



# Equality Act 2010

## 2010 CHAPTER 15

### PART 6

#### EDUCATION

### 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.

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- (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;
  - (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.
  - [<sup>F1</sup>(d) a 16 to 19 Academy.]
- (11) In relation to Scotland, this section applies to—
- (a) a university;

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- (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;
  - [<sup>F2</sup>(aa) in the case of an institution within subsection (10)(d), the proprietor (within the meaning of the Education Act 1996);]
  - (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.

#### Textual Amendments

- F1** S. 91(10)(d) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 54(1), **Sch. 13 para. 20(2)(a)**; S.I. 2012/924, **art. 2**
- F2** S. 91(12)(aa) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 54(1), **Sch. 13 para. 20(2)(b)**; S.I. 2012/924, **art. 2**

## 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—
- (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—

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- (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;
  - (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—

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- (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;
  - (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.

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- [<sup>F3</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.

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**Textual Amendments**

- F3** 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

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**Commencement Information**

- II** 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)

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