



Charities and the Equality Act

What is the Equality Act?

The Equality Act 2010 ('the Act') aims to protect people who share certain characteristics and prevent discrimination. Most of the Act took effect on 1 October 2010 but some parts are not yet effective.

The Act provides legal rights for people who share one or more of these characteristics in a wide range of areas including employment and the provision of services. There are some exceptions to this, including one for charities.

Find out more about the characteristics:

[Protected characteristics: definitions – Equality and Human Rights Commission](#)

What is the charities' exception?

The charities' exception in the Act allows charities to restrict benefits to people with a particular protected characteristic (but not a group defined by colour), if the restriction appears in its governing document. For example, a charity set up to work only for the benefit of people with a visual impairment.

To follow a restriction of this type the charity must satisfy that the restriction is intended to either:

- tackle needs or disadvantages linked to that protected characteristic
- meet a legitimate objective in a fair, balanced and reasonable way

The restriction must be justified using either of these two tests, or another exception permitted by the Act.

These provisions apply to both existing charities and those seeking registration.

What do I need to do now?

Charities' exception

It is likely that many charities which restrict or target their benefits will be able to rely on the charities' exception, or another exception permitted by the Act.

You should check:

- whether the charity's governing document restricts who may benefit on the grounds of a protected characteristic; and
- if there is a restriction, that it can be justified using either of the two tests set out above, or another Act exception.

Where there is a restriction, and no Act exception applies, a charity must change its purposes.

Compliance with wider provisions of the Act

Charities that already have good equality procedures in place will not need to take much further action. However, it will be wise to:

- inform your staff and management committee of the new provisions
- review your equality policies and make sure that they cover all relevant protected characteristics
- consider whether your staff need any further training

You may also wish to consider whether there are any groups that are not as well represented among your service users as they should be and, if so, consider whether you could use positive action to encourage them to use your organisation more.

See also:

- [Equality Act guidance for charities: Who can benefit from charities?](#)
- [quick start guides](#) produced by the Government Equalities Office (GEO)
- [a range of fuller guides](#) produced by the Equality and Human Rights Commission (EHRC)