

Meeting between The Scottish Government (SG) and Equality and Human Rights Commission (EHRC).

30th April 2025

Online

SG Officials:

John Somers, Director for Equality, Inclusion and Human Rights
Gillian Russell, Director of Health Workforce
Catherine McMeeken, Deputy Director, Equality Division
[REDACTED], Unit Head, Equality Division
[REDACTED], Unit Head, Workforce Practice
[REDACTED], Team Leader, Workforce Practice Unit
[REDACTED], Family Law Unit Head

EHRC Officials:

[REDACTED], Chief Executive
[REDACTED], Principal Litigation & Advisory
[REDACTED], Senior Principal Head of Scotland

1. Actions following UK Supreme Court Judgment

- SG confirmed their position, that they accept the outcome of the Supreme Court Judgment and provided an update on immediate action taken since the ruling.
- SG pointed to risk in updating guidance in advance of the updated Code of Practice publishing given potential misalignment in an area of existing legal complexity.
- EHRC confirmed that as a matter of urgency they are preparing to update the Code of Practice but that **duty bearers should not wait until the Code is published before implementing the judgment.**
- EHRC and SG discussed the high level of public interest in the judgment, noting the risks stemming from misrepresentations of the law.
- EHRC highlighted that publishing the Interim Update was done to provide clarity on the judgment.

2. Updating the Code of Practice

- EHRC confirmed they will consult on the revised Code of Practice, building on their most recent consultation on the Code.
- EHRC and SG agreed to continued engagement during the consultation period.
- Action - SG to consider how best to provide feedback on the revised Code of Practice.

3. SG readiness

- SG updated on their readiness plan, highlighting that the Permanent Secretary has convened a Short Life Working Group consisting of all relevant portfolios

cross government. The group will review legislation, policies and guidance impacted by the judgment.

- SG reiterated that they are moving at pace to ensure that review work positions them into a state of readiness for when the updated Code of Practice is published.
- EHRC noted the approach taken by SG and reiterated that the Code will not be able to cover every example or situation that organisations might need to consider and that organisation should be seeking their own advice to help their implementation of the judgments.

4. EHRC Letter to NHS Fife

- EHRC and SG briefly discussed the letter sent to the NHS Fife Chief Executive. The EHRC reiterated the points made in the letter. SG noted they would follow up with the EHRC on the issues raised on the application of the 'Once for Scotland' policies by health boards.

The meeting closed with both SG and EHRC agreeing to meet at an appropriate point once the consultation on the revised Code of Practice has been published.