

T: 0300 244 4000
E: scottish.ministers@gov.scot

Karen Adam MSP
Convener
Equalities, Human Rights and Civil Justice
Committee
Scottish Parliament
Email: ehrcj.committee@parliament.scot

Dear Karen,

I would like to take this opportunity to thank you and the Equalities, Human Rights and Civil Justice Committee for your inquiry into the operation of the Public Sector Equality Duty (PSED) in Scotland.

I have now been able to consider your findings and conclusions in detail. I have provided detailed remarks at Annex A of this letter. Annex B outlines my response to the Committee's request for further details on the Supreme Court Ruling on *For Women Scotland v The Scottish Ministers* and how it impacts on the PSED.

I value the perspectives that duty-bearers, equality organisations, and the Equality and Human Rights Commission (EHRC) brought forward in their evidence, as well as the Committee's analysis and conclusions. They have added to the body of evidence about how the duty is implemented in practice. Their insights on the hurdles organisations may face in having due regard to tackling discrimination, advancing equality of opportunity and fostering good relations through mainstreaming the PSED, and how these could be overcome, were very welcome.

The Committee will be aware that the PSED as set out in Section 149 of the Equality Act 2010 is UK legislation, and Scottish Ministers have no power to change it. Scottish Ministers do have limited powers to amend the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 ("the Scottish Specific Duties" or "SSDs"). Scottish Ministers can also help to shape the environment in which the SSDs are operationalised. I believe that the inquiry confirmed the importance of this kind of enabling, non-regulatory work.

As you will see in my response below, I have instructed my officials to utilise the report's findings to help inform the Scottish Government's work to improve the operation of the PSED, where appropriate. Importantly, the Committee's conclusions also informed the proposals for activity to enable listed authorities to better perform the PSED set out in the report under Regulation 12(1) of the SSDs that we published on 8 December. I would welcome engagement with the Committee on these proposals, once you have reviewed them.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

Where we see hate and division, for example against refugees and people seeking asylum or against the trans community, the effectiveness of the PSED and the SSDs across public bodies in Scotland is key. There is no place for any form of hatred, discrimination or prejudice in this country; everybody in Scotland should feel safe and be able to thrive. I firmly believe that the PSED and the SSDs can help us make Scotland a welcoming, diverse, and fair home for everyone.

I am looking forward to discussing the issues with the Committee further on 13 January.

Yours sincerely,

KAUKAB STEWART

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE[™]
We invest in people Silver



General Remarks

I welcome the report's findings and its contribution to the ongoing dialogue around equality, diversity, and inclusion in Scotland. I recognise many of the conclusions the Committee has drawn based on the evidence provided from across the wider public sector and equality organisations, amongst others.

I clearly acknowledge the importance of ensuring that public bodies meet their obligations under the Equality Act 2010, and that the PSED framework does drive meaningful change for the people who experience the most inequality and discrimination. I particularly welcome the report's emphasis on the need to have due regard to fostering good relations.

As I point out elsewhere in this response, ensuring that different groups in our society can live well with, and alongside, one another is key. This is particularly the case in our current times, where public discourse regarding equality and rights is too often framed in ways that pit groups with different protected characteristics against one another.

I believe that the people in Scotland want to live in a country that is respectful, compassionate and caring; and I am committed to protecting the rights of all. The PSED and the SSDs are important tools to achieve that goal. Both have been integral to a wide range of developments for groups with protected characteristics in Scotland since their introduction. They have increased awareness of equality issues, and the SSDs have created a structured framework to guide the public sector in the integration of equality considerations into their day-to-day functions and the gathering of equality data.

Together with my officials, I will continue to lead PSED improvement activity to further encourage more effective performance of the duty. The government's proposals for activity to enable listed authorities to better perform the PSED are set out in detail in the report published pursuant to Regulation 12(1) of the SSDs ("Regulation 12 report"), on 8 December. The Committee's conclusions, alongside other evidence, were considered in the development of these plans.

Our newly published suite of Mainstreaming products is an important step towards providing that encouragement and improving capability across the public sector.

For example, our Equality and Human Rights Mainstreaming Strategy sets out the Scottish Government's approach to embedding equality and human rights into everything it does across government and the wider public sector. We have developed this Strategy through extensive engagement with communities, organisations, and individuals, including those with lived experience of inequality and exclusion. These voices have shaped this work, and they will continue to guide us. We recognise that although a Strategy provides encouragement, it does not achieve change on its own. Therefore, to support this Strategy we also published two key resources, an Action Plan and a Toolkit.

I have structured the remainder of my response in line with the six key themes that make up the structure of your report.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE[™]
We invest in people Silver



Understanding of the PSED

In the report, the Committee urged the Scottish Government to provide “leadership, direction and investment to provide the foundations of understanding that will be critical to improving outcomes”.

I agree it is paramount to ensure duty-bearers have a solid understanding of the PSED and its underlying aims. The inquiry found that some public bodies have a good understanding and awareness of the PSED, but this is inconsistent across the public sector. Deepening duty-bearers’ understanding of the duty, and thus improving the duty’s overall effectiveness, is a key lever for increasing equality across Scotland.

The Committee recommended that public bodies approach the duty with a focus on achieving positive outcomes for equality, rather than conceptualising it as a process-focused exercise. It is important to remember that the PSED is a “due regard” duty. Its strength is in being a wide-ranging and ongoing duty to engage in conscious consideration of the general duty, rather than to require a more narrow focus on identifying and/or achieving particular outcomes.

EHRC technical guidance on the PSED describes it as meaning that “in making decisions and in its other day-to-day activities a body subject to the duty must consciously consider the need to do the things set out in the general equality duty” and says that how much regard is ‘due’ will depend on the circumstances but “the greater the relevance and potential impact, the higher the regard required by the duty.”

These parameters need to carefully guide our approach; we must all be mindful of limits on legislative competence and of the form of this framework, but we must also keep in mind the policy intentions relating to the PSED. The Equality Act, in which it sits, was intended to be “transformative” when it was introduced.

As Minister for Equalities, I have been committed to providing leadership to ensure that public bodies have a strong awareness of the requirements of the PSED and the SSDs and that we do all that we can to tackle inequality in Scotland.

As part of driving positive change and improvement, I have continually emphasised the importance of good-quality equality impact assessment as a key tool to support the development of effective policy interventions to tackle inequality.

As a further important step of advancing equality, on 8 December the Scottish Government launched an online Mainstreaming Toolkit to support the public sector to take practical action to mainstream equality and human rights.

I will continue to push for culture change across the public sector in Scotland to gain maximum value from the PSED and the SSDs. To raise the profile of the duties, I have written to listed authorities on 16 December, using the power under Regulation 11 of the SSDs to require listed authorities to consider specific matters when carrying out particular duties under the SSDs.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew’s House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE™
We invest in people Silver



Enhancing capability and culture across the public sector is one of the five focus areas for our work over the next four years, as set out in proposals recently published pursuant to Regulation 12(1) of the SSDs. To increase knowledge and capability, we are going to support the establishment of Communities of Practice, enabling public sector organisations to share resource and expertise.

Delivering on the aims of the PSED

A focus on impact, not processes

In its report, the Committee urged “the Scottish Government to provide leadership and guidance to ensure that public bodies place realising outcomes at the core of their work and not simply see the PSED as an administrative ‘tick box’ exercise”.

As a duty-bearer, the government is committed to realising equality outcomes through our own work. We recognise that the reason the PSED was created was to make impact. The PSED is a legal duty to have due regard rather than to achieve any specific goals. Scottish Ministers’ power to impose the SSDs is accordingly limited to procedural matters. But the policy intent is clearly for the PSED and the SSDs to drive change.

And there are indeed positive examples from across the public sector that show that some public bodies do understand and use the PSED as a framework that delivers positive outcomes for equality.

It is important to highlight that the Scottish Government does not have a formal role in providing guidance to other duty-bearers on the PSED or the SSDs. Oversight and enforcement of the duties are matters for the EHRC and, ultimately, the courts.

I recognise the importance of visible leadership from the Scottish Government. Role-modelling and encouraging effective practice will drive improvements across other listed authorities. We have hosted a series of roundtable events relating to setting equality outcomes, which were attended by over a hundred duty-bearers. I attended these sessions to reinforce the importance of the work and the Scottish Government’s leadership role. The events provided duty-bearers with an opportunity to engage directly with me and the team responsible for policy work related to the PSED framework, learn from our approach to setting equality outcomes, and connect with peers to share experiences and build relationships. We also invited the EHRC to participate in these sessions to offer insight into the regulatory perspective, recognising that providing such guidance is not within our remit.

In addition to the roundtables, I have attended a series of meetings with public bodies to further engage with equality leads and reinforce the Scottish Government’s commitment to gaining maximum value from the PSED framework across the sector. I have used these engagement opportunities to stress the importance of public bodies embracing the spirit of the PSED and the achievement of positive outcomes, rather than focusing just on the process of completing required reporting.

That said, we are actively considering how we can show further leadership in this area. The plans for further improvement action set out under Regulation 12 include identifying ways to continue to:

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

- Demonstrate transparency in our own approach to setting and delivering equality outcomes, allowing other duty-bearers to observe and learn from our processes.
- Facilitate collaboration by bringing duty-bearers together to share experiences, discuss approaches, and build networks that support continuous improvement.
- Support peer learning by creating spaces for public bodies to engage with one another, reflect on challenges, and identify opportunities for more outcome-focused practice.

We will continue to lead by example and foster a culture of shared learning and accountability across the public sector so that listed authorities can act now to improve their implementation of the PSED and the SSDs and enhance equality.

Providing Support to Public Bodies

The Committee highlighted that public authorities feel they face obstacles delivering on the aims of the PSED, and asked “the Scottish Government to examine what can be done to assist public authorities”. The Committee stated further that “the Scottish Government must work with public authorities to better appreciate why this lack of understanding has transpired, including examining the impact of guidance, the influence of external advice and whether appropriate advice has been taken”.

The Scottish Government has taken steps to encourage public bodies’ understanding and implementation of the PSED and the SSDs, including:

- bringing together public bodies to discuss equality outcome setting processes and approaches;
- creating opportunities for public bodies to hear from the EHRC about outcome setting;
- raising the importance of PSED at a range of forums and discussions including with the Scottish Councils’ Equality Network and the Non-Departmental Public Bodies Equality Forum;
- speaking at relevant events such as the Scottish Funding Council conference on equality outcomes; and
- providing support for Equality Impact Assessments to a range of bodies.

However, more remains to be done to ensure the duty is well understood and underpins everything duty-bearers do. Providing support to public bodies to improve capability across the public sector in Scotland will be one of the areas of focus over the next four years. The proposals published in line with Regulation 12(1) of the SSDs on 8 December set out our plans in more detail. These include opportunities for knowledge exchange, including facilitating conferences, symposia, action-learning sets or seminars that bring together listed authorities and expert stakeholders to share learning and develop best practice.

My officials will continue to have discussions with stakeholders, including with the Stakeholder Reference Group (SRG) for PSED improvement, to better understand the level of knowledge of the PSED and SSDs across public authorities in Scotland, including any existing barriers to, and impact of guidance on, understanding this framework.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



Comprehensive Data

The Committee asked the Scottish Government “to progress work on data collection, including examining national data collection”. It noted that “data collection is key to enabling public bodies to be able to design services and respond to challenges”; and that “it is essential that public bodies are able to rely on robust, comprehensive and consistent data”.

I agree that collecting and analysing robust and comprehensive data across Scotland, and making it publicly available, is crucial for advancing equality.

The Scottish Government recognises the critical role that robust equality evidence plays in enabling public bodies to design inclusive services and respond effectively to the challenges faced by different communities. That is why one of our current equality outcomes is specifically focused on improving equality evidence.

This commitment is supported by a series of actions aimed at strengthening how we collect and utilise equality data within the Scottish Government. Our focus is on enhancing the quality, consistency and accessibility of the evidence we hold, and identifying opportunities to improve national data collection where appropriate.

In addition to this, we have been progressing important work to improve the collection and analysis of equality data and make as much of the data as possible available publicly.

The Scottish Government’s current Equality Evidence Strategy 2023-2025, overseen by the Equality Data Improvement Programme Board, is now in its final months. An Interim Review published in December 2024 demonstrated good progress had been made across the Strategy as a whole and the 45 specific actions set out within it. A final evaluation is now underway and will offer an assessment of improvements to the equality evidence base and its use in developing and delivering inclusive policies and services and in the measurement of outcomes for Scotland’s people. This Evaluation will be published in early 2026 and learnings will feed into the development of the next Equality Evidence Strategy.

This third Equality Evidence Strategy will be designed in collaboration with government analysts, policymakers and external organisations interested in improving equality evidence. An initial series of workshops with stakeholders has already heard views on potential areas of focus for the next Strategy, and additional engagement will follow in 2026.

The Scottish Government is committed to leading by example and sharing our learning to support wider improvement across the public sector. Listed authorities have the responsibility to collect and meaningfully analyse their own data to be able to understand, and react to, inequalities and changes over time.

Reporting Cycles

The Committee also highlighted potentially aligning the reporting cycles of the PSED and other existing duties as a way to further support listed authorities.

I am aware of the concerns of some duty-bearers. The reporting aspect of the PSED is important for accountability and is one of the main ways in which Scottish Ministers can enable the better performance by listed authorities of their duty under the PSED.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



I have discussed with my officials the need to review existing reporting cycles under the SSDs and to discuss the issue with our SRG to understand better whether alternative alignment with other reporting obligations could indeed improve PSED compliance. This would be a complex exercise, and would have interplay with other reporting duties on public sector bodies, and those intended to be introduced, such as under or in relation to a future Human Rights Act. So we will take the time needed to do that thoroughly and carefully, and with the advice of our SRG.

Resourcing work to improve PSED understanding and delivery

The Committee also raised the matter of adequate resourcing for the work to improve understanding and delivery of the PSED in Scotland.

I agree that the PSED should not be seen as an “add-on” to existing work but must be integral to public bodies’ existing structures, functions, and actions. As I am sure the Committee will understand, this is what mainstreaming equality is about. With our Mainstreaming Toolkit published in early December, the Scottish Government is providing encouragement to public bodies for a more effective and efficient operation of the duty. I am confident that this will help listed authorities address capability concerns.

I have instructed my officials in the Scottish Government’s PSED Improvement team to work across government to continue to raise the profile of the PSED and the SSDs with public bodies; and to ensure they are aware of the importance of engaging with existing guidance and tools to improve understanding and implementation of the duties.

Balancing protected characteristics and fostering good relations

The Committee highlighted the importance of the PSED need to foster good relations; and that it “must be accompanied by leadership and tangible action”. The Committee further asked me “to provide direction to public authorities on what they should do and prioritise in order to ensure that there is an increased focus on fostering good relations, taking account of all protected characteristics”.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it is a key duty for public bodies under the PSED. At this time, when we are seeing a global push-back on equality and rights, and flashpoints of polarisation, against which there is significant community mobilisation, it is enormously important.

Recent protests outside asylum accommodation and increases in transphobic rhetoric both demonstrate that fostering good relations between different groups is essential for the welcoming, fair, and equal society that we want to have here in Scotland.

We as the Scottish Government will continue to provide leadership and direction to ensure that fostering good relations is prioritised by public bodies.

That’s why I recently announced in my Parliamentary statement, “One Scotland, Many Voices: A Shared Future”, an additional £300,000 investment towards strengthening the work of organisations that build strong and connected communities across the country. The

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

Scottish Government has now partnered with the STV Children's Appeal to distribute the funding. This collaboration means support will reach a wide range of grassroots organisations across Scotland over the next few months, right where it can make the biggest difference.

This is one example of how we are directly supporting organisations that are concerned with upholding rights across a broad range of marginalised communities, including those with protected characteristics, to advance equality, tackle discrimination and foster good relations. This recently announced additional funding sits alongside an existing investment of £7.9 million already allocated to third sector organisations for 2025-26 to support anti-racism work, interfaith dialogue, hate crime prevention and asylum and refugee integration projects.

The additional £300,000 funding will help strengthen the brilliant work already happening in communities every day: tackling poverty, challenging exclusion, improving access to education and employment and supporting local initiatives around sport, wellbeing and connection.

Most importantly, this partnership will help bring people together across generations, backgrounds, cultures, and faiths to take part in shared interests, build relationships and work collectively on the challenges their communities face. This directly contributes to fostering good relations through community projects that bring people together to tackle exclusion, empower communities and strengthen civic bonds.

I am aware of positive examples from public sector organisations, including the Scottish Government itself, of giving due regard to fostering good relations between different groups. However, these efforts are not being consistently reported through the prism of the PSED duties. In many cases, the action is there, but the evidence is not. I believe that more can be done here.

I want to increase the awareness of fostering good relations, as well as the other aims of the PSED, as the ultimate goal of the due regard that public bodies have to give under the PSED. I have committed in the Regulation 12 report to working with listed authorities to raise awareness of the requirement to pay due regard to this need, as well as to identify where current or planned action links to the need to foster good relations.

Proposed Reforms

The Committee asked “the Scottish Government to move quickly with any reforms, ensuring that the reforms are substantive and focussed on measures to improve outcomes”. Moreover, the Committee asked for “further reassurance that the Scottish Government now has the necessary resources in place to drive this reform”.

Improving the operation of the PSED to enhance equality continues to be a priority for me.

I acknowledge the Committee's and equality organisations' concerns about the speed and scope of the Scottish Government's reform of the operation of the PSED in Scotland.

The government has power to change the SSDs as well as the environment in which the SSDs are operationalised. The Scottish Government is doing what we have said we would

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE™
We invest in people Silver



do – which is to deliver an ambitious plan to improve how the SSDs are used to mainstream the PSED. I remain committed to supporting better performance and improving the effectiveness of the operation of the PSED in Scotland.

In recognition of the importance of this work, there is a dedicated PSED Improvement Team created in spring 2025; we are now accelerating progress on PSED improvement activity and set out our plans in our newly published Regulation 12 report.

Our reforms include improvements to the regulatory framework in Scotland, within the limits of devolved competence, and non-regulatory reform to support better performance. This work is complementary to a suite of other mainstreaming work, including the Mainstreaming Strategy, a Mainstreaming Action Plan and an Equality and Human Rights Mainstreaming Toolkit that we published on 8 December 2025. This suite of products sets out our approach to improvement in this space and should provide high-quality encouragement to other duty-bearers.

We are delivering this change in consultation and dialogue with stakeholders and those with lived experience of inequality, ensuring that our approach to engagement helps us to deliver.

To support our improvement plans, we have established our SRG focusing on PSED improvement, with membership consisting of listed authorities and equality advocacy groups. As set out in our proposals published in early December, the SRG will continue to meet regularly for the next four years and will act as a space where developments regarding the operation and effect of the PSED and the SSDs can be discussed and best practice can be shared. It will also be a space where stakeholders can hold the Scottish Government to account. We also continue to work closely with the EHRC to ensure that listed authorities are well-prepared for any new or revised duties.

Approach to inclusive communication

The Committee also covered inclusive communication and used their report to “strongly urge the Scottish Government to consider further investment and leadership rather than simply relying on toolkits and guidance to embed inclusive communication”.

The Scottish Government remains committed to advancing inclusive communication and is seeking to improve and enhance organisations’ competence in communicating inclusively to better meet the needs of all people with communication differences. Within the limits of what the Scottish Government’s powers, we are doing this through support, tools and training. This approach is a direct response to public bodies asking the Scottish Government for practical support and tools to enable them to do this better.

That work is currently being undertaken. An inclusive communications learning resource – the ‘inclusive communications toolkit’ – is being developed in partnership with Communication Inclusion People and Disability Equality Scotland. The resource is being co-produced with public bodies, expert organisations and with people with diverse communication needs, including people who have lived and direct experience of communication exclusion and people with various disabilities.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew’s House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE™
We invest in people Silver



We intend to roll out the toolkit in early 2026, which will be hosted on gov.scot. It is being designed to provide structured, practical support to public bodies, helping them mainstream inclusive communication. It will guide both individual staff and senior leaders through a learning journey that promotes inclusive practices at all levels.

I know that the toolkit alone will not be enough to embed inclusive communications across the public sector. It complements wider government efforts, including Social Security Scotland's work on accessibility, and the Mainstreaming Strategy.

Within the limits of devolved competence, we are developing additional support mechanisms to ensure widespread adoption. The Scottish Government will continue to show leadership and best practice when it comes to inclusive communications, which also aligns with a number of the other key points in this report. In an independent Scotland, or if Equality law was fully devolved, we would be able to go further.

I will continue to provide leadership in this area, and to work collaboratively with stakeholders to embed inclusive communication across all public services in Scotland.

Effectiveness of the EHRC at regulating public authorities' performance against the PSED

The Committee, as well as equality groups giving evidence as part of the inquiry, called for increased accountability for public bodies failing to meet the underlying aims of the PSED. **The Committee asked “the EHRC and Scottish Government to work closely together to develop more effective mechanisms to regulate public bodies and ensure they are delivering on the aims of the PSED”.**

However, the regulation of the PSED and the SSDs is for the EHRC, not for Scottish Government.

The Committee further acknowledged the limited resources the EHRC has available and the negative impact this has on the EHRC's ability for effective regulation and enforcement regarding the PSED. As I set out in my evidence before the Committee on 18 March, I agree with this position. However, the funding of the EHRC is a matter for the UK Government.

The Committee further urged the Scottish Government and the EHRC to work closely together to develop more effective mechanisms to regulate public bodies and ensure they are delivering on the aims of the PSED. My officials have a close and effective working relationship with the EHRC and meet with them regularly. This includes discussions on how the level of understanding of, and compliance with, the PSED and the SSDs could be increased to improve equality outcomes across Scotland. However, there are constraints on what Scottish Ministers can do regarding mechanisms to regulate public bodies in relation to the PSED and the SSDs. We cannot act beyond our legal powers.

Regulation of the PSED and the SSDs, including holding public bodies accountable in the case of non-compliance, however, is a matter primarily for the EHRC (and for Courts and Tribunals, in some circumstances). The EHRC operates independently and cannot be directed by Scottish Ministers. Similarly, Scottish Ministers do not have the powers to amend the Equality Act 2006 or the Equality Act 2010, both of which are the responsibility of the UK Government.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

Supreme Court Ruling

From your report I understand that **“the Committee would welcome an update from the Scottish Government on how the Supreme Court judgement in For Women Scotland v The Scottish Ministers has impacted on the PSED since April 2025 in order to inform the Committee’s upcoming work”**.

We have been clear that we accept the Supreme Court judgment. Since April we have been progressing the detailed, cross-government work that is required in response to that ruling.

As the Committee is aware, the PSED is found at section 149 of the Equality Act 2010, which is largely reserved to the UK government.

The fundamental legal responsibilities under the PSED have not changed since the Supreme Court's decision and still apply to all specified public authorities, and persons carrying out public functions, including those directly affected by the judgment.

Therefore, I would welcome the support of public bodies and the Committee in refocusing work regarding the PSED on fulfilling its three underlying aims. I strongly urge listed authorities to redouble their efforts to enhance equality and understanding across and within all groups of people with particular protected characteristics and those without.

Listed authorities will have to familiarise themselves with the EHRC’s updated statutory Code of Practice, once available, to ensure they correctly and fairly apply the guidance to support all communities.

Both trans people and women remain protected under the protected characteristics of Gender Reassignment and Sex, respectively, in the Equality Act 2010.

Listed authorities will also have to be mindful of the particular vulnerability of trans people who are a small and marginalised group of 0.44% of Scotland’s population, that is often misunderstood and misrepresented.

The Committee drew specific conclusions about the ongoing need to foster good relations in our communities, and I would expect that need of the general duty to be duly regarded as public authorities consider the implications of the Supreme Court ruling. Recent public discourse regarding equality and rights has too often been framed in ways that pit groups with different protected characteristics against one another. I believe that the vast majority of people in Scotland want to live in a country that is respectful, compassionate and caring; and I am committed to protecting the rights of all.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew’s House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE[™]
We invest in people Silver

