

*Status: Point in time view as at 06/09/2015.*

**Changes to legislation:** Equality Act 2010, Cross Heading: Single-sex schools turning co-educational is up to date with all changes known to be in force on or before 18 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)

## SCHEDULES

### SCHEDULE 11

#### SCHOOLS: EXCEPTIONS

#### PART 1

#### SEX DISCRIMINATION

##### *Single-sex schools turning co-educational*

- 3 (1) If the responsible body of a single-sex school decides to alter its admissions arrangements so that the school will cease to be a single-sex school, the body may apply for a transitional exemption order in relation to the school.
- (2) If the responsible body of a school to which paragraph 2 applies decides to alter its admissions arrangements so that the school will cease to be one to which that paragraph applies, the body may apply for a transitional exemption order in relation to the school.
- (3) A transitional exemption order in relation to a school is an order which, during the period specified in the order as the transitional period, authorises—
- (a) sex discrimination by the responsible body of the school in the arrangements it makes for deciding who is offered admission as a pupil;
  - (b) the responsible body, in the circumstances specified in the order, not to admit a person as a pupil because of the person's sex.
- (4) Paragraph 4 applies in relation to the making of transitional exemption orders.
- (5) The responsible body of a school does not contravene this Act, so far as relating to sex discrimination, if—
- (a) in accordance with a transitional exemption order, or
  - (b) pending the determination of an application for a transitional exemption order in relation to the school,
- it does not admit a person as a pupil because of the person's sex.
- 4 (1) In the case of a maintained school within the meaning given by section 32 of the Education and Inspections Act 2006, a transitional exemption order may be made in accordance with such provision as is made in regulations under section 21 of that Act (orders made by local authority or adjudicator in relation to schools in England).
- (2) In the case of a school in Wales maintained by a local authority, a transitional exemption order may be made in accordance with [F1section 82 of, or Part 3 of Schedule 3 to, the School Standards and Organisation (Wales) Act 2013] (orders made by Welsh Ministers).

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- (3) In the case of a school in Scotland managed by an education authority or 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—
- (a) the responsible body may submit to the Scottish Ministers an application for the making of a transitional exemption order, and
  - (b) the Scottish Ministers may make the order.
- (4) <sup>F2</sup> .....
- (5) [<sup>F3</sup>Where proposals are made to the Welsh Ministers under section 113A of the Learning and Skills Act 2000 for an alteration in the admissions arrangements of a single-sex school or a school to which paragraph 2 applies—
- (a) the making of the proposals is to be treated as an application to the Welsh Ministers for the making of a transitional exemption order, and
  - (b) the Welsh Ministers may make the order.]
- (6) In the case of a school in England or Wales not coming within sub-paragraph (1), (2), (4) or (5) or an independent school in Scotland—
- (a) the responsible body may submit to the Commission an application for the making of a transitional exemption order, and
  - (b) the Commission may make the order.
- (7) An application under sub-paragraph (6) must specify—
- (a) the period proposed by the responsible body as the transitional period to be specified in the order,
  - (b) the stages within that period by which the body proposes to move to the position where section 85(1)(a) and (c), so far as relating to sex, is complied with, and
  - (c) any other matters relevant to the terms and operation of the order applied for.
- (8) The Commission must not make an order on an application under sub-paragraph (6) unless satisfied that the terms of the application are reasonable, having regard to—
- (a) the nature of the school's premises,
  - (b) the accommodation, equipment and facilities available, and
  - (c) the responsible body's financial resources.

#### Textual Amendments

- F1** Words in Sch. 11 para. 4(2) substituted (E.W.) (1.10.2013) by [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 28\(2\)\(a\)](#); S.I. 2013/1800, art. 3(j)
- F2** Sch. 11 para. 4(4) omitted (1.10.2010) by virtue of [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), [art. 10](#)
- F3** Sch. 11 para. 4(5) omitted (E.W.) (1.10.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), [Sch. 5 para. 28\(2\)\(b\)](#); S.I. 2013/1800, art. 3(j)

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