

From: Helen Sullivan (Hywel Dda UHB - Head of Partnerships, Diversity and Inclusion)
To: Lee Davies (Hywel Dda UHB - Executive Director of Strategy and Planning); Paul Williams (Hywel Dda UHB - Head of Property Performance); Paul Williams (Hywel Dda UHB - Assistant Director Of Strategic Planning); Sharon Hughes (Hywel Dda UHB - Principal Programme Manager Transformation); Eldeg Rosser (Head of Capital Planning); Clare Emanuel (Hywel Dda UHB - Senior Capital Programme Manager - Planning); Helen Morgan-Howard (Hywel Dda UHB - Head of Transformation Programme Office); Sharon Daniel (Hywel Dda UHB - Executive Director of Nursing - Quality & Patient Experience); Janice Cole-Williams (Hywel Dda UHB - Assistant Director of Nursing); Anna Chiffi (Hywel Dda UHB - Assistant Director of Nursing - Patient Safety - Quality); Olwen Morgan (Hywel Dda UHB - Assistant Director of Nursing)
Cc: Eiddan Harries (Hywel Dda UHB - Senior Diversity and Inclusion Officer); Alan Winter (Hywel Dda UHB - Senior Diversity and Inclusion Officer); Kylie Daniels (Hywel Dda UHB - Senior Diversity and Inclusion Officer); Anna Bird (Hywel Dda UHB - Strategic Partnerships)
Subject: EHRC consultation on their Code of Practice following the Supreme Court ruling
Date: 22 May 2025 15:30 00
Attachments: [image001.emz](#)
[image003.png](#)
Importance: High

Hi all,

Following on from my email below, the Equality and Human Rights Commission has opened the consultation on their Code of Practice for services, public functions and associations. The aim of the consultation is to ensure that the changes made to the Code of Practice, as a result of the recent Supreme Court ruling, are accurate, accessible and provide clarity on the Health Board's duties, as a public body and provider of health care services, under the Equality Act. Please note, the EHRC are consulting on changes to their Code of Practice that are in relation to the provision of services so the Health Board response will be as a provider of health care services, not as an employer.

We would be grateful for your contributions to the Health Board response to this important consultation as consideration needs to be given to whether the explanation for each of the changes is clear and there is the opportunity to comment on whether you think that the Health Board would need to make any changes as a result of the update/changes to EHRC guidance (this could include changes to policies, procedures or practices, the potential impact on our estate and single-sex facilities for patients/service users).

If you would like to contribute to the Health Board response, you can access the consultation page for the Code of Practice on services, public functions, and associations via the link below. This will open in a new window, allowing you to review the information and the questions being asked as part of the consultation. There is no requirement to answer every question—please focus on the areas most relevant to your work.
www.equalityhumanrights.com/equality/equality-act-2010/codes-practice/code-practice-services-public-functions-and-associations

To ensure your feedback is included in the Health Board's response, please complete the following form:
[Equality and Human Rights Commission Code of Practice Consultation 2025](#)

Your contribution to this consultation must be submitted by **20th June**.

Please note that all responses submitted via the MS Forms link will contribute to the Health Board's organisational submission. If you wish to respond as an individual citizen, please visit the main consultation page and select the online survey option.

The consultation is due to close at the end of June - originally it was only going to be open for two weeks but the EHRC quickly realised the sheer number of stakeholders and interested parties who have a view and might be impacted by the changes in guidance. I will, of course, keep you updated as this situation continues to develop and, in the meanwhile, if you have any queries, please contact myself or the Business, Partnerships and Inclusion team at inclusion.hdd@wales.nhs.uk.

Many thanks
Helen

From: Helen Sullivan (Hywel Dda UHB - Head of Partnerships, Diversity and Inclusion)
Sent: 06 May 2025 12:21
To: Lee Davies (Hywel Dda UHB - Executive Director of Strategy and Planning) <Lee.Davies3@wales.nhs.uk>; Paul Williams (Hywel Dda UHB - Head of Property Performance) <Paul.Williams9@wales.nhs.uk>; Paul Williams (Hywel Dda UHB - Assistant Director Of Strategic Planning) <Paul.Williams19@wales.nhs.uk>; Sharon Hughes (Hywel Dda UHB - Principal Programme Manager Transformation) <Sharon.Hughes66@wales.nhs.uk>; Eldeg Rosser (Head of Capital Planning) <Eldeg.W.Rosser@wales.nhs.uk>; Clare Emanuel (Hywel Dda UHB - Senior Capital Programme Manager - Planning) <Clare.Emanuel@wales.nhs.uk>; Helen Morgan-Howard (Hywel Dda UHB - Head of Transformation Programme Office) <Helen.Morgan-Howard@wales.nhs.uk>; Sharon Daniel (Hywel Dda UHB - Executive Director of Nursing, Quality & Patient Experience) <Sharon.Daniel5@wales.nhs.uk>; Janice Cole-Williams (Hywel Dda UHB - Assistant Director of Nursing) <Janice.Cole-Williams@wales.nhs.uk>
Cc: Eiddan Harries (Hywel Dda UHB - Senior Diversity and Inclusion Officer) <Eiddan.Harries@wales.nhs.uk>; Alan Winter (Hywel Dda UHB - Senior Diversity and Inclusion Officer) <Alan.Winter@wales.nhs.uk>; Kylie Daniels (Hywel Dda UHB - Senior Diversity and Inclusion Officer) <Kylie.Daniels@wales.nhs.uk>
Subject: Single sex facilities and the recent Supreme Court ruling

Hi all,

I am unable to make the next meeting of the Strategic Property & Environment Task Force Group and the AHMWW Infrastructure and Estates Sub Group isn't meeting until June so I wanted to bring your attention to the recent Supreme Court ruling for *Women Scotland v The Scottish Ministers* on the definition of sex being biological sex, as it applies to the Equality Act 2010.

Following the ruling, the Equality and Human Rights Commission (EHRC) has released [interim guidance](#) which says that in workplaces and services open to the public

- **Trans women (biological men) should not be permitted to use the women's facilities and trans men (biological women) should not be permitted to use the men's facilities, as this will mean that they are no longer single-sex facilities and must be open to all users of the opposite sex.**
- **In some circumstances the law also allows trans women (biological men) not to be permitted to use the men's facilities, and trans men (biological woman) not to be permitted to use the women's facilities.**
- **However where facilities are available to both men and women, trans people should not be put in a position where there are no facilities for them to use.**
- **Where possible, mixed-sex toilet, washing or changing facilities in addition to sufficient single-sex facilities should be provided.**
- **Where toilet, washing or changing facilities are in lockable rooms (not cubicles) which are intended for the use of one person at a time, they can be used by either women or men.**

This is a change to the guidance previously followed by public services, where trans women and trans men were able to use the facilities in accordance with the gender they identify as, unless excluding them on the basis of biological sex is a 'proportionate means of achieving a legitimate aim'. A legitimate aim could be reasons of privacy, decency or to prevent trauma (e.g. domestic abuse refugees, SARC's).

EHRC are due to consult on the development of full guidance by mid-May, to replace the interim guidance (link above) that they released following the ruling. The consultation will only be for 2 weeks and we will be participating in the consultation and awaiting the outcome because, as a public body, we rely on such guidance to help us adhere to the Equality Act.

Welsh Government have made an initial statement:

The Welsh Government respects the decision of the Supreme Court. We will take the time to consider the judgment and the interim guidance from the Equality and Human Rights Commission carefully and take the steps required to meet our obligations under the Equality Act 2010 as clarified by the ruling. According to the ruling the provisions of the Equality Act 2010 relating to the protected characteristic of sex can only be interpreted as referring to biological sex. The ruling will also impact on the provision of single-sex spaces as set out in the Act.

Hywel Dda UHB and the other Health Boards/Trusts are also taking time to review the implications of the Supreme Court ruling and await the full guidance from EHRC and a position statement from Welsh Government. However, if there is a need for more gender-neutral facilities as a result of the ruling and subsequent EHRC guidance, this will have an impact on the Health Board's estate – new developments and current facilities, for patients and staff. Therefore, I wanted to bring this to your attention and will keep you all updated, as this complex and sensitive situation develops.

Best wishes
Helen

<p>Helen Sullivan Pennaeth Partneriaethau, Amrywiaeth a Chynhwysiant</p> <p>Bwrdd Iechyd Prifysgol Hywel Dda Bloc 6 Ysbyty Prince Philip Llanelli SA14 8QF</p> <p>Ffôn: [REDACTED] WHTN: [REDACTED] ebost: heleen.sullivan@wales.nhs.uk</p> <p>Hi/Hi ydy'r rhagenwau sydd orau gen I</p> <p>Book time with me</p>	<p>Helen Sullivan Head of Partnerships, Diversity and Inclusion</p> <p>Hywel Dda University Health Board Block 6 Prince Philip Hospital Llanelli SA14 8QF</p> <p>Phone: [REDACTED] WHTN: [REDACTED] email: heleen.sullivan@wales.nhs.uk</p> <p>- My pronouns are She/Her</p>
---	--

