

EQUALITY ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 16: General and Miscellaneous

Schedule 3: Services and public functions: exceptions

Part 7: Separate and single services

Separate services for the sexes: paragraph 26

Single-sex services: paragraph 27

Effect

733. This paragraph contains exceptions to the general prohibition of sex discrimination to allow the provision of single-sex services.
734. Single sex services are permitted where:
- only people of that sex require it;
 - there is joint provision for both sexes but that is not sufficient on its own;
 - if the service were provided for men and women jointly, it would not be as effective and it is not reasonably practicable to provide separate services for each sex;
 - they are provided in a hospital or other place where users need special attention (or in parts of such an establishment);
 - they may be used by more than one person and a woman might object to the presence of a man (or vice versa); or
 - they may involve physical contact between a user and someone else and that other person may reasonably object if the user is of the opposite sex.
735. In each case, the separate provision has to be objectively justified.
736. These exceptions also cover public functions in respect of the “back-room” managerial, administrative and finance decisions which allow such single-sex services to be provided.

Background

737. This paragraph replaces some similar provisions that only covered public functions and some that applied to services in the Sex Discrimination Act 1975. These exceptions have been extended to cover both services and public functions.

Examples

738. These exceptions would allow:
- a cervical cancer screening service to be provided to women only, as only women need the service;

*These notes refer to the Equality Act 2010 (c.15)
which received Royal Assent on 8 April 2010*

- a fathers' support group to be set up by a private nursery as there is insufficient attendance by men at the parents' group;
- a domestic violence support unit to be set up by a local authority for women only but there is no men-only unit because of insufficient demand;
- separate male and female wards to be provided in a hospital;
- separate male and female changing rooms to be provided in a department store;
- a massage service to be provided to women only by a female massage therapist with her own business operating in her clients' homes because she would feel uncomfortable massaging men in that environment.