



The Scottish Parliament  
Pàrlamaid na h-Alba

**Scottish Parliamentary Corporate Body**  
**Thursday 8 May 2025 (Session 6)**

## **Update on Facilities and Services at Holyrood**

### **Executive summary**

1. SPCB as an employer, workplace provider, service provider and public authority must comply with a range of laws. These include protections against discrimination and the public sector equality duty in the Equality Act 2010, and the 1992 workplace regulations. A statutory code and non-statutory guidance are issued by the independent equality regulator to assist organisations to meet their duties in respect of the Equality Act.
2. As the national Parliament, our overriding aim is to balance the needs and legal rights of all those who work at and visit Parliament in an inclusive and welcoming way. In so doing we recognise that staff and visitors may have one or more protected characteristics as defined under the Equality Act, and/or cultural beliefs, as well as privacy and dignity considerations which should be considered.
3. In April 2025, the Supreme Court ruled in its judgment in the appeal of *For Women Scotland v Scottish Ministers* that, in the context of the Equality Act, “sex”, “man” and “woman” mean biological sex. Separate protection against discrimination is available for persons who are transgender.
4. The Supreme Court ruling is effective immediately. The EHRC has advised that employers and other duty-bearers “must comply with the law and should be urgently reviewing what changes need to be made to their existing policies and practices.”
5. On Friday 25<sup>th</sup> April EHRC issued an interim update on equality law and its implications for organisations. The EHRC is also working at pace to revise its statutory code which it will lay with the UK government by the end of June for its consideration. This will then need to be approved by Ministers and laid for a requisite period before the UK Parliament, before it is issued.
6. This paper recommends to the SPCB, some immediate steps it should take to ensure the Parliament fulfils its legal responsibilities under the Equality Act, and Workplace Regulations, in light of the Supreme Court ruling.

### **Issues and options**

#### **SPCB’s responsibilities**

7. The SPCB has a complex matrix of responsibilities in its various roles:

- **Employer:** SPCB must not discriminate, harass or victimise employees in its employment terms or in the way it provides a benefit, facility or service.
- **Workplace provider:** In relation to its employees and others to whom it provides a workplace, SPCB has duties under the Workplace (Health, Safety and Welfare) Regulations 1992 to provide suitable and sufficient sanitary conveniences, washing facilities, and facilities to change clothing. To be suitable, SPCB must provide separate facilities for men and women, though washing facilities provided solely for washing of hands, forearms and face do not have to be provided separately. Suitable toilets designed for wheelchair users and disabled people who can walk should also be provided.
- **Provider of services to public:** Under the Equality Act, SPCB is required to avoid discrimination, harassment or victimisation in the provision of services. Exceptions relating to sex and gender reassignment discrimination are available that would allow SPCB (on appropriate evidence) to mandate a single sex space or to exclude a trans person from the toilets of their biological sex.
- **Public authority:** Under the public sector equality duty in the Equality Act, SPCB must have due regard to the need, as between those who share a protected characteristic and those who do not, to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations. This requires an assessment against each of the protected characteristics covering all users of facilities throughout the estate.

8. These responsibilities have to be read in the context of the Supreme Court's decision that, for the purposes of the Equality Act (including provisions directed at maintaining separate services where necessary for the privacy and dignity of the male and female sexes), the meaning of the terms "sex", "man" and "woman" in that Act is biological and does not include certificated sex.

9. The [EHRC's interim update](#) on the practical implications of the judgment, dated 25 April, indicates that in workplaces and services that are open to the public trans people should not be permitted to use facilities marked with signage that corresponds to their identified gender. The SPCB remains responsible for ensuring adequate and clear provision is made for all protected characteristics, including trans users and those with a disability. The EHRC's interim update states that, where possible, mixed-sex toilet, washing or changing facilities in addition to sufficient single-sex facilities should be provided.

### Action Taken to Date

10. As Scotland's legislature, it is vital that the Parliament complies with the law. Officials therefore took immediate steps following the publication of the judgment to review it in detail and to consider its implications for the provision of services and facilities at Holyrood. In addition to the Supreme Court judgment, which was effective immediately, we also took cognisance of the interim update issued by the EHRC.

## REFERENCE: SPCB (2025) - Paper 26

11. This work was undertaken by the Deputy Chief Executive together with a small advisory group. In taking forward this work we have been clear that:

- Parliament must comply with the law and take all reasonable steps to implement any changes identified in order to do so.
- Parliament should be open, accessible and welcoming to all those who work in and visit it as it represents all of Scotland's citizens; and
- as an employer we will continue to uphold our core values of respect and inclusiveness.

12. It is important to note that the Supreme Court ruling does not direct organisations on *how* to implement the law in practice. In fulfilling its legal responsibilities, SPCB considers and balances the protected characteristics based on circumstances at Holyrood.

13. As indicated above, Holyrood is a multi-use campus governed by a complex framework of laws and regulations. As such we already offer a wide range and number of facilities across the estate recognising different needs, protected characteristics and cultural beliefs of passholders and visitors. This puts us in a strong position.

14. As a result of the work undertaken to date – including the EQIA attached - we are recommending the interim stance set out below together with a further phase of work. The interim stance involves making three changes to our existing provisions at negligible cost. This would be followed by further engagement with passholders and other stakeholders, including our recognised unions, to practically inform changes that may be required in the medium and longer term. The further phase will also enable us to take account of the new EHRC code of practice when published later this year.

15. In making this recommendation to SPCB we have balanced a range of risks.

16. We believe it is important to take the interim steps recommended now not only to ensure we fulfil our legal responsibilities but to give absolute clarity to all those using our building. Such clarity is an important element in offering all individuals confidence, privacy and dignity when using our facilities.

17. We appreciate that the EHRC will issue an updated Code of Practice at some point in the next few months. Whilst this is helpful, it does not change the law as now understood. We also recognise that we are acting in line with the interim update on the practical implications of the UK Supreme Court ruling issued recently by the EHRC and that whilst not a statutory code this will be considered advice from the regulator.

18. As noted, we are starting from a good level of provision, and our phased approach means that we can adapt further, as required, in future months.

## Proposed Interim Response

## REFERENCE: SPCB (2025) - Paper 26

19. As an interim response we are proposing the following changes at Holyrood:

1. in line with the Supreme Court judgment all facilities designated as male or female to be interpreted as meaning biological sex.
2. to augment our existing provision of gender-neutral facilities by:
  - designating a bank of three existing toilets in the public area of the building as a gender-neutral facility [*in addition to existing communal female only toilets, communal male only toilets, an accessible toilet and a changing places facility*].
  - designating an existing showering and changing facility and an existing toilet in the private areas of the building as gender-neutral. Both are single lockable spaces and accessible [*in addition to communal female only toilets, communal female only shower and changing facilities, communal male toilets, communal male only shower and changing facilities, two existing gender-neutral toilets, accessible toilets, a Changing Places facility and accessible single lockable shower and changing.*]

20. These 3 changes, although of minimal cost, will help ensure we continue to have a sufficient range of facilities across the campus to cater to different needs and requirements. Everyone working in, or visiting, Holyrood should feel welcome in the building and be confident there is a suitable facility for them to use. Necessary changes will be put in place.

### Further Phase

21. As part of the next phase of work we will conduct a consultation with staff and other stakeholders. This will inform further practical changes that may be needed in the medium to longer term, particularly in light of revised guidance from the EHRC, once it completes its formal consideration by UK Ministers and has been laid before the UK Parliament for the requisite period.

22. An updated EQIA on facilities and services has been completed on this interim step and is attached.

### Governance

23. This advice covers the various roles of SPCB and a recommendation from officials on how to fulfil their legal responsibilities taking account of the Supreme Court ruling on the law.

### Resource implications

24. Costs to change signage can be met from within existing budgets.

### Publication Scheme

25. This paper can be published.

## **Next steps**

26. Subject to SPCB agreement, to finalise communications and make necessary changes and to consult on any further medium to longer term changes required to fulfil legal responsibilities.

## **Decision**

27. SPCB is invited to agree its interim stance, to ensure the Parliament fulfils its legal responsibilities under the Equality Act, and Workplace Regulations, in light of the Supreme Court ruling and to give clarity to all those using Parliament facilities.

## **Office of the Deputy Chief Executive**

May 2025

# Equality Impact Assessment (EQIA)

The [public sector equality duty](#) (or general duty) in the Equality Act 2010 requires public bodies to have due regard to certain equality considerations when exercising their functions. This requires public bodies to have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities.

The [Equality Act 2010 \(Specific Duties\) \(Scotland\) Regulations 2012](#) also prescribes the specific duties under the Equality Act 2010 which listed public authorities are required to meet, including assessing the impact of any new policy or practice against the 'equality duty' and publishing the results of any such assessment.

## SPCB's duties

- The SPCB is covered by the general public sector equality duty under the Equality Act 2010.
- The SPCB is **not** covered by the specific duties under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

## The SPCB's Equality Impact Assessment (EQIA)

Whilst the SPCB is not covered by the specific duties under the 2012 Regulations, the SPCB uses an evidence-based approach to ensure its services, policies, practices, events and decision-making processes are fair and do not present barriers to participation or disadvantage any protected groups from participation. In doing so, this helps the SPCB to meet its general duties under the Equality Act 2010.

The completion of the SPCB's EQIA tool involves systematically assessing the likely (or actual) effects of our activities and services on people in respect of protected characteristics defined in the Equality Act 2010 – see below. This includes looking for opportunities to promote equality that may have previously been missed or could be better used, as well as any negative or adverse impacts that can be removed and recording any required mitigating actions. If any negative or adverse impacts amount to unlawful discrimination, they must be removed.

The protected characteristics are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

### **Intersectionality**

The SPCB's EQIA tool also considers how people can be impacted by the intersection of their different characteristics. We all have multiple characteristics, we have an age, ethnicity, sex, sexual orientation, etc. [Intersectionality](#) is about when for some people their protected characteristics come together to bring about multiple forms of inequality or disadvantage.

### **Benefits of undertaking an EQIA**

- Gain a better understanding of those who may be impacted by the policy, practice, facility or service.
- Improve current services, policies, practices and plans and safeguard new ones.
- Better meet differing needs and become more accessible and inclusive.
- Enable planning for success – identifies potential pitfalls and unintended consequences before any damage is done.
- Enable improved planning that will make decisions proactive rather than reactive, avoid having to reverse decisions which could have cost and reputational implications.
- Demonstrate decisions are thought through and have considered the views of those affected.
- Enable us to manage expectations by explaining the limitations within which we are working (e.g., budget).
- Help avoid risks and improve outcomes for individuals.
- Remove inappropriate or harmful practices and eliminate institutional discrimination.

## **When should an EQIA be completed?**

An EQIA should be an integral part of the planning process at an early stage of development and before a final decision is made to go ahead with the proposed activity to assess the actual impact of the implementation.

## **Completing an EQIA**

The completion of the EQIA form is a two-stage process:

- **Stage One - Initial Screening Questionnaire**
- **Stage Two – Full Equality Impact Assessment**

You should first complete an initial screening questionnaire. This will help you to understand if there are any indications that the activity has the potential to impact positively or negatively on different groups and the level of any impact.

The completion of the initial screening questionnaire will help you to decide if a full EQIA should be completed. Please see the [Initial Screening Guidance](#)

The initial screening and full EQIA may need amending at a later date if more information becomes available to you.



## Stage One - Initial Screening Questionnaire

<b>Name of Activity</b>	Provision toilet facilities in the public and private area of the parliamentary estate. Provision of showering and changing facilities for passholders in the private area of the parliamentary estate.
<b>Job role</b>	Director of People, Communications and Inclusion
<b>Date EQIA commenced</b>	28/04/2025
<b>Date of update</b>	07/05/2025

<b>What type of activity are you planning?</b>	<b>(x)</b>
Change to procedure	<input type="checkbox"/>
Event	<input type="checkbox"/>
New procedure	<input type="checkbox"/>
Office Plan/Budget	<input type="checkbox"/>
Policy	<input type="checkbox"/>
Project	<input type="checkbox"/>
Service	<input checked="" type="checkbox"/>
Other (free text box)	<input type="checkbox"/>

# 1. Describe the main aim or purpose of what it is you are planning to do?

## Building - accommodation

The Scottish Parliament is a complex multi-level building divided into various blocks or “towers” rising to 4 to 5 storeys in height; and which are interlinked to each other at various levels including the Main Public / Garden level.

- MSP Building – 6 storeys, generally office accommodation (Members’ Offices and related facilities). This block also contains a Fitness Suite with associated Changing Facilities.
- Queensberry House – 5 storeys, generally office accommodation, some areas for hosting VIP’s. -Canongate Building – 4 storeys, generally office accommodation.
- Press Tower – 3 storeys, generally office accommodation, above Main Public Entrance/Hall.
- Garden Level Public Area – single storey: Reception, exhibition, shop, public café and education.
- Garden Level Foyer/Passholder Area – single storey, linking Ground Floor of other blocks. A mix of circulation, Members & Staff Restaurant, and some meeting rooms. Areas of support functions like Visitor Services, the Creche, and back-of-house kitchen and servery areas.
- Towers 1 to 4 – five storey, interlinked at most storey levels and containing Committee Rooms, Ministers’ Rooms and associated staff, Members Lobby / Bar / Dining, and with links to the Debating Chamber and Public Gallery.
- Upper Basement Level – single storey, below Garden Level and providing access from car park. A mix of Plantroom/Services spaces plus support offices and storage for functions such as FM, Maintenance Contractors, Catering, and Security. There are Staff Changing Facilities for Cyclists, for Security, Police, and Porters.

For the purposes of assessing toilet provision, most of the accommodation would be classified as office / workplace, and where access would generally be restricted to passholders and authorised guests/visitors/contractors. There are some areas with multi-functions, and/or where a mix of staff and the public / visitors might both be accommodated – e.g. the Public Hall, the Debating Chamber with Public Gallery, the Garden Foyer, and some Committee Rooms (as authorised visitors)

A review of occupancy has generally found an excess of existing toilet provision in a number of areas of the parliamentary estate.

## Relevant legislation and guidance

Relevant legislation, guidance and updates will inform all decisions including:

- [Equality Act 2010](#)
- [Supreme Court Judgment for Women Scotland Ltd v Scottish Ministers](#)
- [Employment Statutory Code of Practice](#)
- [EHRC Interim Update on the practical applications of the UK Supreme Court judgment](#)
- [The Building \(Scotland\) Regulations 2004](#), and guidance in [Non Domestic Technical Handbook \(2020\)](#).
- [Access to and use of buildings: Approved Document M](#)
- [Gender Recognition Act 2004](#)
- [The Workplace \(Health, Safety and Welfare\) Regulations 1992](#)
- The Health and Safety Executive have interpreted the Regulations in their [Approved Code of Practice and Guidance \(2013\)](#) (ACOP).
- [HSE guidance on number of toilets required in the workplace](#)

### Supreme Court ruling

The Supreme Court decision in [For Women Scotland Ltd v The Scottish Ministers](#) will mean changes in how trans people in the UK access services and single-sex spaces. The Court ruled that, in the context of the Equality Act 2010, “sex”, “man” and “woman” mean biological sex. Separate protection against discrimination is available for trans people.

The previous common practice (in England, Scotland and Wales) was to treat people in accordance with their acquired gender regardless of gender recognition certificate status. This accorded with the [Equality and Human Rights Commission's](#) (EHRC) guidance at the time.

The ruling is effective immediately. Further, the EHRC advised that employers and other duty bearers “must comply with the law and should be urgently reviewing what changes need to be made to their existing policies and practices.” The application of the ruling to different services and setting is complex and it is up to service providers, workplace providers, and employers to interpret the ruling and decide how to apply it.

### Equality and Human Rights Commission (EHRC) interim update

The [EHRC's interim update](#) on the practical implications of the judgment, dated 25 April, indicates that in workplaces and services that are open to the public trans people should not be permitted to use facilities marked with signage that corresponds to their identified gender. The SPCB remains responsible for ensuring adequate and clear provision is made for all protected characteristics, including trans users and those with a disability. The EHRC's interim update states that, where possible, mixed-sex toilet, washing or changing facilities in addition to sufficient single-sex facilities should be provided.

### **Workplace (Health, Safety and Welfare) Regulations 1992**

Regulation 20 of the 1992 Regulations requires that suitable and sufficient conveniences are to be provided at readily accessible places.

Regulation 21 requires separate rooms containing conveniences must be provided for men and women (i.e. rooms with multiple cubicles and communal washing facilities), except where each convenience is a separate room the door of which is capable of being secured from inside. Employers must include separate facilities for men and women where necessary for reasons of propriety.

Similarly, Regulation 24 requires that suitable and sufficient facilities shall be provided for any person at work in the workplace to change clothing. This applies in all cases where the person has to wear special clothing, for reasons of health or propriety, be expected to change in another room.

In terms of general provision, ACOP 21(188) states 'Sufficient toilet and washing facilities should be provided to allow everyone at work to use them without unreasonable delay'.

### **Due Regard**

As a public authority, under the public sector equality duty in the Equality Act 2010, we must have due regard to the need, as between those who share a protected characteristic and those who do not, to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations. This requires an assessment against each of the protected characteristics covering all users of facilities throughout the estate.

### **Practical implications**

The practical implications for staff, other passholders and visitors have already included feeling uncertain about which toilet facilities can be accessed, concerns about potential change to how some colleagues will be perceived, and the potential threats to personal safety

## **SPCB's objective**

Our overriding aim is to balance the needs and legal rights of all those who work at and visit Parliament in an inclusive and welcoming way. In so doing, we will manage our response to the Supreme Court ruling with utmost care and sensitivity. We recognise that staff and visitors may have one or more protected characteristics as defined under the Equality Act 2010, and/or cultural beliefs, as well as privacy and dignity considerations which should be considered.

One feature of an inclusive environment is the availability of convenient facilities for all individuals.

## **Intention of this EQIA**

This EQIA is based on the following interim arrangements, below. It will be updated through consultation and engagement with staff and stakeholders to inform our medium to longer term position.

## **Facilities in the private area of the parliamentary estate**

### **Interim position**

As a workplace provider and employer, we will provide male-only and female-only facilities as well as gender-neutral facilities and accessible facilities and Changing Places facility. Where areas with a male sign or a female sign are to be interpreted according to biological sex. Where toilet, washing or changing facilities are in lockable rooms (not cubicles) which are intended for the use of one person at a time, they can be used by everyone.

### **Facilities in the private area of the parliamentary estate**

In line with our commitments as a workplace provider and employer, we will augment our existing provision of gender-neutral facilities by:

- Designating an existing showering and changing facility and an existing toilet as gender-neutral. Both are single lockable spaces and accessible [in addition to communal female only toilets, communal female only shower and changing facilities, communal male only toilets, communal male only shower and changing facilities, two existing single-occupancy gender-neutral toilets, single-occupancy accessible toilets, a Changing Places facility, and accessible single lockable shower and changing.]

## Facilities in the public area of the parliamentary estate

As a service provider, we will augment our existing provision of gender-neutral facilities by:

- Designating a bank of three existing communal toilets in the public area of the building as a gender-neutral facility [in addition to existing communal female only toilets, communal male only toilets, a single-occupancy accessible toilet and a Changing Places facility]

## Medium to longer term position

We acknowledge that the development of our facilities to improve accessibility and inclusivity will be ongoing and recognise the challenges and limitations, such as those which relate to historic building design versus modern expectations

As part of the next phase of work we will conduct a consultation with staff and stakeholders. As we all receive, perceive and process information differently, consultation and engagement with people with personal experience of the Equality Act 2010 protected characteristics is essential for effective analysis. We acknowledge that perceived concerns should be acknowledged and addressed during the analysis, in addition to the potential barriers or inequalities identified.

This engagement will inform further practical changes that may be needed in the medium to longer term, particularly in light of revised guidance from the EHRC, once it completes its formal consideration by UK Ministers and has been laid before the UK Parliament for the requisite period.

We will approach this through:

- **Understanding** - understanding of the new EHRC Statutory Code, good practice, and detailed knowledge of current access to existing facilities across the parliamentary estate and appreciation of current and future needs.
- **Engagement and prioritisation** – ensuring that the prioritisation and development of future plans is in consultation with experts and users (based on the experiences of staff, Members, and other passholders).
- **Responsibility** – identifying roles and responsibilities for taking forward this activity
- **Action and communication** – confirming planned activity with clear timelines and regular reporting on progress
- **Transparency** – ensuring transparency in our decision making and future plans
- **Proportionality** – recognising that due regard needs to be paid to a range of factors including impact and affordability but considered in the context of the SPCB's overarching commitment to provide a safe, respectful, and inclusive parliamentary estate.

## 2. Who is likely to be affected by this policy, service or change?

People who visit and work at the Scottish Parliament building could be impacted.

This EQIA identifies the potential for both positive and negative impacts on different groups. In the impact assessment section, the differential impact, both positive and negative, is considered alongside potential mitigations.

1) In summary, potential positive impacts include:

### **Toilet facilities**

- The provision of male-only and female-only as well as single-occupancy accessible and gender-neutral toilets will ensure safety, privacy and dignity for all protected groups in the private area of the parliamentary estate.
- A wide range of users including trans and non-binary people, older people requiring a companion of the opposite sex, parents with children of the opposite sex, may use the gender-neutral toilets in the public area of the parliamentary estate.

### **Showering and changing facilities (in the private area of the parliamentary estate)**

- The provision of male-only and female-only as well as single-occupancy accessible and gender-neutral toilets will ensure safety, privacy and dignity for all protected groups in the private area of the parliamentary estate.

### **Signage**

- Provision of clear signage is important to ensure understanding of the adequacy of availability of facilities for all. This will have a positive benefit to all protected groups, as it may create clarity for all.

In summary, potential negative impacts if we did not make these changes, include:

### **Toilet facilities**

- The absence of increasing our existing provision of single-occupancy, gender-neutral toilets in the private area of the parliamentary estate may result in potential disadvantage for trans people and non-binary people in the private area of the parliamentary estate.
- The absence of gender-neutral toilets in the public area of the parliamentary estate may result in potential disadvantage for trans and non-binary people, and for a parent and their child of an opposite sex who wish to occupy the same facility at the

same time and those with the protected characteristic of age, for example, an elderly person may need assistance from a carer who is not the same sex as them.

### **Showering and changing facilities**

- The absence of single-occupancy, gender neutral showering and changing facilities may result in potential disadvantage for trans and non-binary people, for example, self-exclusion from these facilities in the private area of the parliamentary estate.

### **Signage**

- Signage may be confusing if it does not clearly explain who a facility is available for.

### **Overall impact**

- An appropriate spread of male-only, female-only, gender neutral and accessible toilet facilities, including Changing Places facilities across the parliamentary estate caters to the needs of protected groups.
- The SPCB recognises there is opportunity to improve signage and communication. Good signage and communications are essential to manage good relations across all protected groups and to encourage considerate usage. This is in line with the SPCB's general duty to 'foster good relations between different people when carrying out their activities' under the Equality Act 2010.



### **3. Do you have enough information to know what the potential impact might be on diverse groups and what that might look like?**

The protected characteristics to consider are: Age, Disability, Gender Reassignment (trans status), Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.

It is important not to limit your thinking to just the protected characteristics listed above. For example, carer status, single parent, economic exclusion or people who use languages such as British Sign Language (BSL) or Gaelic. This question is broadening the EQIA out to be more inclusive.

Consider how the different characteristics intersect, for example, Sex with Age – what are the proportion of men and women in different age groups? It will also be helpful to consider these groups more widely alongside intersecting factors such as in relation to socio-economic status that includes such factors as educational attainment, occupation, income, wealth and social deprivation.

There are lots of sources of data to help answer this question. Guidance is available on the intranet EQIA page.

Provide information about what you know about the different potentially affected groups

Age

SPCB staff

	2022			2023	
Age group	Number	%age of All Staff	&age +/- change	Number	%age of All Staff
16-24	21	3.7%	-23.5%	17	2.8%
25-34	74	12.9%	23.7%	97	16.2%
35-44	152	26.4%	-1.3%	150	25.1%
45-54	194	33.7%	0.0%	194	32.4%
55-64	119	20.7%	10.5%	133	22.2%
65+	15	2.6%	-114.3%	7	1.2%
	575	100%		598	100.0%

Median age = 46 years

The SPCB does not hold data on Members, their staff, its contractors' staff, and other building users.

Scottish Population

- The median age of the Scottish population is 42.2 years (ONS,2021)
- The working age population as used by ONS is 16-64 years.
- Percent of population aged 16-24 years in the Scottish working age population = 16%
- Scottish population data indicates the following representation on three cohorts.

Age group	Proportion of population
0 to 14	15.3%
15 to 64	64.6%
65 and over	20.1%

There is potential differential impact for different age groups in the adequate provision of toilets facilities.

There is negative impact if the provision of signage isn't easily understood by a majority of users in all age groups. This may in particular have impact on older age groups.

## Disability

### SPCB staff

The available data (with declaration rate limitations) indicated the following distribution of disabled/non-disabled people by working pattern and pay quartiles. The representation of disabled people in the organisation is 9.7%.

Disabled staff are slightly more likely to work on part-time contracts (21.5%) when compared to the whole staff group working on part-time contracts (19.9%).

	Number	%age of All Staff (598)
<b>Disabled</b>	56	9.7%
<b>Non-disabled</b>	540	90.3%
<b>Prefer not to say</b>	0	-
<b>Total</b>	<b>596</b>	<b>99.7%</b>
<b>Nil Response</b>	2	0.3%

The SPCB does not hold data on Members, their staff, its contractors' staff, and other building users.

### Scottish Population

Considering the whole Scottish working age population - disabled people make up over 24% using data from as of 2021 ([SPICe, Disability Employment in Scotland](#)).

impairment. [Disabled People by Impairments - Labour Market Statistics for Scotland by Disability: January to December 2022 - gov.scot \(www.gov.scot\)](#)

#### Disability and Sex (Gender)

In responses to the [Scottish Health Survey 2022](#) women were more likely than men to have a disability. 42% of women had reported a limiting long-term condition compared to 32% of men.

#### Labour Market Statistics for Scotland

“26.3% of disabled people self-reporting a musculoskeletal impairment as their main impairment and 26.2% of disabled people self-reporting a mental health impairment”

**UK population**

It is estimated that 70-80% of disabilities are invisible. These are not limited to, but include: mental health conditions; autism and other neurodivergences, hearing loss, vision and speech impairments; and energy-limiting conditions (Source: [Invisible Disabilities in Education and Employment - POST \(parliament.uk\)](#))

There is potential differential and negative impact on the basis of this characteristic if the adequate provision of accessible and Changing Places toilet facilities and the provision of signage that is easily understood by a majority of users is not ensured.

Improvements in the availability of gender-neutral toilets and introduction of gender-neutral showering and changing facility in the private area and clarity in signage has potential positive impact for all users. For disabled people this could protect the availability of accessible facilities.(see [Equality impact assessment for the provision of toilets - GOV.UK](#))

<p><b>Gender Reassignment</b></p>	<p><b>SPCB staff</b></p> <p>SPCB staff data limited by declaration rate. At the time of review, under 1% of the staff group declared as trans.</p> <p>The SPCB does not hold data on Members, their staff, its contractors' staff, and other building users.</p> <p><b>Scottish Population</b></p> <p>In 2022 Scotland's Census found that 19,970 people were trans, or had a trans history. This is 0.44% of people aged 16 and over. (<a href="#">Scottish Census 2022</a>)</p> <p>Almost half (45.2%) of trans people identify as 'non-binary'. This is 9,030 people in total.</p> <p>The Census also looked at the number of trans people as a percentage of the population in each age group. The percentage of trans people decreases with move from younger to older age groups.</p> <p>On average around 14 in every 1,000 people aged 16 to 29 were trans (1.36%). In the 30 to 39 age group 4 in every 1,000 people were trans (0.42%). And in the 40+ age group around 1 in every 1,000 people was trans (0.15%).</p> <p>Improvements in the availability of gender-neutral toilets and introduction of gender-neutral showering and changing facilities and clarity in signage has potential positive impact for all users.</p> <p>Our internal and external communications will make it clear that everyone is welcome to use gender-neutral facilities and that doing so should not be taken as an indication of trans status. This is important due to the risk of "outing". This could create a privacy concern and potential distress.</p>
<p><b>Marriage and Civil Partnership</b></p>	<p>There is no differential positive or negative impact anticipated on the basis of this characteristic</p>

Pregnancy and Maternity	SPCB staff				
	Data for the SPCB staff group for the previous 5 years:				
	Year	2023	2022	2021	2020
	No of staff on maternity leave	12	19	25	17
	No of women	No of women on maternity leave		%age of women on maternity leave	
	344	12		3.49%	
	The SPCB does not hold data on Members, their staff, its contractors' staff, and other building users.				
	There may be differential negative impact on women who may need to use facilities more often because of pregnancy if there is not sufficient provision of facilities across the parliamentary estate.				
	Improvements in the availability of gender-neutral toilets and introduction of gender-neutral showering and changing facilities and clarity in signage has potential positive impact for all users.				

Race	<b>SPCB staff</b>		
	Due to potential for the identification of individuals in the staff group we have placed our staff into two cohorts due to the relatively small dataset size.		
	<b>Response</b>	<b>Number</b>	<b>%age of All Staff (598)</b>
	<b>Minority Ethnic</b>	33	5.5%
	<b>White</b>	405	67.7%
	<b>Prefer not to say</b>	11	1.8%
	<b>Total</b>	<b>449</b>	<b>75.1%</b>
	<b>Nil Response</b>	<b>149</b>	<b>24.9%</b>
	The SPCB does not hold data on Members, their staff, its contractors' staff, and other building users.		
<b>Scottish Population</b>			
Scotland's Census asked people to choose the option that best described their ethnic group or background. The majority of people in Scotland chose 'Scottish' (77.7%) or 'Other British' (9.4%) within the White category. In 2022 these groups together made up 87.1% of the population.			
'Minority ethnic group' is used here to refer to all other ethnic groups. This includes some ethnic groups that were in the White category on the census form such as Irish, Polish, Gypsy/Traveller, Roma and Showman/Showwoman.			
The percentage of people in Scotland with a minority ethnic background in 2022 was 12.9%.			
Signage will need to ensure that it can be understood by all users some of whom may not be English language users.			
Improvements in the availability of gender-neutral toilets and introduction of gender-neutral showering and changing facilities and clarity in signage has potential positive impact for all users.			

**Religion or  
Belief**

**SPCB staff**

The available SPS staff data at 30 March 2023 indicates the following declarations of religion or belief

<b>Response</b>	<b>No. of Response</b>	<b>%age of All Staff (598)</b>
<b>Christian</b>	127	21.2%
<b>Other Faith</b>	26	5.9%
<b>Non-Faith</b>	246	41.1%
<b>Prefer Not to Say</b>	40	6.7%
<b>Total</b>	<b>439</b>	<b>73.4%</b>
<b>Nil Response</b>	<b>159</b>	<b>26.6%</b>

Data is not collected on **Grainger Test, other philosophical beliefs in case law and limitations**

For example:

- Pacifism, humanism, agnosticism and atheism
- A strongly-held philosophical belief about climate change and the environment
- A belief in a political philosophy or doctrine, such as Socialism, Marxism or free-market Capitalism
- A belief in Scottish independence



- Ethical veganism
- A gender critical belief
- A belief in participatory democracy

The SPCB does not hold data on Members, their staff, its contractors' staff, and other building users.

### **Scottish Population**

Scotland's Census 2022, the majority of people said they had no religion, 51.1% of people. 20.4% responded 'Church of Scotland, 13.3% - Roman Catholic, '5.1% - Other Christian and 2.2% - Muslim

Improvements in the availability of gender-neutral toilets and introduction of gender-neutral showering and changing facilities and clarity in signage has potential positive impact for all users.

Sex

SPCB staff

Staff data at 31 March 2023 indicated the staff group was 58% women and 42% men.

Women working in the SPS staff group are more likely to work on part-time contracts compared to men, 26% of women compared to 12% of men.

Year	Men	Women	Total	Split (% M/F)
2023	254	344	598	42/58
2022	253	322	575	44/56

Monitoring data about MSPs is limited to the protected characteristic of sex.

There are 59 women ([Current female MSPs](#)) and 70 men ([Current male MSPs](#))

The SPCB does not hold data on Members staff, its contractors' staff, and other building users.

Scottish Population

The Scottish population is 51% women, 49% men. ([Scottish Census 2022](#))

Potential negative impact for men and women with caring responsibilities without sufficient mix of facilities. Evidence that women more likely than men to have caring responsibilities, however men could be impacted if only female-only and male-only provision is available and they have responsibility for caring for girl or woman. [Carers+Census%2C+Scotland%2C+2021-22.pdf \(www.gov.scot\)](#)

	<p>Improvements in the availability of gender-neutral toilets and introduction of gender-neutral showering and changing facilities and clarity in signage has potential positive impact for all users.</p>
<p><b>Sexual Orientation</b></p>	<p><b>Parliamentary Service</b></p> <p>From the available data at 31 March 2023, 6.5% of SPS staff have declared as Lesbian, Gay, Bisexual and + and 63.9% as Heterosexual/Straight</p> <p>There is no information publicly available about MSP, their staff and contractor's staff.</p> <p><b>Scottish Population</b></p> <p>Scotland's Census found that 3,993,860 people identified as straight or heterosexual. This is 87.8% of people aged 16 and over.</p> <p>There were 183,860 Lesbian, Gay, Bisexual and + (LGB+) people in Scotland. This is 4.0% of people aged 16 and over.</p> <p>Around 2 in every 5 LGB+ people identified as bisexual (43.6%). This is 80,260 people. A similar number of people (80,100) identified as gay or lesbian (43.6%).</p> <p>Improvements in the availability of gender-neutral toilets and introduction of gender-neutral showering and changing facilities and clarity in signage has potential positive impact for all users.</p>

## Impact Checklist

### 4. Having considered the [screening questions guidance](#) [LINK] alongside what you already know and the research undertaken so far, what do you think will be the level of impact for different groups?

The impact might be a negative one (e.g. making that decision could decrease the opportunity for some people to participate) or it could be a positive one (e.g. by making that decision, more people are able to take part in the activity).

Put a cross in the relevant box.

	No Impact	Low Impact	Medium Impact	High Impact
Age		X		
Disability			X	
Gender Reassignment				X
Marriage and Civil Partnership	X			
Pregnancy and Maternity		X		
Race		X		
Religion or Belief		X		
Sex			X	
Sexual Orientation		X		

If you have identified that all groups will have either no impact or a low impact there is no requirement to complete a full EQIA.

If you identify there to be a potential medium or high impact for any groups, you should proceed to completing Stage Two of this form to further describe the impacts and your action plan to remove or mitigate any negative impacts and then return the form to the Diversity and Inclusion team.

If there are any gaps in information that make it difficult or impossible to form an opinion on how your policy, service or change might affect different groups of people, please use the Full EQIA to take the time to gather information to help you make an informed answer. For example, review statistics, survey results, complaints analysis, consultation documents, customer feedback, existing briefings submissions or audit reports, comparative policies from external sources, focus groups, etc.

## Stage Two - Full Equality Impact Assessment

### Assessing Impact

1. **Having analysed the relevant sources of information, what does the evidence tell you? Is there any evidence that the proposed changes will have an adverse, neutral or positive equality impact on any of these different groups of people?**
  - Please provide details of who the proposals affect, the adverse impacts and explain how you will minimise or remove the adverse impact. If you are unable to remove the adverse impact and decide to continue with the action/policy, you should provide detail of your justification
  - Provide details of any evidence that the proposed changes will have a positive impact on any of these different groups of people and/or promote equality of opportunity. Describe how this will be promoted/evaluated

Protected Group	Impacts
<p><b>Age:</b> refers to a person of a particular age or age range group;</p> <p>The Equality Act 2010 makes discrimination on the grounds of age in employment and education provision unlawful unless it can be objectively justified. An objective justification is defined as a proportionate means of achieving a legitimate aim, which means that different treatment can be justifiable if there is objective evidence to support this decision</p>	<p>Toilets are more important to certain groups within society, including older people. These groups can be disproportionately affected by poor provision; for example, poor provision is understood to have particular negative impacts on older people, as some may be less likely to leave their homes without having confidence that adequate facilities will be available to them. This can contribute to increased social isolation and inactivity, as well as affecting people's ability to maintain independence and dignity in later life.</p> <p>External evidence shows that a higher proportion of older people have disabilities compared with other age groups. The SPCB takes an intersectional approach to the provision of facilities and services. This has a multiple characteristic positive impact and will help foster good relations.</p> <p>As described, there is potential differential impact for different age groups in the adequate provision of toilets facilities and signage may be confusing and potentially subject to misinterpretation and unintended use. This may have impact on users in older age groups.</p> <p><b>Impact</b></p> <p>Low. The potential negative impact for this group would be mitigated by clear communication and signage for all users. This will have a positive benefit to all, as it may create clarity for all.</p> <p>The SPCB will continue to meet the requirements of the Equality Act 2010 in terms of age requirements.</p>

**Disability:** A person has a disability if they have a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.

The Equality Act 2010 definition of disability does not only refer to people who may be visibly disabled, for example those who are blind or have mobility difficulties, like wheelchair users. It also includes a broad range of conditions like Depression, Diabetes, Dyslexia, Dyspraxia, Asperger's Syndrome. Under the Equality Act 2010 from the day a person is diagnosed with HIV infection, cancer or multiple

Toilets are more important to certain groups within society, including people with disabilities and people with particular needs (including certain medical conditions). These groups can be disproportionately affected by poor provision; for example, poor provision is understood to have particular negative impacts on disabled, as some may be less likely to leave their homes without having confidence that adequate facilities will be available to them. This can contribute to increased social isolation and inactivity, as well as affecting people's ability to maintain independence and dignity.

There is external research showing that inadequate provision of male-only and female-only and gender-neutral facilities can cause people who cannot or choose not to use other facilities to use single-occupancy accessible facilities instead. This can increase pressure on the availability of accessible facilities which can have a negative impact on people with disabilities who require access to an accessible facility.

Information about single accessible toilets across the parliamentary estate currently have the wheelchair symbol signage. These toilets are accessible to many different groups as well as disabled users, including people with hidden disabilities, those who are diabetic, or have other health needs may feel comfortable using these facilities. The SPCB takes an intersectional approach to the provision of facilities and services. This has a multiple characteristic positive impact and will help foster good relations.

The provision of accessible facilities will ensure there continues to be the adequate provision of accessible toilets along with the 2 x Changing Place facilities for people with additional complex needs.

The Health and Safety Executive's [Workplace health, safety and welfare: a short guide for managers](#) states that if required by the type of work, showers should also be provided, and men and women should have separate facilities unless each facility is in a separate room with a lockable door and is for use by only one person at a time. The provision of accessible showering and changing facilities will maintain privacy and dignity for disabled passholders in the private areas of the building.



Protected Group	Impacts
<p>sclerosis they are disabled.</p>	<p><b>Impact</b></p> <p>Medium. The potential negative impact for this group would be mitigated by clear communication and signage for all users. This will have a positive benefit to all, as it may create clarity for all.</p> <p>The SPCB will continue to meet the requirements of the Equality Act 2010 in terms of disability requirements.</p>

<p><b>Gender Reassignment:</b> The Equality Act 2010 defines gender reassignment as:</p> <p>“A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person’s sex by changing physiological or other attributes of sex”.</p>	<p>The SPCB acknowledges that the characteristic of ‘gender reassignment’ in the Equality Act 2010 includes protection for people proposing to undergo gender reassignment process.</p> <p>Trans support groups have campaigned for gender-neutral toilets as a safe and usable facility that accommodates their unique needs. Not feeling welcome in male-only and female-only facilities is a well-documented issue for trans people. Gender-neutral facilities increase options and safety and may reduce intimidation, harassment and questioning. They cater for the needs of people who are transitioning or are non-binary, which may help make this group feel more included and comfortable. The absence of these may result in self-exclusion from the facilities and the building.</p> <p>The SPCB takes an intersectional approach to the provision of facilities and services. This has a multiple characteristic positive impact and will help foster good relations. This approach is mindful of the potential for undisclosed impact and dual protected characteristics, e.g., trans status and disability.</p> <p>The Health and Safety Executive’s <a href="#">Workplace health, safety and welfare: a short guide for managers</a> states that if required by the type of work, showers should also be provided, and men and women should have separate facilities unless each facility is in a separate room with a lockable door and is for use by only one person at a time. The introduction of a single-occupancy gender-neutral showering and changing facility will ensure the SPCB meets in legal obligations.</p> <p><b>Impact</b></p> <p>High. However, the mitigating actions to augment our existing provision of gender-neutral facilities by:</p> <ul style="list-style-type: none"> <li>designating an existing showering and changing facility and an existing toilet as gender-neutral. Both are single lockable spaces and accessible [in addition to communal female only toilets, communal female only shower and changing facilities, communal male only toilets, communal male only shower and changing facilities, two existing single-occupancy gender-neutral toilets,</li> </ul>
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Protected Group	Impacts
	<p>single-occupancy accessible toilets, a Changing Places facility, and accessible single lockable shower and changing.]</p> <ul style="list-style-type: none"> <li>designating a bank of three existing communal toilets in the public area of the building as a gender-neutral facility [in addition to existing communal female only toilets, communal male only toilets, a single-occupancy accessible toilet and a Changing Places facility]</li> </ul> <p>will reduce negative impact on this group.</p> <p>Our internal and external communications will make it clear that everyone is welcome to use gender-neutral facilities and that doing so should not be taken as an indication of trans status. This is important due to the risk of “outing”. This could create a privacy concern and potential distress.</p> <p>The potential negative impact for this group could be mitigated further by the provision of more facilities but this is not straightforward due to the layout and architecture of the building. The potential negative impact for this group would be mitigated further by clear communication and signage for all users. This will have a positive benefit to all, as it may create clarity for all.</p> <p>The SPCB will continue to meet the requirements of the Equality Act 2010 in terms of gender reassignment.</p>

Protected Group	Impacts
<p><b>Marriage and Civil Partnership:</b> The Equality Act 2010 defines gender reassignment as someone who is legally married or in a civil partnership. Marriage and civil partnership can either be between a man or a woman, or between partners of the same sex.</p>	<p>No positive or negatives impacts identified or anticipated</p>
<p><b>Pregnancy and Maternity:</b> The Equality Act 2010 prohibits discrimination because of pregnancy and maternity in employment, education and in the provision of goods and services.</p>	<p>The SPCB takes an intersectional approach to the provision of facilities and services. This has a multiple characteristic positive impact and will help foster good relations.</p> <p>The wider range of signage may be confusing and potentially subject to misinterpretation and unintended use.</p> <p><b>Impact</b></p> <p>Low. The potential negative impact for this group would be mitigated by clear communication and signage for all users. This will have a positive benefit to all, as it may create clarity for all</p> <p>The SPCB will continue to meet the requirements of the Equality Act 2010 in terms of pregnancy and maternity requirements.</p>

Protected Group	Impacts
<p><b>Race:</b> Under the Equality Act 2010 a person has the protected characteristic of race defined by colour, nationality (including citizenship) and ethnic or national origins of a racial group.</p> <p>A racial group can be made up of more than one distinct racial group</p>	<p>The SPCB takes an intersectional approach to the provision of facilities and services. This has a multiple characteristic positive impact and will help foster good relations.</p> <p>The wider range of signage may be confusing and potentially subject to misinterpretation and unintended use.</p> <p><b>Impact</b></p> <p>Low. The potential negative impact for this group would be mitigated by clear communication and signage for all users. This will have a positive benefit to all, as it may create clarity for all.</p> <p>The SPCB will continue to meet the requirements of the Equality Act 2010 in terms of race requirements.</p>

Protected Group	Impacts
<p><b>Religion or belief:</b> Religion or belief is a protected characteristic under the Equality Act 2010.</p> <p>Religion means any religion and includes a lack of religion.</p> <p>Belief means any religious or philosophical belief and includes a lack of belief.</p>	<p>The SPCB takes an intersectional approach to the provision of facilities and services. This has a multiple characteristic positive impact and will help foster good relations.</p> <p><b>Impact</b></p> <p>Low. The potential negative impact for this group would be mitigated by clear communication and signage for all users. This will have a positive benefit to all, as it may create clarity for all.</p> <p>The SPCB will continue to meet the requirements of the Equality Act 2010 in terms of religion or belief requirements.</p>

**Sex:** The Equality Act 2010 protects women and men from discrimination on the basis of the protected characteristic of sex.

In workplaces, it is compulsory to provide sufficient single-sex toilets, as well as sufficient single-sex changing and washing facilities where these facilities are needed. This is the SPCB's adopted position.

While it is not compulsory for services open to the public to be single sex, it can be indirect discrimination against women if the only provision is mixed sex. The EHRC interim update states: *"it is not compulsory for services that are open to the public to be provided on a single-sex basis or to have single-sex facilities such as toilets. These can be single-sex if it is a proportionate means of achieving a legitimate aim and they meet other conditions in the Act. However, it could be indirect sex discrimination against women if the only provision is mixed-sex."*

Currently facilities in the public area of the building are configured to provide a mix of female, male and accessible toilets. We will repurpose a bank of 3 cubicle toilets currently designated as female to create separate gender-neutral toilets. This will provide a space for people who may not feel comfortable or safe using female or male toilets, including some trans and non-binary people. This will also benefit parents and guardians accompanying children of a different sex or gender; those who care for people of a different sex or gender; and some disabled people who may have a personal assistant of a different sex or gender.

### **Impact**

Medium. To increase the provision of gender-neutral toilets in the public area we will repurpose a bank of 3 cubicle toilets currently designated as female. However, there is sufficient female-only toilets in the public area of the parliamentary estate.

Ideally, gender-neutral toilet facilities in the public area of the parliamentary estate should contain integrated handwashing facilities with floor to ceiling doors, however, there is no legal requirement to do so in this part of the parliamentary estate. We will improve the provision of gender-neutral facilities in line with expectations, unless practical and/or fiscal constraints makes this impossible.

Protected Group	Impacts
	The SPCB will continue to meet the requirements of the Equality Act 2010 in terms of sex.
<p><b>Sexual orientation:</b> The Equality Act 2010 protects on the basis of whether a person's sexual orientation is towards persons of the same sex, the opposite sex or of either sex</p>	<p>The SPCB takes an intersectional approach to the provision of facilities and services. This has a multiple characteristic positive impact and will help foster good relations.</p> <p>For some lesbian, gay and bisexual people their right to use communal male or female facilities can be questioned on the basis of another person's perception of their sex and/or gender identity. This questioning from other users in communal spaces can lead to feelings of being unsafe.</p> <p>These concerns are addressed/mitigated through the mix of facilities across the parliamentary estate. Single-occupancy gender-neutral facilities in the private area of the parliamentary estate can be used by people of any sex or gender identity and offers maximum privacy for users.</p> <p>The wider range of signage may be confusing and potentially subject to misinterpretation and unintended use.</p> <p><b>Impact</b></p> <p>Low. The potential negative impact for this group would be mitigated by clear communication and signage for all users. This will have a positive benefit to all, as it may create clarity for all.</p> <p>The SPCB will continue to meet the requirements of the Equality Act 2010 in terms of sexual orientation requirements.</p>



## Action Plan and Review

### 5. Provide a final summary of the commitments/actions you will take as a result of completing this EQIA.

Who will you consult with on your action plan and how will you do this to ensure the relevant stakeholders understand the equality impact?

- Implement outcomes from short review of facilities conducted across the parliamentary estate
- Conduct consultation with staff and stakeholders, as set out.
- Implement identified improvements to signage required
- Implement identified improvement to communications, including feedback channels for those who work and visit Parliament.
- Continue ongoing monitoring of complaints and feedback.

### 6. Have you a plan in place to review your actions? Please provide a summary. Will the plan require sign off and from where?