

Status: Point in time view as at 05/04/2011.

Changes to legislation: Equality Act 2010, SCHEDULE 13 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 13

Section 98

EDUCATION: REASONABLE ADJUSTMENTS

Preliminary

- 1 This Schedule applies where a duty to make reasonable adjustments is imposed on A by this Part.

The duty for schools

- 2 (1) This paragraph applies where A is the responsible body of a school to which section 85 applies.
- (2) A must comply with the first and third requirements.
- (3) For the purposes of this paragraph—
- (a) the reference in section 20(3) to a provision, criterion or practice is a reference to a provision, criterion or practice applied by or on behalf of A;
 - (b) the reference in section 20(3) or (5) to a disabled person is—
 - (i) in relation to a relevant matter within sub-paragraph (4)(a), a reference to disabled persons generally;
 - (ii) in relation to a relevant matter within sub-paragraph (4)(b), a reference to disabled pupils generally.
- (4) In relation to each requirement, the relevant matters are—
- (a) deciding who is offered admission as a pupil;
 - (b) provision of education or access to a benefit, facility or service.

Commencement Information

- II** Sch. 13 para. 2 wholly in force at 1.9.2012; para. 2 not in force at Royal Assent see s. 216; para. 2 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, art. 2(1)(6)(i)(i); para. 2 in force so far as not already in force at 1.9.2012 by S.I. 2012/2184, art. 2(b)

The duty for further or higher education institutions

- 3 (1) This paragraph applies where A is the responsible body of an institution to which section 91 applies.
- (2) A must comply with the first, second and third requirements.
- (3) For the purposes of this paragraph—
- (a) the reference in section 20(3) to a provision, criterion or practice is a reference to a provision, criterion or practice applied by or on behalf of A;

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- (b) the reference in section 20(4) to a physical feature is a reference to a physical feature of premises occupied by A;
 - (c) the reference in section 20(3), (4) or (5) to a disabled person is—
 - (i) in relation to a relevant matter within sub-paragraph (4)(a), a reference to disabled persons generally;
 - (ii) in relation to a relevant matter within sub-paragraph (4)(b) or (c), a reference to disabled students generally;
 - (iii) in relation to a relevant matter within sub-paragraph (4)(d) or (e) below, a reference to an interested disabled person.
 - (4) In relation to each requirement, the relevant matters are—
 - (a) deciding who is offered admission as a student;
 - (b) provision of education;
 - (c) access to a benefit, facility or service;
 - (d) deciding on whom a qualification is conferred;
 - (e) a qualification that A confers.
- 4 (1) An interested disabled person is a disabled person who, in relation to a relevant matter specified in the first column of the table, is of a description specified in the second column.

<i>Case</i>	<i>Description of disabled person</i>
Deciding upon whom to confer a qualification.	A person who is, or has notified A that the person may be, an applicant for the conferment of the qualification.
A qualification that A confers.	An applicant for the conferment by A of the qualification. A person on whom A confers the qualification.

- (2) A provision, criterion or practice does not include the application of a competence standard.
 - (3) A competence standard is an academic, medical or other standard applied for the purpose of determining whether or not a person has a particular level of competence or ability.
- The duty relating to certain other further or higher education courses*
- 5 (1) This paragraph applies where A is the responsible body in relation to a course to which section 92 applies.
- (2) A must comply with the first, second and third requirements; but if A is the governing body of a maintained school (within the meaning given by that section), A is not required to comply with the second requirement.
 - (3) For the purposes of this paragraph—
 - (a) the reference in section 20(3) to a provision, criterion or practice is a reference to a provision, criterion or practice applied by or on behalf of A;
 - (b) the reference in section 20(4) to a physical feature is a reference to a physical feature of premises occupied by A;

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- (c) the reference in section 20(3), (4) or (5) to a disabled person is—
 - (i) in relation to a relevant matter within sub-paragraph (4)(a), a reference to disabled persons generally;
 - (ii) in relation to a relevant matter within sub-paragraph (4)(b), a reference to disabled persons generally who are enrolled on the course.
- (4) In relation to each requirement, the relevant matters are—
 - (a) arrangements for enrolling persons on a course of further or higher education secured by A;
 - (b) services provided by A for persons enrolled on the course.

Commencement Information

- I2** Sch. 13 para. 5 wholly in force at 1.9.2012; para. 5 not in force at Royal Assent see s. 216; para. 5 in force for certain purposes at 1.10.2010 by S.I. 2010/2317, art. 2(1)(6)(i)(ii); para. 5 in force so far as not already in force at 1.9.2012 by S.I. 2012/2184, art. 2(b)

The duty relating to recreational or training facilities

- 6 (1) This paragraph applies where A is the responsible body in relation to facilities to which section 93 applies.
- (2) A must comply with the first, second and third requirements.
- (3) For the purposes of this paragraph—
 - (a) the reference in section 20(3) to a provision, criterion or practice is a reference to a provision, criterion or practice applied by or on behalf of A;
 - (b) the reference in section 20(4) to a physical feature is a reference to a physical feature of premises occupied by A;
 - (c) the reference in section 20(3), (4) or (5) to a disabled person is a reference to disabled persons generally.
- (4) In relation to each requirement, the relevant matter is A's arrangements for providing the recreational or training facilities.

Code of practice

- 7 In deciding whether it is reasonable for A to have to take a step for the purpose of complying with the first, second or third requirement, A must have regard to relevant provisions of a code of practice issued under section 14 of the Equality Act 2006.

Confidentiality requests

- 8 (1) This paragraph applies if a person has made a confidentiality request of which A is aware.
- (2) In deciding whether it is reasonable for A to have to take a step in relation to that person so as to comply with the first, second or third requirement, A must have regard to the extent to which taking the step is consistent with the request.
- (3) In a case within paragraph 2, a “confidentiality request” is a request—

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- (a) that the nature or existence of a disabled person's disability be treated as confidential, and
 - (b) which satisfies either of the following conditions.
- (4) The first condition is that the request is made by the person's parent.
- (5) The second condition is that—
- (a) it is made by the person, and
 - (b) A reasonably believes that the person has sufficient understanding of the nature and effect of the request.
- (6) In a case within paragraph 3, a “confidentiality request” is a request by a disabled person that the nature or existence of the person's disability be treated as confidential.

The duty for general qualifications bodies

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- (1) This paragraph applies where A is a qualifications body for the purposes of section 96.
 - (2) Paragraphs 3 and 4(1), so far as relating to qualifications, apply to a qualifications body as they apply to a responsible body.
 - (3) This paragraph is subject to section 96(7).

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