

# Member Briefing: EHRC Update 2026

Leading with clarity, consistency and confidence in uncertain conditions

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April 2026

## Introduction

On 14 April 2026, Women and Equalities Minister Bridget Phillipson made a written statement to Parliament confirming that the government had received a revised draft of the EHRC Code of Practice on Services, Public Functions and Associations. After months of revision, legal analysis, and government feedback, the process is moving forward: the Code is expected to be laid before Parliament in May 2026 and, subject to parliamentary scrutiny, could come into force as early as July.

This is a significant step. But it does not resolve the central challenge facing employers. The Code applies to services, public functions and associations only. Workplaces remain explicitly out of scope. A separate employer-focused instrument will follow, with no confirmed timeline. Organisations are therefore still making consequential decision without a fully settled legal framework.

**That is the reality this briefing addresses directly: what the Minister’s statement has confirmed, what it has not, and what confident, workplace values-led leadership looks like in the space between legal direction and operational clarity.**

## Key Updates at a Glance

<b>Statement date</b>	14 April 2026 (HCWS1509, written statement to Parliament)
<b>Minister</b>	Bridget Phillipson, Minister for Women and Equalities
<b>EHRC Chair</b>	Dr Mary-Ann Stephenson (appointed 2026)
<b>Draft received</b>	13 April 2026 (revised following government feedback)
<b>Expected timeline</b>	Laid before Parliament in May 2026, as soon as practicable after devolved elections
<b>Becomes law</b>	40 days after laying, if neither House rejects it (approx. July 2026)
<b>Scope of this Code</b>	Services, public functions and associations only (NOT workplaces)
<b>Employer code</b>	Separate instrument, to follow in ‘due course’

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## What the Minister's Statement Has Signalled

Three shifts that matter for organisations right now:

### 1. The Government's legal position is now anchored

*The debate is shifting from principle to application*

Bridget Phillipson reaffirmed government support for single-sex spaces based on biological sex, framing the Supreme Court ruling as 'delivering clarity for service providers, while confirming that trans protections remain in the Equality Act'. This signals a shift from legal debate to operational application.

### 2. The bar has moved from theory to usability

*Guidance must be operationally workable, not just legally defensible*

The statement sets an explicit standard: the Code must be robust, accessible, and operationally usable so that duty bearers can act on it with confidence. This is a higher bar than earlier drafts met, and the direct reason government requested revisions from the EHRC. For employers, this matters: it signals that the forthcoming employer-specific Code will be expected to function in real working environments, not just satisfy legal scrutiny.

### 3. The timeline is becoming slightly clearer

*July 2026 is the earliest operative date for the current Code*

The Code will be laid before Parliament in May 2026, following devolved elections. A 40-day parliamentary scrutiny period then applies before it can come into force, making July 2026 the earliest operative date. After months of revision, the process appears to be moving forward. Organisations should treat July as a working planning horizon, while remaining alert to the possibility of judicial review challenges or further parliamentary debate extending that timeline.

#### **CRITICAL GAP—EMPLOYERS TAKE NOTE**

Workplaces remain outside of scope of this Code.

Bridget Phillipson explicitly confirmed that this Code of Practice does not apply to employment settings. A separate employer-focused Code will follow, with no confirmed timeline. Organisations are therefore still making decisions without definitive workplace guidance and will continue to do so through at least July 2026.

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This is not a reason to wait. It is a reason to act now with intention: defining your organisation's position, equipping your leaders, and supporting your trans and non-binary colleagues with the clarity and care that settled legal guidance alone cannot provide. The organisations best placed when the employer Code eventually lands will be those that have already done the cultural and operational groundwork.



## Our View

### What this moment means, where it is heading, and what leadership looks like right now

The exclusion of workplaces from the current Code is not an oversight. It reflects a considered judgement that employment contexts are fundamentally different from one-off service interactions. Workplaces involve ongoing relationships, shared culture, and human dynamics that a compliance-only framework struggles to address. The government appears to recognise that a strictly rules-based model risks undermining the dignity and day-to-day experience of trans and non-binary colleagues, particularly if applied without the judgement, context and care that good employment requires.

For employers, this creates a structural tension: legal direction is becoming clearer in some areas, while workplace application remains unsettled. But that tension is not a reason to pause. It is precisely the conditions in which leadership is most visible and most needed.

***"Leadership is defined by the decisions you make when the path is unclear, and the confidence with which you take a position."***

Matt Cameron, Chief Executive, LGBT Great

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## Where employer guidance may land: two plausible directions

Based on the signals in the current Code and the government's stated expectations around usability, two models appear most likely for the forthcoming employer-specific instrument. Understanding both helps organisations prepare now, rather than waiting to react.

### SCENARIO A — MORE LIKELY

#### A judgement-led code

The Code emphasises what is “reasonable in the circumstances”, acknowledging that what works in one workplace may not work in another. It provides examples and principles rather than rigid rules and expects organisations to make and justify their own decisions based on context, culture and risk.

***What this means:** Organisations that have already defined what “reasonable and proportionate” looks like in their context will be significantly better placed. Proactive investment in training, shared understanding, and clear policy rationale is the right preparation now.*

### SCENARIO B

#### A strict compliance code

The Code follows the Supreme Court ruling closely, prioritising legal definitions, documentation and process over broader cultural or values considerations. Decisions are driven by legal defensibility. Policies are clear and consistent, but rigid in application.

***What this means:** This approach offers legal protection but will feel cold in day-to-day working life. It also limits the space organisations have to uphold dignity for trans and non-binary colleagues beyond the minimum the law requires.*

## OUR ASSESSMENT

The current Code repeatedly references reasonableness and proportionality. It is written for organisations that exercise judgement, not just follow checklists. We believe Scenario A is the more likely direction of travel for employers, and the model that forward-thinking organisations should be preparing for now.

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## Showing leadership right now: four things to do before the Code lands

Employees are not waiting for perfect answers. They are watching how their organisation moves in the uncertainty before final guidance arrives. The organisations that will be in the strongest position in July, legally and culturally, are those acting with intention today.

### 1 Take a clear, values-led position

Define how your organisation will approach these issues in practice. Avoid neutrality where clarity is what your people need. Your LGBTQ+ colleagues, and your managers, are looking for direction they can act on.

### 2 Engage constructively with the external environment

Leadership is not only internal. The forthcoming Code will be shaped in part by how employers articulate their needs and priorities. Writing to Bridget Phillipson now, as outlined in Appendix A, is a practical and visible way to contribute to that process and signal your organisation's values to stakeholders.

### 3 Communicate openly with your people

Clarity builds trust, even where complexity remains. Employees need to know what you know, what remains unresolved, how decisions will be approached in the meantime, and what they can expect from their organisation. Silence is not neutral: it creates anxiety and erodes confidence.

### 4 Equip your leaders to act with consistency

Leadership is experienced most directly at manager level. Ensuring that managers understand your organisation's position, know how to apply it day-to-day, and know when and how to escalate is where policy becomes culture. Confidence must be strongest where the decisions are closest to people.

## WHAT TO WATCH

- EHRC Code laid before Parliament (expected May 2026)
- Parliamentary scrutiny period: 40 sitting days
- Code comes into force (approximately July 2026)
- Employer-specific code: consultation date unconfirmed
- Any judicial review challenges to the new Code

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## How LGBT Great can support you

*Translating complexity into confident action*

The four steps outlined above are clear in principle. In practice, they require the right insight, the right conversations, and the right tools to execute well, especially at pace. This is where we work alongside you. Our support is designed to meet you at the specific points where uncertainty is highest, and leadership confidence matters most.

### DEFINING YOUR POSITION

#### Strategic advice

Clear, commercially grounded guidance to help you define where your organisation stands, align Legal, HR and Inclusion around a coherent strategy, and navigate risk with confidence rather than caution.

### UNDERSTANDING LIVED EXPERIENCE

#### External insight

Independent perspectives grounded in real employee experiences across sectors. An outside-in lens that brings honesty and nuance to your decision-making, particularly on trans and non-binary workplace experience.

### ALIGNING YOUR LEADERSHIP

#### Facilitation

Expert-led sessions to align senior leaders quickly, pressure-test scenarios before they become decisions, and build shared understanding in the room. We create the conditions for honest, informed leadership conversations.

### EQUIPPING YOUR MANAGERS

#### Leadership confidence

Practical support to equip leaders and managers to act with clarity, consistency and credibility, particularly in ambiguous or high-pressure situations where policy alone is not enough.

### OPERATIONALISING YOUR APPROACH

#### Practical tools

Real-world frameworks, policy language, and internal communications that make your approach workable day-to-day, not just well-intentioned on paper.

### COMMUNICATING WITH YOUR PEOPLE

#### Messaging support

Guidance and draft communications to help you speak to your employees with clarity and care during a period where what you say, and how you say it, directly shapes trust and psychological safety.

## Ready to talk it through?

Whether you need to sense-check your current position, prepare for a difficult leadership conversation, or build a plan before the employer Code lands, we are here to help you move forward with confidence.

**Contact us at: [members@lgbtgreat.com](mailto:members@lgbtgreat.com)**

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