

Consultation Response

Equality and Human Rights
Commission – Code of Practice
for services, public functions
and associations:
Consultation 2024

January 2025



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Introduction

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Equalities Law sub-committee welcomes the opportunity to consider and respond to the Equality and Human Rights Commission consultation: Code of Practice for services, public functions and associations: consultation 2024¹.

The sub-committee has the following comments to put forward for consideration.

¹ [Code of practice for services, public functions and associations: consultation 2024 | EHRC](#)



The Code of Practice

The survey asks questions about specific chapters in the Code of Practice. The sub-committee has feedback in relation to Chapter 10: Positive Action, Chapter 13: Exceptions, and the format of the Code of Practice.

Chapter 10 Positive action

Would you like to provide feedback on chapter 10 of the Code of Practice?

[Select one answer]

- **Yes**
- No

Please indicate the extent to which you agree / disagree with the following statement:

The explanation of the legal rights and responsibilities set out in this chapter are clear.

[Select one answer]

- Strongly agree
- **Agree**
- Disagree
- Strongly disagree

Is there anything you would change to make the explanation of the legal rights and responsibilities clearer?

This answer can be no longer than 250 words.

- It is noted that the section "Distinguishing positive action and positive discrimination" has been removed from the Code. We consider that this was a useful section and addresses a common question in this area. We suggest that it is included in the current Code.
- Paragraph 10.3 we suggest that in the sentence "Organisations in both the public and private sector often want to take action to address these disparities and improve their services and engagement with particular groups within the community" should be amended to include reference to third or voluntary sector organisations.

In your view, does this chapter include all relevant changes to the law in this area?

[Select one answer]

- **All of the changes**



- Most of the changes
- Some of the changes
- Don't know

Chapter 13 Exceptions

Would you like to provide feedback on chapter 13 of the Code of Practice?

[Select one answer]

- **Yes**
- No

Please indicate the extent to which you agree / disagree with the following statement:

The explanation of the legal rights and responsibilities set out in this chapter are clear.

[Select one answer]

- Strongly agree
- **Agree**
- Disagree
- Strongly disagree

Is there anything you would change to make the explanation of the legal rights and responsibilities clearer?

This answer can be no longer than 250 words.

Paragraph 13.8 - we consider that the concept of exceptions arising from the legislation is explained clearly in the text, however the table setting out exceptions under this paragraph does not add to the clarity of the information already set out and can be confusing.

The format of the Code of Practice

What, if anything, would you change to make it easier to use?

This answer can be no longer than 100 words

Please see our comments in relation to Chapter 13 relating to exceptions and the use of the table in paragraph 13.8.



For further information, please contact:

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