

EQUALITY ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 16: General and Miscellaneous

Schedule 12: Further and higher education exceptions

Part 1: Single-sex institutions

Effect

875. **Part 1** of this Schedule makes exceptions from the prohibition on sex discrimination by further and higher education institutions to allow for the existence of single-sex colleges and to make transitional provisions for single-sex institutions which are turning co-educational.

Background

876. These provisions are designed to replicate the effect of provisions in the Sex Discrimination Act 1975.

Admission to single-sex institutions: [paragraph 1](#)

Effect

877. This paragraph allows a single-sex institution to refuse to admit members of the opposite sex. An institution is defined as single-sex if it admits students of one sex only. An institution which exceptionally admits students of the opposite sex, or which admits a comparatively small number of opposite-sex students to particular courses or classes only, is still regarded as single-sex. Limiting those students to particular courses or classes is permitted. However, other forms of sex discrimination by the institution against its opposite-sex students would still be unlawful.

Examples

- A women's college which admits only female students is not discriminating unlawfully against men.
- If the college admits a small number of men to make up the numbers on a particular course of study, it is still regarded as a single-sex college. It is not discriminating unlawfully by refusing to admit men to other courses.
- A women's college which admits men to certain courses but refuses to let them use the student cafeteria would be discriminating unlawfully against them.

Single-sex institutions turning co-educational: [paragraphs 2 and 3](#).

Effect

878. These paragraphs enable a college which is going through the process of changing from a single-sex to a co-educational institution to apply for a transitional exemption order,

*These notes refer to the Equality Act 2010 (c.15)
which received Royal Assent on 8 April 2010*

to enable it to continue restricting admittance to a single sex until the transition from single-sex is complete.

879. [Paragraph 3](#) sets out the procedures for applying for a transitional exemption order.

Background

880. These provisions are designed to replicate the effect of provisions in the Sex Discrimination Act 1975.

Examples

- If a transitional exemption order is made in accordance with the arrangements in paragraph 3:

A women's college which decides to become co-educational by starting to admit a certain number of male undergraduates to the first year of its degree courses will not be discriminating unlawfully by limiting the number of men it admits, or by refusing men access to postgraduate degree courses.

A college in the process of becoming co-educational must treat its male and female students equally once they have been admitted, since the transitional exemption order relates only to discrimination in relation to admissions.