



# Equality Act 2010

## 2010 CHAPTER 15

### PART 6

#### EDUCATION

### 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—
  - (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.

*Status: Point in time view as at 06/09/2015.*

*Changes to legislation: Equality Act 2010, Chapter 3 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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

#### **Commencement Information**

- II** 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

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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

- I2** 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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