

Llais' Response to the Consultation on the Code of Practice 2025

Llais is an independent statutory body set up by the Welsh Government. Our role is to give people in Wales a strong voice in shaping their health and social care services.

The Equality and Human Rights Commission consultation asked organisations for feedback on changes to the code of practice following a [Supreme Court decision](#) which clarified definitions of legal sex in relation to the Equality Act 2010. This has important implications for how organisations define and handle issues relating to sex and gender identity.

Our response to the consultation called for the following:

- **Clarity on definitions:**

We agreed the updated legal definition of sex, based on biological sex at birth, is clear but highlighted our concerns that it might not properly include intersex individuals. This might lead to their being left out when thinking about changes because of the updated code of practice.

- **Impacts on people and services:**

We made clear the importance of updating training, guidance, and policies within organisations, ensuring staff understand distinctions between biological sex and gender identity to prevent discrimination or people being treated unfairly because of who they are. Biological sex is a label that someone is given at birth based on things like their hormones, their genitals and their chromosomes. Gender identity is how someone sees themselves on the inside rather than what their body looks like. Someone may identify as female, male, non-binary, or with a range of different identities.

- **Inclusivity for trans and non-binary individuals:**

We asked for additional guidance, especially regarding trans and non-binary parents who chest feed, and clearer advice around what the changes might mean for them in employment and service provision.

- **Single-sex facilities and services:**

We asked for further details on how organisations should manage single-sex facilities and services, emphasising that any changes must not treat unfairly disabled, trans, non-binary, or gender-expansive people without meaning to.

- **Workplace and social care concerns:**

We noted that health and social care might face challenges in meeting people's needs safely and sensitively, particularly highlighting concerns about dignity and transphobia within healthcare settings.

- **Reporting and representation:**

Changes in the definition of sex will impact positive action policies. It will also affect gender pay reporting because reporting is based on biological sex. This means data may not always provide a clear picture of an organisations employees or lived experiences. We emphasised the need for inclusive practices to support trans and gender-diverse employees in the workplace.

- **Further guidance required:**

We called on the Equality and Human Rights Commission to provide clearer guidance and examples to ensure compliance and sensitivity, especially when it comes to how someone's sex is seen or understood, gender reassignment, and how organisations must consider that people may be treated unfairly due to different parts of who they are e.g., ethnicity, gender reassignment and

orientation. We also asked for clearer information on how this guidance links with other laws.

What Llais will do next:

- Update our internal training and policies to reflect the new definitions to make sure we continue to be inclusive and fair.
- Seek further guidance to make sure people aren't treated unfairly and that all people who use our services, our employees and volunteers are treated with dignity and respect
- Keep looking at what we do and make changes based on any new advice and feedback from the Equality and Human Rights Commission.

We remain committed to ensuring fair, respectful, and inclusive treatment for everyone accessing health and social care services in Wales.

We know that people may be worried about the impact the changes to the code of practice might have for them and the people they care about. Here are some organisations that can offer support for you or someone you know.

[Homepage - Mermaids](#)

[Mind Cymru - mental health support for Wales - Mind](#)

[Trans Aid Cymru – A mutual aid, helping trans, non-binary and intersex people across Wales](#)

[Umbrella Cymru – Gender and Sexual Diversity Support Specialists in Wales](#)

30th June 2025