

**REDACTED VERSION OF INFORMATION TO RELEASE. FOI 202400416898**

**ITEM 1: INSPIRING SCOTLAND INFORMING SG OF TRIBUNAL**

**From:** <redacted>@inspiringscotland.org.uk  
**Sent:** 11 April 2023 08:52  
**To:** <redacted>@gov.scot; <redacted>@gov.scot  
**Cc:** <redacted>@gov.scot  
**Subject:** Edinburgh Rape Crisis

Dear Both

<OUT OF SCOPE>

We received the email below from Mridul at Edinburgh Rape Crisis on late on Friday. We don't know anymore than what has been provided so far. We'll check the press to see if the story was covered over the weekend. If we hear anything further, we'll let you know.

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I am writing to let you know that a former employee at ERCC has filed a tribunal claim against us, which we intend to defend. The claim has its roots on the hostile environment that is being created for charities that are openly trans inclusive and that is all I can say about it just now.

It is likely that news of this tribunal claim will make the news., but we aren't sure when that will happen.

I am happy to speak to you further, if necessary.

Regards  
**Mridul Wadhwa**  
**Chief Executive Officer**  
Pronouns: she/her (more on pronouns here)

Thanks  
<redacted>

**ITEM 2: EMAILS FROM POLICY HIGHLIGHTING THE TRIBUNAL TO COMMUNICATION COLLEAGUES**

**From:** <redacted>@gov.scot  
**Sent:** Monday, January 15, 2024 9:02 AM  
**To:** Communications Justice and Home Affairs  
<CommunicationsJusticeAndHomeAffairs@gov.scot>

Cc<redacted>@gov.scot

**Subject:** Edinburgh Rape Crisis employment tribunal

Good morning

Further to my communications last year, I just wanted to remind you that the employment tribunal involving ERCC will be happening next week, 15 January. We will watch social media and keep you informed of any updates. Appreciate we cannot comment on a live case but, given the focus, there is likely to be press queries so just (re)putting on your radar!

Cheers

<redacted>

Area 3H (North) | Victoria Quay | Edinburgh | EH6 6QQ

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**ITEM 3: MICASE – 31 Jan 2024 - Daniel Johnson**

**From:** Daniel Johnson MSP <daniel.johnson.msp@parliament.scot>

**Sent:** Wednesday, January 31, 2024 3:27 PM

**To:** Cabinet Secretary for Justice & Home Affairs <cabsecjha@gov.scot>

**Subject:** (Case Ref: DJ16920)

Dear Cabinet Secretary,

One of my constituents has contacted me in relation to allegations at Edinburgh Rape Crisis Centre. Their concerns are below:

***At present an industrial tribunal is being held where the complainant is alleging constructive dismissal against Edinburgh Rape Crisis Centre (ERCC).***

***The case has not been decided yet. However it has become clear that there are real problems with ERCC, which many women and some men have been aware of since the appointment of Mridul Wadhwa (MW) a man, to the post of CEO of ERCC in 2021. In the rest of this email I refer mostly to what is already known and in the public domain.***

***The head of a rape crisis centre is a job reserved for a woman ( for reasons which should be obvious and clearly is covered by exemptions within the Equality Act. ) MW is a man, who presents as a woman although his name is a male Sikh name; he is a male embodied; retains his biological sex markers and has no GRC.***

***This man has qualifications in business management and no training in therapy or counselling, yet he is on record at a public event as saying that he likes to meet with about 4 women a week in the ERCC 'for fun'(sic).***

***He has also said in public fora that rape does not discern between 'transphobic' women and other women. This would be because rape is about power and control not politics, philosophy or ideology. He also said that women who ask for a female counsellor or evince other evidence of 'transphobia' have to 'reframe' their trauma. They must change their 'bigoted' positions during treatment because that is part of healing. All of this is available on youtube in a film of a panel discussion.***

***<redacted> this is in no way a humane or professional response to the needs of a woman who has been raped. We need safety ( women raped by a partner or family member may have no safe place at home, may be rendered homeless and may have children to protect ); advice, options, medical support, support with interacting with police ( sometimes and when we are ready). We need therapeutic care which helps us to see we are not worthless and soiled; that we have a right to be angry and demoralised; that a serious crime was committed against us. What we do not need is to be coerced into accepting an ideological stance on identity. Neither do we need to accept that we may be treated by a man or by someone identifying as 'NB'. In this context it is reasonable to want to know the sex of the person you will be with and it is unreasonable for an organisation to obfuscate over this because they are 'trans inclusive'. In these circumstances the entitlement to affirmation is the survivor's , not the service providers'.***

***In any therapeutic setting including RCC it is not the role of the organisation to instruct a client on a philosophy, ideology, world view or belief system. Women who have been raped have the absolute right to dignity, respect and to have their needs met. Decades ago women set up ERCC so that rape victims ( who span class, race, religion and ability but are all women raped by men) would have support they needed from other women at a time when little or no support was available to us, and when societal misogyny blamed the woman and exonerated the man.***

***It has emerged from the tribunal that a woman in her sixties was turned down by ERCC because she asked for reassurance that the group she would join would be female. She was informed of her rejection as a client, by letter. She was not directed to Beira's Place in Edinburgh which is completely staffed by biological women, because ERCC do not recognise this organisation. She has had no help at a horrific time in her life, when she really needs it. I think that it is hard for many to understand just how completely this crime destroys a woman. It is outrageous that an organisation set up to help women no longer seems to recognise this.***

***I am not going to discuss the argument about transwomen being women. They are not, even though one of the ERCC witnesses, flying in the face of scientific and social knowledge, insists that MW is a woman. He just is not, and even the***

***most hardened trans ally should be able to see why a woman who has been the victim of male sexual violence would choose to seek help from female professionals. This is clearly an exemption under the Equality act.***

***Further, ERCC is funded largely by government - this is our taxpayers' money. The money comes from funding set aside for the support of women and girls who are victims of male violence. Other women only service providers lost their funding because they refused to accept men who identified as women as co workers or clients. That the situation at ERCC is not a recognised national, shameful scandal is only because many do not know about it; crimes against women and girls being not as important as the imagined crimes against trans people, according to the tribunal witness.***

***How many taxpayers would be happy they were funding RCC run by a man, unqualified in therapeutic care and who actively pushes an ideological stance on gender where it is harmful and unnecessary?***

***I am therefore asking you to raise the following two matters with whichever part of SG has power to investigate and reassure (or otherwise) that:***

***1. The funding of a RCC which pushes a misogynist and trans ideological view of women survivors is value for money, serves women who have undergone one of the worst crimes which can be committed against a woman without fear or favour, and aligns with Scottish civic values.***

***And***

***2. Ask why a man was given this role; what qualified him for this post and why no action has been taken with regard to his public anti woman opinions on rape and the 'fun' factor of working with survivors.***

***<redacted> This issue is both personal and political to me and I am not just furiously angry but heartbroken and demoralised that a valuable life saving service has been traduced in this way.***

I would be very grateful if you could respond to the issue[s] raised and provide me with any other relevant information regarding this case.

Many thanks in advance for your help in this matter.

Kind Regards,  
Daniel

**Daniel Johnson MSP**  
Member of Scottish Parliament for Edinburgh Southern  
Shadow Cabinet Secretary for Economy, Business and Fair Work  
134 Comiston Road, Edinburgh, EH10 5QN  
Tel: 0131 541 2145

[www.danieljohnson.org.uk](http://www.danieljohnson.org.uk)

Facebook: [Daniel Johnson MSP](#)

Twitter: [@djohnsonmsp](#)

## RESPONSE

### SCOTTISH GOVERNMENT RESPONSE

Dear Daniel,

Thank you for your correspondence on the 31 January 2023 regarding Edinburgh Rape Crisis Centre. I am responding on behalf of the Scottish Government because as the Minister for Victims and Community Safety, the Equally Safe strategy to eradicate violence against women and girls falls within my portfolio.

I am aware of the ongoing Adams v Edinburgh Rape Crisis Centre employment tribunal. Whilst it would not be appropriate for me to comment on a live employment tribunal, or on issues that relate to an independent organisation's staffing matters, I want to assure you that the Scottish Government remains committed to improving the support available to women and girls who have experienced rape and sexual assault. Equally Safe, Scotland's strategy for preventing and eradicating violence against women and girls, sets out a vision to prevent violence from occurring in the first place, build the capability and capacity of support services, and strengthen the justice response to victims and perpetrators. The strategy was refreshed in December 2023 and can be found online here. Rape and sexual assault are abhorrent and perpetrators must be held to account. That is why we have taken robust action to tackle sexual offending encouraging more victims to come forward, improving support and modernizing the law on sexual offences. We will continue to prioritise support for victims of sexual crime, as well as work to identify ways to prevent such offending in the first place.

As your constituent will know, the Equality Act 2010 allows for the provision of single-sex services in certain circumstances. There are also circumstances where a single-sex service provider can prevent, limit or modify trans people's access to those services, if it is a proportionate means of achieving a legitimate aim. The Scottish Government is clear that all organisations need to take account of the Equality Act to ensure everyone's rights are protected. The Equality and Human Rights Commission have statutory codes of practice and guidance which assist service providers and employers with understanding the relevant issues, including their guidance for providers of single sex services. I hope that your constituent finds the following information helpful.

SIOBHIAN BROWN

### **ITEM 4: POLICY NOTIFYING COMMUNICATIONS COLLEAGUES ABOUT THE TRIBUNAL**

**From:** <redacted>

**Sent:** Thursday, February 8, 2024 9:07 AM

**To:** <redacted>@gov.scot; Communications Justice and Home Affairs

<CommunicationsJusticeAndHomeAffairs@gov.scot>; Communications Social Justice <CommunicationsSocialJustice@gov.scot>

**Cc:** <redacted>@gov.scot; <redacted>@gov.scot; <redacted>@gov.scot; <redacted>@gov.scot; <redacted>@gov.scot; Catherine McMeeken <redacted>@gov.scot

**Subject:** For awareness - issues in the VAWG space

Morning comms colleagues

I just wanted to raise a couple of issues either as a just in case or as a pre-warning.

<redacted> - You will be aware that Edinburgh Rape Crisis Centre was involved in an employment tribunal (a constructive dismissal case taken by an ex-staff member on the basis of her gender-critical beliefs). We have agreed lines on this for the media. I just wanted to let you know that we have had two FOIs relating to ERCC from For Women Scotland – it is possible that the response might lead to some media coverage.

<OUT OF SCOPE>

Thanks folks.

All the best

<redacted>

<redacted>

Equality Unit | Directorate For Equality, Inclusion & Human Rights | Scottish Government |<redacted>

Area 3H (North) | Victoria Quay | Edinburgh | EH6 6QQ



#### **ITEM 5: MEDIA RELEASE THREAD**

**From:** <redact>

**Sent:** Monday, May 20, 2024 3:20 PM

**Subject:** SG response - ERCC

Hello,

You asked about Edinburgh Rape Crisis Centre. Please see SG response below.

Best,  
<redacted>

## **SG RESPONSE**

A Scottish Government spokesperson said:

“The Scottish Government cannot comment on individual Employment Tribunal decisions.

“The Scottish Government continues to fund Edinburgh Rape Crisis Centre (ERCC) to support survivors of rape and sexual assault as we do for rape crisis centres across the country.

“We welcome that a review of ERCC practices and procedures is to take place.”

## **Background**

In the financial year 2024/25 ERCC was awarded £405,899 through the Delivering Equally Safe fund to support survivors of rape and sexual assault.

Additionally, ERCC was awarded £384,200 of Covid Emergency Funding to help reduce their waiting lists.

No funds have been provided by Scottish Government to cover the costs of the Employment Tribunal.

<redact>

## **ITEM 6: DISCUSSION WITH INSPIRING SCOTLAND**

**From:** <redacted>@inspiringscotland.org.uk>

**Sent:** Thursday, November 9, 2023 12:09 PM

**To:** <redacted>@gov.scot; <redacted>@gov.scot

**Cc:** <redacted>@inspiringscotland.org.uk>; <redacted>@inspiringscotland.org.uk>

**Subject:** DES portfolio - Edinburgh Rape Crisis Centre update

Hi <redacted>

As discussed at our monthly update meeting, the meeting with Mridul Wadhwa the CEO of Edinburgh Rape Crisis Centre (ERCC) went ahead on 6 November 2023. I have provided a short update of the meeting and can give further details if required.

Mridul informed me that a previous employee, who resigned earlier this year, has raised a claim of constructive dismissal on the grounds of belief. The Employment Tribunal is planned to take place during the week of 15<sup>th</sup> January 2024 in Edinburgh. ERCC are of the opinion that there will be press interest and coverage of the Tribunal. It is likely to touch on issues such as women only spaces. ERCC has an

HR company supporting them through the process and believe that the complainant is being supported by Sex Matters.

I will keep in touch with ERCC and will keep you informed of any updates.

Best regards

<redacted>

**Performance and Impact Advisor**

**ITEM 7: DISCUSSION WITH INSPIRING SCOTLAND 2**

**From:** <redacted>@gov.scot

**Sent:** Monday, January 15, 2024 8:59 AM

**To:** <redacted>@inspiringscotland.org.uk>

**Subject:** RE: ERCC

Thanks <redacted>... it is on my radar – but really grateful for your support!

<redacted>Scottish Government | e: <redacted>  
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**From:** <redacted>@inspiringscotland.org.uk>

**Sent:** 12 January 2024 13:07

**To:** <redacted>@gov.scot

**Subject:** ERCC

Hi <redacted>

I hope you are well and that you have a good break over the festive season.

I just wanted to remind you that the employment tribunal involving ERCC will be happening next week, 15 January. We will watch social media and keep you informed of any updates.

Best wishes

<redacted>

**Performance and Impact Advisor**



## **ITEM 8: FURTHER THREAD WITH INSPIRING SCOTLAND**

**From:** <redacted>@gov.scot  
**Sent:** Wednesday, January 17, 2024 1:08 PM  
**To:** <redacted>@inspiringscotland.org.uk  
**Cc:** <redacted>@inspiringscotland.org.uk  
**Subject:** RE: ERCC tribunal

Hi both

I've been checking in on the twitter channel too.

Happy to attend the meeting – think it makes sense so to do... (from the point of view of thinking about ensuring SG money is being spent to deliver the service...)

Cheers

<redacted>  
<redacted> | Directorate For Equality, Inclusion & Human Rights |  
Scottish Government |<redacted>  
Area 3H (North) | Victoria Quay | Edinburgh | EH6 6QQ

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**From:** <redacted>@inspiringscotland.org.uk  
**Sent:** 17 January 2024 11:38  
**To:** <redacted>@gov.scot  
**Cc:** <redacted>@inspiringscotland.org.uk  
**Subject:** ERCC tribunal

Hi <redacted>

Hope you had a great Xmas break.

I wanted to let you know that Sandy Bridley was in touch yesterday asking for a catch up on possible actions that may be needed as a result of the ongoing ERCC tribunal. Sandy's comments were:

*"The tribunal started yesterday and it is early days however I think it would be useful to arrange a chat about some of the issues arising in relation to the service provided by ERCC and possible action that may be required"*

<redacted> has been monitoring twitter. This was posted yesterday. The tribunal was suspended yesterday due to the claimant's solicitor being unwell. Not sure what the issues are that Sandy referred to and whether they are linked to referring or not to Beira's Place.

Sandy asked whether you should attend the meeting. Given I'm likely to look to you for SG's view given the sensitivity of the subject, if you attend, it would allow you to hear from Sandy directly. I don't have a date or time yet for the meeting. I'm happy to go ahead if you think that might be prudent in the first instance for me to meet with her and find out what the issues are.

Best

<redacted>

#### **ITEM 9: FURTHER THREAD WITH INSPIRING SCOTLAND**

**From:** <redacted>@inspiringscotland.org.uk  
**Sent:** Thursday, January 25, 2024 3:42 PM  
**To:** <redacted>@gov.scot  
**Cc:** <redacted>@inspiringscotland.org.uk  
**Subject:** Update on ERCC

Hi <redacted>

I just wanted to make you aware of this tweet regarding ERCC which gives an update on the tribunal. You may have already seen it but the evidence has concluded and there will be oral submissions in April, with the outcome expected in 3-6 months. We will keep in touch with the organisation for updates.  
<https://twitter.com/tribunaltweets/status/1750250447816831462>

Thanks

<redacted>

#### **ITEM 10: THREAD WITH RAPE CRISIS SCOTLAND**

**From:** <redacted>@gov.scot  
**Sent:** Thursday, May 16, 2024 4:00 PM  
**To:** <redacted>@rapecrisisScotland.org.uk  
**Subject:** RE: ERCC tribunal judgment

Thanks so much Sandy, this is really helpful.

I am about to let Ministers know the outcome of the tribunal so they are alerted to it ahead of it becoming public. Mridul has contacted me to let me know and it aware I am letting Ministers know.

We will continue to liaise with you and Inspiring Scotland to ensure confidence that DES funding is being utilised as per contract.

Best wishes

<redacted>

<redacted>

Equality Unit | Directorate For Equality, Inclusion & Human Rights |

Scottish Government | e: <redacted>

Area 3H (North) | Victoria Quay | Edinburgh | EH6 6QQ

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**From:** <redacted>@rapecrisisScotland.org.uk

**Sent:** 16 May 2024 15:30

**To:** <redacted>@gov.scot

**Subject:** ERCC tribunal judgment

Hi <redacted>,

Please find attached for information the statement we intend to release from RCS when the ERCC tribunal judgment becomes public.

Let me know if there is anything you wish to discuss.

Sandy

Sandy Brindley

Chief Executive

Rape Crisis Scotland

#### ATTACHMENT

Public Statement

As a national organisation working to end sexual violence, the needs of survivors are our priority.

Rape Crisis Scotland works with a network of 17 member Rape Crisis Centres across Scotland. Edinburgh Rape Crisis Centre is an autonomous member centre and as such, Rape Crisis Scotland was not involved in any of the circumstances that led to the tribunal.

All member Rape Crisis Centres are signed up to working within UK-wide National Services Standards. These standards detail the high quality of service every survivor

can expect to receive from a Rape Crisis Centre. Membership of Rape Crisis Scotland is based upon a shared commitment to, and evidencing of, the UK-wide Rape Crisis National Service Standards. These standards detail the high quality of service all survivors can expect from a Rape Crisis Centre.

We have been concerned by some of the evidence arising from the tribunal suggesting that some practices at ERCC may have fallen short of these standards. An independent review into the practices and procedures at Edinburgh Rape Crisis Centre has been commissioned. We are also working closely with Rape Crisis England and Wales on a planned review and refresh of the National Service Standards.

We want to reassure survivors that their needs will be listened to and respected when they come to a Rape Crisis Centre for support, or for advocacy services. We recognise that the tribunal judgment will raise questions for some survivors about what they can expect when they come to a Rape Crisis Centre. We believe that it is important that survivors can make informed choices about the services they can access at Rape Crisis Centres. We will be working with rape crisis centres across Scotland to consider the judgment and anything further we need to do to ensure survivors are able to access the services they need after being raped or sexually abused.

We are committed to ensuring that every survivor of sexual violence can receive support in a way which meets their specific needs, including the provision of dedicated times and spaces for women and girls to access Rape Crisis services across Scotland and to providing support to anyone affected by sexual violence, including survivors who are trans or non-binary.

#### **ITEM 11: THREAD WITH ERCC**

**From:** <redacted>@gov.scot  
**Sent:** Monday, May 20, 2024 2:11 PM  
**To:** Mridul Wadhwa <redacted>  
**Cc:** <redacted>@ercc.scot  
**Subject:** RE: Letter and statement

Thanks very much – and thanks again for your time to explain the situation.

All the very best  
<redacted>

Area 3H (North) | Victoria Quay | Edinburgh | EH6 6QQ

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**From:** Mridul Wadhwa <redacted>  
**Sent:** 16 May 2024 18:05  
**To:** <redacted>@gov.scot  
**Cc:** <redacted>@ercc.scot>  
**Subject:** RE: Letter and statement

Hi <redacted>

Thanks. Please do let me know if there is any additional information is needed.

Kind Regards  
Mridul



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**From:** <redacted>@gov.scot  
**Sent:** Thursday, May 16, 2024 5:57 PM  
**To:** Mridul Wadhwa <<redacted>  
**Cc:** <redacted>@ercc.scot>  
**Subject:** RE: Letter and statement

Thanks Mridul – I very much appreciate you sharing this with me. I will update Ministers so they are aware of the situation as they are likely to be asked questions about this.

All the best

<redacted>

Area 3H (North) | Victoria Quay | Edinburgh | EH6 6QQ

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**From:** Mridul Wadhwa <<redacted>>  
**Sent:** 16 May 2024 17:39  
**To:** <redacted>@gov.scot>  
**Cc:** <redacted>@ercc.scot>  
**Subject:** Letter and statement

Hi <redacted>

Thank you for meeting with me earlier.

As discussed, please find attached a copy of the letter I have just sent to <redacted> at Inspiring Scotland.

Also find below the latest version of our public statement that will go out when the judgement becomes public. It is still being tweaked, the final version may change.

*We are saddened by the outcome of the Tribunal. We will now take time to reflect on the written judgement.*

*We strive to provide a safe, accessible and inclusive service and are committed to improving continuously.*

*We are working alongside Rape Crisis Scotland to ensure we meet our high standards. We have commissioned an independent review to help us align our practices and procedures with the UK-wide Rape Crisis National Service Standards. This is part of a national project led by RCS, ensuring survivors receive the high quality of support they deserve.*

*We want to reassure all survivors who are currently accessing our services and anyone seeking support that we are still here for you, and you matter to us. Our services remain unaffected by these events. Please see our [FAQs page](#) on our website for further information about the services we offer.*

I have asked Sandy to email you RCS's statement.

I have copied in <redacted>, so you have her contact.

Kind Regards

Mridul Wadhwa  
Chief Executive Officer  
Pronouns: she/her (more on pronouns here)

Edinburgh Rape Crisis Centre  
17 Claremont Crescent

Edinburgh, EH7 4HX  
[www.ercc.scot](http://www.ercc.scot)

<redacted>

## ATTACHED LETTER

<redacted>

Delivering Equally Safe  
Inspiring Scotland  
16<sup>th</sup> May 2024

Dear <redacted>

Edinburgh Rape Crisis Centre

We write to you jointly as Chief Executive Officer and Convenor of Edinburgh Rape Crisis Centre (ERCC) following a judgment from the First-tier Employment Tribunal in a case which was raised against ERCC by a former employee.

We have previously been in contact with you about the tribunal, its circumstances, our learning from the tribunal so far and the changes we were making at ERCC ahead of the judgment being received.

We were, regretfully, unsuccessful in the tribunal with the EAT finding fully in favour of the claimant. The tribunal judgment found that ERCC directly discriminated against the claimant on the grounds of religion or belief and that she was unfairly constructively dismissed.

This decision is received by us, the senior management team and the board of directors with humility, sadness and disappointment.

Our legal team are currently considering whether there are grounds for an appeal. A remedy hearing date will be set for later in the year. We expect this to be between September - November 2024.

We have listed below the steps we have already taken, and those we are still to take to learn and improve from the tribunal and judgment, as well as highlight points in the judgment that we believe require further clarification on our position and approach as an organisation. It is our intention to never again fail to meet the highest of employment standards.

1. The tribunal has highlighted that the organisational culture was not being inclusive of those who hold gender critical views and inappropriate, un-inclusive messaging was being shared on internal platforms. The action we have taken to address these issues include: (i) HR management training for supervisors and line managers; (ii) the development of a clear code of conduct on acceptable behaviour in the workplace; (iii) delivery of training to staff, leadership team, volunteers and board members on working together and tolerance. We are also currently working with an independent HR advisor who is reviewing our HR policies to ensure they are not only

fit for purpose, but that they meet the highest of standards.

2. Our services are and have always been open to all survivors irrespective of their beliefs. We are transparent and honest about how our services are delivered and who delivers them. We acknowledge openly that we have women and non-binary staff members and clearly communicate that we offer women-only spaces and times in our centre. Our [FAQs](#) inform survivors about how our services are delivered and what they can expect from us.

3. An issue highlighted in the judgment was the alleged conduct of the CEO, specifically around comments which were made at an event at the University of Edinburgh regarding trans inclusion, which may have been inappropriate. Since the evidential hearing, the ERCC board has investigated the conduct of the CEO at the event, including contacting the organisers of the event and other participants for clarification. We received a response from the organisers of the event that clarified the content and nature of the event. We are satisfied that the CEO's conduct at the event was misrepresented at the tribunal. We are happy to supply the response should you wish to see it. The CEO has decided, given the current climate, not to engage in any public speaking for the foreseeable future.

4. We have also, jointly with Rape Crisis Scotland, appointed an independent consultant to review our practice and make recommendations to both ERCC and RCS on what we may need to do, if anything, to ensure best practice in respect of the Rape Crisis National Standards. This process includes a full review of our governance structures and procedures. We are confident this process will strengthen the organisation and ensure stability going forward.

5. We wish to reassure you that ERCC has legal protection insurance and that has fully funded the costs of legal advice and representation. The insurance will also cover the cost of any compensation awarded to the claimant, which will be determined at the remedy hearing. This insurance will not cover expenses awarded to the claimant, although this has not been sought so far. We would like to reassure you that while we do not have significant reserves, we will be able to meet that expense if required.

6. Finally, we would like to make you aware that we did not undertake the disciplinary process that led to the tribunal lightly. The disciplinary panel did not discipline the claimant following the investigation. Our HR and legal advisors, Worknest, were involved from day one in guiding us through the disciplinary, grievance and tribunal. Worknest is staffed by employment law advisors who are qualified employment lawyers. All communication sent to the claimant had first been reviewed and approved by Worknest. We believe the judgment, especially in its characterisation of our witnesses, does not acknowledge the advice and guidance that staff and volunteer board members received from Worknest.

The judgement has found that our initial investigation was flawed as it widened the scope of the initial complaint. Whilst the scope was widened, the disciplinary panel did not take the additional evidence gathered into account, and as a result, did not, discipline the claimant. Regardless, we accept that our process was flawed.



Our learning is that if we are ever confronted with a similar disciplinary or grievance process in the future, we will use a qualified, independent, HR professional to carry out the investigation and work alongside our legal advisors. We recognise that the absence of an experienced HR lead internally negatively impacted both the claimant and ERCC and could have been avoided.

The Chief Operating Officer who carried out the investigation into the disciplinary and our then Convener, who was the liaison for all those involved in the disciplinary process, including the panel, the grievance and the appeals are no longer with the organisation. The former Convener gave evidence at the tribunal and then stepped down and left the board.

ERCC values include owning up to our mistakes and learning. We got this wrong and intend to learn from it. It is important to us as an organisation that we continually audit our service and practice, and address where we are falling short.

We appreciate that you may have questions and concerns about the issues we address in this letter among others. We would be happy to meet with you individually or together to answer any questions you have and offer further insight and clarifications.

Yours sincerely,  
<redacted>

## **ITEM 12: THREAD WITH RCS**

**From:** <redacted>@gov.scot>  
**Sent:** Wednesday, May 22, 2024 1:22 PM  
**To:** Sandy Brindley  
**Subject:** RE: Independent review of ERCC

Super helpful... thanks!

<redacted>

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**From:** Sandy Brindley  
**Sent:** 22 May 2024 13:15  
**To:** <redacted>@gov.scot  
**Subject:** Independent review of ERCC

Hello <redacted>, further information on the review is below.

RCS identified the need for an independent review of ERCC in relation to the National Service Standards after hearing the evidence in the employment tribunal in January this year. The claim centred around an incident where a survivor asked for information on whether the support worker allocated to her was a woman or a man. The response to the survivor and the case more generally raised a number of questions about ERCC's adherence to the National Service Standards (NSS), and specifically in relation to survivors being able to make an informed choice about the service they receive. It has also raised questions about governance within ERCC. Vicky Ling has been commissioned to undertake this review. She works in the justice sector and has been a Chartered Quality Professional since 2008. She has extensive experience in evaluating quality standards and services. She also has experience of working with organisations in the violence and women and girls sector in England and Scotland.

The requirements of the review are:

- To review the support service provided by ERCC in relation to the NSS
- To consider any gaps or areas for improvement within ERCC in relation to the NSS
- To consider and make recommendations for ERCC moving forward
- To consider and make recommendations for RCS in relation to the NSS and quality assessment frameworks on the NSS

It is anticipated that the review will be concluded by 30<sup>th</sup> August 2024.

Information on the NSS:

The Rape Crisis National Service Standards (NSS) are the quality assurance framework developed over a decade ago, through collaboration between Rape Crisis England and Wales and Rape Crisis Scotland. These shared standards enable specialist Rape Crisis services to demonstrate how their services are provided within professional frameworks that prioritise safety, governance, empowerment and continuous improvement.

The standards are mapped against key quality assessment frameworks including: Care Quality Commission (CQC): Key Lines of Enquiry for Healthcare Services (and successfully aligned with their assessment frameworks) The Care Inspectorate (Scotland) Health and Social Care Standards Quality for Health: Quality Assurance System Quality Standards for Supporting Male Victims/ Survivors of Sexual Violence: Male Survivors Partnership (MSP) Women's Aid Federation of England: National Quality Standards, Scottish Women's Aid National Service Standards.

These standards give survivors, the Scottish Government, Police Scotland, NHS Scotland and other partners, funders and members of the public confidence in our members. Through the NSS we demonstrate our expertise, safe practice and quality. Bearing accreditation of these standards are a funding condition of the Delivering Equally Safe (DES) Fund.

The usual assessment cycle for the NSS was significantly disrupted due to COVID-19. RCS is currently developing an options paper for future approval and verification

processes for centres in relation to the NSS, including seeking funding for external verification.

Please just let me know if you need any further information.

Best wishes,  
Sandy

Sandy Brindley  
Chief Executive  
Rape Crisis Scotland

**ITEM 13: MiCase – 22 May 2024 - Correspondence from the public**

**From:** <redacted>@btinternet.com  
**Sent:** Wednesday, May 22, 2024 8:57 AM  
**To:** Cabinet Secretary for Social Justice 2024 <CabSecforSJ@gov.scot>  
**Subject:** Edinburgh Rape Crisis Centre  
**Importance:** High

Dear Ms Somerville,

I am sure you will be deeply aware of the issues which have emerged in recent days from an Employment Tribunal case involving a former worker at the Edinburgh Rape Crisis Centre [ERCC] and which called into questions not just the employment practices and cultures of the ERCC, but also the basis on which services are provided to vulnerable women who seek the support of biological women.

I know that a review is underway, but wanted to know what Scottish government is doing to ensure that both issues – employment and services – are fully and openly addressed and applied across the sector.

Can you please share what you and your officials are actively doing in relation to these matters.

regards

<redacted>

**ITEM 14: MICASE – MR – 28 May 2024 - Daniel Johnson MSP**

**From:** Daniel Johnson MSP <daniel.johnson.msp@parliament.scot>  
**Sent:** Tuesday, May 28, 2024 1:34 PM  
**To:** Central Correspondence Unit <scottish.ministers@gov.scot>  
**Subject:** (Case Ref: DJ17582)

Dear Minister,

**RE: Edinburgh Rape Crisis**

One of my constituents has contacted me in relation to the recent case of Roz Adams and her dismissal from Edinburgh Rape Crisis. They have provided me with details of their significant concerns and evidence to back up their assertions, but ultimately I would be grateful if you could provide clarification on the following points and what steps the Scottish Government is taking in regard to this case:

**We ask** that no further public funds are provided to ERCC until it is clear that both the Board members and the senior staff are capable and suitably qualified to run such an organisation; that meeting and responding to service users' needs are its primary concerns; that service users wanting a female-only service are never again labelled as bigots who must 'reframe their trauma'; that service users' queries are addressed truthfully and fully transparently; that staff are treated with respect and dignity; that the PCP which requires staff to adhere to gender-identity ideology is withdrawn; and that there is no further possibility that any money or staff time will be spent promoting an extremist and dangerous ideology.

We are deeply concerned that so long as ERCC continues to work without significant organisational change, service users will continue to be denied a quality service, and staff will continue to be at risk of disciplinary action for even the most courteous of queries should the current CEO, or possibly more junior members of staff, take exception to it.

I would be very grateful if you could respond to the issues raised and provide me with any other relevant information regarding this case and

Many thanks in advance for your help in this matter.

Kind Regards,  
Daniel

**RESPONSE**

Daniel Johnson MSP [daniel.johnson.msp@parliament.scot](mailto:daniel.johnson.msp@parliament.scot)

Our Reference: 202400416089

Your Reference: DJ17582

11 June 2024

Dear Daniel,

Thank you for your correspondence on 28 May 2024 on behalf of your constituent who has raised concerns to you regarding the recent employment tribunal case involving Edinburgh Rape Crisis Centre (ERCC). I am responding on behalf of the Scottish Government because as the Minister for Victims and Community Safety, the Equally Safe strategy which includes the funding of services available to eradicate violence against women and girls falls within my portfolio.

Firstly, it is important to note that the Scottish Government cannot comment on individual Employment Tribunal decisions. Furthermore, ERCC is an independent charitable organisation, therefore it would also not be appropriate for the Scottish Government to comment or otherwise involve itself in the governance or day to day running of the organisation. The management and operation of ERCC, as well as the

findings of the Employment Tribunal are matters for the ERCC board to consider and act upon.

The concerns raised by your constituent mainly relate to the management and operation of ERCC, and for the same reason provided above, it would not be an area that we would comment on.

In relation to your constituent's concerns regarding funding, ERCC receive funding through the Delivering Equally Safe (DES) fund, which is managed by Inspiring Scotland on behalf of Scottish Ministers. Inspiring Scotland carry out appropriate due diligence at application stage and on an ongoing monitoring basis. The Scottish Government will continue to ensure that the appropriate due diligence process is followed when providing public funding to third party organisations, in accordance with the requirements set out in the Scottish Public Finance Manual.

We are aware and welcome that Rape Crisis Scotland have commissioned Vicky Ling, an independent Chartered Quality Professional (since 2008), who works in the justice sector, to carry out an independent review. It is appropriate that the review will be carried out independently to ensure the needs and safety of survivors are at the heart of all support provided by ERCC in line with Rape Crisis National Services Standards.

I hope this information is helpful.

Yours sincerely,

SIOBHIAN BROWN

**ITEM 15: MICASE – 23 MAY 2024 - Scottish Feminist Network**

**From:** scotfeminists@gmail.com <scotfeminists@gmail.com>

**Sent:** Thursday, May 23, 2024 9:04 PM

**To:** Minister for Equalities <ministerforequalities@gov.scot>

**Subject:** Request to meeting to discuss women's rights in Scotland

Dear Minister,

<OUT OF SCOPE>

The judgment of the Employment Tribunal of Adams vs Edinburgh Rape Crisis Centre has particularly concerned us this week and, as you aware, the centre is primarily funded by the Government. We are aware of your commitment to protecting the rights of all the protected characteristics within the Equality Act and, as such, we'd like to discuss the tensions we see relating to sex and sexual orientation in particular, to ensure that women and girls can take their place in society. We understand that your time will be limited so we are happy to work to find a time that's convenient for us all.

Yours sincerely

<redacted> on behalf of the Scottish Feminist Network

## RESPONSE

Thank you for your email on 23 May 2024 requesting a meeting with the Minister for Equalities.

The Minister notes your ask to discuss the key priorities of the Scottish Feminist Network, and recommends a meeting with officials in this first instance would be most beneficial.

If you wish to follow up with officials, please contact [ceu@gov.scot](mailto:ceu@gov.scot) and your request will be directed to the appropriate team.

Yours sincerely

Kaukab Stewart  
M: Minister for Equalities

### **ITEM 16: MICASE – 28 MAY 2024 - WOMEN SPEAK SCOTLAND**

**From:** Women Speak Scotland <[info@womenspeakscotland.com](mailto:info@womenspeakscotland.com)>  
**Sent:** Tuesday, May 28, 2024 12:32 PM  
**To:** Cabinet Secretary for Social Justice 2024 <[cabsecforsj@gov.scot](mailto:cabsecforsj@gov.scot)>  
**Subject:** Edinburgh Rape Crisis Centre

Dear Ms Somerville

I attach a letter outlining our serious concerns about ERCC and the continuation in post of the CEO, and requesting that you ensure a fully independent enquiry is set up in light of the recent Employment Tribunal ruling.

Best wishes  
<redacted>  
on behalf of Women Speak Scotland

ATTACHED LETTER:

Dear Ms Somerville

Edinburgh Rape Crisis Centre

As you must be aware, an Employment Tribunal, has recently upheld Roz Adams' claim against the ERCC. The Tribunal found that Ms Adams had been unlawfully harassed, discriminated against and constructively dismissed on account of her gender critical views. Such views, of course, were confirmed as a protected belief under the Equality Act 2010 in the case of Forstater in 2022.

We are writing to you, as Cabinet Secretary for Social Justice, because the Scottish Government is a major funder of ERCC. In the year to March 2023 (the last year for which accounts are available) Scottish Government grants totalled £1,068,693 out of ERCC's total income of £1,904,551. It appears to us from the Tribunal judgement that this money was not being wisely or responsibly spent, and that management

standards and ethics within the organisation are indescribably poor. The ruling makes really quite extraordinary - and essential - reading. In case you have not had time to read it yet, here are some of the key points of the judgement. (All emphases are mine.)

It is startlingly clear that what happened to Ms Adams was not a mistake but, rather, the result of a “heresy hunt... It was absolutely clear from the evidence that the respondent’s behaviour in extending the scope of the investigation was unwanted conduct which had the effect of creating an intimidating, hostile, degrading, humiliating and offensive environment for the claimant.... we could readily infer that that was the purpose of the treatment. (pt 219) “..... This led to a completely spurious and mishandled disciplinary process. The investigation was deeply flawed... [it] should not have been launched in the first place.”

The response to Roz Adams’ request for further detail about the broadening of that investigation “is unfortunately a classic of its kind, somewhat reminiscent of the work of Franz Kafka.” (pt 245)

The CEO, Mridul Wadhwa, refused to give evidence at the hearing which made discussion of his specific role more difficult. Nevertheless, he is clearly implicated: “... it was certain that MW and NC had both been involved in the decision to initiate an investigation (pt 216)... [their] purpose ..... was to make life unpleasant for the claimant. (pt 223) ... it is absolutely clear that normal concepts of natural justice were being ignored.” (pt 225). The evidence strongly suggests that under MW’s tenure, ERCC has become a hotbed of radical gender-identity ideology: “[Roz Adams’] claim was put on the basis that the respondents had a provision, criteria or practice of requiring treating [the] manifestation of gender critical belief or lack of belief in gender identity theory as a disciplinary matter. We considered that the PCP was established.... We would agree with the claimant’s representative’s characterisation of the respondent’s ‘institutional view as being at the very extreme end of gender identity theory’. There is absolutely no need for a Rape Crisis Centre to be seen to take such a stance.... The Tribunal’s view is that it is absolutely clear that even if the PCP were objectively justified (which it is not) the means used were entirely disproportionate.” (pts 239-241)

The overall picture appears to be one of, at best, extreme managerial incompetence and possibly spite. It does not help that every current member of the Board of ERCC has been appointed since the appointment of Mridul Wadhwa in 2021. Of the five, no less than three are 28 years old or younger. Whilst we can only speculate as to the reasons for this, it suggests a worrying degree of inexperience.

We understand that two Board members have resigned in the wake of this case. However, it appears that Mridul Wadhwa has no intention of doing so. This is quite extraordinary. Someone who has presided over a heresy hunt, intentionally made life unpleasant for a member of staff, instigated an unnecessary, flawed, mishandled and even Kafkaesque investigation cannot possibly be a suitable person to run a multi-million pound charity that is supposed to be catering for abused and vulnerable women.

It appears to us that there is a very deep rot within ERCC that extends to many of the senior management team and remaining Board members. Women Speak

Scotland believes it is imperative that a full independent investigation\* into the organisation is held to ensure the centre is competently and appropriately managed in future.

We are concerned about the massive misuse of public funding that has been spent by ERCC on promoting gender-identity ideology; on fighting this case which could never succeed on the facts; and, potentially, on compensation that might be ordered by the ET.

We ask that no further public funds are provided to ERCC until it is clear that both the Board members and the senior staff are capable and suitably qualified to run such an organisation; that meeting and responding to service users' needs are its primary concerns; that service users wanting a female-only service are never again labelled as bigots who must 'reframe their trauma'; that service users' queries are addressed truthfully and fully transparently; that staff are treated with respect and dignity; that the PCP which requires staff to adhere to gender-identity ideology is withdrawn; and that there is no further possibility that any money or staff time will be spent promoting an extremist and dangerous ideology.

We are deeply concerned that so long as ERCC continues to work without significant organisational change, service users will continue to be denied a quality service, and staff will continue to be at risk of disciplinary action for even the most courteous of queries should the current CEO, or possibly more junior members of staff, take exception to it.

We urge you ensure that a suitably independent review is commissioned as a matter of urgency, to look at the entire management and decision-making processes (including how a man was appointed to a post advertised as being only available for a woman), as well as the possible misuse of public funds. We further ask that no additional public funds are given to ERCC until (or unless) appropriate management and scrutiny are in place.

Best regards <redacted> on behalf of Women Speak Scotland

## **RESPONSE**

<redacted>

nfo@womenspeakscotland.com

Our Reference: 202400416594

21 June 2024

Dear <redacted>,

Thank you for your correspondence on 28 May 2024 to the Cabinet Secretary for Social Justice regarding the Employment Tribunal case involving the Edinburgh Rape Crisis Centre (ERCC). As a member of the Violence Against Women and Girls (VAWG) team, I have been asked to reply as this falls within our policy team's remit.



Frontline services for women and girls affected by gender-based violence are crucial, which is why we are investing over £5 million for the Rape Crisis network through our annual £19 million Delivering Equally Safe (DES) fund. The Scottish Government continues to fund ERCC to support survivors of rape and sexual assault, as we do for Rape Crisis centres across the country. The DES fund is managed by Inspiring Scotland on behalf of the Scottish Government. Inspiring Scotland carry out appropriate due diligence at application stage and on an ongoing monitoring basis. The Scottish Government will continue to ensure that the appropriate due diligence process is followed when providing public funding to third party organisations. Furthermore, no funds have been provided by Scottish Government to cover the costs of the Employment Tribunal.

With regards to employment and operational matters within ERCC, it would not be appropriate for the Scottish Government to comment or involve itself in the governance or day to day running of an independent organisation. Therefore, the management and operation of ERCC are matters for the ERCC board to consider.

We are aware that Rape Crisis Scotland has commissioned Vicky Ling, an independent Chartered Quality Professional since 2008, who works within the justice sector, to carry out an independent review. We welcome this decision. It is appropriate that the review will be carried out independently to ensure the needs and safety of survivors are at the heart of all support provided by ERCC, in line with Rape Crisis National Services Standards.

I hope that you find this information useful.

Yours sincerely

VAWG Equality Policy Team

#### **ITEM 17: MICASE –28 WOMEN'S RIGHTS NETWORK SCOTLAND**

**From:** <redacted>@womensrights.network>

**Sent:** Tuesday, May 28, 2024 10:01 AM

**To:** Cabinet Secretary for Social Justice 2024 <CabSecforSJ@gov.scot>

**Subject:** ERCC

Dear Cabinet Secretary

Please find attached a letter regarding the Scottish Government Response to the Adams V Edinburgh Rape Crisis Judgement.

I look forward to your response.

Yours sincerely

<redacted>

[\(Shirley-Anne Somerville, Cabinet Secretary for Social Justice\)](#)

ATTACHED

Dear Cabinet Secretary

On behalf of the Women's Rights Network Scotland I am writing to you in light of the recent [judgment](#) in the case of Adams vs Edinburgh Rape Crisis Centre (ERCC), in which ERCC was found to have constructively dismissed Ms Adams, as well as unlawfully discriminated against her on grounds of her gender critical beliefs.

The judgment made clear that the needs of vulnerable, traumatised women were sublimated to what the judge described as "the extreme end of gender identity theory".

We were disappointed to see the [response](#) of the Scottish Government given to journalists. It is not good enough for the government to wash its hands of its responsibilities as a major funder of what is a critical service for women who have experienced sexual violence. Nor is it good enough for the government to delegate responsibility for reviewing ERCC policies to Rape Crisis Scotland (RCS). RCS itself has long espoused a policy position identical to that of ERCC, namely: one which supports the inclusion of trans-identified males in women-only rape crisis services.

In order to command the confidence of women who currently or may in the future require the services of ERCC, we call on the Scottish Government to:

- Clarify that trans inclusion should not be at the expense of single sex provision. The [Independent Review of Funding and Commissioning of Violence Against Women and Girls \(VAWG\) services](#) published last year noted "the strong feeling that single-sex spaces are an important aspect of VAWG services and should be protected/continue to be available". It concluded that "that single-sex provision should remain, as part of a range of services". We would like to know how the Scottish Government intends to enable organisations it funds under the Equally Safe programme to offer single sex services for women who have experienced sexual violence, given that a trans inclusion plan is a condition of funding.
- Specify that services must communicate with users in a clear way that respects their potential interest in the sex of support workers providing those services.
- Make future funding of ERCC contingent upon the removal of the current Chief Executive and the installation of a caretaker board, followed by the recruitment of board directors who have longstanding experience of single sex VAWG services and who are not on record as being advocates of gender identity theory.

We are seeking a face-to-face meeting between you and representatives of grassroots women's organisations who have long expressed concern about the erosion of women-only services both in the VAWG sector and more widely.

We look forward to your early response.

Yours Sincerely

<redacted>  
WRN Scotland

## **RESPONSE**

25 June 2024

Dear <redacted>,

Thank you for your correspondence on 28 May 2024 to the Cabinet Secretary for Social Justice regarding the Employment Tribunal case involving the Edinburgh Rape Crisis Centre (ERCC). As a member of the Violence Against Women and Girls team, I will be responding on this occasion.

The Scottish Government cannot comment on individual Employment Tribunal decisions. Furthermore, it is not appropriate for the Scottish Government to comment or involve itself in the governance or day to day running of an independent organisation. The management and operation of ERCC, as well as the outcome of the Employment Tribunal, is a matter for the ERCC board to consider.

It is vital that survivors of rape and sexual assault feel confident to access support. We would therefore expect any requests made by those who have experienced sexual assault to be respected, and we support their right to do so.

As you may be aware, the Equality Act 2010 allows for the provision of single-sex services in certain circumstances. There are also circumstances where a single-sex service provider can prevent, limit or modify trans people's access to those services, if it is a proportionate means of achieving a legitimate aim. All bodies funded by the Scottish Government are expected to comply with the Equality Act 2010. They can like anybody else, use exceptions in the 2010 Act where justifiable, such as the exceptions permitting single sex services.

We continue to fund ERCC through the Delivering Equally Safe (DES) Fund to support survivors of rape and sexual assault, as we do for rape crisis centres across the country. In line with the analysis of the Equally Safe strategy, the majority of DES funded projects work with women and children who can be girls and boys. It is therefore not a requirement of its funding that services should be either single-sex or unisex. The DES fund is managed by Inspiring Scotland on behalf of the Scottish Government. Inspiring Scotland are required to carry out appropriate due diligence at application stage and on an ongoing monitoring basis, to ensure funds are being used for agreed purposes.

As you have noted, Rape Crisis Scotland have initiated an independent review of ERCC practices and procedures that is to take place through the summer. Vicky Ling, an independent Chartered Equality Professional since 2008, who works in the justice sector, has been commissioned to carry out this review. It is appropriate that the review will be carried out independently to ensure the needs and safety of survivors are at the heart of all support provided by ERCC.

The Cabinet Secretary for Social Justice notes your ask to meet and recommends that a meeting with officials in the first instance would be most beneficial. If you wish to do this, please contact [ceu@gov.scot](mailto:ceu@gov.scot) and your request will be directed to the appropriate team.

I hope that you find this response helpful.

Yours sincerely