

SHRC Statement: EHRC Code of Practice for Services, Associations and Public Functions

On 5th August 2026, the Equality and Human Rights Commission (EHRC) Statutory Code of Practice for Services, Public Functions and Associations will come into force. It explains how the Equality Act 2010 applies to services, public functions, and associations. It is designed to help:

- service providers comply with the law
- lawyers advise on it
- courts and tribunals interpret it.

The EHRC is the statutory regulator of the Equality Act 2010 in Great Britain. As Scotland's National Human Rights Institution (NHRI), the Scottish Human Rights Commission (SHRC)'s role is to protect, promote and uphold human rights in Scotland. The values which underpin both equality and human rights are shared values as reflected in the Universal Declaration of Human Rights 1948 which states: "All human beings are born free and equal in dignity and in rights."

The Equality Act 2010 is one of the ways in which the UK meets its obligations under human rights law to guarantee non-discrimination.¹ The Equality Act and its accompanying Codes perform a vital human rights function, as they are intended to guide a path to non-discrimination. This right to non-discrimination in the enjoyment of human rights and freedoms is protected under Article 14 European Convention on Human Rights (ECHR) and Schedule 1 Human Rights Act 1998. Other international treaties also place requirements on the UK and Scottish Governments to put laws and policies in place which protect women, children, disabled people, and people

¹ In England, Scotland and Wales

from racial minorities from discrimination. These treaties were created to ensure the relevant groups are treated with dignity and respect.

The EHRC Code of Practice provides guidance for public bodies and other service providers, including settings such as the NHS, prisons, and education. It is intended to assist in the provision of public services by ensuring non-discrimination for all people using those services, including in Scotland. It does not apply in employment settings, which have a separate Employment Code of Practice.²

Some sections of the Code have been updated to reflect the Supreme Court's judgment in *For Women Scotland vs the Scottish Ministers* (April 2025), which clarified the definition of 'sex' for the purposes of the Equality Act 2010. The judgment clarified that in the Equality Act 2010, 'sex' means biological sex. Duty-bearers to whom the Code applies should update their policies and practices to reflect the guidance it provides, which reflects this clarification of the law.

Ensuring that the rights of women are adequately safeguarded in the provision of public services is essential to the United Kingdom's compliance with its international law obligations, including under Article 4 of the Convention on the Elimination of Discrimination Against Women (CEDAW) and Article 6 of the Istanbul Convention. The privacy, dignity and safety of women and girls are all likely to be legitimate aims which justify the provision of a single-sex service, and a failure to provide single-sex services in some circumstances may disadvantage women.

The Equality Act 2010, and therefore the EHRC Code of Practice, also contains important protections for transgender people. The Code outlines that the rights of transgender people³ must be considered, including the proportionality of exclusion and the risk of disadvantage if there is no service available to them. This is an important consideration where interference with the rights of one group may be required to protect those of another.

This will not always be straightforward. Duty-bearers are likely to need to take further decisions on policy, investment and infrastructure to ensure compliance with the

² [EHRC Employment Code of Practice](#)

³ Including those protected under Articles 8 and 14 of the ECHR, and the Equality Act 2010

requirements of equality and human rights law. If that is what is required to ensure dignity for all, then that is what duty-bearers must now do.

It will also be important to monitor how this is operating in practice. The human rights framework, including CEDAW and the Istanbul Convention, requires that public bodies collect disaggregated data, including sex-disaggregated data⁴, that enables them to assess how they are meeting their obligations. This must inform ongoing consideration of risks and detrimental effects on rights holders, and action to mitigate or reduce harms.

A core principle of a human rights-based approach is participation. This is set out in the PANEL principles, which represent best practice in applying international human rights standards in practice. Participation means working directly with people who may be affected by law, policy and practice, listening to their concerns and experiences, and designing services collaboratively with them. This is to ensure their needs are met and the outcome respects and protects the rights of all. As a matter of good practice, service providers should engage with all affected groups to ensure that service delivery is informed by lived experience and accessible.

[ENDS]

For more information:

- The SHRC issued a [statement](#) on the Supreme Court judgment in August 2025.
- We also set out the specific requirements of the human rights framework that relate to women's rights in a [March 2025 statement](#).
- The purpose of this briefing is to ensure that duty bearers engage with the EHRC Code consistently with international and domestic human rights principles and legal frameworks. The Scottish Human Rights Commission

⁴ [Code of practice for services, public functions and associations | EHRC](#)

does not have responsibility for the EHRC's Code of Practice. Questions about the detail of the Code should be directed to the EHRC.