

From: [REDACTED]
Sent: 05 June 2025 12:48
To: Redacted
Subject: RE: Supreme court commentary

Thanks for sending this through [REDACTED], I have been following this with interest and would agree on the amount of conflicting information that is around. Although we are waiting on the fuller guidance from EHRC, I suspect also that although there may be more detail perhaps but that it will likely reflect their interim guidance.

Regards
[REDACTED]

From: Redacted
Sent: 05 June 2025 12:29
To: [REDACTED] <[\[REDACTED\]@sqa.org.uk](mailto:[REDACTED]@sqa.org.uk)>
Subject: Supreme court commentary

Hi [REDACTED],

I hope you are well. I understand that SQA is waiting for the EHRC guidance (although we know what it will say!) but, dull as I am, I have recently read this legal commentary on the ruling as a counterpoint to some of the misinformation since. It is by Michael Foran who is not a disinterested party, but I - unsurprisingly - thought it was excellent and thought I would pass it on. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5282283

[REDACTED]

From: [REDACTED]
Sent: 24 February 2025 14:02
To: redacted
Subject: RE: Rainbow glossary

Hi, thanks [REDACTED], happy to have your input.

The EqIA for the Gender Identity and Transitioning at Work policy will be shared with the employee networks also so there should be an opportunity to provide further feedback also.

Regards
[REDACTED]

From: [REDACTED]
Sent: 24 February 2025 13:59
To: [REDACTED] <[\[REDACTED\]@sqa.org.uk](mailto:[REDACTED]@sqa.org.uk)>; [REDACTED] <[\[REDACTED\]@sqa.org.uk](mailto:[REDACTED]@sqa.org.uk)>
Subject: Re: Rainbow glossary

Thanks, both, for your quick responses. That's great. Hopefully you won't hear from me for a while!

From: [REDACTED]@sqa.org.uk>
Sent: Monday, February 24, 2025 13:57
To: [REDACTED]@sqa.org.uk>; [REDACTED]
Subject: RE: Rainbow glossary

Thanks [REDACTED] and [REDACTED], I noticed the Rainbow glossary this morning and emailed the Rainbow Network specifically about their definition of Transphobia and they have agreed to update this. They weren't aware of some of the recent changes.

I understand about the other language definitions also. I am working on our Gender Identity and Transitioning at Work Policy and the Equality Impact Assessment where we have similar issues in relation to the glossary we previously provided so I am looking at how best to provide a statement that would acknowledge the educational purpose of the glossary but also highlights that not everyone will subscribe to the terminology used so I will share this with the Rainbow Network also.

Please don't hesitate to contact me if you have any questions

Regards

[REDACTED]

From: [REDACTED]@sqa.org.uk>
Sent: 24 February 2025 13:05
To: [REDACTED]
Cc: [REDACTED]@sqa.org.uk>
Subject: RE: Rainbow glossary

Hi [REDACTED],

Many thanks for your email – really appreciate you getting in touch and sharing your feedback.

I've copied your email to [REDACTED], HR EDI Manager, who I know is aware that Stonewall has recently updated their glossary definitions. This is something we're working on too – your comments are timely.

I'm sure [REDACTED] will be in touch.

Thanks.

[REDACTED]

From: [REDACTED]
Sent: 24 February 2025 09:57
To: [REDACTED]@sqa.org.uk>
Subject: Rainbow glossary

Good morning [REDACTED],

I hope you are well. I am not sure who to direct this to, so feel free to direct me elsewhere. I should also start by saying I know I am tiresome on this issue, but I feel someone needs to be.

I have just read the Rainbow Glossary. I realise that this is on a staff network page, but does the fact that this is hosted by SQA suggest that these definitions are endorsed by them? I really think that this glossary needs to be prefaced with a note that not all people accept these terms - or gender identity theory more generally - and they are well within their rights not to do so.

I, for example, would strongly object to being called cis. I do not have a gender identity. I would define homosexuality as same sex, not gender, attraction. There are several other terms I would not agree with (although I accept others do believe in those definitions).

The definition of transphobia states 'The fear or dislike of someone based on the fact they are trans, including denying their gender identity or refusing to accept it.' Even Stonewall have recently dropped the latter part of this definition; they now define transphobia as simply prejudice or negative attitudes towards trans people.

Regards,

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 10 February 2025 11:38
To: [REDACTED]@sqa.org.uk>
Cc: [REDACTED]@sqa.org.uk>
Subject: FW: Gender Identity and Transitioning at Work Policy

Hi, [REDACTED] has sent through a follow up email for us to consider

[REDACTED]

From: [REDACTED]
Sent: 10 February 2025 10:53
To: [REDACTED]@sqa.org.uk>
Cc: [REDACTED]@sqa.org.uk>
Subject: Re: Gender Identity and Transitioning at Work Policy

Good morning both,

I hope you are well. I just wanted to follow up on this. I don't require a response; I just wanted to correct my email.

In the email below (and in our conversation) I said that 'While SQA can choose to have a policy that allows those with the gender reassignment protected characteristic to access the single sex toilets that accord with their sex identified gender...' In light of information around the Sandie Peggie case and NHS Fife, I no longer think this is true. While the position with service providers' toilets is less clear, the 1992 Workplace Regulations state that separate female and male toilets must be provided in workplaces.

'The law on that subject includes the Workplace (Health, Safety and Welfare) Regulations 1992 which at section 20 states that workplaces shall provide separate rooms containing conveniences for men and women except where and so far as each convenience is in a

separate room the door of which is capable of being secured from inside. If you tell your staff they can use any facilities they please, so that the separate men's and women's toilets are no longer single sex but mixed, you will be breaking the law.'

https://www.steenandco.co.uk/knowledge_base/Single%20Sex%20Services%20Trans%20and%20Gender%20issues/#

Regards, [REDACTED]

From: [REDACTED]

Sent: Tuesday, January 21, 2025 07:06

To: [REDACTED] [@sqa.org.uk](mailto:[REDACTED]@sqa.org.uk); [REDACTED] [@sqa.org.uk](mailto:[REDACTED]@sqa.org.uk)

Subject: Gender Identity and Transitioning at Work Policy

Good morning both,

I hope you are well. I wasn't sure who to get in touch with about the above policy - feel free to direct me elsewhere if necessary.

While I know that the Gender Identity and Transitioning at Work Policy has been agreed between HR and unions, I wanted to let you know that I have a few concerns about some of the wording in the policy.

I should begin by stating that I fully agree with SQA's stated objective of being an inclusive organisation that stands against discrimination in all its forms. There is no place for any form of bullying, harassment or hate within SQA. All individuals who engage with our organisation deserve to be treated with dignity and respect. But employers should balance employees' rights to hold a philosophical belief, and not be discriminated against, with other employees' rights not to be harassed or discriminated against because of their protected characteristic.

As background, as I am sure you know, the Forstater judgement found that gender critical beliefs, such as the view that sex is fixed and should not be conflated with gender identity, did qualify for protection under the Equality Act. The employment tribunal explained that Forstater's gender critical beliefs were widely shared and were also in accordance with previous decisions of UK law.

<https://sex-matters.org/posts/freedom-of-speech/what-does-forstater-mean-for-employers/>

Moreover, the recent civil service Eleanor Frances settlement is the latest in a series of tribunals that have highlighted issues around organisations embracing politicised concepts and language.

<https://www.civilserviceworld.com/professions/article/dcms-dsit-revise-gender-reassignment-policy-discrimination-settlement-eleanor-frances>

I have some concerns that the language in the policy, particularly in that it suggests that everyone has a gender identity. Belief in a gender identity (that either matches or opposes my sex) is part of an ideology that I do not hold. Similarly, the definitions of cisgender or cis and gender identity are included as though they are neutral and widely accepted terms.

Cisgender or cis — someone whose gender identity is the same as their sex registered at birth. Non-trans is also used by some people.

Gender identity — a person's innate sense of their own gender, whether male, female or something else (see non-binary below), which may or may not correspond to their sex registered at birth.

These definitions imply belief in a specific ideology. I do not accept that I have a gender identity or that I am cis.

On page 4, an example of discriminatory behaviours and practices is given as:

Not being allowed to use toilets and other facilities that are appropriate to the gender in which they live.

Schedule 3, Part 7, Para 27(6) of the Equality Act provides for any service or space to be single sex where it is used by more than one person at the same time and where people might reasonably object to the presence of members of the opposite sex. They can exclude people with the gender reassignment protected characteristic. The EHRC has confirmed that protecting women's and girls' privacy, dignity, and safety are legitimate aims for providing single sex spaces such as toilets.

<https://www.equalityhumanrights.com/media-centre/news/guidance-published-providers-single-sex-services>

While SQA can choose to have a policy that allows those with the gender reassignment protected characteristic to access the single sex toilets that accord with their sex identified gender, I believe that the example above taken from SQA's policy suggests that to do otherwise would be discrimination. This is not so. As the government stated in December 2024, 'Had organisations suggested that their policy [to allow those with the gender reassignment protected characteristic to access single sex toilets] was mandated by the [Equality] Act, this would have been a clear misinterpretation of the law.'

<https://www.gov.uk/government/publications/response-to-call-for-input-on-single-sex-spaces-guidance>

Happy to discuss further.

Regards,

[Redacted]

[Redacted]

