

Lady Hewley Trust

Discrimination protocol in applying the benefits of the Trust

The Equality Act 2010 makes discrimination unlawful. Discrimination is when A treats B, who has a protected characteristic, less favourably than A treats or would treat others, including applying to B a criterion or practice which is discriminatory in relation to a relevant protected characteristic.

The protected characteristics are: age; disability; race; religion or belief; gender reassignment; sex; marriage and civil partnership; sexual orientation; pregnancy and maternity. The protected characteristics involved in the limitation of the benefits of the Trust are noted in the various specified purposes of the Trust in bold type in the sections below.

The objects of the charity are, for the benefit of the public:

- (a) To further the religious and other charitable work of **Baptist Union, Congregational Federation and United Reformed Church** ministers and members, including through the proclamation of the Gospel and the promotion of preaching, with a preference for such work in areas of social and economic deprivation. (Protected characteristic – religion or belief)
- (b) To advance the education of men and women for the **Baptist Union, Congregational Federation, and United Reformed Church** ministries, by such means as the trustees decide including the award of grants, allowances and other financial and non financial support. (Protected characteristic – religion or belief)
- (c) To relieve from need, hardship and distress whether by reason of poverty, **age** or **disability**, persons who are:
 - (i) **Baptist Union, Congregational Federation and United Reformed Church** ministers and their dependants
 - (ii) the dependants of former **Presbyterian Church of England** ministers
 - (iii) members of any **Baptist Union, Congregational Federation, or United Reformed Church**by such means as the trustees decide, including the award of financial and non financial support.
(Protected characteristics – religion or belief; age; disability)
- (d) To relieve need, hardship and distress by:
 - (i) providing housing accommodation to persons who are in need and **aged over 55 years** and of the **Protestant faith**
 - (ii) such other charitable means for the benefit of the residents as the trustees decide.(Protected characteristics – religion or belief; age.)

In carrying out the charity's objects, the trustees must give preference to places situated in and persons resident in the northern counties of England and then to other areas of England and Wales.

Under the charities exception the Trust does not offend against the Act by limiting its benefits to people who have a connection with the Baptist Union, United Reformed Church, Congregational Federation and Presbyterian Church of England denominations because its governing document provides for this. The trustees must show that they are tackling disadvantage faced by the specified beneficiaries of the Trust and/or they are achieving a legitimate aim in a fair, balanced and reasonable way – i.e. they are acting in a proportionate manner.

Subject as described below, when applying income, conferring benefits and exercising their discretion the trustees will have no regard to the fact that individuals share one or more of the protected characteristics except that where relevant they are required to direct the benefits of the Trust to the Baptist Union, Congregational Federation and URC denominations, those of the Protestant faith and the elderly or disabled.

When applying income for purpose (a), the trustees will continue to exercise their discretion and provide benefits which propagate the Gospel, furthering the work of the Baptist Union, Congregational Federation and United Reformed Churches. This is what the object directs.

When applying income for purposes (b) and (c), the trustees will continue to benefit the selected individuals of the Baptist Union, Congregational Federation and United Reformed Churches. Again, this is what the objects direct.

When applying income for purpose (d), the trustees are required to assist individuals who are over 55 years of age, in need and are of the Protestant faith. The trustees have formulated a policy by which they will determine the requirement that residents of the almshouses must be of the Protestant faith.

The trustees, having regard to the original purposes of the Trust will give preference to those of the Baptist Union, Congregational Federation and United Reformed Churches but subject to this will accept applications from people who have a substantial connection with any Protestant Church. The trustees are applying this policy in pursuance of the object of the Trust consonant with the intentions of its founder, Lady Hewley, and the exercise of the preference is a proportionate way of achieving those intentions.

The trustees will ask the minister or equivalent of the local church to verify an applicant has a substantial connection with the church concerned. For example, with regard to the Baptist Union, Congregational Federation and United Reformed Churches, the trustees would normally expect the applicants to be members of their respective local church but regularly worshipping adherents will qualify. With regard to those of other Protestant denominations, the trustees will be expecting Anglicans to be communicant members of their Parish Church and other denominational members to have a similar substantial connection which will normally include regular church attendance.

With regard to gender reassignment, sex, marriage and civil partnership, and sexual orientation, again, the trustees will accept the minister's verification that the characteristic concerned does not offend the principles and usages of the church concerned.

With regard to limitations beyond over 55s who are in need, the trustees provide 10 almshouses, 8 of which can only accommodate single people. Only two of them can accommodate couples. Having regard to the original trusts, the trustees will give preference to women with regard to occupation of the 8 'single' almshouses. The trustees apply this preference in pursuance of the object consonant with the original intentions of the founder; the exercise is a proportionate way of achieving those intentions.

There is no warden or superintendent and so the residents, like any other householder, must be in a position to look after themselves, their material belongings and their almshouse and must not present a risk to the other residents. The almshouse buildings are 'listed'. Alteration and modification to adapt the accommodation so as to be suitable for mobility challenged residents is impractical on conservation and cost grounds.

On a general note, the almshouses are set closely together forming their own little quarter in the City of York. In accordance with the intentions of the founder, the residents constitute a close-knit Christian community and residents are expected to have care for each other. In selecting applicants, as well as continuing to provide for them, the trustees must have regard to the ethos of the Trust, and the harmony and well-being of the community as a whole.

In applying income for the benefit of the residents, general expenditure will mostly be on the upkeep and repair of the almshouses and their improvement, as required. Expenditure on the assistance of residents will be on the basis of their individual need.