

About the EHRC Code: A Guide for Service Providers

The EHRC Code of Practice for Services, Public Functions and Associations became law on 5 August 2026. Here is what it means for your organisation.

By Bea Groves-McDaniel BA Hons (Educ) LCGI FIFL FSET

Published: 8th August 2026

Source URL: <https://blog.beagmcd.net>

Contact: bea@bgmcd.org

The Law on Gender Reassignment

The Equality Act 2010 makes it unlawful to discriminate against a person because of **gender reassignment** — that is, because they are proposing to undergo, are undergoing, or have undergone any part of the process of gender reassignment.

This protection applies across all services and public functions. It covers: - **Direct discrimination** — treating a trans person worse than other customers - **Indirect discrimination** — applying a policy or practice that puts trans people at a particular disadvantage - **Harassment** — offensive comments, behaviour, or environments that create a hostile atmosphere

The protected characteristic applies regardless of whether the person has a Gender Recognition Certificate.

The Exceptions — When Restriction May Be Lawful

The Equality Act contains narrow exceptions that permit single-sex services to restrict access in specific, defined circumstances. These exceptions are found in **Schedule 3** of the Act and are explained in the EHRC Code.

The critical legal point: exceptions must be interpreted restrictively. The burden of proof lies with **you** — the service provider — to demonstrate that the exception applies in your specific case and that your action was necessary and proportionate. Being merely more comfortable or preferring not to serve a trans person is not sufficient justification.

Three areas most commonly raise questions:

1. Refuges and Domestic Violence Accommodation

Some single-sex domestic violence refuges can lawfully restrict admission. However, the Code is clear: providers must consider whether the restriction is genuinely necessary and proportionate, and whether the service could be adapted to include the person. Blanket exclusion of all trans people

without individual assessment is unlikely to be lawful.

2. Toilets, Changing Rooms, and Personal Facilities

Providers may restrict access to facilities reserved for one sex where this is a proportionate means of achieving a legitimate aim. The Code acknowledges that providers may need to consider the reasonable privacy and dignity of all users. However, this does not mean a blanket ban on trans people using facilities matching their gender identity.

Best practice: Have a clear, written policy on facility access that is applied case-by-case and proportionately. Train staff to handle any concerns calmly and without undue focus on the individual.

3. Competitive Sport

Eligibility criteria for competitive sport can lawfully distinguish by sex. These are governed by the relevant National Governing Body (NGB) rules. For non-competitive, recreational, or casual use of facilities, the exceptions are very difficult to justify.

What the Law Requires of You

In Day-to-Day Service Delivery

- Do not refuse service to a trans customer without clear legal justification
- Do not apply policies differently to trans customers without assessing disproportionate impact
- Do not make assumptions about a customer's gender or gender history
- Ensure staff understand that discriminatory behaviour or comments are unlawful

In Policies and Procedures

- Your written policies should explicitly include gender reassignment as a protected characteristic
- Any policy that has a different effect on trans people must be capable of being objectively justified
- Record decisions carefully — if you restrict access and a complaint follows, you must be able to demonstrate the necessity and proportionality of your action

If a Customer Complains

- Take all complaints seriously and follow your complaints procedure
 - If a trans person alleges discrimination, this must be investigated properly
 - Customers who believe they have experienced discrimination can bring a claim in the civil courts or apply to the EHRC for assistance
-

The Gender Recognition Certificate — What It Means

A person holding a **Gender Recognition Certificate (GRC)** is legally recognised in their acquired gender for **all** purposes, including access to single-sex services. Treating someone differently after

they have obtained a GRC is direct discrimination.

Without a GRC, a person still has full protection under the gender reassignment provisions of the Equality Act. You cannot require a customer to produce a GRC, medical evidence, or birth certificate as a condition of service.

Key Points for Your Organisation

- **Default position:** Trans customers have the same right to service as anyone else
 - **Exceptions are narrow:** the burden of proof is on you to justify any restriction
 - **Blanket bans are almost certainly unlawful** — every case must be assessed on its individual facts
 - **Staff need training:** a policy on paper only works if staff understand it and apply it sensitively
 - **Seek advice if unsure:** the EHRC provides guidance; for complex situations, legal advice is advisable
-

This guide is intended as general information, not legal advice. For advice on your specific circumstances, consult a qualified solicitor or contact the EHRC.

Sources: Equality Act 2010; EHRC Code of Practice for Services, Public Functions and Associations (2026); Equality Act 2010 (Schedule 3).