



Discrimination Law Association

**ANNUAL REPORT
2012-2013**

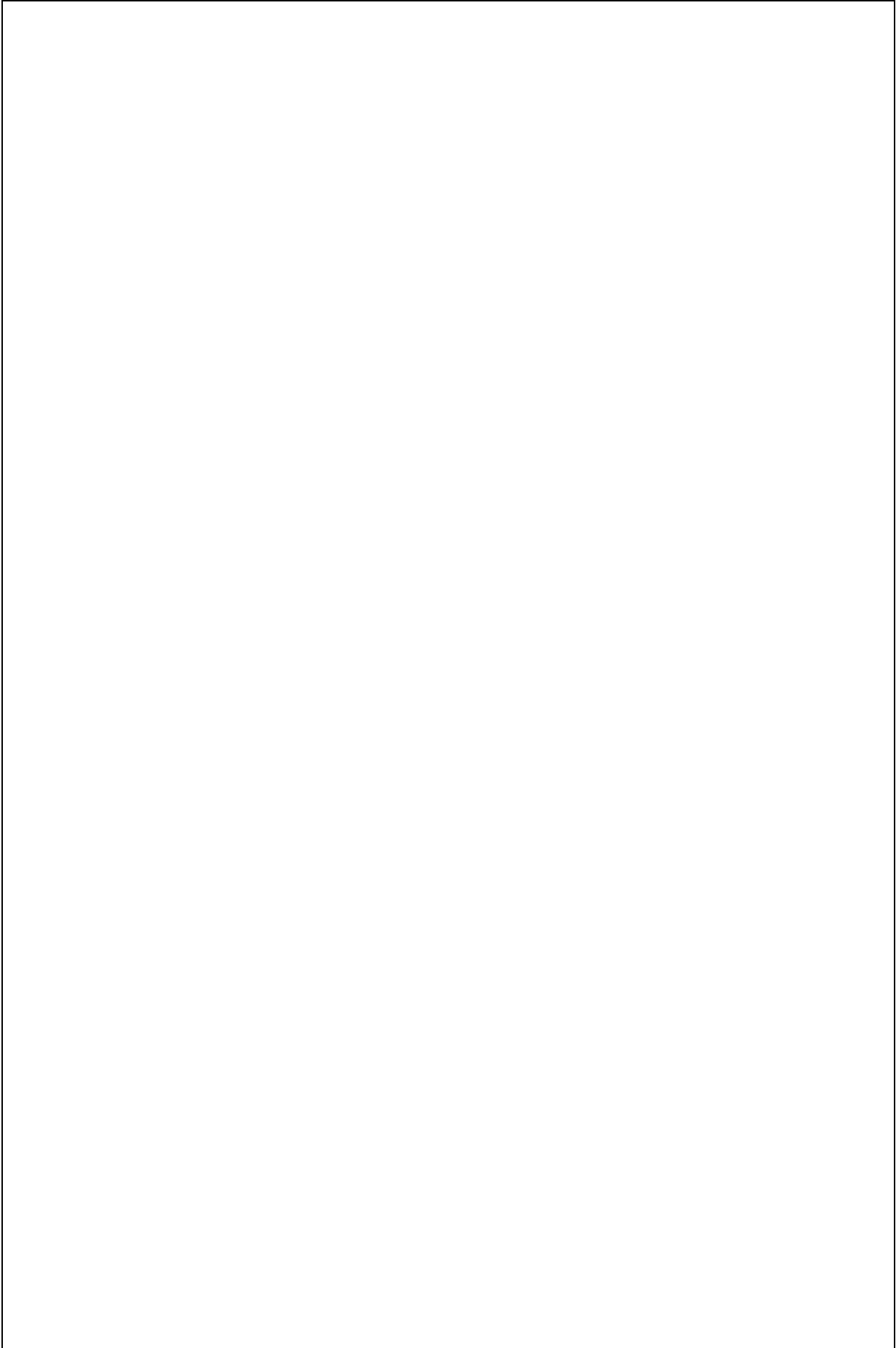
**Presented to the
Annual General Meeting**

**Held at
Doughty Street Chambers
54 Doughty Street
London WC1N 2LS**

**on Tuesday 25th February 2014
at 6:00pm**

Discrimination Law Association

**Company Limited by Guarantee 3862592
Incorporated in England & Wales
Registered Charity Number 1124892**



Contents

Section	Subject	Page
1.	History and Aims	5
2.	Overview and Chair's Report	6
3.	Membership	8
4.	<i>Briefings</i> and E-mail News	9
5.	Practitioner Group Meetings	10
6.	Influencing Law and Policy	11
Appendix 1	Staffing	14
Appendix 2	Support and Thanks	13
Appendix 3	Executive Committee	15

The DLA is very grateful for the generous sponsorship of its AGM by Doughty Street Chambers



1. History and Aims

At a time when much of the public funding for supporting victims of discrimination has either been removed or is under serious threat, the Discrimination Law Association remains fully committed to advocate and support a complainant-centred approach to anti-discrimination law and practice.

The DLA was founded in 1995 for the purpose of advocating for better legal protection for complainants in discrimination law through engaging with the political and legislative process and improving education and increasing resources for those involved in practice.

From the start, strong emphasis has been placed on the important role of the voluntary sector and trade unions, and that remains the case today.

In 1998 a three-year grant was received from the Community Fund which enabled us to employ a part-time member of staff to assist us in our activities, and we have continued to do so ever since, even though we are now self-sufficient.

In 1999 we were incorporated as a company limited by guarantee.

In 2008 the Association was granted charitable status. Our charitable aims are to promote good community relations by improving the assistance and support given to people who are or may be subjected to discrimination and to advance education and training in the field of legal representation for people who are or may be subjected to discrimination.

The DLA acts as a forum of lawyers and advisers and others who deal with discrimination law in considering the impact of proposed changes to the law and submitting responses and in disseminating training and good practice. Looking beyond our membership, the DLA works to encourage the development of meaningful public discourse on defeating discrimination amongst legislators, policy makers and civil society generally.

Membership is open to any lawyer, legal or advice worker, trade unionist, equality officer or other person substantially engaged or interested in discrimination law and any organisation, firm, company or other body engaged or interested in discrimination law. The membership comprises, in the main, persons concerned with discrimination law from a complainant perspective.

2. Overview and Chair's Report

This report relates to the period December 2012 - December 2013.

In a year when the threats to the content of discrimination law, rights to redress, access to justice and sources of skilled legal advice were becoming real, the DLA's voice has been increasingly recognised as one that needs to be heard. I believe that in this year we have made the DLA, and our concerns, better known across government, the trade union movement, lawyers' organisations and the voluntary sector.

At an early meeting of the EC elected at the last AGM, we identified five priorities for 2013. I am pleased to be able to report either success or work-in-progress in respect of all five.

1. Improve our communication - with our members and the 'outside world'

Under this head we agreed that we needed to strengthen our 'on-line' presence by improvements to our website; this should happen within the next few months. At the same time the DLA is now on LinkedIn and on Twitter.

Two members of the EC had a very interesting exchange regarding respective legal protections against discrimination in China and the UK with two senior academics from the Constitutional Research Institute of China University of Political Science and Law in Beijing and China Women's University. This meeting was a valuable reminder of the benefits of establishing international connections.

2. Increase and broaden the base of our membership

We have published a new leaflet which makes the work of the DLA relevant to a wider range of individuals and organisations, and EC members have improved our outreach, in particular to trade unions and specialist lawyers' groups.

3. Hold more successful, relevant events

Our main event, as in previous years, was our annual conference. We chose as its title *Equality 2015: Setting the Agenda*, with the aim of stimulating participants to begin to identify equality priorities which they believe should form part of the manifestos of the main political parties. We are very grateful to Baker & McKenzie who generously

hosted our conference attended by more than 100 people. One of the great successes of the conference was the participation by a great mix of practising and academic lawyers, advice workers, trade unionists, equality and diversity practitioners and others. We hope that the conference will have stimulated continuing discussion regarding the next equality agenda as the 2015 election draws nearer.

DLA did not organise a debate this year. With support from Cloisters Chambers, we had organised a high-level roundtable with the General Counsel to the US Equal Employment Opportunities Commission; this much-anticipated event had to be cancelled at the very last minute when the temporary shutdown of the US Government prevented him from travelling.

4. Training:

- a) Training for lay advisers: recognising the impact of legal aid cuts, closure of law centres and reduced funding of RECs, CABx and other advice agencies, and the greater advice burden now on non-lawyers, the DLA, working with Citizens Advice, will provide a 3-session training course for advisers beginning in March 2014. We are grateful to St. Philips Chambers in Birmingham for agreeing to host this training.
- b) Improve Practitioner Group Meetings - This year we succeeded in relaying one PGM by video link to DLA members in the Birmingham area and we hope to repeat this for future meetings as a supplement to our usual Skype service. This year we have had six PGMs, some with standing-room only. We are hoping to have a diverse and full programme in 2014.

5. Clearer, bolder, better focused comments and responses to government consultations

Separately in this Annual Report are details of the consultations to which DLA has responded this year. To submit careful, well-argued comment supported by reliable evidence to 14 consultations - 5 more than in the previous year - has been a major demand on our resources. Many of our members have provided relevant evidence from their direct experience, which has given increased weight to our submissions to government and parliament. A number of other organisations have endorsed DLA responses or have incorporated our views into their submissions. By identifying the ways in which certain proposals overlap or are linked, for example cuts to legal aid and new restrictions on migrants' rights, we have been able to highlight the multiplied risks to equality and justice that vulnerable groups are likely to face.

On an extremely positive note, I can report that the DLA financial position has been good throughout the year. I am grateful for good financial management as well as excellent initiatives and support which our Administrator Chris Atkinson has unstintingly provided. I am also grateful to our Treasurer, Michael Reed, who prepared our budget and provided oversight of our finances throughout the year. Personally, as Chair, I am extremely grateful to an excellent EC who have ensured sensible decisions, thorough planning, successful events and well-argued submissions on behalf of DLA. Once again thanks to Geraldine Scullion who, as editor of Briefings, has ensured that our well-read journal includes the right mix of information, comment and news. Finally I wish to thank DLA's increasingly active and responsive membership which contributes to the dynamism and strength of the organisation as a whole.

3. Membership

Membership of the DLA has held up well over this past year. As of 31st December 2013, DLA membership stood at 255, made up of:

- 97 solicitor/barristers
- 5 large solicitors firms
- 6 medium solicitors firms
- 6 small solicitors firms
- 33 voluntary organisations/law centres
- 13 national organisations
- 59 individual - other (including academics, trainers, consultants)
- 36 student/unwaged

Overall membership was somewhat down as compared with the same time last year (287 members) and still only just below the levels of previous years when we had just over 300 members. However, we have now rather more individual memberships and rather fewer organisations than in the past.

It is encouraging that there is still a steady flow of new membership applications but the challenge for this coming year will be to retain existing members and recruit new ones. We are especially concerned to retain our members who depend on grants from public authorities and/or legal aid whose survival is at risk due to government spending cuts and reform of legal aid; they make an extremely valuable contribution to the work of DLA as well as to members of the public who rely on them for accessible high-quality legal services.

4. Briefings and E-mail News

Briefings

The DLA has continued to produce *Briefings* three times a year: in March, July, and November. *Briefings* publishes articles and case reports relevant to equality law and is distributed to all our members, as well as to 900 CABx throughout the UK.

This year the journal tracked legal and political developments critical to the development of equality law and protection from discrimination. The themes this year reflected social changes, such as moves towards a tolerant and diverse society on the one hand, and on the other hand, the impact of austerity and government policies on people's quality of life.

For example, the March 2013 edition included case notes on Strasbourg rulings on *Eweida*, *Chaplin*, *Ladele* and *McFarlane v the UK* - cases which *Briefings* readers had followed with interest as they progressed from the lower courts to the European Court of Human Rights

In July 2012 an article on the future of the Equality and Human Rights Commission examined the need for changes to the Commission's constitutional status in order to secure its long-term independence, stability and democratic accountability in the face of a changing political environment. The emerging theme of challenges to discrimination in the field of welfare law was addressed in the briefing on *Burnip et al.* in the November edition.

We also focused on publishing practical support for claimants and their advisors, for example through articles such as 'Preparing for battle - from CMD to substantive hearing in complex discrimination cases' in July 2012. The March 2013 edition included an article on responding to the challenges facing claimants in anticipation of procedural changes at the ET as a result of the abolition of the statutory questionnaire, the implementation of the Underhill Rules and the introduction of fees. We will continue to have a particular focus on the provision of practical information to support the work of advisors and enhance support for claimants.

Briefings is wholly dependent on the willingness of DLA members to write articles and case notes and we are very grateful to all our contributors. We would also like to thank our editor Geraldine Scullion and our designer and typographer Alison Beanland.

E-mail News & Information Circulation

Over the last year, we have circulated 12 issues of the DLA's email News, containing updates on DLA institutional developments and responses to consultations, as well as relevant national and international reports, case updates, conferences, vacancies and discrimination law news, plus information circulated at the request of members. As of 31st December 2013, we had 418 recipients on our e-news mailing list, and therefore directly receiving our eNews.

5. Practitioner Group Meetings

The DLA has continued to run an exciting programme of meetings this year. We are grateful to all of our speakers who have given up their time and efforts to help us. We would also like to thank Slater & Gordon Lawyers for hosting meetings (and providing refreshments).

List of PGMs - December 2012 to December 2013

DATE	TITLE	SPEAKERS
16 Jan 2013	Equal pay	Daphne Romney QC
24 April 2013	Religious discrimination	Susan Belgrave
13 Jun 2013	Disability Discrimination & Workplace Stress	Simon Cheetham
17 Jul 2013	Developments in Justification	Robin Allen QC
20 Nov 2013	Alternatives to the Questionnaire procedure in discrimination claims	Kiran Daurka
11 Dec 2013	EHRC Strategic Legal Cases	Sarah Lowe

6. Influencing Law and Policy

Influencing law and policy continues to be critical to the DLA's work. In the past year we have sought to exercise our influence in the following ways: submitting detailed responses to government consultations; giving evidence to a parliamentary committee; writing directly to officials; joining with other organisations in letters to officials or letters to the press on important issues; and, participating in forums and discussions concerning equality law and policy matters. We have also sought to bring to the attention of members certain proposals where we wanted to stimulate a wider response (for example, the review on the "balance of competences", and the public sector equality duty).

In previous years our focus has been on challenging the government notion that any discrimination law is a 'bureaucratic burden' on business and public bodies. This theme continues, but with the changes to civil litigation funding and employment tribunal fees, there is increasing emphasis on how discrimination claims can be brought, and providing examples to show that the majority of such claims are not unmeritorious, spurious or opportunistic.

Previous years had also seen us looking at ways to shape the drastic changes in employment tribunal procedure and the Equality Act. Our attention has now turned to ameliorating the more damaging provisions of these new rules and legislation, including the power to make wider recommendations in employment tribunals, and guidance on asking questions in discrimination cases. On the former subject the DLA continued to press its case, with a further letter submitted to the joint committee considering the Deregulation Bill in September 2013.

A rare consultation on the expansion of existing legal provisions was that on the hate crime, where the DLA was able to illustrate that enhanced sentencing provisions were no substitute for the extension of aggravated offences to include more protected characteristics.

Our conference is another major way in which DLA seeks to influence policy, and this year tackled the forthcoming election, including what manifesto promises and policies should be prioritised by the parties, whether these were fresh initiatives, or the repealing of previous measures.

The DLA sought to stimulate as many organisations and individuals as possible - organisations that the DLA has liaised with in the past year include:

- Government Equalities Office
- Ministry of Justice
- Home Office
- Judicial Appointments Commission
- Joint committee on Human Rights
- All-party Group on Legal Aid
- ACAS
- Just Fair consortium
- Equality and Human Rights Commission

Letters signed include those on Human Rights Day and marking the 60th anniversary of the ECHR.

On the horizon are yet further austerity measures that will no doubt attempt to reduce or minimise the ability of individuals to bring claims. We will continue to collect examples of good practice so that we can illustrate to the various government bodies the importance of discrimination law and policy in our society.

DLA Submissions

The DLA made written submissions in relation to the following since the previous AGM. All can be downloaded from our website:

www.discriminationlaw.org.uk

- Improving educational outcomes for travelling children
- PSED Review - call for evidence
- Revised PACE codes of practice
- Transforming Legal Aid
- Diversity in the Judiciary
- Tackling illegal immigration in privately rented accommodation
- Illegal Working / Civil Penalty consultation
- Migrant access and their financial contribution to NHS provision in England
- Draft Deregulation Bill - clause 2
- Stop & Search
- Hate Crime
- Judicial Review
- JCHR call for evidence - Judicial Review
- The census and future provision of population statistics

Appendix 1: Staffing

Chris Atkinson became the DLA Administrator/Development Officer as a temporary appointment in October 2010 and his permanent position was confirmed in November 2010; he remains in post. This is a part-time post.

There are no other paid or unpaid staff.

Appendix 2: Support and Thanks

During the year we have benefited from the support of the following solicitors and organisations, who have allowed us the use of their rooms for meetings on a regular basis:

- ◆ Bindmans LLP
- ◆ Slater and Walker Lawyers
- ◆ Leigh Day
- ◆ Doughty Street Chambers
- ◆ Cloisters Chambers

Thank you to Leigh Day for hosting our AGM in February 2013 and to Doughty Street Chambers for hosting our AGM this year.

A special vote of thanks is due to Baker & McKenzie for so generously hosting our October conference, providing catering and valuable support services.

We would also like to thank our guest speaker Lou Englefield, director of Pride Sports, for agreeing to speak at this year's AGM.

We are extremely grateful to them all.

Appendix 3: Executive Committee

Membership

The following individuals have served on the Executive Committee during the period covered by this report:

Barbara Cohen	Chair
Michael Reed	Treasurer
Mohini Bharania	Director (coopted November 2013)
Catherine Casserley	Director
Paula Chan	Director
Peter Daly	Director
Sophie Garner	Director
Caroline Gooding	Director
Katya Hosking	Director
Peter Kumar	Director
Tamara Lewis	Director
Ro Marsh	Director
Gay Moon	Director
Michael Newman	Director
Brenda Parkes	Director (coopted March 2013)
David Stephenson	Director

Attendance at meetings

12 meetings of the Executive Committee were held between March 2012 and February 2013. Attendance figures are shown below

Name	Attended	Apologies
Mohini Bharania	0	2
Catherine Casserley	6	6
Paula Chan	6	6
Barbara Cohen	12	0
Peter Daly	10	2
Sophie Garner	5	7
Caroline Gooding	7	5
Katya Hosking	9	3
Peter Kumar	10	2
Tamara Lewis	5	7
Ro Marsh	5	7
Gay Moon	11	1
Michael Newman	7	5
Brenda Parkes	9	2
Michael Reed	9	3
David Stephenson	4	8