

# JSCC Update Paper – Draft EHRC Code of Practice on single sex spaces

This paper provides a brief update on the draft revised EHRC Code of Practice on single sex spaces and highlights the main issues the Council intends to keep under review in relation to staff support and workplace practice.

## **Current position**

The draft Code of practice for services, public functions and associations, was laid before Parliament on 21 May 2026, Parliament has 40 days to review the code. If Parliament does not disapprove the code, the UK government will set a date for it to come into force. If commenced, it is likely to become an important reference point for how the Equality Act 2010 is applied in practice. The code was originally published in 2011 but has been updated to reflect subsequent legal developments, including the Supreme Court's judgement on the definition of sex.

## **What the draft Code says**

The 2025 Supreme Court judgment clarified that, for the purposes of the Equality Act 2010, sex means biological sex.

## **What that means in practice**

- For Equality Act purposes, the relevant sex classification is the sex recorded at birth
- This applies even if someone has a Gender Recognition Certificate (GRC)
- This does not remove protection for trans people, they are still protected under gender reassignment
- "sex" and "gender reassignment" are treated as separate legal characteristics

## **Key considerations for employers**

Although the draft Code focuses on services and public functions, several themes are relevant to the Council as an employer.

The supporting commentary around the draft Code stresses the importance of clear HR policies, employee training and awareness and documenting rationale for decisions.

## **Employment related next steps**

The Equality Act 2010 remains the underlying law, but the Code is likely to become the statutory guidance for service providers and public authorities on compliance.

Work is planned to include:

- Review of workplace facilities
- Review and update HR policies and procedures
- Ensuring appropriate manager and employee awareness, guidance and training
- Consider implications on collection and reporting of workforce data

There are implications for the Council as a service provider and any future response will need to reflect both the Council's role as an employer and its wider public duties.

Services will undertake a review of their facilities and service provision to identify any areas where there may be compliance risks or where alternative arrangements may need to be considered. This may take the form of an Equalities Impact Assessment to record identified issues, risks and mitigations.