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In *For Women Scotland Ltd v The Scottish Ministers (No.2)* [2024] UKSC 12, the UK Supreme Court confirmed that the term “sex” in the Equality Act 2010 refers to biological sex. This judgment is binding on all public bodies in Scotland, including local authorities, and requires compliance in policy, practice, safeguarding, and service delivery.

Under your statutory duties as a service provider and employer, please provide the following for the period 1 January 2023 to the present.

Equality Act 2010 compliance – post-judgment actions

- All policies, HR guidance, service delivery protocols, and staff training materials updated or created to reflect the legal definition of “sex” following the Supreme Court ruling, including draft and final versions.

The Council understands its obligations following the Supreme Court decision in *For Women Scotland Ltd v The Scottish Ministers* (the Supreme Court Decision) and is taking appropriate steps to implement any changes that are required. This includes reviewing relevant documentation to ensure that it is compliant.

As part of this work a review of all employment policies was undertaken. Council officers were satisfied that none of these policies defined sex, and therefore no amendments were required.

The Council has a digital learning resource – LGBT+ Awareness which has been removed from our learning platform at present while it is reviewed to ensure that it is compliant with the Supreme Court decision and the associated EHRC Guidance.

Work remains ongoing in relation to the other documentation falling within the scope of question 1a. As such (i) there may be further documents made available for future publication; and (ii) the Council does not presently hold final new or updated copies of any further such document.

The Council's Legal team have also provided ongoing legal advice to employees within relevant Council Services regarding the outcome of the Supreme Court Decision and the appropriate next steps. The correspondence that you are requesting forms part of confidential communications between solicitors and the council officers that have requested the advice and is protected in terms of legal professional privilege

- Records showing the dates these updates were approved, communicated, and implemented (e.g. email circulars, intranet notices, training attendance logs).

See response above. This information is not held. The Council, as a Scottish public authority, is not required to create information in order to answer a request for information under the Act.

- If no changes were made, provide the Council's formal legal rationale for why the ruling did not require amendments.

See response above. The Council is taking appropriate steps to implement any changes that are required. This includes the provision of legal advice by the Council's Legal team to employees within relevant Council Services regarding the outcome Supreme Court Decision and the appropriate next steps.

Safeguarding and compelled belief

- Current safeguarding policies for mixed-sex spaces (public toilets, changing rooms, refuges, sports facilities) and any risk assessments or equality impact assessments (EQIAs) conducted since January 2023.

Your request is too wide to amount to a request for information that can be reasonably complied with. The request would impose too great a burden on the Council in seeking to provide a reply.

The Council employs in excess of 19,000 persons and is responsible for providing services across a large range of areas including (but not limited to) education, children's social work, housing, culture and leisure, roads maintenance and waste collection and recycling. The Council has over 600 buildings in its estate.

Your request for safeguarding policies for mixed-sex spaces and/or risk assessments and/or equality impact assessments (known as Integrated Impact Assessments at the Council) in relation to the provision of services across the Council's estate would require to be considered and responded to at a local level. As a result, your request is so wide as to be incapable of being reasonably gathered.

Given the number of services and building in the Council's estate, we are unable to provide you with the information you have requested as the cost to the Council of locating, retrieving and providing you with the information far exceeds the statutory maximum of £600.

- Copies of any staff guidance or contractual clauses addressing the prohibition of compelled belief in "gender identity" or similar concepts as a condition of employment, training, or service access.

This information is not held.

- If such safeguards are absent, provide the explanation and any planned timetable for implementation.

Responding to this part of your request would require the Council to create and record this information and the Council, as a Scottish public authority, is not required to create information in order to answer a request for information under the Act.

Immigration eligibility, HC2 certificates, and resource allocation

- Written procedures and instructions on verifying immigration status for access to housing, homelessness services, social care, HC2 certificate facilitation or support, and any other Council-funded or Council-administered public services.

The Refugee and Migration Team does not currently have its own procedures but ensures practice is consistent with the [Migration Scotland's national guidance](#) to local authorities on migrant's rights and entitlements. A recent audit of Council services has recommended development of internal procedures. Further detail on that recommendation, including timescales for that development, is contained in the Refugee and Migration Services audit listed below.

We hold a document from the UK Government: 'Transition to eVisas Local Authority FAQ pack 081024'. This is intended for original recipients only and cannot be released.

We do not hold further levels of guidance on immigration for staff due to the changing nature of the legal advice for applicants and therefore we will revert to websites for up to date advice rather than having to continually update any guidance for staff.

- Any internal or external legal advice obtained since January 2023 on eligibility of non-UK nationals for the above services, including HC2 certificate entitlement.

The correspondence that you are requesting forms part of confidential communications between solicitors and the council officers that have requested the advice and is protected in terms of legal professional privilege

- Data (aggregated if necessary to protect personal information) showing the number of individuals provided with each of the above services — including those supported in obtaining HC2 certificates — who did not have settled UK status.

I am requesting aggregated data only (no personal identifiers) showing the number of individuals who accessed each of the listed services — housing, homelessness services, social care, HC2 certificate facilitation/support, and any other Council-funded or Council-administered public services — from 1 January 2023 to the present, broken down by immigration/residency status where held in your records.

For clarity, this means any categories already used in your systems, such as:

- Settled status
- Pre-settled status
- Refugee / asylum seeker
- No Recourse to Public Funds (NRPF)
- Other / unknown

Where precise categories are not held, please provide the data in whatever form it is recorded.

Over the period the period 1 January 2023 to the present, the Council supported 290 people with 212 dependents whose immigration status was irregular. The Council does not routinely record data on HC2 certificate facilitation.

Public funds and third-party influence

- Itemised list of all payments, grants, membership fees, or consultancy contracts with Stonewall or similar lobbying/advocacy organisations since January 2023, including purpose, amount, and date.

Since January 2023 the total spend has been £5650. There has been no such spend in financial year 2025/26. Spend has been on subscription renewal (twice) to Stonewall Scotland's Diversity Champions membership and two online conference places.

All EDI-related expenditure over £500 in the same period, stating the supplier, nature of service, and date.

The information is not held because it is not possible to quantify spend on measures relating to Equality, Diversity and Inclusion. In addition, the costs associated with progressing equality and diversity are contained within several areas including training costs, advisory work and measures adopted and implemented.

There is no central oversight and no central source of information about all costs related to equality, diversity and inclusion.

- Copies of any deliverables or reports produced under these contracts.

A report was received in 2024 which was provided by a 3rd party to the Council subject to confidentiality. The 3rd party provided it on a confidential basis and with the expectation that confidentiality would be maintained. The 3rd party has not released the Council from that obligation of confidentiality and the Council reasonably anticipates that there would be an actionable breach of confidence if the report was released. Furthermore the report represents commercially sensitive information and it would be to the substantial prejudice of the 3rd party's commercial interests if the report was released. The Council considers that it would be to the real and demonstrable prejudice to the 3rd party report provider to release the report.

The Council further considers that the Committee progress report on 19th November 2024 on workforce EDI noted aspects from the report (which were able to be released and which were not confidential). This can be viewed here:

<https://democracy.edinburgh.gov.uk/documents/s76928/8.2%20-%20Foster%20a%20Culture%20of%20Equality%20Diversity%20and%20Inclusion.pdf>

Oversight, audits, and remedial action

- Reports of internal audits, compliance reviews, or external assessments relating to Equality Act 2010 compliance, safeguarding, or immigration/resource eligibility since January 2023.

There are 3 reports that meet this criteria

Social Care Direct (Adult Services)

<https://www.edinburgh.gov.uk/downloads/file/35888/hsc2401-social-care-direct-adult-services->

Refugee and Migration Services

<https://www.edinburgh.gov.uk/downloads/file/37370/cej2403-refugee-and-migration-services-integrated-impact-assessments>

- Minutes of meetings (Council, committee, or officer level) where these findings were discussed.

Social Care Direct: Governance, Risk and Best Value Committee 31 October 2024

<https://democracy.edinburgh.gov.uk/ieListDocuments.aspx?CId=138&MId=7217&Ver=4>

Refugees and Migration Services and Integrated Impact Assessments: Governance, Risk and Best Value Committee

<https://democracy.edinburgh.gov.uk/ieListDocuments.aspx?CId=138&MId=7221&Ver=4>

- For each identified deficiency or breach, provide:
 - the finding;
 - the explanation for why it occurred;
 - the agreed corrective action;
 - the implementation date or planned completion date.

This information is in the audit reports (links above)