



# Equality Act 2010

## 2010 CHAPTER 15

### PART 6

#### EDUCATION

### CHAPTER 1

#### SCHOOLS

#### **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;
  - (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;

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**Changes to legislation:** Equality Act 2010, Section 85 is up to date with all changes known to be in force on or before 05 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) View outstanding changes

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- (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);
  - [<sup>F1</sup>(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) [<sup>F2</sup>, (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.

#### 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)**

**Changes to legislation:**

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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](#)