

Neil Gray MC  
Cabinet Secretary for Health and  
Social Care  
**By email only**

**From:** John Kirkpatrick, Chief  
Executive

Our ref: 20250221Gray

Friday 21 February 2025

Dear Cabinet Secretary,

As you will know, as the statutory regulator for equality in Scotland, the Equality and Human Rights Commission promotes and enforces compliance with the Equality Act 2010.

I am writing with respect to recent media coverage about policies and practices relating to access to single-sex changing facilities for staff in NHS Fife, and the forthcoming NHS Scotland Guide to Transitioning. In particular, we are concerned about the media depiction of the policy, for which you have oversight, and whether it is likely to comply with and accurately represent Equality Act 2010 provisions.

Our interest is in ensuring that health bodies in Scotland have an accurate understanding of the operation of the Equality Act 2010 as it relates to the provision of single-sex services and spaces. In particular, it is important that providers are designing policies which take into account the rights of all affected protected characteristic groups, and which take steps to mitigate the risk of discrimination.

Furthermore, the Workplace (Health, Safety, and Welfare) Regulations 1992

state that changing facilities will not be suitable “unless they include separate facilities for, or separate use of facilities by, men and women where necessary for reasons of propriety.” The Health and Safety Executive has issued an [Approved Code of Practice and guidance](#) in relation to these regulations.

We have written to NHS Fife to highlight their obligations under the Equality Act 2010, specifically in relation to the protection of individuals from discrimination and harassment on the basis of protected characteristics, including sex, religion or belief and gender reassignment. We have further drawn their attention to their duty under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (as amended), to assess and review proposed new or revised policies or practices against the three needs defined at section 149(1) of the Equality Act 2010 of eliminating discrimination, advancing equality of opportunity, and fostering good relations.

In the meantime, we would urge you to consider how the Scottish Government can play a role in ensuring that NHS Scotland and other bodies are meeting their legal obligations under the Equality Act 2010 and welcome a meeting with you to discuss in more detail alongside the Chair of the EHRC Scotland Committee, Dr Lesley Sawers.

I am copying this letter to the First Minister, John Swinney.

Yours sincerely,



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Arndale House, The Arndale Centre  
Manchester, M4 3AQ

[equalityhumanrights.com](http://equalityhumanrights.com)

John Kirkpatrick

**Chief Executive**

**Equality and Human Rights Commission**

[Cc: John Swinney, Scotland First Minister]

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John Swinney MSP  
First Minister of Scotland  
Scottish Government  
**By email only**

**From:** Dr Lesley Sawers OBE,  
Deputy Chair and  
Scotland Commissioner

26<sup>th</sup> March 2025

Dear John Swinney,

## **Our strategic plan for 2025 to 2028**

I am writing to share our new strategic plan for 2025 to 2028 published today.

We are Britain's independent equality regulator and a National Human Rights Institution. In Scotland we share the human rights mandate with the Scottish Human Rights Commission and we lead on human rights for matters reserved to the UK Parliament. We protect and promote equality and human rights so that everyone gets a fair chance in life. This includes making sure governments, organisations and individuals recognise and adhere to equality and human rights laws. Our new strategic plan sets out how we will make the best use of our resources over the next three years to fulfil the mission set out for us in the Equality Act 2006.

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**E:** [scotland@equalityhumanrights.com](mailto:scotland@equalityhumanrights.com)

**[equalityhumanrights.com](http://equalityhumanrights.com)**

More than 2,000 organisations and individuals across Britain responded to the consultation on our draft strategic plan. Their contributions have helped shape the plan that I'm pleased to share with you today. We have prioritised action based on where there is clear evidence of need and where we have a unique contribution to make. Our goal is to focus our resources on where we can make a real, lasting and positive difference to the lives of people across Britain.

There are three pillars in our new strategic plan which represent our agile, independent and authoritative approach - they are:

### **Core regulation of equality and human rights**

We will monitor compliance and provide organisations and employers with the essential tools and advice they need to understand and follow the law.

### **Agile response to equality and human rights risks and opportunities**

We will act with speed and precision when responding to the most significant and urgent threats to equality and human rights. Acting swiftly and decisively on the equality and human rights issues of the day will improve our ability to address risks and seize opportunities to improve equality for all protected characteristics.

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## Programmes focused on complex equality and human rights challenges

We will deliver three focussed programmes of work selected where we can contribute to measurable and long-term improvement in people's lives.

They are:

- Programme 1: Tackling harassment, discrimination and victimisation in the uniformed services
- Programme 2: Clarifying the law and supporting effective responses to balance of rights, including freedom of expression
- Programme 3: Strengthening participation in society by addressing barriers to key public services, often faced by protected characteristic groups. For example, older and disabled people can face barriers when accessing public transport.

We will publish our business plan in spring 2025 with more detail on how we will deliver the first year of our strategic plan.

I would welcome the opportunity to meet with you or your Ministers to discuss how we can work together on our new strategic plan to continue to protect and promote a society founded on equality and human rights.

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Yours sincerely,



Dr Lesley Sawers OBE  
**Deputy Chair and Scotland Commissioner**  
**Equality and Human Rights Commission**

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**E:** [scotland@equalityhumanrights.com](mailto:scotland@equalityhumanrights.com)  
[equalityhumanrights.com](http://equalityhumanrights.com)

**From:** Chair and CEO <ChairandCEO@equalityhumanrights.com>

**Sent:** 21 February 2025 15:38

**To:** Cabinet Secretary for Health & Social Care 2024 <CabSecHSC@gov.scot>

**Cc:** Chair and CEO <ChairandCEO@equalityhumanrights.com>; Correspondence Team <Correspondence@equalityhumanrights.com>; Parliamentary <parliamentary@equalityhumanrights.com>; First Minister <firstminister@gov.scot>; Neil.Gray.msp@parliament.scot

**Subject:** Letter from EHRC CEO, John Kirkpatrick

Dear Cabinet Secretary,

CC: First Minister, John Swinney

Please see the attached letter, sent on behalf of John Kirkpatrick, CEO.

I'd be grateful for confirmation of receipt.

Kind regards,

**[REDACTED] - Section 38(1)(b)**

Equality and Human Rights Commission  
Tintagel House, 92 Albert Embankment, London SE1 7TY

**equalityhumanrights.com**

*My working hours are 8:00 – 16:00*

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e-newsletter



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Our vision and purpose

We're here to stand up for freedom, compassion and justice in our changing times. We do it by promoting and upholding equality and human rights ideals and laws across England, Scotland and Wales. Our work is driven by a simple belief; if everyone gets a fair chance in life, we all thrive.

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The Equality and Human Rights Commission was established by the Equality Act 2006 as the Commission for Equality and Human Rights.

**From:** Scotland Commissioner  
**Sent:** 26 March 2025 18:07  
**To:** First Minister  
**Subject:** Launch of EHRC Strategic Plan 2025 - 2028

Please find attached a letter noting the launch of the Commission strategic plan for 2025 to 2028 that we are publishing today.

You can view the plan at the following link; [EHRC Strategic Plan 2025-2028](#)

We would be pleased to answer any questions you may have on our plan and to meet with you to discuss it further.

Kind regards

Dr Lesley Sawers OBE  
Scotland Commissioner  
Equality and Human Rights Commission



[equalityhumanrights.com](http://equalityhumanrights.com)