



Discrimination and premises

Explains what laws protect you from discrimination when you buy, rent, or occupy property, what you can do if you have been discriminated against and where you can get support and advice. Applies to England and Wales.

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Overview

Sometimes people are treated worse because of their mental health condition. This is called [discrimination](#) and, if you experience it when you are occupying or buying [premises](#), you may have a legal right to challenge it.

Quick facts

- The [Equality Act 2010](#) is the law that gives you the right to challenge discrimination. You are protected under the Equality Act if you can show that you have been treated worse because of certain [protected characteristics](#), like a mental health problem.
- The Equality Act protects you from discrimination when you [buy, rent or occupy premises](#). 'Premises' means buildings and land that goes with them in which people live, or that they use for their business.
- You can ask your landlord or manager of the property to [make reasonable adjustments](#) for you.
- If your landlord is a public authority, they will have an additional duty to eliminate discrimination, called the [public sector equality duty](#).
- If you think you have experienced disability discrimination when you buying, renting or occupying premises, there are several things you can do to [make a complaint](#).

Please note

- This guide covers discrimination when you buy or occupy premises from the point of view of a person with a mental health problem.
- This guide applies to England and Wales.
- This guide contains general legal information, not legal advice. We recommend you get advice from a specialist legal adviser or solicitor who will help you with your individual situation and needs. See [Useful contacts](#) for more information.

Terms you need to know

Term	Meaning
Advocate	An advocate is a person who can both listen to you and speak for you in times of need. Having an advocate can be helpful in situations where you are finding it difficult to make your views known, or to make people listen to them and take them into account. Find out more on our advocacy information page .
County court	<p>This is a court which deals with civil (non-criminal) matters. There are fees for starting a claim in the county court. But if you have a low income, you may be able to pay a reduced amount, or none at all (called a 'fee remission').</p> <p>Cases in the county court are in one of three tracks:</p> <ul style="list-style-type: none"> • small claims track is where the amount of compensation you are asking for is less than £10,000 and your case is not complicated • fast track is where your case is more complicated but can be finished in a 1-day hearing • multi-track is where the claim is complicated, and/or will take longer than a 1-day hearing, and/or is for a larger sum of money <p>Fast track and multi-track cases are costly and if you do not win your case, you usually have to pay the other person's legal costs.</p>
Disability	The Equality Act says that you have a disability if you have an impairment that is either physical or mental and the impairment has a substantial, adverse and long term effect on your normal daily activities.
Disability discrimination	This is when someone is treated worse because of their physical or mental health condition. The Equality Act explains what a disability is and when worse treatment is discrimination. You have to show that you have a disability before you can challenge worse treatment as disability discrimination.
Discrimination	There are many situations in which you may feel treated unfairly because of your disability, but the Equality Act only covers these types of discrimination:

	<ul style="list-style-type: none"> • direct discrimination • discrimination arising from disability • indirect discrimination • harassment • victimisation • the duty to make reasonable adjustments
Equality Act 2010	<p>This is the law that explains:</p> <ul style="list-style-type: none"> • what behaviour counts as unlawful discrimination • who has a right to challenge discrimination
Human Rights Act 1998 (HRA)	<p>This is a law that the government has brought in to protect our human rights in the UK.</p>
Premises	<p>Premises means buildings and land that goes with them (property), in which people live or that they use for their business.</p>
Protected characteristics	<p>'Protected characteristics' is the name for the nine personal characteristics that are protected by the Equality Act in certain situations. They are:</p> <ul style="list-style-type: none"> • age • disability (this can include mental health problems) • gender reassignment • marriage and civil partnership • pregnancy and maternity • race • religion or belief • sex • sexual orientation
Public authorities	<p>These are organisations whose role is of a public nature. This includes:</p> <ul style="list-style-type: none"> • Police • NHS hospitals and employees • Local authorities and their employees • Some nursing and personal care accommodation providers • Prison staff • Courts and tribunals, including Mental Health Tribunals • Government departments and their employees • Statutory bodies and their employees (for example the Information Commissioner's Office)
Public functions	<p>This means an act or activity taken by a public authority which is not a service. A public authority carries out a public</p>

	<p>function when it performs its particular legal duties and powers. Examples of public functions are licensing, planning and enforcement of parking.</p> <p>Public authorities can get private companies or voluntary organisations to carry out their public functions. So for example, a private company that runs prisons and takes prisoners into custody would be considered a private company carrying out a public function.</p>
<p>Public sector equality duty</p>	<p>This is the legal duty which public authorities like councils, NHS hospitals and government departments have to follow. It means they have to consider how their policies and practices affect people with protected characteristics, like people with mental health problems.</p> <p>Private or voluntary organisations also have to follow the public sector equality duty when they carry out a public function on behalf of public authorities. For example, a private firm that is employed by a local council to collect council tax arrears needs to follow the public sector equality duty.</p>
<p>Reasonable adjustments</p>	<p>These are changes that:</p> <ul style="list-style-type: none"> • employers • organisations and people providing services and public functions • education providers like universities and colleges • managers of properties like landlords • clubs and associations <p>should make for you if you are at a major disadvantage because of your mental health problems and it is reasonable.</p> <p>Examples of reasonable adjustments include:</p> <ul style="list-style-type: none"> • making changes to the way things are organised or done • making changes to the built environment, or physical features like steps or doorways around you • providing aids and services for you
<p>Services</p>	<p>This includes services provided by:</p> <ul style="list-style-type: none"> • local councils like advice services or social work services and park and leisure services

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|--|--|
| | <ul style="list-style-type: none">• government departments like prison education, job centres and court services• charities like information and advice services• private companies and people like hotels, restaurants, solicitors, accountants, telesales businesses, leisure centres, sports facilities, gas and electric companies, buses, trains, theatres, cinemas• places of worship• GPs, hospitals and clinics |
|--|--|

Premises

- [What is the Equality Act?](#)
- [When am I protected from discrimination?](#)
- [What does 'premises' mean?](#)

What is the Equality Act?

The [Equality Act 2010](#) is the law that gives you the right to challenge [discrimination](#). You are protected under the Equality Act if you can show that your mental health problem is a [disability](#), and you have been treated worse because of your mental health problem.

Do I have a disability?

To get protection under the Equality Act, you need to show that your mental health problem is a disability. 'Disability' has a special legal meaning under the Equality Act, and can include mental health problems. To find out more, see our [disability discrimination information page](#).

When am I protected from discrimination?

The [Equality Act](#) protects you from discrimination in certain situations; for example, when you:

- are at work (to find out more, [see our pages on discrimination at work](#))
- use services or public functions
- are in education
- buy, rent or occupy premises
- join some private clubs and associations

This guide only looks at how you are protected from mental health discrimination when you **buy, rent or occupy premises**. For more information on the Equality Act generally, [see our pages on disability discrimination](#).

What does 'premises' mean?

'Premises' means buildings and land that goes with them (property) in which people live, or that they use for their business. This includes flats, houses and shops. It could be the whole of the property or part of it.

You are protected from discrimination when you are:

- buying a property
- renting a property
- living in a property

People that must not discriminate against you include:

- private landlords
- property owners
- housing associations
- local authorities
- letting agencies
- estate agents
- property management associations

The [Equality Act](#) doesn't apply in these situations:

- **Accommodation used for a public function**, like police station custody suites or prison cells. These are already covered by the Equality Act under [public functions](#).
- **Accommodation in hospital wards**, as this is a service provided by the hospital and is already covered by the Equality Act as a [service](#).
- In some circumstances, **if your landlord lives with you, or if it is a small premises**. It is important to [get advice](#) if you think this may apply to you.

If your landlord takes court proceedings to evict you, then it is important to get advice from a housing solicitor. (See [Useful contacts](#) for information on where you can get legal advice.)



Example

Will's landlord is a housing association. Will has not realised that he owes money on his rent because he does not open his post or answer his phone because of his [depression](#).

His landlord takes him to court to evict him from his home. Will gets advice from a housing lawyer under the legal aid scheme. His lawyer argues that it is not reasonable for Will to be evicted because the money he owes can be paid off in instalments and the reason for the arrears is related to Will's disability. To evict Will in this situation would be to discriminate against him.

What are the different types of discrimination?

If you want to complain that you have experienced [discrimination](#) because of your mental health problem, you have to show that what happened to you is one of these types of discrimination:

- [Direct discrimination](#)
- [Discrimination arising from disability](#)
- [Indirect discrimination](#)
- [Harassment](#)
- [Victimisation](#)
- [Duty to make reasonable adjustments](#)

To find out more about each of these types of discrimination, [see our information on disability discrimination](#).

Example of direct discrimination



Mary lives with [bipolar disorder](#). She wants to rent a flat from a property company. She mentions she has bipolar disorder and is then told by the company that she cannot be their tenant but they accept applications from other people who do not have mental health problems.

Mary is being refused a tenancy from a property company because of her disability. This is direct discrimination.

Example of discrimination arising from disability



Nigel is the tenant of a housing association. He has [obsessive-compulsive disorder \(OCD\)](#), and because of this walks round his flat a lot. This disturbs his neighbour.

His tenancy officer at the housing association sends him a warning letter telling him that he will be taken to court if he continues to disturb his neighbour. This may be discrimination arising from disability.

But it will not be discrimination if the landlord:

- did not know that Nigel had a mental health problem, or
- can show that their action was necessary and appropriate

They will also have a [duty to make reasonable adjustments](#) for Nigel. So in this situation Nigel might want to request an adjustment to the tenancy policies or to ask his landlord for arrange a tenancy support service for him.

Example of indirect discrimination



A local authority decides that prospective tenants can only apply for council accommodation online. This disadvantages disabled people including people with mental health conditions that prevent them from being able to access the internet. The reason the local authority decide this is to save money.

This may be indirect discrimination unless the local authority can justify this practice.

They will also have a [duty to make reasonable adjustments](#) for disabled applicants.

Example of harassment



Sarah has [depression](#). She is not working and attends regular appointments with her community psychiatric nurse (CPN). Her private landlord knows this, and makes negative comments about her condition in front of other tenants. She feels humiliated and distressed. This is harassment.

Example of victimisation



Vickie has [borderline personality disorder](#) (BPD) and complains about discrimination to her landlord, who has made derogatory remarks about her condition in front of other tenants. Her landlord then sends a letter threatening to evict her. This is victimisation.

Example of duty to make reasonable adjustments



Joseph has [post-traumatic stress disorder](#) (PTSD). He has flashbacks and experiences acute [anxiety](#) which is made worse by people who call unannounced at his flat.

He writes an email to his landlord explaining that, to cope with PTSD, he needs written notice by email or a phone call in advance if anyone is coming round to see him. His community psychiatric nurse (CPN) writes a note confirming that this is important. This is likely to be a [reasonable adjustment](#).

What reasonable adjustments can I ask for as a tenant?

Landlords and managers of properties should make [reasonable adjustments](#) for you if you are at a major disadvantage because of your mental health problems and it is reasonable, but you have to ask them for it.

Changes to the physical environment

You can ask your landlord or property manager to:

- replace signs or notices
- change taps or door handles
- replace or adapt door bells or entry systems
- change colours to walls, doors or other surfaces

But you can't ask them to:

- make any changes that would involve removing or changing the physical features of your home. So they can't be expected to alter the walls, floors or windows or anything like that.

Changes to the tenancy's policy and practices

You can ask for changes to the tenancy's policy and practices, and for them to provide some services or aids if you are at a disadvantage compared with tenants who do not have your [disability](#).

You can ask your landlord for changes to how they:

- tell you about the policies that affect your tenancy
- send out important notices about your rent and tenancy conditions
- give you access to any tenancy support services they have
- communicate with you – for example, giving you a face-to-face meeting to explain what rights you have in your tenancy instead of just sending you a letter



Example

Luis has [bipolar disorder](#). Sometimes when he is feeling unwell he doesn't pay attention to his post.

He writes to his landlord and asks them to send any important letters about his tenancy to his friend Jane as well as sending them to her. This is so he can be sure that he knows about changes in rent price, when repairs happen and whether he owes money.

This is likely to be a reasonable adjustment.

When you are a tenant, it is always a good idea to get legal advice about what kind of tenancy you have and what your rights are before you ask for adjustments. (See [Useful contacts](#) for information on where you can get legal advice.)

Draft letter asking for a reasonable adjustment

See page 23 for a draft letter asking for a reasonable adjustment for your tenancy.

What rights do I have if my landlord is a public authority?

If your landlord is a [public authority](#), and they have discriminated against you:

- you might be able to complain that they have not followed the [public sector equality duty](#)
- you might also be able to complain that they haven't followed their duties under the [Human Rights Act](#)

Public sector equality duty

Most public authorities, like government departments, local authorities, police forces and NHS hospitals, are covered by the public sector equality duty.

If you think a public authority is not following its public sector equality duty then you should get legal advice as soon as possible. (See [Useful contacts](#) for information on where you can get legal advice.)



Example

Barsetshire Local Authority is rewriting its housing policies for its tenants and for people who are on its waiting list.

It is a public authority, so it has to follow the public sector equality duty. This means that, when preparing its new policy, it has to think about:

- how people with mental health problems will be affected by the changes in policy
- how the policy can be drafted to make sure that people with mental health problems can have the same opportunities to access housing as other people

To find out more about the public sector equality duty, including how to make a complaint if you think an organisation is not following its duty, [see our information on disability discrimination](#).

Human rights and public authorities

Public authorities have to respect your human rights as well as follow the [Equality Act](#). This includes not discriminating against you, which is protected in British law by being included in the [Human Rights Act](#). For more information, including how to make a complaint if your rights haven't been respected, [see our pages on the Human Rights Act](#).

How can I make a complaint about discrimination?

If you think you have been discriminated against when buying, renting or occupying premises, there are a number of things you can do. What is best for you will depend on exactly what has happened, but generally it is best to try to sort it out informally if you can.

Raise the issue informally

Depending on the kind of problem, you should try to resolve the problem first informally by talking to the person who discriminated against you, for example your landlord, estate agent or local authority.

It is a good idea to make a note of what is said and who you spoke to. If you are worried about this then it is a good idea to get advice and you may find it helpful to have an [advocate](#).

Formal complaints procedure

If raising the issue informally doesn't resolve the problem, you can ask that person or organisation for their formal complaints procedure. This will involve writing a letter outlining the problem and explaining what you would like to happen next.

Remember to:

- date the letter
- keep a copy of the letter or email
- explain the discrimination you have experienced
- explain what you would like to happen next – for example an apology, change of practice, or compensation for losses you experienced because of the discrimination
- keep the tone polite

If that does not work then you may want to get advice about making a legal claim for disability discrimination.

Make a legal claim

If you want to make a legal claim, you would usually do this in the [county court](#).

If you win your case, the court can order the other party to:

- pay you compensation for financial costs and any injury to your feelings (damages)
- make a public finding that there has been discrimination (a declaration)
- order [reasonable adjustments](#) for you, and/or order them to pay your costs

If you lose your case:

- the court can order you to pay the legal costs of the other party (unless you are in the small claims track). This can be very expensive. If you have legal aid, you can be protected against paying back the other side's costs, so it is important to [speak to a legal adviser](#) to check if you can get legal aid.

Time limits

There are time limits for making a claim:

- A claim must be started within **6 months less one day** of when the discrimination happened.
- The court may allow a claim after this time limit if it thinks it is fair to do so, but you need to show that there are good reasons for being late.

Court fees

There are court fees for bringing discrimination claims in the county court:

- There is a claim fee to start the case. How much you pay depends on whether you are claiming compensation and how much you want to claim.
- There is a hearing fee before a judge listens to your evidence and decides whether you have proved your case. How much you pay depends on which of the three tracks that the judge places your claim in: **small claims, fast track** or **multi track**.
- If you have a low income and limited savings, you may pay less fees or none. To apply for this you'll need to fill out an [EX160A form](#).

Get support

You might want to see if you can get some support:

- **See if you can get help paying your legal fees.** ([See our information on disability discrimination](#) to find out more.)
- **See if you can get emotional support.** Taking legal action can be complicated and stressful. If you want assistance and support, you could ask a friend or an [advocate](#) to help you.

Going to court can be stressful and expensive, so you should get advice from a specialist legal adviser if you want to do this. See [Useful contacts](#) for more information on where to get legal advice.

Useful contacts

Mind Legal Line

0300 466 6463 (Monday to Friday, 9.00 am to 5.00 pm)

legal@mind.org.uk

The Mind Legal Line can provide you with legal information and general advice.

Citizens Advice Bureau

03444 77 20 20 (Wales)

03444 111 444 (England)

TextRelay users should call 03444 111 445

citizensadvice.org.uk

Provides free, independent, confidential and impartial advice to everyone on their rights and responsibilities.

Civil Legal Advice (CLA)

0845 345 4345

gov.uk/civil-legal-advice

The Civil Legal Advice can tell you if you're eligible for legal aid and can give you free and confidential legal advice in England and Wales.

The Equality and Advisory Support Service (EASS)

Tel: 0800 444 205

Text: 0899 444 206

Skype video BSL calls can access the helpline at radlegalservices.org.uk.

Monday to Friday 9am-8pm

Saturday 10am-2pm

equalityadvisoryservice.com

The helpline can advise and assist you on issues relating to equality and human rights, across England, Scotland and Wales.

Equality and Human Rights Commission (EHRC)

equalityhumanrights.com

The Equality and Human Rights Commission is responsible for promoting and monitoring human rights, and to protect, enforce and promote equality

Law Centres Network

lawcentres.org.uk

Law Centres offer legal advice, casework and representation to individuals and groups. To find your local Law Centre, you can look at their [interactive Google map](#) or see the [Law Centres list](#).

The Law Society

020 7242 1222 (England)

029 2064 5254 (Wales)

lawsociety.org.uk

The Law Society provides details of solicitors in your area that you can contact for specialist legal advice.

LawWorks

lawworks.org.uk

LawWorks is a legal charity that lists on its website the Free Legal Advice Clinics in England and Wales. These clinics can give you one-off, face-to-face advice if you have legal problems about consumer disputes, housing, social welfare law or employment.

Office for Disability Issues

gov.uk/government/organisations/office-for-disability-issues

This is part of the Department of Work and Pensions and supports the development of policies to remove inequality between disabled people and non-disabled people. It has produced useful guidance on how you work out whether you have a disability.

Shelter

8am–8pm on weekdays and 8am–5pm on weekends, 365 days a year

England

0808 800 4444

england.shelter.org.uk

Wales

0845 075 5005

sheltercymru.org.uk

Shelter offers free, expert housing advice. They have a free helpline as well as face-to-face advice centres up and down the country.

Where can I get support?

Local Mind

Local Minds support over 280,000 people across England and Wales. Their services include supported housing, crisis helplines, drop-in centres, employment and training schemes, counselling and befriending. They may be able to help you find advocacy services in your area.

Find your local Mind [here](#).

Find an advocate

An advocate is a person who can both listen to you and speak for you in times of need. Having an advocate can be helpful in situations where you are finding it difficult to make your views known, or to make people listen to them and take them into account.

For information on advocacy services and groups in your area, you could start by contacting the [Mind Legal Line](#) and your [local Mind](#).

Read more about how [advocacy](#) might help you.

Draft letter asking for a reasonable adjustment

Always check your housing rights first with a legal specialist before sending this letter.

[Your address]

[Name of landlord/manager of premises
Address of landlord/manager of premises]

[Date]

Dear [Name of the person you are writing to]

Request for a reasonable adjustment to my tenancy

I would like you to accept this letter as a formal request to make a reasonable adjustment to the policies and procedures relating to my tenancy.

[Describe what the problem is. For example: *I get letters through the post about my tenancy and this can include details of the rent I owe. I have mental health problems which amount to a disability under Equality Act 2010. Because of this, it is sometimes difficult for me to understand the letters I am sent. Your policy of sending important letters by post to tenants places me, as a disabled person, at a substantial disadvantage when compared to a tenant who does not have my disability. So I am asking you to make a change in that policy for me.]*

[Describe the change you want. For example: *The change I am asking for is for you to send a duplicate letter to my friend/relative/advocate [name and address of your friend/relative/advocate] when you send out any important letter about my tenancy. This will ensure that I get to know about any changes or problems with my tenancy and I am better able to respond to requests from you.*

If you want me to come to a meeting to talk about my tenancy, I would always wish to have my friend/advocate/relative present, who is [name and address of friend/relative/advocate]. This will ensure that I can understand and take part in the meeting.]

As the landlord/manager of the premises under the Equality Act 2010, you have a duty to make reasonable adjustments to provisions criteria or practice which places a

person at a substantial disadvantage due to their disability compared with a person without that disability. A failure to make a reasonable adjustment is unlawful and amounts to discrimination.

Please confirm in your reply that you are willing to make the change I am asking for.

Thank you very much.

Yours faithfully

[Your name]