



PROTECTING THE RIGHTS OF WOMEN & CHILDREN

23 February 2026

Dear James Rogers,

Thank you for your reply in response to our deputation of 14 January. We note however that your reply does not engage accurately with your legal duties.

In relation to your provision of services, your claim that 'you have a duty to consider this [EHRC Code of Practice for services] statutory guidance' which has yet to be considered and approved by Parliament, before reviewing your provision of services, is incorrect.

First, the Code of Practice is 'guidance' as to how to apply the Equality Act, as clarified by the Supreme Court, in the context of services, public functions and associations which, once approved by Parliament, will have legal status. At that stage you will, as you correctly state, have a duty to consider it. However, in the interim, you still have a duty to comply with the law - the Equality Act, as clarified by the Supreme Court. That duty is not conditional on the existence of an approved Code of Practice with legal status. The EHRC has stated that organisations should not wait for the approved Code of Practice before taking action to ensure compliance with the Equality Act. Bridget Phillipson, Secretary of State, also said on 22 February on Sky TV (Sunday Morning with Trevor Phillips), that organisations 'don't have to wait for the code of practice'. Therefore, Leeds City Council has a legal duty to act now, and without further delay, to ensure that its provision or commissioning of services complies with the law. The Government's delay in putting the Code of Practice before Parliament does not mean that you can delay reviewing and, where necessary, amending how you provide and commission services.

Second, as we are sure you are aware, a recent legal challenge [Good Law Project V EHRC] to the interim guidance for employers and service providers, issued by the EHRC in April 2025, failed on all counts. The interim guidance will, therefore, constitute guidance that the Council can follow, in the absence of the more extensive Code of Practice that has still to be considered by Parliament, to ensure that its services, as well as treatment of its employees, comply with the law.

In the absence of the approved Code of Practice, where you consider it unclear what is required to ensure compliance with the law, your duty is to take reliable legal advice as to how to apply the Equality Act to your provision or commissioning of services. That legal advice should be sought from organisations or legal experts who were not involved in previously giving misleading legal advice about how to understand 'sex' in the Equality Act or who oppose the interpretation of 'sex' that was clarified by the Supreme Court.

Third, the delayed Code of Practice is intended to provide detailed guidance only in relation to the provision of services. The Supreme Court ruling and interim guidance issued by the EHRC clarifies the duties and legal obligations of employers under the Equality Act, and specifically that 'sex' has its biological meaning. This is sufficiently clear to enable all employers to review their practices and policies to ensure that they comply with the Equality Act. Your legal duty is, therefore, to urgently ensure that this is the case. No delay is legally justifiable and, to any extent that you have not reviewed your policies and practice in relation to employees, to ensure compliance with the Supreme Court ruling, you are in violation of the law.

Furthermore, the Workplace Regulations 1992 also apply, and require that toilets and changing facilities should be provided separately for men and women, where those terms have the same biological reference as in the Equality Act.

Therefore, as requested in our deputation statement, we ask the Council to confirm that:

1. It is urgently acting to implement the Supreme Court judgment across all policies and practices, in relation to its employees and the services it provides.
2. Where review is still ongoing, the timeline and scope of that review.

And:

3. It acknowledges that there is no lawful basis for delaying implementation of the Supreme Court ruling and review of policies and practices, even though the updated Code of Practice for services has not been presented to Parliament.

We look forward to receiving confirmation that Leeds City Council will be taking urgent action to comply with the legal obligations set out herein.

Yours sincerely,

Jane Rogers, Coordinator

Women's Rights Network, Leeds