



Equality Act 2010

2010 CHAPTER 15

PART 6

EDUCATION

CHAPTER 2

FURTHER AND HIGHER EDUCATION

91 Students: admission and treatment, etc.

- (1) The responsible body of an institution 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 student;
 - (b) as to the terms on which it offers to admit the person as a student;
 - (c) by not admitting the person as a student.
- (2) The responsible body of such an institution must not discriminate against a student—
 - (a) in the way it provides education for the student;
 - (b) in the way it affords the student access to a benefit, facility or service;
 - (c) by not providing education for the student;
 - (d) by not affording the student access to a benefit, facility or service;
 - (e) by excluding the student;
 - (f) by subjecting the student to any other detriment.
- (3) The responsible body of such an institution must not discriminate against a disabled person—
 - (a) in the arrangements it makes for deciding upon whom to confer a qualification;
 - (b) as to the terms on which it is prepared to confer a qualification on the person;
 - (c) by not conferring a qualification on the person;

Changes to legislation: Equality Act 2010, Section 91 is up to date with all changes known to be in force on or before 15 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

- (d) by withdrawing a qualification from the person or varying the terms on which the person holds it.
- (4) Subsection (3) applies only to disability discrimination.
- (5) The responsible body of such an institution must not harass—
- (a) a student;
 - (b) a person who has applied for admission as a student;
 - (c) a disabled person who holds or has applied for a qualification conferred by the institution.
- (6) The responsible body of such an institution must not victimise a person—
- (a) in the arrangements it makes for deciding who is offered admission as a student;
 - (b) as to the terms on which it offers to admit the person as a student;
 - (c) by not admitting the person as a student.
- (7) The responsible body of such an institution must not victimise a student—
- (a) in the way it provides education for the student;
 - (b) in the way it affords the student access to a benefit, facility or service;
 - (c) by not providing education for the student;
 - (d) by not affording the student access to a benefit, facility or service;
 - (e) by excluding the student;
 - (f) by subjecting the student to any other detriment.
- (8) The responsible body of such an institution must not victimise a disabled person—
- (a) in the arrangements it makes for deciding upon whom to confer a qualification;
 - (b) as to the terms on which it is prepared to confer a qualification on the person;
 - (c) by not conferring a qualification on the person;
 - (d) by withdrawing a qualification from the person or varying the terms on which the person holds it.
- (9) A duty to make reasonable adjustments applies to the responsible body of such an institution.
- (10) In relation to England and Wales, this section applies to—
- (a) a university;
 - (b) any other institution within the higher education sector;
 - (c) an institution within the further education sector.
- [^{F1}(d) a 16 to 19 Academy.]
- (11) In relation to Scotland, this section applies to—
- (a) a university;
 - (b) a designated institution;
 - (c) a college of further education.
- (12) A responsible body is—
- (a) in the case of an institution within subsection (10)(a), (b) or (c), the governing body;

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- [^{F2}(aa) in the case of an institution within subsection (10)(d), the proprietor (within the meaning of the Education Act 1996);]
- (b) in the case of an institution within subsection (11)(a) or (b), the governing body;
 - (c) in the case of a college of further education under the management of a board of management, the board of management;
 - (d) in the case of any other college of further education, any board of governors of the college or any person responsible for the management of the college, whether or not formally constituted as a governing body or board of governors.

Textual Amendments

- F1** S. 91(10)(d) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 54(1), [Sch. 13 para. 20\(2\)\(a\)](#); S.I. 2012/924, [art. 2](#)
- F2** S. 91(12)(aa) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 54(1), [Sch. 13 para. 20\(2\)\(b\)](#); S.I. 2012/924, [art. 2](#)

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](#)