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Dr Kath Murray Dr Lucy Hunter Blackburn and Lisa Mackenzie  
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Our Reference: 202500463427

27 May 2025

Dear Dr Murray, Dr Hunter Blackburn and Ms Mackenzie,

Thank you for your letter of 25 April regarding the placement of prisoners within the prison estate following the UK Supreme Court judgement in For Women Scotland v the Scottish Ministers.

Issues relating to the management of individuals in prison are for the Chief Executive of the Scottish Prison Service (SPS) who is operationally responsible for matters such as the location, movement, discipline, care, welfare and interventions for all prisoners.

As a public body, SPS is required to comply with the Equality Act 2010 and other relevant legislation and like all public bodies is currently considering the outcome of the Supreme Court judgement and the Equality and Human Rights Commission (EHRC) interim update published on 25 April.

As you will know, the Equality and Human Rights Commission is consulting on an updated statutory Code of Practice and we expect all organisations to consider its revised Code of Practice when finalised to ensure there is a consistent understanding of the correct application of the law for all involved in this complex area. The Scottish Government believes it is right for the EHRC to have space to develop and consult on the Code of Practice and that we must await the publication of the updated Code of Practice.

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Tha Ministearannta h-Alba, an luchd-comhairleachaidh sònraichte agus Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh [www.lobbying.scot](http://www.lobbying.scot)

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The Scottish Government has already begun work on implementation. We have established a Short Life Working Group to ensure support and consistency across Government. This work will position us towards a state of readiness to take all necessary steps when the EHRC's Code of Practice and updated guidance are published.

Yours sincerely,



**ANGELA CONSTANCE**

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