

# **Edinburgh councillors call for trans ruling clarity**

**Urgent clarity is needed on the possible impact a supreme court ruling on trans women will have on Edinburgh council services, councillors have warned.**

Five councillors have put forward motions for the next full meeting of Edinburgh Council on the topic, with many asking the city to affirm rights for trans people and all seeking clarity on what the ruling means for the city.

The ruling found that trans women are not legally women for the purposes of the Equality Act, meaning that sex-based protections can only be applied to people who are born female.

However, judges said the Equality Act still provided trans people with protections against discrimination.

For councils, this has created a lack of clarity on how some services will have to be provided going forwards, including the provisioning of toilets in schools and other council-run public facilities.

Interim guidance has been offered by the Equality and Human Rights Commission (EHRC), a public body which interprets and enforces equalities law.

It says that trans women cannot use restrooms provided for biological men, and trans men cannot use restrooms provided for biological women.

Another recent ruling at the Court of Session in Edinburgh has found that schools must provide single sex toilet facilities.

The two rulings together mean that Edinburgh may have to scramble to retrofit many existing school bathrooms and revise plans for schools in planning or under construction, as many school toilets are unisex.

The EHRC is expected to provide a firmer picture on the situation by the end of June, when it is set to put proposed official guidance to ministers for approval.

Council leader Jane Meagher addressed the situation in her leaders' report and in a motion.

Labour councillor Meagher said: "The judgement is not a triumph of one or more groups at the expense of another, and that I remain absolutely committed to ensuring Edinburgh remains a warm and welcoming city for all."

In her motion, she called for the council's Policy and Sustainability Committee to get a report from council officers on the consequences of the ruling for the council.

Another motion, put forward by Liberal Democrat councillor Euan Davidson, says that the court ruling will cause 'significant worry' for parts of the LGBTQ+ community and could have a 'significant impact' on a range of council services.

It says the city should reaffirm its commitment to making Edinburgh a welcoming place for the LGBTQ+ community.

It also asks the city to promote LGBTQ+ inclusion through its social media channels.

And the SNP leader, councillor Simita Kumar, put forward a motion which said the city should "recognise the complexity and sensitivity surrounding this issue and its implications for many within our community."

Her motion also asked the city to “[extend] its solidarity to everyone feeling vulnerable”, and said trans people and women were “too often portrayed in opposition to one another.”

Green councillor Kayleigh O’Neill put forward a motion calling on the city to recognise the ‘significant concern’ the ruling has given trans people in the city.

Councillors Davidson, Kumar and O’Neill all welcomed expected efforts by officers to get a better understanding of the ruling, and Cllr Davidson called on Cllr Meagher to write to the EHRC for more clarity on the council’s legal obligations.

Meanwhile, Conservative councillor Marie-Clair Munro put forward a motion calling for the city to make sure it is compliant with another recent ruling.

The Court of Session in Edinburgh recently found that state schools in Scotland must provide single sex toilets for pupils.

Her motion calls on officers to evaluate the city’s school estate to determine where single sex toilets need to be adopted.

And, it also asks that single sex toilets are included in schools currently in planning or under construction.

By Joseph Sullivan Local Democracy Reporter