

Supreme Court ruling upholds that UK charities can restrict services to those with protected characteristics without breaching equality law

03 DECEMBER 2020

CATEGORY:
ARTICLE



In October, the Supreme Court handed down a landmark ruling which upheld that some charities can restrict which groups of people they provide services to, without breaching equality law.

The case concerned the arrangements for allocation of social housing properties controlled by Agudas Israel Housing Association (AIHA) in Hackney. An application for judicial review was brought by a single mother with four children, who had been identified as a priority need for housing but was not made an offer by AIHA. She argued that she and her children had been discriminated against on the grounds that she is not a member of the Jewish Orthodox community and that the policy was in breach of the Equality Act 2010.

The objects of AIHA state that it is 'primarily for the benefit of the Orthodox Jewish families' and AIHA contended that the demand for social housing amongst the orthodox Jewish community in Hackney outstripped the supply. The Supreme Court considered that the advantage to the Orthodox community in Hackney outweighed the disadvantage to the wider community, and therefore ruled that the use of positive discrimination by AIHA was proportionate and lawful.


The Court concluded that a charity would not breach equality law if it restricted provision of services to a group sharing a protected characteristic in accordance with a charitable object, provided that it was a proportionate means of achieving a legitimate aim, or to prevent a disadvantage linked to the protected characteristic.

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