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## SCHEDULES

### SCHEDULE 13

Section 98

#### EDUCATION: REASONABLE ADJUSTMENTS

##### *Preliminary*

- 1 This Schedule applies where a duty to make reasonable adjustments is imposed on A by this Part.

##### *The duty for schools*

- 2 (1) This paragraph applies where A is the responsible body of a school to which section 85 applies.
- (2) A must comply with the first and third requirements.
- (3) For the purposes of this paragraph—
- (a) the reference in section 20(3) to a provision, criterion or practice is a reference to a provision, criterion or practice applied by or on behalf of A;
  - (b) the reference in section 20(3) or (5) to a disabled person is—
    - (i) in relation to a relevant matter within sub-paragraph (4)(a), a reference to disabled persons generally;
    - (ii) in relation to a relevant matter within sub-paragraph (4)(b), a reference to disabled pupils generally.
- (4) In relation to each requirement, the relevant matters are—
- (a) deciding who is offered admission as a pupil;
  - (b) provision of education or access to a benefit, facility or service.

##### **Commencement Information**

- II** Sch. 13 para. 2 wholly in force at 1.9.2012; para. 2 not in force at Royal Assent see s. 216; para. 2 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, art. 2(1)(6)(i)(i); para. 2 in force so far as not already in force at 1.9.2012 by S.I. 2012/2184, art. 2(b)

##### *The duty for further or higher education institutions*

- 3 (1) This paragraph applies where A is the responsible body of an institution to which section 91 applies.
- (2) A must comply with the first, second and third requirements.
- (3) For the purposes of this paragraph—
- (a) the reference in section 20(3) to a provision, criterion or practice is a reference to a provision, criterion or practice applied by or on behalf of A;

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- (b) the reference in section 20(4) to a physical feature is a reference to a physical feature of premises occupied by A;
  - (c) the reference in section 20(3), (4) or (5) to a disabled person is—
    - (i) in relation to a relevant matter within sub-paragraph (4)(a), a reference to disabled persons generally;
    - (ii) in relation to a relevant matter within sub-paragraph (4)(b) or (c), a reference to disabled students generally;
    - (iii) in relation to a relevant matter within sub-paragraph (4)(d) or (e) below, a reference to an interested disabled person.
- (4) In relation to each requirement, the relevant matters are—
- (a) deciding who is offered admission as a student;
  - (b) provision of education;
  - (c) access to a benefit, facility or service;
  - (d) deciding on whom a qualification is conferred;
  - (e) a qualification that A confers.
- 4 (1) An interested disabled person is a disabled person who, in relation to a relevant matter specified in the first column of the table, is of a description specified in the second column.

<i>Case</i>	<i>Description of disabled person</i>
Deciding upon whom to confer a qualification.	A person who is, or has notified A that the person may be, an applicant for the conferment of the qualification.
A qualification that A confers.	An applicant for the conferment by A of the qualification. A person on whom A confers the qualification.

- (2) A provision, criterion or practice does not include the application of a competence standard.
- (3) A competence standard is an academic, medical or other standard applied for the purpose of determining whether or not a person has a particular level of competence or ability.

*The duty relating to certain other further or higher education courses*

- 5 (1) This paragraph applies where A is the responsible body in relation to a course to which section 92 applies.
- (2) A must comply with the first, second and third requirements; but if A is the governing body of a maintained school (within the meaning given by that section), A is not required to comply with the second requirement.
  - (3) For the purposes of this paragraph—
    - (a) the reference in section 20(3) to a provision, criterion or practice is a reference to a provision, criterion or practice applied by or on behalf of A;
    - (b) the reference in section 20(4) to a physical feature is a reference to a physical feature of premises occupied by A;

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- (c) the reference in section 20(3), (4) or (5) to a disabled person is—
  - (i) in relation to a relevant matter within sub-paragraph (4)(a), a reference to disabled persons generally;
  - (ii) in relation to a relevant matter within sub-paragraph (4)(b), a reference to disabled persons generally who are enrolled on the course.
- (4) In relation to each requirement, the relevant matters are—
  - (a) arrangements for enrolling persons on a course of further or higher education secured by A;
  - (b) services provided by A for persons enrolled on the course.

#### Commencement Information

- 12** Sch. 13 para. 5 wholly in force at 1.9.2012; para. 5 not in force at Royal Assent see s. 216; para. 5 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, art. 2(1)(6)(i)(ii); para. 5 in force so far as not already in force at 1.9.2012 by S.I. 2012/2184, art. 2(b)

#### *The duty relating to recreational or training facilities*

- 6 (1) This paragraph applies where A is the responsible body in relation to facilities to which section 93 applies.
- (2) A must comply with the first, second and third requirements.
- (3) For the purposes of this paragraph—
  - (a) the reference in section 20(3) to a provision, criterion or practice is a reference to a provision, criterion or practice applied by or on behalf of A;
  - (b) the reference in section 20(4) to a physical feature is a reference to a physical feature of premises occupied by A;
  - (c) the reference in section 20(3), (4) or (5) to a disabled person is a reference to disabled persons generally.
- (4) In relation to each requirement, the relevant matter is A's arrangements for providing the recreational or training facilities.

#### *Code of practice*

- 7 In deciding whether it is reasonable for A to have to take a step for the purpose of complying with the first, second or third requirement, A must have regard to relevant provisions of a code of practice issued under section 14 of the Equality Act 2006.

#### *Confidentiality requests*

- 8 (1) This paragraph applies if a person has made a confidentiality request of which A is aware.
- (2) In deciding whether it is reasonable for A to have to take a step in relation to that person so as to comply with the first, second or third requirement, A must have regard to the extent to which taking the step is consistent with the request.
- (3) In a case within paragraph 2, a “confidentiality request” is a request—

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- (a) that the nature or existence of a disabled person's disability be treated as confidential, and
  - (b) which satisfies either of the following conditions.
- (4) The first condition is that the request is made by the person's parent.
- (5) The second condition is that—
- (a) it is made by the person, and
  - (b) A reasonably believes that the person has sufficient understanding of the nature and effect of the request.
- (6) In a case within paragraph 3, a “confidentiality request” is a request by a disabled person that the nature or existence of the person's disability be treated as confidential.

*The duty for general qualifications bodies*

- 9
- (1) This paragraph applies where A is a qualifications body for the purposes of section 96.
  - (2) Paragraphs 3 and 4(1), so far as relating to qualifications, apply to a qualifications body as they apply to a responsible body.
  - (3) This paragraph is subject to section 96(7).

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 40A inserted by [2023 c. 51 s. 1](#)
- s. 120(9) inserted by [2023 c. 51 s. 2\(b\)](#)
- s. 124A inserted by [2023 c. 51 s. 3](#)