

House of Commons: Written Statement (HCWS67)

Women and Equalities

Written Statement made by: **Secretary of State for Education and Minister for Women and Equalities (Bridget Phillipson)** on 21 May 2026.

Equality Act 2010 update

The Equality and Human Rights Commission (EHRC) is the independent equality regulator and ensures compliance with the Equality Act 2010. Their Code of Practice on Services, Public Functions and Associations covers all nine protected characteristics and the steps the EHRC considers service providers should take into account when ascertaining how to comply with the law. We share the EHRC's commitment to ensuring duty bearers and service users have accurate and up-to-date guidance on the Equality Act 2010 including in the light of the recent Court rulings.

We are grateful to the EHRC for their work on the draft Code. The EHRC has rightly focussed on ensuring the draft Code is accessible and provides a wide range of examples for duty bearers.

The Equality Act 2006 states that before issuing a Code of Practice, the EHRC shall submit a draft to the Secretary of State to make a decision whether to approve it; and then if it is approved, the Secretary of State lays the draft before Parliament. Earlier in this process, as required, I consulted the Scottish and Welsh Governments.

I have approved the draft Code submitted on 4 September 2025 and as updated by the EHRC in April 2026 following engagement with government and their consideration of consultation responses and further legal analysis.

The current Code was produced in 2011 and there have been significant developments since then, including the Supreme Court ruling in *For Women Scotland*, resulting in the EHRC wanting to update the Code.

Following last year's Supreme Court ruling, the draft Code's content on sex and gender reassignment has changed substantially from the 2011 version. The ruling made it clear that sex means biological sex for the purposes of the Equality Act 2010 and that trans people are still protected by the Act under the protected characteristic of 'gender reassignment'.

A number of other changes were made as part of updating the 2011 Code across all protected characteristics, including highlighting protections for disabled people, and advice on pregnancy and maternity discrimination as well as age discrimination. The draft Code now before Parliament more accurately reflects the position on all protected characteristics. This includes protections for women whose menopause has a substantial and long-term adverse effect on their everyday life, as well as updates to reflect legislative changes on same-sex marriage.

This government is proud of the Equality Act 2010 and will protect and uphold it; this Code is an

important step in ensuring that organisations across Great Britain have clear guidance regarding its implementation, protecting people's rights across our country.

The draft Code will be laid before Parliament in both Houses for a 40-day period, in line with the Equality Act 2006. If neither House disapproves the draft within this time period, the Code currently in force will be revoked by means of a negative procedure statutory instrument and the new Code will be commenced by a separate statutory instrument.

I have therefore laid the Equality Act 2010: Draft Code of Practice for Services, Public Functions and Associations in Parliament today, with an Explanatory Memorandum, in line with the Equality Act 2006.