



# Equality Act 2010

## 2010 CHAPTER 15

### PART 6

#### EDUCATION

### CHAPTER 1

#### SCHOOLS

#### Modifications etc. (not altering text)

- C1** Pt. 6 Ch. 1: power to amend or repeal conferred (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), s. 18(2)(c) (as amended by S.I. 2011/1651, art. 12(b)); S.I. 2012/320, art. 2(g)

#### 84 Application of this Chapter

This Chapter does not apply to the following protected characteristics—

- (a) age;
- (b) marriage and civil partnership.

#### 85 Pupils: admission and treatment, etc.

- (1) The responsible body of a school to which this section applies must not discriminate against a person—
  - (a) in the arrangements it makes for deciding who is offered admission as a pupil;
  - (b) as to the terms on which it offers to admit the person as a pupil;
  - (c) by not admitting the person as a pupil.
- (2) The responsible body of such a school must not discriminate against a pupil—
  - (a) in the way it provides education for the pupil;
  - (b) in the way it affords the pupil access to a benefit, facility or service;

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*Status: Point in time view as at 31/12/2010.*

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- (c) by not providing education for the pupil;
  - (d) by not affording the pupil access to a benefit, facility or service;
  - (e) by excluding the pupil from the school;
  - (f) by subjecting the pupil to any other detriment.
- (3) The responsible body of such a school must not harass—
- (a) a pupil;
  - (b) a person who has applied for admission as a pupil.
- (4) The responsible body of such a school must not victimise a person—
- (a) in the arrangements it makes for deciding who is offered admission as a pupil;
  - (b) as to the terms on which it offers to admit the person as a pupil;
  - (c) by not admitting the person as a pupil.
- (5) The responsible body of such a school must not victimise a pupil—
- (a) in the way it provides education for the pupil;
  - (b) in the way it affords the pupil access to a benefit, facility or service;
  - (c) by not providing education for the pupil;
  - (d) by not affording the pupil access to a benefit, facility or service;
  - (e) by excluding the pupil from the school;
  - (f) by subjecting the pupil to any other detriment.
- (6) A duty to make reasonable adjustments applies to the responsible body of such a school.
- (7) In relation to England and Wales, this section applies to—
- (a) a school maintained by a local authority;
  - (b) an independent educational institution (other than a special school);
  - (c) a special school (not maintained by a local authority).
- (8) In relation to Scotland, this section applies to—
- (a) a school managed by an education authority;
  - (b) an independent school;
  - (c) a school in respect of which the managers are for the time being receiving grants under section 73(c) or (d) of the Education (Scotland) Act 1980.
- (9) The responsible body of a school to which this section applies is—
- (a) if the school is within subsection (7)(a), the local authority or governing body;
  - (b) if it is within subsection (7)(b) or (c), the proprietor;
  - (c) if it is within subsection (8)(a), the education authority;
  - (d) if it is within subsection (8)(b), the proprietor;
  - (e) if it is within subsection (8)(c), the managers.
- (10) In the application of section 26 for the purposes of subsection (3), none of the following is a relevant protected characteristic—
- (a) gender reassignment;
  - (b) religion or belief;
  - (c) sexual orientation.

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## 86 Victimization of pupils, etc. for conduct of parents, etc.

- (1) This section applies for the purposes of section 27 in its application to section 85(4) or (5).
- (2) The references to B in paragraphs (a) and (b) of subsection (1) of section 27 include a reference to a parent or sibling of the child in question.
- (3) Giving false evidence or information, or making a false allegation, in good faith is not a protected act in a case where—
  - (a) the evidence or information is given, or the allegation is made, by a parent or sibling of the child, and
  - (b) the child has acted in bad faith.
- (4) Giving false evidence or information, or making a false allegation, in bad faith, is a protected act in a case where—
  - (a) the evidence or information is given, or the allegation is made, by a parent or sibling of the child, and
  - (b) the child has acted in good faith.
- (5) In this section—

“child” means a person who has not attained the age of 18;

“sibling” means a brother or sister, a half-brother or half-sister, or a stepbrother or stepsister.

## 87 [F1 Application of enforcement powers under education legislation]

- (1) Sections 496 and 497 of the Education Act 1996 (powers to give directions where responsible body of school in default of obligations, etc.) [F2 and section 70 of the Education (Scotland) Act 1980] apply to the performance of a duty under section 85.
- (2) But neither of sections 496 and 497 of [F3 the Education Act 1996] applies to the performance of a duty under that section by the proprietor of an independent educational institution (other than a special school) [F4; and section 70 of the Education (Scotland) Act 1980 does not apply to the performance of a duty under that section by the proprietor of an independent school].

### Textual Amendments

- F1** S. 87 title substituted (1.10.2010) by virtue of [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), **3**
- F2** Words in s. 87(1) inserted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), **3(a)**
- F3** Words in s. 87(2) substituted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), **3(b)(i)**
- F4** Words in s. 87(2) inserted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), **3(b)(ii)**

## 88 Disabled pupils: accessibility

Schedule 10 (accessibility) has effect.

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## 89 Interpretation and exceptions

- (1) This section applies for the purposes of this Chapter.
- (2) Nothing in this Chapter applies to anything done in connection with the content of the curriculum.
- (3) “Pupil”—
  - (a) in relation to England and Wales, has the meaning given in section 3(1) of the Education Act 1996;
  - (b) in relation to Scotland, has the meaning given in section 135(1) of the Education (Scotland) Act 1980.
- (4) “Proprietor”—
  - (a) in relation to a school in England and Wales, has the meaning given in section 579(1) of the Education Act 1996;
  - (b) in relation to a school in Scotland, has the meaning given in section 135(1) of the Education (Scotland) Act 1980.
- (5) “School”—
  - (a) in relation to England and Wales, has the meaning given in section 4 of the Education Act 1996;
  - (b) in relation to Scotland, has the meaning given in section 135(1) of the Education (Scotland) Act 1980.
- (6) A reference to a school includes a reference to an independent educational institution in England; and a reference to an independent educational institution in England is to be construed in accordance with Chapter 1 of Part 4 of the Education and Skills Act 2008.
- (7) A reference to an independent educational institution is a reference to—
  - (a) an independent educational institution in England, or
  - (b) an independent school in Wales.
- (8) “Independent school”—
  - (a) in relation to Wales, has the meaning given in section 463 of the Education Act 1996;
  - (b) in relation to Scotland, has the meaning given in section 135(1) of the Education (Scotland) Act 1980.
- (9) “Special school” has the meaning given in section 337 of the Education Act 1996.
- (10) “Local authority” means—
  - (a) in relation to England, an English local authority within the meaning of section 162 of the Education and Inspections Act 2006;
  - (b) in relation to Wales, a Welsh local authority within the meaning of that section.
- (11) “Education authority”, in relation to Scotland, has the meaning given in section 135(1) of the Education (Scotland) Act 1980.
- (12) Schedule 11 (exceptions) has effect.

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## CHAPTER 2

### FURTHER AND HIGHER EDUCATION

#### 90 Application of this Chapter

This Chapter does not apply to the protected characteristic of marriage and civil partnership.

#### 91 Students: admission and treatment, etc.

- (1) The responsible body of an institution to which this section applies must not discriminate against a person—
  - (a) in the arrangements it makes for deciding who is offered admission as a student;
  - (b) as to the terms on which it offers to admit the person as a student;
  - (c) by not admitting the person as a student.
- (2) The responsible body of such an institution must not discriminate against a student—
  - (a) in the way it provides education for the student;
  - (b) in the way it affords the student access to a benefit, facility or service;
  - (c) by not providing education for the student;
  - (d) by not affording the student access to a benefit, facility or service;
  - (e) by excluding the student;
  - (f) by subjecting the student to any other detriment.
- (3) The responsible body of such an institution must not discriminate against a disabled person—
  - (a) in the arrangements it makes for deciding upon whom to confer a qualification;
  - (b) as to the terms on which it is prepared to confer a qualification on the person;
  - (c) by not conferring a qualification on the person;
  - (d) by withdrawing a qualification from the person or varying the terms on which the person holds it.
- (4) Subsection (3) applies only to disability discrimination.
- (5) The responsible body of such an institution must not harass—
  - (a) a student;
  - (b) a person who has applied for admission as a student;
  - (c) a disabled person who holds or has applied for a qualification conferred by the institution.
- (6) The responsible body of such an institution must not victimise a person—
  - (a) in the arrangements it makes for deciding who is offered admission as a student;
  - (b) as to the terms on which it offers to admit the person as a student;
  - (c) by not admitting the person as a student.
- (7) The responsible body of such an institution must not victimise a student—
  - (a) in the way it provides education for the student;

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- (b) in the way it affords the student access to a benefit, facility or service;
  - (c) by not providing education for the student;
  - (d) by not affording the student access to a benefit, facility or service;
  - (e) by excluding the student;
  - (f) by subjecting the student to any other detriment.
- (8) The responsible body of such an institution must not victimise a disabled person—
- (a) in the arrangements it makes for deciding upon whom to confer a qualification;
  - (b) as to the terms on which it is prepared to confer a qualification on the person;
  - (c) by not conferring a qualification on the person;
  - (d) by withdrawing a qualification from the person or varying the terms on which the person holds it.
- (9) A duty to make reasonable adjustments applies to the responsible body of such an institution.
- (10) In relation to England and Wales, this section applies to—
- (a) a university;
  - (b) any other institution within the higher education sector;
  - (c) an institution within the further education sector.
- (11) In relation to Scotland, this section applies to—
- (a) a university;
  - (b) a designated institution;
  - (c) a college of further education.
- (12) A responsible body is—
- (a) in the case of an institution within subsection (10)(a), (b) or (c), the governing body;
  - (b) in the case of an institution within subsection (11)(a) or (b), the governing body;
  - (c) in the case of a college of further education under the management of a board of management, the board of management;
  - (d) in the case of any other college of further education, any board of governors of the college or any person responsible for the management of the college, whether or not formally constituted as a governing body or board of governors.

## 92 Further and higher education courses

- (1) The responsible body in relation to a course to which this section applies must not discriminate against a person—
- (a) in the arrangements it makes for deciding who is enrolled on the course;
  - (b) as to the terms on which it offers to enrol the person on the course;
  - (c) by not accepting the person's application for enrolment.
- (2) The responsible body in relation to such a course must not discriminate against a person who is enrolled on the course in the services it provides or offers to provide.
- (3) The responsible body in relation to such a course must not harass a person who—

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- (a) seeks enrolment on the course;
  - (b) is enrolled on the course;
  - (c) is a user of services provided by the body in relation to the course.
- (4) The responsible body in relation to such a course must not victimise a person—
- (a) in the arrangements it makes for deciding who is enrolled on the course;
  - (b) as to the terms on which it offers to enrol the person on the course;
  - (c) by not accepting the person's application for enrolment.
- (5) The responsible body in relation to such a course must not victimise a person who is enrolled on the course in the services it provides or offers to provide.
- (6) A duty to make reasonable adjustments applies to the responsible body.
- (7) This section applies to—
- (a) a course of further or higher education secured by a responsible body in England or Wales;
  - (b) a course of education provided by the governing body of a maintained school under section 80 of the School Standards and Framework Act 1998;
  - (c) a course of further education secured by an education authority in Scotland.
- (8) A responsible body is—
- (a) a local authority in England or Wales, for the purposes of subsection (7)(a);
  - (b) the governing body of a maintained school, for the purposes of subsection (7)(b);
  - (c) an education authority in Scotland, for the purposes of subsection (7)(c).
- (9) In this section—
- “course”, in relation to further education, includes each component part of a course if there is no requirement imposed on persons registered for a component part of the course to register for another component part of the course;
  - “enrolment” includes registration for a component part of a course;
  - “maintained school” has the meaning given in section 20(7) of the School Standards and Framework Act 1998;
  - “services” means services of any description which are provided wholly or mainly for persons enrolled on a course to which this section applies.

### **93 Recreational or training facilities**

- (1) The responsible body in relation to facilities to which this section applies must not discriminate against a person—
- (a) in the arrangements it makes for deciding who is provided with the facilities;
  - (b) as to the terms on which it offers to provide the facilities to the person;
  - (c) by not accepting the person's application for provision of the facilities.
- (2) The responsible body in relation to such facilities must not discriminate against a person who is provided with the facilities in the services it provides or offers to provide.
- (3) The responsible body in relation to such facilities must not harass a person who—
- (a) seeks to have the facilities provided;

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- (b) is provided with the facilities;
  - (c) is a user of services provided by the body in relation to the facilities.
- (4) The responsible body in relation to such facilities must not victimise a person—
- (a) in the arrangements it makes for deciding who is provided with the facilities;
  - (b) as to the terms on which it offers to provide the facilities to the person;
  - (c) by not accepting the person's application for provision of the facilities.
- (5) The responsible body in relation to such facilities must not victimise a person who is provided with the facilities in the services it provides or offers to provide.
- (6) A duty to make reasonable adjustments applies to the responsible body.
- (7) This section applies to—
- (a) facilities secured by a local authority in England under section 507A or 507B of the Education Act 1996;
  - (b) facilities secured by a local authority in Wales under section 508 of that Act;
  - (c) recreational or training facilities provided by an education authority in Scotland.
- (8) A responsible body is—
- (a) a local authority in England, for the purposes of subsection (7)(a);
  - (b) a local authority in Wales, for the purposes of subsection (7)(b);
  - (c) an education authority in Scotland, for the purposes of subsection (7)(c).
- (9) This section does not apply to the protected characteristic of age, so far as relating to persons who have not attained the age of 18.

## 94 Interpretation and exceptions

- (1) This section applies for the purposes of this Chapter.
- (2) Nothing in this Chapter applies to anything done in connection with the content of the curriculum.
- (3) A reference to a student, in relation to an institution, is a reference to a person for whom education is provided by the institution.
- (4) A reference to a university includes a reference to a university college and a college, school or hall of a university.
- (5) A reference to an institution within the further or higher education sector is to be construed in accordance with section 91 of the Further and Higher Education Act 1992.
- (6) “Further education”—
- (a) in relation to England and Wales, has the meaning given in section 2 of the Education Act 1996;
  - (b) in relation to Scotland, has the meaning given in section 1(3) of the Further and Higher Education (Scotland) Act 1992.
- (7) “Higher education”—
- (a) in relation to England and Wales, means education provided by means of a course of a description mentioned in Schedule 6 to the Education Reform Act 1988;



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- (b) in relation to Scotland, has the meaning given in section 38 of the Further and Higher Education (Scotland) Act 1992.
  - (8) “College of further education” has the meaning given in section 36 of the Further and Higher Education (Scotland) Act 1992.
  - (9) “Designated institution” has the meaning given in section 44 of that Act.
  - (10) “Local authority” means—
    - (a) in relation to England, an English local authority within the meaning of section 162 of the Education and Inspections Act 2006;
    - (b) in relation to Wales, a Welsh local authority within the meaning of that section.
  - (11) “Education authority” has the meaning given by section 135(1) of the Education (Scotland) Act 1980.
- [<sup>F5</sup>(11A) A reference to conferring a qualification includes a reference—
- (a) to renewing or extending the conferment of a qualification;
  - (b) to authenticating a qualification conferred by another person.]
- (12) Schedule 12 (exceptions) has effect.

#### Textual Amendments

- F5** S. 94(11A) inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), arts. 1(2), 4

#### Commencement Information

- I1** S. 94 wholly in force; s. 94 not in force at Royal Assent see s. 216; s. 94(12) in force for certain purposes at 4.8.2010 by S.I. 2010/1966, art. 2; s. 94 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, art. 2(1)(6)(b) (with art. 15)

## CHAPTER 3

### GENERAL QUALIFICATIONS BODIES

#### 95 Application of this Chapter

This Chapter does not apply to the protected characteristic of marriage and civil partnership.

#### 96 Qualifications bodies

- (1) A qualifications body (A) must not discriminate against a person (B)—
  - (a) in the arrangements A makes for deciding upon whom to confer a relevant qualification;
  - (b) as to the terms on which it is prepared to confer a relevant qualification on B;
  - (c) by not conferring a relevant qualification on B.
- (2) A qualifications body (A) must not discriminate against a person (B) upon whom A has conferred a relevant qualification—

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- (a) by withdrawing the qualification from B;
  - (b) by varying the terms on which B holds the qualification;
  - (c) by subjecting B to any other detriment.
- (3) A qualifications body must not, in relation to conferment by it of a relevant qualification, harass—
- (a) a person who holds the qualification, or
  - (b) a person who applies for it.
- (4) A qualifications body (A) must not victimise a person (B)—
- (a) in the arrangements A makes for deciding upon whom to confer a relevant qualification;
  - (b) as to the terms on which it is prepared to confer a relevant qualification on B;
  - (c) by not conferring a relevant qualification on B.
- (5) A qualifications body (A) must not victimise a person (B) upon whom A has conferred a relevant qualification—
- (a) by withdrawing the qualification from B;
  - (b) by varying the terms on which B holds the qualification;
  - (c) by subjecting B to any other detriment.
- (6) A duty to make reasonable adjustments applies to a qualifications body.
- (7) Subsection (6) does not apply to the body in so far as the appropriate regulator specifies provisions, criteria or practices in relation to which the body—
- (a) is not subject to a duty to make reasonable adjustments;
  - (b) is subject to a duty to make reasonable adjustments, but in relation to which such adjustments as the regulator specifies should not be made.
- (8) For the purposes of subsection (7) the appropriate regulator must have regard to—
- (a) the need to minimise the extent to which disabled persons are disadvantaged in attaining the qualification because of their disabilities;
  - (b) the need to secure that the qualification gives a reliable indication of the knowledge, skills and understanding of a person upon whom it is conferred;
  - (c) the need to maintain public confidence in the qualification.
- (9) The appropriate regulator—
- (a) must not specify any matter for the purposes of subsection (7) unless it has consulted such persons as it thinks appropriate;
  - (b) must publish matters so specified (including the date from which they are to have effect) in such manner as is prescribed.
- (10) The appropriate regulator is—
- (a) in relation to a qualifications body that confers qualifications in England, a person prescribed by a Minister of the Crown;
  - (b) in relation to a qualifications body that confers qualifications in Wales, a person prescribed by the Welsh Ministers;
  - (c) in relation to a qualifications body that confers qualifications in Scotland, a person prescribed by the Scottish Ministers.
- (11) For the purposes of subsection (10), a qualification is conferred in a part of Great Britain if there are, or may reasonably be expected to be, persons seeking to obtain

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the qualification who are or will be assessed for those purposes wholly or mainly in that part.

#### Commencement Information

- I2** S. 96 wholly in force; s. 96 not in force at Royal Assent see s. 216; s. 96(10)(11) in force for certain purposes at 6.7.2010 by S.I. 2010/1736, art. 2, Sch.; s. 96(9)(b) in force for certain purposes at 3.9.2010 by S.I. 2010/2191, art. 2; s. 96 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, art. 2(1)(6)(d) (with art. 15)

## 97 Interpretation

- (1) This section applies for the purposes of section 96.
- (2) A qualifications body is an authority or body which can confer a relevant qualification.
- (3) A relevant qualification is an authorisation, qualification, approval or certification of such description as may be prescribed—
  - (a) in relation to conferments in England, by a Minister of the Crown;
  - (b) in relation to conferments in Wales, by the Welsh Ministers;
  - (c) in relation to conferments in Scotland, by the Scottish Ministers.
- (4) An authority or body is not a qualifications body in so far as—
  - (a) it is the responsible body of a school to which section 85 applies,
  - (b) it is the governing body of an institution to which section 91 applies,
  - (c) it exercises functions under the Education Acts, or
  - (d) it exercises functions under the Education (Scotland) Act 1980.
- (5) A qualifications body does not include an authority or body of such description, or in such circumstances, as may be prescribed.
- (6) A reference to conferring a relevant qualification includes a reference—
  - (a) to renewing or extending the conferment of a relevant qualification;
  - (b) to authenticating a relevant qualification conferred by another person.
- (7) A reference in section 96(8), (10) or (11) to a qualification is a reference to a relevant qualification.
- (8) Subsection (11) of section 96 applies for the purposes of subsection (3) of this section as it applies for the purposes of subsection (10) of that section.

#### Commencement Information

- I3** S. 97 wholly in force; s. 97 not in force at Royal Assent see s. 216; s. 97 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, art. 2, Sch.; s. 97 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, art. 2(1)(6)(d) (with art. 15)

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## CHAPTER 4

### MISCELLANEOUS

#### 98 Reasonable adjustments

Schedule 13 (reasonable adjustments) has effect.

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#### Commencement Information

- I4** [S. 98](#) wholly in force at 1.9.2012; [s. 98](#) not in force at Royal Assent see [s. 216](#); [s. 98](#) in force for certain purposes at 1.10.2010 by [S.I. 2010/2317](#), [art. 2\(1\)\(6\)\(e\)](#); [s. 99](#) in force so far as not already in force at 1.9.2012 by [S.I. 2012/2184](#), [art. 2\(b\)](#)

#### 99 Educational charities and endowments

Schedule 14 (educational charities and endowments) has effect.

**Status:**

Point in time view as at 31/12/2010.

**Changes to legislation:**

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