

61480 Communications UKSC Judgement FWS v Scottish Ministers

The Council would draw your attention to previous FOI disclosures and responses which are available to view on the Council [Disclosure Log](#) that have provided some of the information you have requested and some other relevant information:

- [55315](#)
- [56517](#)
- [57075](#)
- [57076](#)
- [57089](#)
- [57110](#)
- [57560](#)
- [57687](#)
- [57829](#)

Can you provide copies of any communications (emails / letters / direct messages) received or sent by members of the Senior Executive Team at Edinburgh City Council during the period 16 April 2025 to 16 April 2026 and which refer to the UK Supreme Court judgment in the case For Women Scotland Ltd v Scottish Ministers.

The Council has previously provided information falling within the scope of this request under its response to request 57076, which provided correspondence between Dr Deborah Smart- the Executive Director of Corporate Services, Council Group Leaders and members of the Councils Equality Working Group. This correspondence discussed the Council's response to the EHRC Code of Practice Consultation for 2025.

The Council holds communications falling within the scope of this request that have been received or sent by the Council's Senior Executive Team in relation to the provision of legal advice regarding the Supreme Court's decision in For Women Scotland and the appropriate next steps. This correspondence forms part of confidential communications between solicitors and the Senior Executive Team and is protected in terms of legal professional privilege.

It is noted that there are particular sensitivities surrounding questions of gender identity and biological sex. The Council considers that officers need to be able to develop, discuss and consider their approach to any potential important policy and guidance changes that need to be considered in light of recent caselaw. In order to fully consider potential change to guidance or position, internal communications and briefings are key parts of the process of deliberation. Moreover, some of these communications and briefings discuss developing ideas and are not reflective of the current position and subject to change. The disclosure of such information would be prejudicial to the Council's ability to fully consider different options before finalising a view on certain areas of guidance.

Can you provide copies of any communications (emails / letters / direct messages) received or sent by members of the In-house Legal Team at Edinburgh City Council during the period

16 April 2025 to 16 April 2026 and which refer to the UK Supreme Court judgment in the case *For Women Scotland Ltd v Scottish Ministers*.

Please see the response above in relation to the legally privileged communications sent or received by the Council's Senior Executive Team.

The Council has determined that this position also applies to other communications sent or received by the Council's Legal Team falling within the scope of this request.

Can you provide copies of any (internal or external) briefings / reports received or sent by members of the Senior Executive Team at Edinburgh City Council during the period 16 April 2025 to 16 April 2026 and which refer to the UK Supreme Court judgment in the case *For Women Scotland Ltd v Scottish Ministers*.

A report falling within the scope of this request was put before Councillors at the Education, Children and Families Committee on 2 September 2025, in relation to certain mandatory changes had to be made to the school estate to ensure the Council was acting lawfully in terms of single sex spaces (Item 8.2 'Support for Transgender Pupils in Schools Update'). The contents of the report were noted at committee meeting of 2 September 2025 and as described in FOI response 57687 referenced above.

Please see the Council's responses above in relation to legally privileged communications that have been provided to Senior Executive Officers by the Council's Legal Team and which fall within the scope of this request. The Council has determined that this position also applies to internal briefings and reports sent or received by the Council's Legal Team falling within the scope of this request.