

EQUALITY ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 16: General and Miscellaneous

Schedule 3: Services and public functions: exceptions

Part 7: Separate and single services

Separate services for the sexes: paragraph 26

Single-sex services: paragraph 27

Effect

733. This paragraph contains exceptions to the general prohibition of sex discrimination to allow the provision of single-sex services.
734. Single sex services are permitted where:
- only people of that sex require it;
 - there is joint provision for both sexes but that is not sufficient on its own;
 - if the service were provided for men and women jointly, it would not be as effective and it is not reasonably practicable to provide separate services for each sex;
 - they are provided in a hospital or other place where users need special attention (or in parts of such an establishment);
 - they may be used by more than one person and a woman might object to the presence of a man (or vice versa); or
 - they may involve physical contact between a user and someone else and that other person may reasonably object if the user is of the opposite sex.
735. In each case, the separate provision has to be objectively justified.
736. These exceptions also cover public functions in respect of the “back-room” managerial, administrative and finance decisions which allow such single-sex services to be provided.