

Thanks

[REDACT]

QUERY

FWS argues that mixed-sex toilets are not lawful and have outlined their arguments in a submission to the UK government, which contains implicit criticism of the Scottish government:

<https://forwomen.scot/wp-content/uploads/2021/02/For-Women-Scotland-Toilet-Provision-25Feb2021.pdf>

Please let me know if SG wishes to comment

One section – grateful for a policy check on whole document, pls For Woman Scotland notes that there is confusion between the UK Government and the Scottish Government about jurisdiction over the application of the Equality Act. At our recent judicial review on the Gender Representation on Public Boards Act (Scotland) 2018 the Scottish Government stated that it had the right to “ride roughshod” over the Equality Act. [14] It is our understanding that single-sex exceptions are protected under the reserved Equality Act. We have also been informed that the Scottish Government would welcome further guidance from the UK Government on the operation of these exceptions. [15]

The UK Government should issue further guidance and support to the Scottish Government concerning the application of the single-sex exceptions under the Equality Act and should ensure that the Scottish Government also commits to achieve the RSPH ration for single-sex female-only toilet provision. [17]

[REDACT]

[REDACT]

Email 3

From: [REDACT];

Sent: 17 May 2021 13:53

To: [REDACT]; [REDACT];

Cc: [REDACT]; [REDACT]; [REDACT];

Subject: RE: Gender Recognition Act reform: women's rights; Equality Unit views on GRA reform lead: draft replies to MurrayBlackburnMackenzie and For Women Scotland on analysis of responses.

Hi [REDACT]

So sorry for not picking this up earlier. I'm content for both letters to issue. Could you double check the wording at the end now that we've passed the pre-election period.

[REDACT]

Email 4

From: [REDACT]

Sent: 17 May 2021 12:57

To: [REDACT]

Cc: [REDACT]; [REDACT]; [REDACT];

Subject: FW: Gender Recognition Act reform: women's rights; Equality Unit views on GRA reform lead: draft replies to MurrayBlackburnMackenzie and For Women Scotland on analysis of responses.

PS/Director

Hi. Are these still with [REDACT], for clearance?

[REDACT]

Email 5

From: [REDACT]

Sent: 29 April 2021 08:02

To: [REDACT]; [REDACT]

Cc: [REDACT]; [REDACT]; [REDACT]; [REDACT]

Subject: Gender Recognition Act reform: women's rights; Equality Unit views on GRA reform lead: draft replies to MurrayBlackburnMackenzie and For Women Scotland on analysis of responses.

[REDACT]

[REDACT]

1. Following our meeting on Tuesday, [REDACT], [REDACT] and I met with [REDACT] of the Equality Unit.
2. On women's rights, we discussed the commitment by Ms Somerville in the June 2019 statement to Parliament on Gender Recognition Reform that the Scottish Government would develop guidance 'that helps to bring clarity to the issues [of trans inclusion and women's rights], and which makes sure that policy makers and service providers understand better how to ensure that the hard-won rights of women and trans people can be collectively realised.'

3. [REDACT]

4. [REDACT]

5. MurrayBlackburnMackenzie have sent [REDACT] an email (see above). A suggested draft reply is at <https://erdm.scotland.gov.uk:8443/documents/A32871164/details> A word copy is also attached above, for ease of reference.

6. ForWomenScotland have sent [REDACT] an email: see below. This has been allocated as a micase to me. A draft reply to FWS is at <https://erdm.scotland.gov.uk:8443/documents/A32871164/details>: again, a word copy is above for ease of reference.

[REDACT]

[REDACT]

Email 6

From: [REDACT]

Sent: 08 April 2021 15:02

To: [REDACT]

Cc: [REDACT]

Subject: RE: Consultation with women, follow on from PQ

Hi [REDACT]

If there was some time on Monday to speak to [REDACT] that would be great actually.

I haven't checked with Cab Sec as FWS email was sent to Perm Sec. Just to make sure I got this right, do you want to make sure that we can still issue the response given the pre-election period?

Thanks a lot

[REDACT]