



22 August 2025

By email from: info@forwomen.scot
to: permanentsecretary@gov.scot

Dear Mr Griffin,

We wrote to you on 24 June 2025 (copy attached) asking for an investigation into a breach of the Civil Service Code after *<Name and job role redacted>* stated during a meeting on 05 June 2025 that the EHRC had advised the Scottish Government to wait for the final Code of Practice to be published and was content for no action or updates to guidance to be taken in advance of that.

Not only was this contrary to all public messaging from the EHRC since the UK Supreme Court judgment in *For Women Scotland v Scottish Ministers*, but it was directly contested by the Chair of the EHRC, Baroness Falkner, who stated in a letter to our organisation that the EHRC had been clear in conversations with the Scottish Government that they should not wait for the Code and policies and practices should be updated.

As part of the investigation we provided the Director of Propriety and Ethics with a transcript (copy attached, see pages 3, 6 & 9)) and personal recording of the 05 June meeting as evidence of the statements made by *<Name redacted>*.

Despite this, you concluded in your letter of 24 July 2025 that the EHRC's position had not been misrepresented by *<Name redacted>* and no issues arose in terms of compliance with the Civil Service Code.

However, further information has come to light via a Freedom of Information response from the Scottish Government which released the minutes of a meeting between officials and the EHRC on 30 April 2025 (see attached). This very clearly shows that the EHRC advised the Scottish Government officials not to wait until the Code is published before implementing the judgment. *<Name redacted>* was in attendance at this meeting.

There could scarcely be a clearer breach of the values of honesty and integrity under the Civil Service Code, along with a complete dereliction of duty to uphold the law by (still) failing to implement the Supreme Court judgment. *<Name redacted>* and other officials were told "do not wait" on 30 April by the EHRC, yet only a few weeks later repeatedly told us that the EHRC said "wait". This is fully documented and evidenced.

These minutes should have formed part of the investigation by your Propriety and Ethics team and it is concerning that they were overlooked. They prove Baroness Falkner's

statement was indeed wholly correct and the comments made by <Name redacted> did not just merely misrepresent the EHRC, but dishonestly presented the opposite position to multiple organisations. Why this was done, we can only speculate, but it certainly seems to have been deployed as justification for the Scottish Government delaying implementation of the Supreme Court ruling, if not outright defying it.

We are therefore not satisfied that the conclusion reached by your team's investigation is correct, and request that our complaint of a breach of the Code of Conduct is now escalated to the next stage and independently reviewed.

We would appreciate a swift resolution of this matter and look forward to hearing from you.

Yours sincerely,

Trina Budge, Marion Calder and Susan Smith
Directors, For Women Scotland