

E: directorofhealthworkforce@gov.scot

30 September 2025

Dear Chief Executive,

Following the Supreme Court Ruling regarding the definition of 'woman' in the Equality Act 2010, my colleagues wrote to you on 30 May to bring to your attention to guidance for public bodies <https://www.gov.scot/publications/uk-supreme-court-ruling-on-meaning-of-sex-in-equality-act-update/>.

I am now writing to you to reinforce that message, and the importance of Boards ensuring that the law is followed, and the Supreme Court judgement implemented. It is important that Boards, as independent legal entities, seek their own legal advice and are confident that they are complying with the judgement and with all relevant legislation and regulations.

On the 29th September 2025, the Scottish Government issued updated guidance for schools on transgender pupils which can be accessed here:

<https://www.gov.scot/publications/supporting-transgender-pupils-schools-guidance-education-authorities-schools-revised/>.

Additionally, Scottish Government moved to an interim version of the Scottish Government trans and non binary equality and inclusion policy. This removes the line which set out that staff could use the facilities with which they felt most comfortable. This is an interim step in line with our legal responsibilities as Scottish Government continues to review the trans and non binary policy.

Our draft Gender Transitioning Guide, which is part of the Once for Scotland Workforce Policies programme of work, remains paused. This will be revisited and a revised document put through the Once for Scotland partnership process to ensure that the finalised guidance is lawful.

I will continue to be in touch to seek assurance on your work in this area.

I thank you for your continuing work.

Yours sincerely,



Gillian Russell
Director Health Workforce