



Equality Act 2010

2010 CHAPTER 15

PART 6

EDUCATION

CHAPTER 1

SCHOOLS

Modifications etc. (not altering text)

- C1** Pt. 6 Ch. 1: power to amend or repeal conferred (10.2.2012) by Education (Wales) Measure 2009 (nawm 5), s. 18(2)(c) (as amended by S.I. 2011/1651, art. 12(b)); S.I. 2012/320, art. 2(g)

84 Application of this Chapter

This Chapter does not apply to the following protected characteristics—

- (a) age;
- (b) marriage and civil partnership.

85 Pupils: admission and treatment, etc.

- (1) The responsible body of a school 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 pupil;
 - (b) as to the terms on which it offers to admit the person as a pupil;
 - (c) by not admitting the person as a pupil.
- (2) The responsible body of such a school must not discriminate against a pupil—
 - (a) in the way it provides education for the pupil;
 - (b) in the way it affords the pupil access to a benefit, facility or service;

Status: Point in time view as at 01/10/2010.

Changes to legislation: Equality Act 2010, Chapter 1 is up to date with all changes known to be in force on or before 24 April 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)

- (c) by not providing education for the pupil;
 - (d) by not affording the pupil access to a benefit, facility or service;
 - (e) by excluding the pupil from the school;
 - (f) by subjecting the pupil to any other detriment.
- (3) The responsible body of such a school must not harass—
- (a) a pupil;
 - (b) a person who has applied for admission as a pupil.
- (4) The responsible body of such a school must not victimise a person—
- (a) in the arrangements it makes for deciding who is offered admission as a pupil;
 - (b) as to the terms on which it offers to admit the person as a pupil;
 - (c) by not admitting the person as a pupil.
- (5) The responsible body of such a school must not victimise a pupil—
- (a) in the way it provides education for the pupil;
 - (b) in the way it affords the pupil access to a benefit, facility or service;
 - (c) by not providing education for the pupil;
 - (d) by not affording the pupil access to a benefit, facility or service;
 - (e) by excluding the pupil from the school;
 - (f) by subjecting the pupil to any other detriment.
- (6) A duty to make reasonable adjustments applies to the responsible body of such a school.
- (7) In relation to England and Wales, this section applies to—
- (a) a school maintained by a local authority;
 - (b) an independent educational institution (other than a special school);
 - (c) a special school (not maintained by a local authority).
- (8) In relation to Scotland, this section applies to—
- (a) a school managed by an education authority;
 - (b) an independent school;
 - (c) a school 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.
- (9) The responsible body of a school to which this section applies is—
- (a) if the school is within subsection (7)(a), the local authority or governing body;
 - (b) if it is within subsection (7)(b) or (c), the proprietor;
 - (c) if it is within subsection (8)(a), the education authority;
 - (d) if it is within subsection (8)(b), the proprietor;
 - (e) if it is within subsection (8)(c), the managers.
- (10) In the application of section 26 for the purposes of subsection (3), none of the following is a relevant protected characteristic—
- (a) gender reassignment;
 - (b) religion or belief;
 - (c) sexual orientation.

Status: Point in time view as at 01/10/2010.

Changes to legislation: Equality Act 2010, Chapter 1 is up to date with all changes known to be in force on or before 24 April 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)

86 Victimization of pupils, etc. for conduct of parents, etc.

- (1) This section applies for the purposes of section 27 in its application to section 85(4) or (5).
- (2) The references to B in paragraphs (a) and (b) of subsection (1) of section 27 include a reference to a parent or sibling of the child in question.
- (3) Giving false evidence or information, or making a false allegation, in good faith is not a protected act in a case where—
 - (a) the evidence or information is given, or the allegation is made, by a parent or sibling of the child, and
 - (b) the child has acted in bad faith.
- (4) Giving false evidence or information, or making a false allegation, in bad faith, is a protected act in a case where—
 - (a) the evidence or information is given, or the allegation is made, by a parent or sibling of the child, and
 - (b) the child has acted in good faith.
- (5) In this section—
 - “child” means a person who has not attained the age of 18;
 - “sibling” means a brother or sister, a half-brother or half-sister, or a stepbrother or stepsister.

87 [F1 Application of enforcement powers under education legislation]

- (1) Sections 496 and 497 of the Education Act 1996 (powers to give directions where responsible body of school in default of obligations, etc.) [F2 and section 70 of the Education (Scotland) Act 1980] apply to the performance of a duty under section 85.
- (2) But neither of sections 496 and 497 of [F3 the Education Act 1996] applies to the performance of a duty under that section by the proprietor of an independent educational institution (other than a special school) [F4; and section 70 of the Education (Scotland) Act 1980 does not apply to the performance of a duty under that section by the proprietor of an independent school].

Textual Amendments

- F1** S. 87 title substituted (1.10.2010) by virtue of [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), **3**
- F2** Words in s. 87(1) inserted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), **3(a)**
- F3** Words in s. 87(2) substituted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), **3(b)(i)**
- F4** Words in s. 87(2) inserted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), **3(b)(ii)**

88 Disabled pupils: accessibility

Schedule 10 (accessibility) has effect.

Status: Point in time view as at 01/10/2010.

Changes to legislation: Equality Act 2010, Chapter 1 is up to date with all changes known to be in force on or before 24 April 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)

89 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) “Pupil”—
 - (a) in relation to England and Wales, has the meaning given in section 3(1) of the Education Act 1996;
 - (b) in relation to Scotland, has the meaning given in section 135(1) of the Education (Scotland) Act 1980.
- (4) “Proprietor”—
 - (a) in relation to a school in England and Wales, has the meaning given in section 579(1) of the Education Act 1996;
 - (b) in relation to a school in Scotland, has the meaning given in section 135(1) of the Education (Scotland) Act 1980.
- (5) “School”—
 - (a) in relation to England and Wales, has the meaning given in section 4 of the Education Act 1996;
 - (b) in relation to Scotland, has the meaning given in section 135(1) of the Education (Scotland) Act 1980.
- (6) A reference to a school includes a reference to an independent educational institution in England; and a reference to an independent educational institution in England is to be construed in accordance with Chapter 1 of Part 4 of the Education and Skills Act 2008.
- (7) A reference to an independent educational institution is a reference to—
 - (a) an independent educational institution in England, or
 - (b) an independent school in Wales.
- (8) “Independent school”—
 - (a) in relation to Wales, has the meaning given in section 463 of the Education Act 1996;
 - (b) in relation to Scotland, has the meaning given in section 135(1) of the Education (Scotland) Act 1980.
- (9) “Special school” has the meaning given in section 337 of the Education Act 1996.
- (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”, in relation to Scotland, has the meaning given in section 135(1) of the Education (Scotland) Act 1980.
- (12) Schedule 11 (exceptions) has effect.

Status:

Point in time view as at 01/10/2010.

Changes to legislation:

Equality Act 2010, Chapter 1 is up to date with all changes known to be in force on or before 24 April 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.