



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;

Status: This is the original version (as it was originally enacted).

- (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.