



Llywodraeth Cymru  
Welsh Government

Date: 8 September 2025

**ATISN 25044 - Equality Act 2010 Compliance, Safeguarding, Immigration/Resource Eligibility, and Legal Obligations Following UK Supreme Court Ruling on the Definition of “Sex”**

**ATISN 25065 - Equality Act 2010 Compliance, Safeguarding, Compelled Belief, Immigration/Resource Eligibility, Governance, and Accountability (Care Inspectorate Wales)**

Dear Mr Robertson,

Thank you for your requests which I received on 08 August 2025 and 18 August 2025. As Care Inspectorate Wales is part of Welsh Government and the requests are both in relation to the Equality Act 2010 compliance, the responses have been aggregated. You asked for:

**1. Equality Act 2010 Compliance and the Definition of “Sex”**

- a. Internal legal advice, policy papers, or ministerial briefings on the implementation of the For Women Scotland ruling within devolved areas, including health, education, housing, justice, and equalities policy.
- b. Equality Impact Assessments (EQIAs), reviews, or updates to public-facing equality policies and guidance that reflect the legal definition of sex as biological sex.
- c. Where no such updates have been made, the legal and policy rationale for this omission.
- d. Copies of any updated inspection frameworks, regulatory guidance, training materials, or internal policies produced or revised since April 2025 in response to the Supreme Court ruling.
- e. Details of CIW’s own internal compliance with the Equality Act 2010 (staff training, equality impact assessments, organisational policies).
- f. How CIW inspects and reports on the compliance of social care and childcare providers with the PSED and other duties under the Equality Act 2010.
- g. Any legal advice or position statements held by CIW confirming the binding effect of the ruling.

**2. Safeguarding and Compelled Belief**

- a. Any safeguarding guidance, reviews, or training issued by the Welsh Government to public bodies under its remit addressing the interaction between gender identity policies and safeguarding norms in schools, healthcare, prisons, and other settings.
- b. Any documentation on preventing the compulsion of staff, contractors, or service users to affirm contested beliefs on gender identity as a condition of employment or service provision.



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- c) Guidance, training materials, or inspection criteria covering safeguarding, single-sex provision, and protection of service users in line with the Equality Act 2010.
- d) Extracts or examples from inspection reports since 2022 where safeguarding or equality concerns were raised in relation to sex-based provision.
- e) Records of any risk assessments or thematic reviews where safeguarding intersected with equality duties.
- f) Copies of inspection frameworks, training materials, correspondence, or policy discussions concerning compelled belief, ideological neutrality, or freedom of belief within inspected settings. This includes policies or findings relating to gender identity issues, compelled speech, or the suppression of lawful beliefs.

### **3. Stonewall or Third-Party Influence**

- a. Any payments, contracts, or membership agreements with Stonewall UK, Stonewall Cymru, Global Butterflies, Mermaids, LGBT Foundation, or similar organisations.
- b. Copies of any diversity, inclusion, or equality training, audits, or consultancy services commissioned from, or referencing, such organisations.

### **4. Oversight, Audit, and Nolan Principles**

- a. Any internal or external audits, ministerial submissions, or risk assessments on compliance with the Equality Act 2010 in devolved service delivery.
- b. Any discussions, reports, or briefings on protecting political impartiality and compliance with the Nolan Principles in decision-making.

### **5. Public Spending and Resource Use**

- a. Records of any internal or external reviews into the lawful use of devolved public funds, particularly where policies may have been influenced by external lobbying groups.
- b. Any identified cases of unlawful or politically motivated service provision, and any actions taken in response.
- c. Inspection reports, thematic reviews, or frameworks since 2022 addressing the intersection of equality, safeguarding, and the efficient use of public funds.
- d. Guidance to inspectors on identifying misuse of resources, poor governance, or systemic failures linked to equality and safeguarding compliance.

### **6. Immigration Eligibility and Resource Allocation Compliance**

- a. Internal guidance, audits, or risk assessments on verifying eligibility for publicly funded services in accordance with UK immigration law, including the “No Recourse to Public Funds” (NRPF) policy.
- b. Records of identified misuse or unverified allocation of devolved funds to individuals ineligible under UK immigration legislation, and remedial action taken.
- c. The legal and policy rationale for any decision to omit immigration/resource eligibility considerations from equality and service provision policy reviews following the For Women Scotland ruling.
- d. Where relevant to CIW’s remit, copies of inspection frameworks, guidance, or correspondence addressing checks on residency/immigration eligibility in the



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provision of childcare or social care and any monitoring or findings on the safeguarding of public resources linked to eligibility or entitlement criteria.

## 7. Accountability and Remedy

- a. Details of the officials, committees, or directorates within CIW responsible for ensuring compliance with the Equality Act 2010 and safeguarding law.
- b. Any records of non-compliance or failings identified within CIW itself or in the providers it inspects, and the steps taken in response.
- c. Confirmation of CIW's accountability mechanisms to Welsh Government and to Parliament in relation to these matters.
- d. Where failings have been identified, please provide CIW's plans, timelines, and commitments for remedy.

## Our response

The responses that we can provide are enclosed:

### **Equality Act 2010 Compliance and the Definition of "Sex"**

- In relation to legal advice, an exemption will apply to this information as it is privileged information between lawyer/client (Section 42 FOIA).
- The equality policy released since the Supreme Court ruling on the definition of sex being biological sex for the purposes of section 11 and section 212(1) of the Equality Act 2010, is the Strategic Equality and Human Rights Plan. The Equality Impact Assessment for that plan will be published in Autumn.
- CIW have not revised the inspection frameworks, regulatory guidance, training materials, or internal policies in response to the Supreme Court ruling.
- As a division of Welsh Government, CIW are guided and work towards supporting the delivery of the Welsh Government's Strategic Equality Plan and Equality Objectives 2024-2028 under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, and the Public Sector Equality Duty (PSED).
- CIW and HIW (Healthcare Inspectorate Wales) also have a joint Equality, Diversity, and Inclusion Strategy which can be viewed here:  
<https://www.careinspectorate.wales/sites/default/files/2024-05/240501-joint-equality-diversity-and-inclusion-strategy-2024-2028-en.pdf>
- CIW's Codes of Practice for Inspection set out the approach to inspection. Inspection frameworks set out the lines of enquiry for inspection including detailed descriptors for what CIW would expect to see. The inspection



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frameworks also reflect the Inspectorate's commitment to promoting and upholding the rights of people who use care and support services. This includes but is not limited to the rights of people as set out in the Equality Act 2010. Codes of practice and inspection frameworks are available on CIW's website here: <https://www.careinspectorate.wales/providing-a-care-service/our-inspections>

### **Safeguarding and Compelled Belief**

Welsh Government has made a statement on the Supreme Court ruling.  
[Written Statement: Supreme Court ruling on the Equality Act 2010 \(29 April 2025\) | GOV.WALES](#)

CIW's approach to inspection and the frameworks used are available on CIW's website here: <https://www.careinspectorate.wales/providing-a-care-service/our-inspections>.

CIW's Safeguarding Policy is available here:  
<https://www.careinspectorate.wales/safeguarding-policy-html>.

CIW also have a Human Rights Policy available here:  
<https://www.careinspectorate.wales/our-commitment-promoting-and-upholding-rights-people-who-use-social-care-and-childcare-services-html>

### **Stonewall or Third-Party Influence**

Details of funding provided to Stonewall have been released in previous responses to Freedom of Information requests and the most recent of those are published in our disclosure log at:

[Publications | GOV.WALES](#)

Please see:

[FOI release 19521: Stonewall Cymru | GOV.WALES](#)

[FOI release 24474: Stonewall | GOV.WALES](#)

We have not made any payments to Global Butterflies, Mermaids or LGBT Foundation.

Information in relation to Diversity, Equity and Inclusion Initiatives and Diversity Consultants is already in the public domain and can be found here:

[FOI release 25010: Diversity Consultants | GOV.WALES](#)

[FOI release 25008: Funding of Diversity, Equity and Inclusion initiatives | GOV.WALES](#)



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## Immigration Eligibility and Resource Allocation Compliance

- Immigration and the NRPF ruling is reserved. Welsh Government has published NRPF guidance to help local services support people that are not entitled to public funds [NRPF guidance](#)
- CIW requirements for checks on staff of childcare and social care services are set out within the regulations, statutory guidance and national minimum standards applicable to the type of service. These can all be accessed via CIW's website here: <https://www.careinspectorate.wales/legislation>

## Accountability and Remedy

- CIW's Deputy Chief Inspector is the lead for equality, diversity and inclusion (EDI) within CIW, assisted by an EDI champions group to oversee the delivery of the CIW/HiW Joint EDI strategy. The EDI champions group is made up of a cross section of CIW staff.
- CIW are a division of Welsh Government and therefore report against any relevant actions under the Welsh Government's Strategic Equality and Human Rights Plan 2025-2029 and the plans which sit under it. CIW are required to publish an annual report about the exercise of regulatory functions in respect of that financial year. The report is laid before the Senedd Cymru.
- Regulatory non-compliance of regulated service providers is detailed within CIW's published inspection reports. These reports can be accessed via CIW's online Care Service Directory here:  
<https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdigital.careinspectorate.wales%2Fdirectory%2Fsearch&data=05%7C02%7CZoe.Sutton%40gov.wales%7C4ba42dd87599441869e308ddec75252c%7Ca2cc36c592804ae78887d06dab89216b%7C0%7C0%7C638926710049939155%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIlwLjAuMDAwMCIsIlAiOiJXaW4zMlslkFOljoitWFBpCislldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=wIMj9uJHaXG7RKw3JxTo1FjEVEEd2zU1wAGolAGilQnc%3D&reserved=0>.
- CIW's primary responsibility is to ensure the law in relation to the running of social care and childcare services is upheld.

From my preliminary assessment I estimate that for the remainder of the responses it will cost more than the appropriate limit set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 to answer your request. The appropriate limit specified for central government is £600, which represents the estimated cost of it taking 24 hours of time. This work includes



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whether we hold the information and to thereafter locate, retrieve and extract it. In order to provide you with the information that you have requested, this would require a search across the whole of Welsh Government.

As an example, we estimate that there are 95 teams across the Welsh Government who may hold information caught by your request. For each of those teams, we expect it to take a minimum of 30 mins to investigate their policy area for impacts, plus any further enquiries with their own legal teams. This provides a conservative estimate of around 47.5 hours and is independent of any work for the Equalities Division to do in meeting with teams to explain what we need in terms of policy direction. This exceeds the 24 hour limit.

In addition, to identify whether information is held in relation extracts or examples from inspection reports since 2022 where safeguarding or equality concerns were raised in relation to sex-based provision, CIW would have to individually review all inspection reports issued since 2022. Regulated services are not categorised as a sex-based provision so the reports for all services would need to be reviewed. We have established that to identify whether any such information is held would again exceed the 'appropriate limit'.

This has been worked out as follows:

- Number of CIW inspection reports issued since 01/01/2022 = 7,601
- Estimated time it would take to review each report to establish whether it contains the request information = approx. 2 minutes per report.
- Total estimated time it would therefore take to identify whether any such information is held = 253 hours.

Consequently, I have decided not to provide the remaining information you have requested. Before you submit any revised request can I suggest that you look on the Welsh Government website as we publish information on all of our initiatives, policies and financial decision reports etc. Some of the information you are trying to access may already be published either proactively by ourselves or in response to previous FOI requests.

You can find all previous Freedom of Information requests at [Publication of freedom of information \(FOI\) responses | GOV.WALES](#). You can also find information about budgets on the Welsh Government website. The latest is at [Final Budget 2025 to 2026 | GOV.WALES](#) and decision reports on [Decision reports | GOV.WALES](#)

If you cannot find the specific information you wish to access on our website, then when drafting a revised request, I would suggest that you look to focus on specific initiatives. If you do refine your request in this way, this will be treated as a new request.

### **Next steps**

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response.



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Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,  
Welsh Government,  
Cathays Park,  
Cardiff,  
CF10 3NQ

or Email: [Freedom.ofinformation@gov.wales](mailto:Freedom.ofinformation@gov.wales)

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely