17th November 2026

LGBT Health and Wellbeing

Briefing on Impact and Implementation of the EHRC revised code of practice for services, public functions and associations

Dear Equalities, Human Rights and Civil Justice Committee members, We are getting in touch in relation to the evidence sessions you are holding about the implementation of the EHRC's revised Code of Practice. We wanted to outline to members the impacts we are seeing on trans and non-binary people across our services as a result of the changes that are being made to the policy and practices of many service providers following the UK SC ruling on the meaning of 'sex' in the EA2010. Many of these changes are described in the CoP as required as a result of that ruling and are causing significant distress and harm.

About Us

LGBT Health and Wellbeing is a national health and wellbeing charity for LGBTQ+ adults aged 16 and over. Our vision is of a Scotland where LGBTQ+ people live healthier, more connected lives. Our approach is rooted in communities and shaped by the principle of being *of, for* and *by* LGBTQ+ people.

We provide a range of services across Scotland, including one-to-one mental health and wellbeing support, counselling, peer support, and specialist support for trans people, older LGBTQ+ people, unpaid carers and New Scots. Additionally, we support community connection through events and grassroots community groups led by and for LGBTQ+ communities in Edinburgh, Glasgow, Dundee and online.

We also deliver Scotland's LGBTQ+ Helpline, which provides information, emotional support and signposting, including tailored support for survivors of conversion practices.

Alongside our service provision, we engage communities directly in research, policy influencing and changemaking. Through research, community engagement and evidence gathering, we work to improve understanding of LGBTQ+ health inequalities and the factors that shape health and wellbeing outcomes.

The evidence presented in this briefing draws on our direct work with LGBTQ+ people across Scotland and reflects experiences reported through our counselling, support, helpline, research and community services.

What We're Witnessing Across Our Services

Across our counselling, trans support, community support and helpline services, our staff and volunteers report significant and increasing levels of fear, uncertainty and distress amongst trans and non-binary people. There is growing anxiety about accessing gender identity healthcare, using public facilities, and participating safely in public life. Staff and volunteers report that concerns relating to the EHRC Revised Code of Practice, alongside increasing anti-trans rhetoric online and in public discourse, are contributing to heightened levels of fear and uncertainty.

From **July to September 2026,** our Trans Support Service provided direct one-to-one support to **101** people, **78** of whom were accessing our support for the first time. The themes below are informed by the experiences of the trans people who have accessed our support since July 2026.

Mental Health and Wellbeing

- Increasing levels of distress, anxiety and crisis amongst trans and non-binary people.
- Higher numbers of trans people presenting to our counselling services with increased levels of suicidal thoughts, non-suicidal self-injury (NSSI), healthcare avoidance and social isolation.
- Increasing reports of familial rejection and reduced social support when coming out as trans and/or non-binary.
- A growing number of people reporting that they are considering detransition because they feel unable to live safely or authentically in the current environment.

Access to Healthcare

Although unrelated to the code, lack of access to gender affirming healthcare compounds poor mental health and distress for trans people accessing our services.

- Significant anxiety regarding lack of access to NHS gender identity healthcare. Long waiting times and uncertainty about future provision are contributing to feelings of hopelessness and distress.
- Increased reliance on private healthcare and self-medication, including amongst people who cannot realistically afford private treatment.
- Significant and increasing difficulties obtaining shared care arrangements, bridging prescriptions and support through primary care services.
- Many trans people we support are experiencing financial hardship in order to access healthcare that is unavailable through statutory routes.
- Many people report being turned away from statutory services because their needs are considered too complex, or being signposted to Gender Identity Clinics despite already facing extensive, impossible waiting times.

Participation in Public Life

- Growing fears about accessing healthcare, using public facilities such as toilets, changing rooms and gyms, and participating safely in public life.
- Increasing reports of being challenged, questioned or made to feel unsafe when accessing everyday spaces and services.
- Loss of trust in government and democracy, with individuals highlighting inability to participate in democratic processes (such as attend parliament). Increased disillusionment, with individuals expressing they feel intentionally unwelcome in public life.

Legal Recognition and Security

- Increasing numbers of people seeking support to obtain Gender Recognition Certificates because they fear future reductions in rights, privacy and recognition.
- Our Glasgow "Gender Recognition Certificate drop-in session" on 25 September welcomed **14** *new* attendees, many of whom cited EHRC guidance and wider concerns about the regression of trans rights as a reason for seeking support and information about obtaining a GRC.

Growing Demand for Support

Demand for support from our services has continued to increase.

During the period July to September 2026:

- **101** trans and/or non-binary people accessed one-to-one support through our Trans Support Service.
- **78** were people accessing our support for the first time.
- **50%** of counselling clients identified as trans and/or non-binary.
- **419** counselling appointments were delivered across our Glasgow and Edinburgh counselling services, with approximately **200** appointments provided to trans and non-binary people.

Our counsellors report that the level of risk at presentation continues to be high, with many clients presenting to the service in **moderate to severe** distress.

These observations from our staff working directly on the ground supporting trans and non-binary people reinforce our concern that the implementation of the code, alongside existing barriers to healthcare and support, is having a detrimental impact on the health, wellbeing, dignity, safety and public participation of trans people.

Implementation

Alongside the impacts outlined above, we remain concerned about how elements of the revised code will operate in practice. People accessing our services frequently express anxiety about how service providers are interpreting and implementing guidance, with a significant number of people reporting having been challenged or confronted about their use of spaces.

Trans people we support have also shared with us instances where the code has been interpreted and applied incorrectly, inconsistently or in a manner which breaches/will breach the rights of trans people to a private life (article 8 ECHR).

For example:

We supported a trans woman from Glasgow whose mix-sex sports club told her she was no longer able to participate due to them not having a "suitable third changing space". This was a club she'd been a member of for many years, and she was rightly devastated to be (incorrectly, and unlawfully) turned away/ excluded from participation.

A trans community member who engages with our services was told by their employer that they can no longer access the bathroom that aligns with their gender identity and are now required to use the gender neutral / accessible

bathroom without exception. They work in a large building, with the closest gender-neutral bathroom being around a 10-minute journey from their desk. This includes travelling down two flights of stairs or taking a lift. Not only is this a significant inconvenience, but they were also not out to all colleagues as trans at work. After their workplace introduced the new policy, they began using a different, and very much out of the way, bathroom. They feel this made it clear to other staff members (including people they'd never met on the floor of the bathroom they were now accessing) that they were trans. This is a breach of their right to a private life and exposed them to hostile experiences.

Further examples can be found in Trans Actual's Trans Segregation in Practice and It Happens Every Time reports.

Testimonials

Experiences of Trans and Nonbinary People We Support

We have selected three testimonials from trans and non-binary people who access our services. These testimonials are shared with consent; names provided are pseudonyms to protect the anonymity of individuals.

Andi

"I am a non-binary person. I am not on gender-affirming hormones, partly because I currently choose not to be, and partly because, even if I did want to be, my 2024 referral to the NHS Sandyford GIC waiting list means I will have to wait decades for a first appointment. As things stand, I will not be seen at Sandyford within my lifetime.

My appearance is somewhat androgynous. Sometimes I am perceived as a woman and sometimes as a man. Personally, I am happy with the way I look. However, it now makes using public facilities extremely stressful.

When I am out and about, if an accessible gender-neutral toilet is available, I always use that. However, these often either do not exist or, if they do, are often kept locked, meaning I must find a member of staff and ask to use it, potentially outing myself.

If I have to use either the men's or the women's toilets, I am usually met with questioning looks or hostile stares. Sometimes people tell me I am in the wrong toilets. I often feel worried for my safety. I always feel sick with nerves. I cannot win.

I am a confident person, but I have become terrified of being challenged by staff in a shop changing room or a public toilet. All of this feels unnecessary and pointless. It has become so much worse in recent months."

Rachel

"I am 37 years old and have lived as a woman since I was fifteen. I underwent gender-affirming surgery in my early twenties, obtained a Gender Recognition Certificate, and have been married to my husband for fourteen years.

For most of my adult life, being transgender was simply one aspect of my personal history. I built a career, a marriage and a home, and was able to participate in society without constantly thinking about my trans status.

That has changed significantly in recent years.

I have used women's facilities for decades without incident. The prospect of being required to use male facilities is deeply distressing. As someone who is consistently perceived as female, I would fear confrontation, humiliation, unwanted attention and potential violence. I would also risk having to disclose highly personal medical information to strangers.

The current climate is already affecting my decisions about accessing healthcare. Recently, after sustaining a head injury, I chose not to attend hospital because I was afraid that I could be placed in a male ward.

At the time, my fear of what might happen to me in hospital outweighed my fear of the injury itself.

I understand this was not a medically sensible decision, but it reflects the level of anxiety that many trans people now experience when accessing public services. I believe it is deeply concerning that someone could feel safer taking their chances with a head injury than seeking medical treatment.

I have spent much of my life navigating systems that required me to prove who I am. I believed that, having established my life, much of that was behind me. Instead, I find myself increasingly anxious about ordinary activities such as using public toilets, travelling, or accessing healthcare.

I am not asking for special treatment. I am asking that the safety, dignity and privacy of transgender people are given meaningful consideration. Restricting our ability to participate safely in everyday life will not make us

disappear. It will simply make our lives more difficult, more isolated and, in some cases, less safe."

Jennifer

"I am a newly out trans woman. My employer, which promotes itself as an inclusive workplace, has been broadly supportive of my transition and the HR team have been pretty helpful. However, the organisation has introduced a policy relating to the use of toilets and changing facilities, which has left me with stress and worry.

The policy affects both workplace premises and locations where I work off-site, including the premises of clients, partners and other organisations. Another trans colleague and I are directly affected by it, and both feel concern. We just don't understand how such a policy could be implemented?

I frequently work away from my usual workplace. If I am not permitted to use women's facilities, how is that supposed to be assessed or monitored? Am I expected to disclose that I am a trans woman every time I visit a client site or partner company? Will someone contact them in advance to explain that I am a trans woman and tell them which facilities I am or am not allowed to use?

Would someone report me for using a particular toilet? Would colleagues be expected to monitor where I go? It's dehumanising and concerning.

I have been told that disabled toilets or gender-neutral facilities are an alternative. However, these are not always available, accessible or practical. In many locations they simply do not exist – particularly when out on client visits.

I feel anxious and uncertain. I am questioning whether I'll be able to carry out my job without being singled out, discriminated against or having to disclose private information about who I am and my gender."

As a frontline provider of mental health, wellbeing and community support services, LGBT Health and Wellbeing is witnessing significant and growing levels of fear, distress and uncertainty amongst trans and non-binary people across Scotland. We are deeply concerned to hear from people who are considering avoiding healthcare, or not attending hospital in an emergency, for fear of how they may be treated or accommodated.

As highlighted in our report LGBT+ health and wellbeing in Scotland: A landmark census analysis, trans and non-binary people already experience significant health and wellbeing inequalities, including higher rates of poor mental health, disability, long term health conditions and more. The experiences outlined in this briefing suggest that the implementation of the EHRC Code of Practice, alongside the wider social and political environment, risks exacerbating those inequalities through increased healthcare avoidance, worsening mental health, social isolation and reduced participation in public life.

For further information about the contents of this briefing please contact Policy & Communications Manager, Rebecca Hoffman at rebecca@lgbthealht.org.uk.