based on a protected characteristic, in the context of sex and gender reassignment.

We have included additional information to provide context for this example. We are only looking for feedback on the example in paragraph 12.1.3.

To what extent do you agree or disagree with the following statement:

The explanation of the legal rights and responsibilities set out in the new example on women-only associations is clear.

[Select one answer]

- Strongly Agree
- Agree
- **Disagree**
- Strongly Disagree
- Do not know

Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?

We believe the current example would benefit from further clarification to ensure that it is not interpreted in a way that excludes trans women or reinforces exclusionary practices without due consideration of proportionality and context.

Feedback from our listening sessions highlighted that many staff are concerned about the potential for this guidance to lead to blanket exclusions of trans women from spaces, associations and training programmes/events, even where such exclusions may not be necessary or proportionate. There is a desire among our community to ensure that some spaces can remain inclusive of women and trans women if they wish and unless there is a clear and lawful justification for exclusion.

We recommend that the EHRC:

- Provide varied and clear examples of how inclusive associations for women can operate lawfully, including where trans women are welcomed as members.
- Emphasise that the Public Sector Equality Duty requires organisations to consider the impact of exclusionary practices on trans individuals and to foster good relations between groups.

This would help ensure that the Code of Practice supports both legal compliance and the creation of inclusive, respectful environments.

Will your organisation make any changes as a result of this update to the code of practice?

For example, any changes to your policies, procedures or practices.

[Select one answer]

- **Yes**
- No

What changes might your organisation make as a result of this update to the code of practice?

We will consider the updated EHRC guidance alongside our current approach to determine if changes are necessary

Change 13.1: Updated section on competitive sport - organisations

Change 13.1: Updated section on competitive sport

This section has been updated to explain the circumstances in which it may be lawful to exclude participation in competitive sporting events in relation to the protected characteristics of sex and gender reassignment. It also sets out considerations that should factor into policy decisions regarding the exclusion of trans people from competitive sporting events.

Please go to [Change 13.1 on the consultation page](#) to read about this change.

You do not need to provide feedback for every change.

Would you like to provide feedback on the updated section on competitive sport?

[Select one answer]

- **Yes**
- No

Change 13.1: Updated section on competitive sport

Change 13.1: Updated section on competitive sport

This section has been updated to explain the circumstances in which it may be lawful to exclude participation in competitive sporting events in relation to the protected characteristics of sex and gender reassignment. It also sets out considerations that should factor into policy decisions regarding the exclusion of trans people from competitive sporting events.

To what extent do you agree or disagree with the following statement:

The explanation of the legal rights and responsibilities set out in the updated section on competitive sport is clear.

[Select one answer]

- Strongly Agree
- Agree
- **Disagree**
- Strongly Disagree
- Do not know

Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?

We believe the current explanation would benefit from further clarification to ensure that it is not interpreted in a way that disproportionately excludes trans individuals or undermines inclusive practice in sport.

Feedback from our listening sessions highlighted concerns that the updated guidance may be translated to mean the exclusion of trans people from competitive sport, without sufficient consideration of individual circumstances, the nature of the sport, or the potential for inclusive alternatives. There is a desire among staff and students to ensure that sport remains a space for participation, wellbeing, and community, as well as competition.

We recommend that the EHRC:

- Provide varied examples of how inclusive competitive sporting events can operate lawfully, including where trans women are welcomed as participants.
- Provide varied examples of inclusive practices in sport, including how governing bodies and institutions can accommodate trans athletes while ensuring fairness and safety.
- Emphasise the importance of consultation with affected communities and the need to balance legal compliance with the Public Sector Equality Duty to foster good relations and eliminate discrimination.

This would help ensure that the Code of Practice supports both lawful decision-making and the promotion of inclusive, respectful sporting environments.

Will your organisation make any changes as a result of this update to the code of practice?

For example, any changes to your policies, procedures or practices.

[Select one answer]

- **Yes**
- No

What changes might your organisation make as a result of this update to the code of practice?

We will consider the updated EHRC guidance, and any guidance from relevant sports bodies, alongside our current approach to determine if changes are necessary.

Change 13.2: Updated section on separate and single-sex services for men and women - organisations

Change 13.2: Updated section on separate and single-sex services for men and women

This section has been updated to provide guidance on how separate or single-sex services can be provided for men and women. It also sets out when providing these services is likely to be lawful.

Please go to [Change 13.2 on the consultation page](#) to read about this change.

You do not need to provide feedback for every change.

Would you like to provide feedback on the updated section on separate and single-sex services for men and women?

[Select one answer]

- ☒ Yes
- ☐ No

Change 13.2: Updated section on separate and single-sex services for men and women

Change 13.2: Updated section on separate and single-sex services for men and women

This section has been updated to provide guidance on how separate or single-sex services can be provided for men and women. It also sets out when providing these services is likely to be lawful.

To what extent do you agree or disagree with the following statement:

The explanation of the legal rights and responsibilities set out in the updated section on separate and single-sex services for men and women is clear.

[Select one answer]

- ☐ Strongly Agree
- ☐ Agree
- ☒ Disagree
- ☐ Strongly Disagree
- ☐ Do not know

Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?

Based on feedback from our internal staff listening sessions, we believe the current explanation would benefit from further clarification to support consistent and inclusive implementation. In particular, colleagues raised concerns about how the updated guidance might be interpreted in practice, especially in relation to the rights of trans individuals and the application of proportionality.

We recommend that the EHRC consider:

- Providing additional varied examples that illustrate how the legal test of proportionality should be applied in different service contexts.
- Providing varied examples of how inclusive services can operate lawfully, including where trans people are welcomed as service users.
- Clarifying that the Equality Act continues to protect individuals under the characteristic of gender reassignment, and that inclusive practices remain lawful where appropriately justified.
- Emphasising the importance of balancing legal compliance with the Public Sector Equality Duty, including the need to foster good relations between different groups.

This would help ensure that the Code of Practice is both legally accurate and practically useful for organisations seeking to implement fair and inclusive policies

Will your organisation make any changes as a result of this update to the code of practice?

For example, any changes to your policies, procedures or practices.

[Select one answer]

- **Yes**
- No

What changes might your organisation make as a result of this update to the code of practice?

We will consider the updated EHRC guidance alongside our current approach to determine if changes are necessary

Change 13.3: New section on justification for separate and single-sex services - organisations

Change 13.3: New section on justification for separate and single-sex services

This section sets out the considerations that should be given to all potential service users when deciding whether separate and single-sex services are a proportionate means of achieving a legitimate aim. It also sets out circumstances in which mixed-sex services may be necessary, and the potential legal implications of providing only mixed-sex services.

Please go to [Change 13.3 on the consultation page](#) to read about this change.

You do not need to provide feedback for every change.

Would you like to provide feedback on the new section on justification for separate and single-sex services?

[Select one answer]

- ☒ Yes
- ☐ No

Change 13.3: New section on justification for separate and single-sex services

Change 13.3: New section on justification for separate and single-sex services

This section sets out the considerations that should be given to all potential service users when deciding whether separate and single-sex services are a proportionate means of achieving a legitimate aim. It also sets out circumstances in which mixed-sex services may be necessary, and the potential legal implications of providing only mixed-sex services.

To what extent do you agree or disagree with the following statement:

The explanation of the legal rights and responsibilities set out in the new section on justification for separate and single-sex services is clear.

[Select one answer]

- ☐ Strongly Agree
- ☒ Agree
- ☐ Disagree
- ☐ Strongly Disagree
- ☐ Do not know

Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?

Feedback from our staff listening sessions suggests that further clarification would be helpful to support consistent and lawful decision-making. In particular, colleagues highlighted the need for more practical guidance on how to assess proportionality and how to ensure that decisions are evidence-based and inclusive.

We recommend that the EHRC:

- Provide clearer criteria and varied illustrative examples of what constitutes a legitimate aim and how to assess proportionality in practice.
- Emphasise that blanket exclusions are unlikely to be justified and that decisions should be made on a case-by-case basis.
- Reinforce the importance of consulting with affected communities and regularly reviewing policies to ensure they remain appropriate and lawful.

This would support organisations in applying the guidance in a way that is both compliant with the Equality Act and aligned with broader commitments to equality and inclusion.

Will your organisation make any changes as a result of this update to the code of practice?

For example, any changes to your policies, procedures or practices.

[Select one answer]

- ☒ Yes
- ☐ No

What changes might your organisation make as a result of this update to the code of practice?

We will consider the updated EHRC guidance alongside our current approach to determine if changes are necessary

Change 13.4: New content on policies and exceptions for separate and single-sex services - organisations

Change 13.4: New content on policies and exceptions for separate and single-sex services

This new content explains that service providers may need to develop policies regarding the provision of separate or single-sex services. It also covers specific circumstances that may require a different approach to that set out in policy, and examples of those circumstances.

Please go to [Change 13.4 on the consultation page](#) to read about this change.

You do not need to provide feedback for every change.

Would you like to provide feedback on the new content on policies and exceptions for separate and single-sex services?

[Select one answer]

- ☒ Yes
- ☐ No

Change 13.4: New content on policies and exceptions for separate and single-sex services

Change 13.4: New content on policies and exceptions for separate and single-sex services

This new content explains that service providers may need to develop policies regarding the provision of separate or single-sex services. It also covers specific circumstances that may require a different approach to that set out in policy, and examples of those circumstances.

To what extent do you agree or disagree with the following statement:

The explanation of the legal rights and responsibilities set out in the new content on policies and exceptions for separate and single-sex services is clear.

[Select one answer]

- Strongly Agree
- Agree
- **Disagree**
- Strongly Disagree
- Do not know

Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?

This answer can be no longer than 1000 words.

Based on feedback from internal staff listening sessions, we believe that the current guidance would benefit from further clarification to support consistent and inclusive implementation across diverse institutional settings. In particular, colleagues expressed a desire for more practical examples and clearer criteria to help determine when exceptions to policy are appropriate and lawful.

We recommend that the EHRC consider:

- Providing varied additional examples that illustrate how exceptions can be applied in a proportionate and evidence-based manner.
- Clarifying how organisations can ensure that such policies remain compliant with the Equality Act 2010 while also upholding the Public Sector Equality Duty.
- Emphasising the importance of transparency, consultation, and regular review when developing or applying exceptions to policy.

This would help ensure that the Code of Practice is both legally robust and practically useful for organisations seeking to balance compliance with inclusive service provision.

Will your organisation make any changes as a result of this update to the code of practice?

For example, any changes to your policies, procedures or practices.

[Select one answer]

- ☒ Yes
- ☐ No

What changes might your organisation make as a result of this update to the code of practice?

We will consider the updated EHRC guidance alongside our current approach to determine if changes are necessary

Change 13.5: Updated section on separate or single-sex services in relation to gender reassignment - organisations

Change 13.5: Updated section on separate or single-sex services in relation to gender reassignment

This section explains that service providers should consider their approach to trans people's use of their services when deciding whether to provide a separate or single-sex service. It includes examples of relevant considerations when deciding whether the exclusion of trans people from a separate or single-sex service is a proportionate means of achieving a legitimate aim.

Please go to [Change 13.5 on the consultation page](#) to read about this change.

You do not need to provide feedback for every change.

Would you like to provide feedback on the updated section on separate or single-sex services in relation to gender reassignment?

[Select one answer]

- ☒ Yes
- ☐ No

Change 13.5: Updated section on separate or single-sex services in relation to gender reassignment

Change 13.5: Updated section on separate or single-sex services in relation to gender reassignment

This section explains that service providers should consider their approach to trans people's use of their services when deciding whether to provide a separate or single-sex service. It includes examples of relevant considerations when deciding whether

the exclusion of trans people from a separate or single-sex service is a proportionate means of achieving a legitimate aim.

To what extent do you agree or disagree with the following statement:

The explanation of the legal rights and responsibilities set out in the updated section on separate or single-sex services in relation to gender reassignment is clear.

[Select one answer]

- Strongly Agree
- Agree
- **Disagree**
- Strongly Disagree
- Do not know

Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?

Feedback from our staff listening sessions suggests that the current explanation would benefit from further clarification. In particular, colleagues expressed concern about how decisions regarding the inclusion or exclusion of trans individuals will be assessed in practice, and how organisations can ensure that such decisions are lawful, proportionate, and sensitive to the needs of all service users.

We recommend that the EHRC:

- Provide more detailed examples of how service providers can assess whether exclusion is a proportionate means of achieving a legitimate aim.
- Clarify how protections under the characteristic of gender reassignment should be balanced with other considerations, including safety, privacy dignity, and inclusion.
- Emphasise the importance of engaging with affected communities

This would support organisations in applying the guidance in a way that is both legally compliant and aligned with broader commitments to equality, dignity, and respect.

Will your organisation make any changes as a result of this update to the code of practice?

For example, any changes to your policies, procedures or practices.

[Select one answer]

- Yes
- **No**

What changes might your organisation make as a result of this update to the code of practice?

This answer can be no longer than 1000 words.

[Free text answer]

Change 13.6: Updated content on communal accommodation - organisations

Change 13.6: Updated content on communal accommodation

This content explains the application of the Act to communal accommodation in respect of the protected characteristics of sex and gender reassignment.

Please go to [Change 13.6 on the consultation page](#) to read about this change.

You do not need to provide feedback for every change.

Would you like to provide feedback on the updated content on communal accommodation?

[Select one answer]

- Yes
- **No**

Change 13.6: Updated content on communal accommodation

Change 13.6: Updated content on communal accommodation

This content explains the application of the Act to communal accommodation in respect of the protected characteristics of sex and gender reassignment.

To what extent do you agree or disagree with the following statement:

The explanation of the legal rights and responsibilities set out in the updated content on communal accommodation is clear.

[Select one answer]

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree
- Do not know

Is there anything you would change to make the explanation of the legal rights and responsibilities in this update clearer?

This answer can be no longer than 1000 words.

[Free text answer]

Will your organisation make any changes as a result of this update to the code of practice?

For example, any changes to your policies, procedures or practices.

[Select one answer]

- Yes
- No

What changes might your organisation make as a result of this update to the code of practice?

This answer can be no longer than 1000 words.

[Free text answer]

Any other feedback from your organisation

Do you have any other feedback about the content of the code of practice that you have not already mentioned?

Include references to specific changes where relevant

This answer can be no longer than 1000 words.

The University of Manchester appreciates the opportunity to contribute to this consultation and recognises the importance of ensuring that the Code of Practice is legally accurate, accessible, and practically useful for organisations across all sectors.

While we have provided detailed feedback on specific sections, we would like to offer the following overarching reflections:

- **Clarity and Practicality:** Across several sections, staff feedback highlighted a need for clearer guidance on how to apply the law in practice. This includes more detailed examples, case studies, and decision-making frameworks to support lawful and inclusive implementation, particularly in complex and large institutional environments such as universities. Consideration should also be given to the practicalities of implementing changes in buildings and spaces that have a fixed footprint with no means to make some adjustments.
- **Balancing Legal Compliance and Inclusion:** We encourage the EHRC to continue emphasising that compliance with the Equality Act 2010 can and should be compatible with inclusive practice. Many colleagues expressed concern that the updated guidance may be interpreted in ways that unintentionally undermine the dignity or inclusion of trans individuals. Clearer articulation of how the protected characteristic of gender reassignment

continues to apply — and how inclusive policies can remain lawful — would be helpful.

- **Consistency of Language and Tone:** Some sections of the draft Code use language that may be perceived as overly rigid or binary. While we understand the need for the Code to reflect the legislative provisions, terminology and definitions, we recommend reviewing the tone and terminology to ensure it avoids inadvertently marginalising individuals who do not identify within binary categories.
- **Support for Implementation:** We would welcome the development of supplementary materials — such as FAQs, training resources, or sector-specific guidance — to support implementation. This would be particularly valuable for public bodies with responsibilities under the Public Sector Equality Duty.
- **Ongoing Engagement:** Finally, we encourage the EHRC to continue engaging with a wide range of stakeholders, including staff networks, equality practitioners, and representative groups, as the Code is finalised and implemented. A culture of listening and dialogue will be essential to ensuring the guidance is both effective and trusted. Regular reviews and adaptations would also be welcomed.

We remain committed to fostering an inclusive environment for all members of our community.

About your organisation

Where is your organisation based?

[Select all that apply]

- **England**
- Scotland
- Wales
- Other (please specify): [Free text answer]

What is the size of your organisation?

[Select one answer]

- 1 to 9 people
- 10 to 49 people
- 50 to 249 people
- **250 or more people**
- Do not know

Which area does the organisation work in?

[Select all that apply]

- Agriculture, energy or water
- Construction
- **Education**
- Financial or real estate
- Health or social work
- Information or communication
- Manufacturing
- Professional or administrative activities
- Public administration
- Retail or hospitality
- Transport
- Other (please specify): [Free text answer]

What kind of organisation are you responding on behalf of?

[Select one answer]

- A private body
- **A public body**
- A civil society organisation (for example a charity, union, not-for-profit)

What is the name of your organisation?

[Free text answer]

Does your organisation provide services?

[Select one answer]

- **Yes**
- No

Further research

The Equality and Human Rights Commission (EHRC) sometimes carries out research with organisations and members of the public so that we can better understand the impact of our work and improve our products. For example, we may invite people to be interviewed, or to take part in a focus group. If you are interested in taking part in EHRC research for this purpose, please leave your email address below so we can contact you.

By providing your email address below, you are consenting to be contacted by the EHRC about any opportunities to take part in EHRC research. You may withdraw your consent at any time by emailing research@equalityhumanrights.com.

If you would like to be contacted by the EHRC about opportunities to take part in future research, enter your email address below:

[Free text answer]

End of the survey

Select finish survey to submit your response.

If you need to edit any of your answers before submitting, select previous page to navigate back through the questions.