

## Quick Guide

# Service Charge Requests and the Equality Act

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This guide is for tenants and residents and explains what to expect of your housing association landlord. It relates to requests to inspect service charge supporting documents (Section 22 of the Landlord & Tenant Act 1985), and explains how this is impacted by the Equality Act 2010.

### Landlords must not:

- Discriminate on the basis of gender reassignment, age, religion or belief, disability, sexual orientation, gender, marriage and civil partnerships, pregnancy or race.

### Landlords should not:

- Where in a position of authority, landlords should not favour any party because they are likely to instruct landlords on other property matters or use services offered by landlords or their related parties;
- A victim of discrimination that is unlawful under any of the statutory provisions in the *Equality Act* is entitled to bring an action for damages in respect of any loss suffered, including injury to feelings.

### Vulnerable customers:

- Vulnerability can include anything that may have an impact on a person's ability to make a sound and reasoned decision;

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- Landlords must ensure that they do not discriminate against vulnerable customers – either explicitly or implicitly – by their actions;
- Tenants and residents have the ultimate responsibility for their own decisions but landlords should ensure that each individual is given all the relevant information necessary to make as informed a decision as possible in the circumstances.

### Employed Staff:

Landlords are responsible for the actions of their staff. They should:

- a) train staff initially and on a continuous basis, and keep records of that training and who received it;
- b) maintain awareness of the legislation and relevant codes of practice;
- c) supervise staff adequately;
- d) be aware of who their related parties are and satisfy yourself they are aware of any legal and ethical requirements and can be relied up to comply with them; and
- e) ensure that there is documentary evidence showing that all staff have been given proper instructions and training about complying with relevant laws and best practice.

Landlords must respond to the leaseholder's or recognised tenants' association's secretary's written request to inspect the accounts, receipts and other supporting documents within one month, and must allow them a period of two months beginning no



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later than one month after the request is made, to inspect the accounts, receipts and other documents supporting the last accounts or the expenditure in the last 12 months.

A leaseholder may make a request for information themselves. Where they are represented by a recognised tenants' association they may also consent to the secretary of that association making such a request on their behalf.

Where the request for information is made by the leaseholder, the information is supplied to that leaseholder. Where the request for information is made by a secretary of a recognised tenants' association, the information request should be supplied to the secretary and leaseholder.

If the service charges are payable by the leaseholders of more than four dwellings, the summary must be certified by a qualified accountant as a fair summary sufficiently supported by accounts, receipts and other documents which have been produced.

A qualified accountant means a person who is eligible for appointment as a statutory auditor under section 1212 of the *Companies Act 2006*.

If landlords fail to comply with the requirements in sections 21, 22 and 23 of the *Landlord and Tenant Act 1985* without reasonable excuse they are committing a summary offence and will be liable on conviction to a fine.

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February 2023