

Rt Hon Bridget Phillipson MP  
Secretary of State for Education,  
Minister for Women and Equalities

Dr Mary-Ann Stephenson  
Chair, Equality and Human Rights Commission

CC:

The Rt Hon Baroness Smith of Malvern  
Minister for Women and Equalities

27th May 2026

**Email only**

Dear Secretary of State and Chair,

Following the publication of the EHRC Statutory Code of Practice on the 21st May 2026, we write to you about concerns about the Code's impact on trans and non-binary people, about whether it will receive appropriate parliamentary scrutiny, and how it may be implemented in practice.

We wrote to you previously on 3<sup>rd</sup> December 2025, alongside a wider group of leading mental health organisations across the UK, highlighting that "the proposed guidance risks deepening these inequalities [experienced by trans and non-binary people], undermining people's dignity, safety and access to support". We also highlighted concerns that the Code may contribute to mental health services becoming places of risk, not refuge, and could erode the conditions that enable people to feel safe and supported. The publication of the revised Code has not reassured us.

We note that the Government recently committed to a Mental Health Strategy to "drive a fundamental shift towards prevention - treating people earlier and faster, and supporting those with mental health conditions to live a full life and stay active in education, work, family life and their communities." We are concerned that the Code, and its implementation, will prevent many trans and non-binary people from living a full life in the UK, and may contribute to conditions where trans and non-binary people's mental health is negatively affected.

Critically, given the significant impact the Code of Practice could have, and the interest in it from multiple sectors and stakeholders, we believe it should receive proper parliamentary debate and scrutiny. We call on you to ensure that a parliamentary debate is accommodated at the earliest opportunity. Only with such a debate will the views and voices of trans people, non-binary people, the mental health sector and those we work with, be properly heard.

The utmost importance should also be placed on ensuring that the Code is implemented in a way that is considered, well-managed and mitigates harm. We fear a knee-jerk response from a range of services that could, overnight, bar trans and non-binary people from essential services. We encourage you and the EHRC to guide providers of services to take a gradual and considered approach to implementation, one that mitigates harm to trans and non-binary people, and provides adequate alternative support before any single-sex exclusions may be applied.

We would be pleased to meet with you to discuss how the Code can receive adequate scrutiny, to explore our concerns in more detail, and discuss how the Code of Practice can be implemented with minimal harm.

Yours sincerely,

On behalf of the undersigned organisations:

Andy Bell, CEO, Centre for Mental Health

Dr Sarah Hughes, CEO, Mind

Mark Rowland, CEO, Mental Health Foundation

Mark Winstanley, CEO, Rethink Mental Illness

Sarah McIntosh, CEO, MHFA England and the Association of Mental Health First Aiders

Amy Whitelock Gibbs, Chair, Children and Young People's Mental Health Coalition

Ruairi White, CEO, National Survivor User Network (NSUN)

Jane Hughes, CEO, Mental Health Matters

Vanessa Longley, CEO, Beat

Vanessa Pinfold, CEO, McPin Foundation

Julie Bentley, CEO, Samaritans