

English Catholic adoption agency appeals Charity Commission's decision

LONDON - The last remaining Catholic adoption agency in England has filed an appeal against a decision by the Charity Commission for England and Wales forbidding it to turn away same-sex couples as potential adopters and foster parents.

Catholic Care lodged the appeal with the charity tribunal against a ruling by the commission rejecting its application to change its constitution so it could comply with church teaching prohibiting gay adoption and civil laws stopping it from discriminating against same-sex couples.

The agency, which serves the dioceses of Leeds, Middlesbrough and Hallam in northern England, had sought to continue its policy of assessing married heterosexuals and single people as potential adopters, which means it will not deal with gay couples.

But on July 21, the Charity Commission turned down its application on the grounds that it was discriminatory toward homosexuals and in breach of European and British equality and human rights laws.

Catholic Care lodged an appeal against the decision Sept. 28, arguing that commissioners ignored the opinion of a High Court judge, Sir Michael Briggs, who in March ruled in favor of the agency when it first appealed against the commission's decision.

Benjamin James of London-based Bircham Dyson Bell Solicitors, representing Catholic Care, told Catholic News Service Oct. 4 that the "commission is wrong in its decision."

He said, "We have lodged an appeal with the charity tribunal and the charity tribunal will request that the Charity Commission responds within 28 days."

“Once the commission has responded, there will be a directions hearing deciding how the case will be managed going forward,” he said.

“The actual appeal is whether the Charity Commission correctly interpreted Sir Michael’s (Briggs) judgment,” he added.

Catholic Care was the only Catholic adoption agency of 11 in England and Wales to fight through the courts gay rights laws passed in 2007 to prohibit discrimination in the provision of goods and services. The other agencies have either broken from the church or closed.

Before the regulations went into effect last year, the Catholic adoption agencies annually found new homes for about 250 children, many of them categorized as “difficult to place.” Catholic Care dealt with about 10 children a year.

Lawyers for Catholic Care are arguing that Section 193 of the 2010 Equality Act allows charities a limited right to discriminate if it represents a “proportionate means of achieving a legitimate aim.”

The commission has argued, however, that such “discrimination can only be permitted in the most compelling circumstances.”

Earlier this year, the House of Lords heard that, since 2007, there had been just one recorded instance of a same-sex couple approaching a British Catholic adoption agency.