



Equality Act 2010

2010 CHAPTER 15

PART 6 **E+W+S**

EDUCATION

CHAPTER 1 **E+W+S**

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 **E+W+S**

This Chapter does not apply to the following protected characteristics—

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

85 Pupils: admission and treatment, etc. **E+W+S**

- (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;

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- (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);
 - [^{F1}(ba) an alternative provision Academy that is not an independent educational institution;]
 - (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) [^{F2}, (ba)] 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.

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Textual Amendments

- F1** S. 85(7)(ba) inserted (E.W.) (1.4.2012) by [The Alternative Provision Academies \(Consequential Amendments to Acts\) \(England\) Order 2012 \(S.I. 2012/976\)](#), arts. 1, 2, **Sch. para. 25(a)**
- F2** Word in s. 85(9)(b) inserted (E.W.) (1.4.2012) by [The Alternative Provision Academies \(Consequential Amendments to Acts\) \(England\) Order 2012 \(S.I. 2012/976\)](#), arts. 1, 2, **Sch. para. 25(b)**

86 **Victimisation of pupils, etc. for conduct of parents, etc.** **E+W+S**

- (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—
- the evidence or information is given, or the allegation is made, by a parent or sibling of the child, and
 - 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—
- the evidence or information is given, or the allegation is made, by a parent or sibling of the child, and
 - 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.

Modifications etc. (not altering text)

- C2** S. 86(2)-(4) modified (W.) (1.9.2021) by [The Equality Act 2010 \(Capacity of parents and persons over compulsory school age\) \(Wales\) Regulations 2021 \(S.I. 2021/403\)](#), regs. 1(2), 5

87 **[^{F3}Application of enforcement powers under education legislation]** **E+W+S**

[^{F4}(A1) Subsections (1) and (2) do not apply in the case of a school in Wales.]

- (1) Sections 496 and 497 of the Education Act 1996 (powers to give directions where responsible body of school in default of obligations, etc.) [^{F5} 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 [^{F6}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) [^{F7} or an alternative provision Academy that is not an independent educational institution][^{F8}; 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].

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[^{F9}(3) In the case of a school in Wales—

- (a) Chapter 1 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) (intervention in conduct of maintained schools) applies to the performance of a duty under section 85, but as if—
 - (i) the only relevant grounds for intervention were grounds 5 and 6 in section 2 of that Act, and
 - (ii) sections 3 to 9 and 12 to 16 of that Act did not apply;
- (b) Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) applies to the performance of a duty under section 85, but as if—
 - (i) the only relevant grounds for intervention were grounds 1 and 2 in section 21 of that Act, and
 - (ii) sections 24 to 27 of that Act did not apply.

(4) But neither of Chapters 1 and 2 of Part 2 of the 2013 Act applies to the performance of a duty under section 85 by the proprietor of an independent educational institution (other than a special school).]

Textual Amendments

- F3** 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**
- F4** S. 87(A1) inserted (E.W.) (20.2.2014) by [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), **Sch. 5 para. 11(2)**; S.I. 2014/178, art. 2(f) (with art. 3)
- F5** 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)**
- F6** 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)**
- F7** Words in s. 87(2) inserted (E.W.) (1.4.2012) by [The Alternative Provision Academies \(Consequential Amendments to Acts\) \(England\) Order 2012 \(S.I. 2012/976\)](#), arts. 1, 2, **Sch. para. 26**
- F8** 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)**
- F9** S. 87(3)(4) inserted (E.W.) (20.2.2014) by [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(4), **Sch. 5 para. 11(3)**; S.I. 2014/178, art. 2(f) (with art. 3)

88 Disabled pupils: accessibility **E+W+S**

Schedule 10 (accessibility) has effect.

89 Interpretation and exceptions **E+W+S**

- (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.

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(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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 40A inserted by [2023 c. 51 s. 1](#)
- s. 120(9) inserted by [2023 c. 51 s. 2\(b\)](#)
- s. 124A inserted by [2023 c. 51 s. 3](#)