**Adoption agency found to be discriminatory**

*Berkshire based adoption agency found to have discriminated against a British born couple of Sikh Indian heritage.*

A Berkshire couple who were denied the ability to adopt children because of their race have won their legal battle against Windsor and Maidenhead Borough Council for discrimination.

The Manders, who are British but of Sikh Indian heritage, were told in 2016 that although they would be suitable adoptive parents, they could not make an application because white couples would be given priority as only white children were available. They were then advised to consider adopting from India.

The couple tried unsuccessfully to get the decision reversed by making a formal complaint to their local council and then to the Local Government Ombudsman. They even went so far as getting a letter sent from the then Home Secretary Theresa May, acting as their local MP, in support of their argument.

With no positive outcome, the Manders eventually decided to take legal action and today, Friday 6 December 2019, Her Honour Judge Melissa Clarke ruled in favour of their claim that they should not have been barreded from applying to join the approved adopters register because of where their parents were born and declared the council’s action as “direct discrimination on the grounds of race”.

**The couple, Sandeep and Reena Mander,** **said:**

“This decision ensures that no matter what race, religion or colour you are, you should be treated equally and assessed for adoption in the same way as any other prospective adopter.

We believe our experience with Adopt Berkshire was not just an isolated event. When we went through the Intercountry adoption process we came across many couples who had similar experiences.

Let us be clear, a child’s welfare is the most important thing when looking for any prospective adopter. However matching cultural values and beliefs is just one of many areas that should be assessed when looking at the suitability of adopters to ensure that child’s welfare. It should never be the overriding factor to stop you even being considered, which is what happened to us. And certainly, cultural values and beliefs should never be assumed based on an ethnic tick box as was our experience.

We felt there needed to be a change. This is what this case has all been about for us, to ensure discrimination like this doesn’t happen to others wishing to do this wonderful thing called adoption.

And today’s landmark ruling will ensure this doesn’t happen again.”

**Rebecca Hilsenrath, Chief Executive of the Equality and Human Rights Commissions which funded the case, said:**

“The law is very clear. Race and culture are not the only factors when local authorities and adoption agencies match prospective parents and children. We get this wrong at the expense of the children we are trying to help. We should not be treating people differently when they are offering loving homes, just because of where they come from.  I only hope that today’s ruling means that what happened to the Manders will help to build a fair system for all that will secure the best outcomes for young people in our care system.”

**Georgina Calvert-Lee, Senior Counsel at McAllister Olivarius, the law firm that represented the couple, said:**

“Today’s judgment is a victory for all British children who need loving adoptive homes, and for all the eligible, loving adoptive British families hoping to welcome them into their lives.

From the start, Adopt Berkshire acknowledged that the Manders were excellent candidates to be adoptive parents. And yet Adopt Berkshire refused to even let them apply, prejudging them based on how they defined the Manders’ “cultural identity”.

The Manders are British, and they treasure the central British value of fairness. They therefore asked the Court for the basic right to be treated on equal footing with other British couples.

We are extremely pleased that Oxford County Court has agreed with the Manders, ruling that eligible adults cannot be disqualified from joining the adoption process because of “cultural identity”.

The Equality and Human Rights Commission supported the case due to concerns that the policy applied by the council and its adoption agency amounted to racial discrimination. Its hope is that a successful outcome will prevent other couples being unlawfully discriminated against because of their race.

For more information visit equalityhumanrights.com

**Notes**

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The Equality and Human Rights Commission is Great Britain’s national equality body and has been awarded an ‘A’ status as a National Human Rights Institution (NHRI) by the United Nations.

Our job is to help make Britain fairer. We do this by safeguarding and enforcing the laws that protect people’s rights to fairness, dignity and respect.

As a statutory non-departmental public body established by the Equality Act 2006, the Commission operates independently. We aim to be an expert and authoritative organisation that is a centre of excellence for evidence, analysis and equality and human rights law. We also aspire to be an essential point of contact for policy makers, public bodies and business.

We use our unique powers to challenge discrimination, promote equality of opportunity and protect human rights. We work with other organisations and individuals to achieve our aims, but are ready to take tough action against those who abuse the rights of others.

[McAllister Olivarius](https://www.mcolaw.com/) is a market-leading international law firm with special expertise in bringing justice to clients who have suffered discrimination or abuse.

The firm helps clients seek redress in four key areas: employment, higher education, online reputation and privacy, and corporate advice and litigation. The firm has a global reputation for excellence, and is a pioneer in the emerging field of online abuse, tackling anonymous defamation, cyber-bullying, revenge pornography and other malicious uses of the Internet. The firm notably helped [YouTube star Chrissy Chambers](https://www.theguardian.com/news/2018/jan/18/chrissy-chambers-youtube-revenge-porn-legal-victory) bring the UK’s first reported civil action in this area, achieving a significant financial settlement at the High Court, and allowing her to regain control of her image. Two of the firm’s clients were TIME Magazine “People of the Year” in 2017 as #MeToo “Silence Breakers,” based on a sexual harassment case the firm brought on their behalf.