

*Status: Point in time view as at 16/12/2014.*

*Changes to legislation: Equality Act 2010, SCHEDULE 12 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 12

Section 94

#### FURTHER AND HIGHER EDUCATION EXCEPTIONS

##### PART 1

###### SINGLE-SEX INSTITUTIONS, ETC.

###### *Admission to single-sex institutions*

- 1 (1) Section 91(1), so far as relating to sex, does not apply in relation to a single-sex institution.
- (2) A single-sex institution is an institution to which section 91 applies, which—
- (a) admits students of one sex only, or
  - (b) on the basis of the assumption in sub-paragraph (3), would be taken to admit students of one sex only.
- (3) That assumption is that students of the opposite sex are to be disregarded if—
- (a) their admission to the institution is exceptional, or
  - (b) their numbers are comparatively small and their admission is confined to particular courses or classes.
- (4) In the case of an institution which is a single-sex institution by virtue of sub-paragraph (3)(b), section 91(2)(a) to (d), so far as relating to sex, does not prohibit confining students of the same sex to particular courses or classes.

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

- 2 (1) If the responsible body of a single-sex institution decides to alter its admissions arrangements so that the institution will cease to be a single-sex institution, the body may apply for a transitional exemption order in relation to the institution.
- (2) A transitional exemption order relating to an institution 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 institution in the arrangements it makes for deciding who is offered admission as a student;
  - (b) the responsible body, in the circumstances specified in the order, not to admit a person as a student because of the person's sex.
- (3) Paragraph 3 applies in relation to the making of a transitional exemption order.
- (4) The responsible body of an institution does not contravene this Act, so far as relating to sex discrimination, if —
- (a) in accordance with a transitional exemption order, or

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- (b) pending the determination of an application for a transitional exemption order in relation to the institution,  
it does not admit a person as a student because of the person's sex.
  - (5) The responsible body of an institution 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 institution,  
it discriminates in the arrangements it makes for deciding who is offered admission as a student.
- 3
- (1) In the case of a single-sex institution—
    - (a) its 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.
  - (2) An application under sub-paragraph (1) 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 91(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.
  - (3) The Commission must not make an order on an application under sub-paragraph (1) unless satisfied that the terms of the application are reasonable, having regard to—
    - (a) the nature of the institution's premises,
    - (b) the accommodation, equipment and facilities available, and
    - (c) the responsible body's financial resources.

## PART 2

### OTHER EXCEPTIONS

#### *Occupational requirements*

- 4      A person (P) does not contravene section 91(1) or (2) if P shows that P's treatment of another person relates only to training that would help fit that other person for work the offer of which the other person could be refused in reliance on Part 1 of Schedule 9.

#### *Institutions with a religious ethos*

- 5      (1) The responsible body of an institution which is designated for the purposes of this paragraph does not contravene section 91(1), so far as relating to religion or belief, if, in the admission of students to a course at the institution—
- (a) it gives preference to persons of a particular religion or belief,
  - (b) it does so to preserve the institution's religious ethos, and
  - (c) the course is not a course of vocational training.

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- (2) A Minister of the Crown may by order designate an institution if satisfied that the institution has a religious ethos.

#### Commencement Information

- II** Sch. 12 para. 5 wholly in force; para. 5 not in force at Royal Assent see s. 216; para. 5 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, art. 2, Sch.; Sch. 12 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, art. 2(1)(6)(h) (with art. 15)

#### *Benefits dependent on marital status, etc.*

- 6 A person does not contravene section 91, so far as relating to sexual orientation, by providing married persons and civil partners (to the exclusion of all other persons) with access to a benefit, facility or service.

#### *Child care*

- 7 (1) A person does not contravene section 91(2)(b) or (d), so far as relating to age, only by providing, or making arrangements for or facilitating the provision of, care for children of a particular age group.
- (2) Facilitating the provision of care for a child includes—
- (a) paying for some or all of the cost of the provision;
  - (b) helping a parent of the child to find a suitable person to provide care for the child;
  - (c) enabling a parent of the child to spend more time providing care for the child or otherwise assisting the parent with respect to the care that the parent provides for the child.
- (3) A child is a person who has not attained the age of 17.
- (4) A reference to care includes a reference to supervision.

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