

Case summary

Issue(s)

Whether the Second Respondent can lawfully restrict the provision of its social housing to members of the Orthodox Jewish community. Whether the First Respondent can lawfully maintain its housing nomination arrangements with the Second Respondent.

Facts

The First Respondent (Hackney) is a local housing authority with statutory functions in relation to the allocation of social housing. In addition to allocating its own housing stock, it also nominates applicants to properties owned by housing associations. The Second Respondent (AIHA) is such an association. AIHA will only accept nominations to its social housing of households belonging to the Orthodox Jewish community. Hackney identified the First Appellant (Z), who is not a member of the Orthodox Jewish community, as having the highest level of housing need in the borough due to the vulnerability of her children (one of whom, RS, is the Second Appellant). In October 2017, Hackney agreed to make Z a "direct offer" of the next available and suitable unit of permanent social housing. However, suitable housing was not provided until February 2019. Between October 2017 and February 2019, AIHA allocated various properties to members of the Orthodox Jewish community. The Appellants did not apply for, and Hackney did not nominate them for, any of those properties because of AIHA's policy of only letting to Orthodox Jewish households.

The Appellants sought to challenge AIHA's allocation policy and Hackney's allocation arrangements with AIHA by means of an application for judicial review. The Divisional Court refused the application and the Court of Appeal dismissed the appeal. The Appellants now appeal to the Supreme Court.