



Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>CABINET 8 JANUARY 2026</b>
Subject	<b>EQUALITY, DIVERSITY, INCLUSION AND EQUITY POLICY AND PROCEDURE UPDATE 2025</b>
Wards affected	None
Accountable member	Cllr Claire Bloomer, Portfolio Holder for Communities Email: <a href="mailto:claire.bloomer@cotswold.gov.uk">claire.bloomer@cotswold.gov.uk</a>
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Summary/Purpose	To consider the Council's Equality, Diversity, Inclusion and Equity Policy and Procedure following legislative updates.
Annexes	Annex A – Equality, Diversity, Inclusion and Equity Policy and Procedure. Annex B – Equality and Rurality Impact Assessment Form
Recommendation(s)	That Cabinet resolves to: <ol style="list-style-type: none"><li>Approve the Equality, Diversity, Inclusion and Equity Policy and Procedure, which has been rewritten to incorporate the Supreme Court Ruling.</li><li>Approve care experience to be treated as if it were a protected characteristic as many care-experienced people face discrimination, stigma and prejudice.</li><li>Delegate authority to the Chief Executive Officer to make minor and necessary amendments to the EDIE Policy, enabling timely updates that do not alter the policy's strategic intent.</li></ol>
Corporate priorities	Delivering Good Services



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Key Decision	NO
Exempt	NO



## **1. EXECUTIVE SUMMARY**

**1.1** The Equality, Diversity, Inclusion and Equity Policy has been updated to ensure that it complies with recent legislative changes. HR Policies provide general and practical advice and guidance for managers and staff on a range of employment issues. The policy supports fairness and consistency across the council and helps to protect the council against legal claims.

## **2. BACKGROUND**

**2.1** Regular policy review and revision needs to be carried out on a regular basis and in line with employment law updates in April and October. Delegated authority to make reasonable amendments was given to the Chief Executive Officer of Cotswold District Council.

**2.2** This policy update is of particular interest to the portfolio holder for Communities, which includes diversity and inclusion. Therefore, it has been submitted for approval to the Cabinet.

## **3. MAIN POINTS**

**3.1** The policy has been updated to reflect the UK Supreme Court Ruling of 16<sup>th</sup> April 2025. The ruling clarified language in the Equality Act 2010. The Supreme Court has determined that the definitions of 'man' and 'woman' under the Equality Act 2010 refer exclusively to biological sex. The judgement made it clear that individuals who have had or who are going through gender reassignment are still protected from discrimination. The council expects all staff to treat any employee who is undergoing gender reassignment with respect and an open-minded attitude.

**3.2** The policy incorporates care experienced people as a group who are likely to face discrimination, and the council will treat care experience as if it were a protected characteristic.

**3.3** There are countywide Equality Groups based at Gloucestershire County Council, and in conjunction with their Equalities Officer, Cotswold District Council has an ambition and appetite to join these countywide networks.

**3.4** The council has a Total Mental Health Service that provides a support mechanism for employees, including those with protected characteristics, that can be accessed at a



time to suit them. Employees can access coaching, counselling & therapy, an advanced care team and 24/7 support. This is in addition to our Medicash 24/7 Health and Stress Helpline to get support from a trained counsellor for a range of issues, including work-related issues, health and relationships. The Mental Health Support Directory is available to all and covers national signposting options, general mental health support (such as the LGBT foundation), victim support, housing support, carers support (such as the National Autistic Society), financial wellbeing, bereavement and addiction. The council also has trained Wellbeing Advocates who can support all employees, including those with protected characteristics. They offer a friendly listening ear when employees need to talk and help employees access additional support if needed.

**3.5** HR policies provide legal protection for the council. Clear guidance is provided that reflects employment law and regulations and can help mitigate risk for the council.

#### **4. ALTERNATIVE OPTIONS**

**4.1** Retaining the current policy places the council at risk of challenge if it does not reflect the recent legal developments.

#### **5. CONCLUSIONS**

**5.1** The necessary revisions and updates to the policy have been undertaken to ensure the council is legally compliant.

#### **6. FINANCIAL IMPLICATIONS**

**6.1** The revision and update of the policy outlined within this report is not expected to have a financial impact on Cotswold District Council. The revisions are procedural and legislative in nature, and implementation will be managed within existing staffing and budgetary resources.

#### **7. LEGAL IMPLICATIONS**

**7.1** The case of For Women Scotland Ltd v The Scottish Ministers made the headlines during the whole of its travels through the courts and the Supreme Court's decision of 16 April 2025 was a highly anticipated event.

**7.2** On April 16, 2025, the Supreme Court ruled that the definitions of "man," "woman," and "sex" in the Equality Act 2010 were intended



to refer to biological sex rather than gender identity or acquired gender through a Gender Recognition Certificate, requiring a full review of processes.

- 7.3** The Equality and Human Rights Commission (EHRC) released an interim update on 25 April 2025, and provided a reminder that trans people were still protected at any stage of their transition, from proposing to reassign their sex, undergoing a reassignment process, to having completed the surgery; and that a GRC is not required.
- 7.4** The council is therefore required to provide separate spaces for biological women, biological men and trans-people, which impacts staff, as well as members of the public using council facilities.
- 7.5** A draft Code of Practice for Services, Public Functions and Associations (which includes various updates) was submitted to the Minister for Women and Equalities for approval on 04.09.25, which would supersede the 2011 version of the code. The next stage would be for an approved version to be laid before Parliament. No indication of timescale has been provided for this process to take place, but due to the provision of a new draft code, the interim has now been removed from the ECHR website.
- 7.6** Although the Code has not yet been fully implemented, the council is required to update its policies to comply with the new legislation. Policies will also need to be reviewed once the guidance has been adopted, although it is hoped that changes, if any required, would be minimal.

## **8. RISK ASSESSMENT**

- 8.1** By not updating and implementing this policy, the council may fail to comply with the Supreme Court Ruling and leave itself exposed to costly employment law cases.

## **9. EQUALITIES IMPACT**

- 9.1** An Equality Impact assessment has been undertaken, and the policy has been considered to ensure compliance with the Equality Act 2010 and the Public Sector Equality Duty.

## **10. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

- 10.1** There are none arising.



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## **11. BACKGROUND PAPERS**

None

(END)