

UPDATE (18th May): See also this fab letter from Trans Safety Network:

<https://transsafety.network/posts/tsn-write-ehrc-call-meaningful-consultation-statutory-code-of-practice/>

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Below is a template letter to put on record a list of the stakeholders we believe the EHRC should be actively engaging with in their upcoming public consultation and Q&A sessions for the updated Statutory Code of Practice.

This is to hold them accountable if they try to avoid consulting with *all* relevant groups.

To get this to the EHRC as fast as possible (their consultation is due to open on Monday 19th) you can send via email on: correspondence@equalityhumanrights.com. Alternatively a physical letter (e.g. sent first class) will be harder to ignore!

Correspondence Unit

Equality and Human Rights Commission

Arndale House

The Arndale Centre

Manchester

M4 3AQ

Do try to personalise it as much as you can / use your own words so that it doesn't just look like entirely a cut and paste job!

*****It is also essential to send a copy to the following Parliamentary representatives, who are in the strongest position to hold the EHRC to account on the issue. In a sense, this letter is for them, more than the EHRC.*****

COPY TO:

Right Honourable Bridget Phillipson MP, Minister for Women and Equalities, % the Women and Equalities Unit, via the Cabinet Office form here:

<https://www.gov.uk/guidance/contact-the-cabinet-office>

Baroness Jacqui Smith of Malvern, Minister for Women and Equalities, % the Women and Equalities Unit, via the Cabinet Office form here:

<https://www.gov.uk/guidance/contact-the-cabinet-office>

Sarah Owen MP, as Chair of the Women and Equalities Select Committee,

womeqcom@parliament.uk

Joint Committee on Human Rights, jchr@parliament.uk

Rt Hon Wes Streeting MP, Minister for Health and Social Care,

dhsc.publicenquiries@dhsc.gov.uk.

Your own MP. Find yours here: <https://members.parliament.uk/FindYourMP>

Dear Equalities and Human Rights Commission,

I understand that on Monday 19th May, you will be opening your public consultation on updates made to the statutory Code of Practice for services, public functions and associations, following the Supreme Court's judgment in *For Women Scotland v Scottish Ministers*.

Thank you for extending this consultation to **six weeks**, rather than the (wholly inadequate) two weeks initially proposed.

You have stated that you will also hold **Q&A sessions** with **stakeholders representing affected protected characteristic groups**.

There are many, many people who will be affected by this Supreme Court ruling, far beyond those usually involved in the "debates" around trans issues. As well as engaging with trans and non-binary people, it will be essential to consult with women's rights, LGB and other organizations who are specifically **trans inclusive** (rather than "gender critical"). There are also wider groups who will likely be affected.

Please can you therefore confirm that, for your Q&A sessions and for the consultation itself, you will actively seek to engage relevant stakeholders from the following protected characteristic groups, who may be affected in any or all of the following ways.

1. **Trans and non-binary people** ("gender reassignment").
 - a. Trans people are now in danger of being blanket-excluded from the gender-aligned facilities and services they have lawfully used for decades under the current Statutory Code (para 13.57).
 - b. Trans people now have no way to achieve legal recognition of their gender under the most important piece of equalities legislation in the UK.
2. **Straight, gay, lesbian and bisexual people** ("sexual orientation")
 - a. The Supreme Court's definition of "man" and "woman" affects the legal definitions of "straight", "gay" and "lesbian", limiting this entirely to "biology". This means LGB and straight people who include trans people in their sexual-orientation definitions will find that the UK Equality Act no longer recognises them and their relationships (including their marriages) in the ways they define themselves.
 - b. The vast majority of gay, lesbian and bisexual people are accepting and welcoming of trans people. Under your interpretation of the Supreme Court ruling, lesbian and gay people are no longer allowed to operate male or female same-sex associations that are trans-inclusive, or attend these with their trans partners or spouses.
3. **Men and women, especially those who are trans inclusive** ("sex")

- a. Many, many men and women are accepting and welcoming of trans people. Under your interpretation of the Supreme Court ruling, men- or women-only associations or services are no longer allowed to include trans (wo)men, even if they wish to do so, and even if they have done so for years.
 - b. Under your proposals, men and women whether trans or not, especially those who are gender non-conforming, now risk being challenged when using single-sex facilities.
4. **Disabled people** (“disability”)
- a. **[please feel free to add your own comments here. I’m not disabled myself, so best if I don’t speak directly for this community. But we definitely want this stakeholder group included! You might find this recent statement helpful:**
<https://manchesterdpc.com/2025/05/16/statement-on-the-pathways-to-work-green-paper-and-the-ehrc/>].
 - b. **Similarly, feel free to add in personal comments for any other of the protected characteristic groups (which include race & ethnicity; age; and religion).**
5. **Trans women who breastfeed** (“pregnancy and maternity”)
- a. Following the Supreme Court ruling, trans women who breastfeed would seemingly no longer have maternity protections.

I would be grateful if you could confirm asap that **you will actively and meaningfully engage with stakeholders from all of these protected characteristic groups, bearing the above impacts in mind.**

Alternatively, if you are **not** planning to engage with these stakeholders, please can you reply to explain why.

Finally, as pointed out by the Women and Equalities Committee in their letter to you dated 7th May, there may be legal implications beyond the scope of the issues considered by the Supreme Court.

I would therefore also like to know whether, as part of the consultation, the EHRC will be accepting submissions on those important legal issues, for example potential conflict with broader Human Rights laws?

With thanks in advance for your time and consideration.

Yours sincerely

[NAME]