

**ANNUAL REPORT
2015-2016**

**Presented to the
Annual General Meeting**

**Held at
7br Chambers
7 Bedford Row
London WC1R 4BS**

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at 6:00pm**

Discrimination Law Association

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Incorporated in England & Wales
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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 covers the period from December 2015 – December 2016.

In a year of political turmoil and legal uncertainty, the DLA executive has continued to provide a bedrock of support to practitioners, and has worked tirelessly to ensure that those marginalised in our society continue to have the necessary legal and political framework available to them. Our voice has resonated through the events that we have held, the evidence we have given to Select Committees in the House of Commons, the consultations we have been invited to respond to, and our continued presence at a local and national level.

Our AGM provided the opening to the year, and we were delighted to have Frances O'Grady (TUC) as our speaker, providing a lively and informative prelude to 2016.

As the referendum on our continued membership of the EU approached, the DLA were invited to join in a number of cross-party initiatives, and proudly put our name next to the following initiatives:

- (1) Runnymede Trust's shadow report of non-governmental organisations to the UK government's examination by the UN Committee on the Elimination of All Forms of Racial Discrimination (CERD);
- (2) Lawyers Collective International Solidarity Campaign;
- (3) Joint NGO letter objecting to the awarding of the contract to deliver the Equality Advisory Support Service (EASS) to security firm G4S;
- (4) an open letter to Theresa May on a race audit;
- (5) Access All Areas letter supporting disability equality training for taxi drivers; and,
- (6) British Institute of Human Rights letter regarding Human Rights Day.

As well as responding to a number of government consultations, we were delighted to have the opportunity of giving evidence to two Select Committees.

In January 2016 we gave written and oral submissions to the House of Commons Women and Equalities committee regarding the introduction of mandatory gender pay gap reporting. Many thanks to Michael Newman our vice chair, for his expert and insightful evidence.

In November 2016 we gave evidence to the House of Commons Women

and Equalities committee regarding the need for strong equalities legislation. We felt the need for strong representation in the wake of the referendum result, along with the corresponding increases in reported hate crime, was vital, and we are grateful to our chair, Catherine Rayner, for her cogent and heartfelt contributions.

2015 saw the introduction of our active members database, and we are delighted to see that this resource continues to add to the strength and depth of the contributions the DLA can make in 2016. Invaluable contributions have been made to both *Briefings*, and in response to many government consultations, and we are especially grateful to those members who are able to provide expertise in subject-matter that is not readily available to members of the executive, such as discrimination in housing and welfare benefits, and immigration matters. Any member who wishes to join the active members database would be encouraged to do so (the only obligation is to receive emails looking for contributions on specialist subjects).

We are pleased to report that our financial health remains good, thanks to a successful conference and maintaining current membership numbers. All credit must go to our treasurer (Michael Reed) and administrator (Chris Atkinson), who diligently prepare the reports so the executive can continue their oversight, and put into place the logistical arrangements to ensure the continued smooth running of the charity.

The DLA website and information bulletins have continued to be well received and informative, and huge thanks are again due to Chris Atkinson for keeping the executive on track, up-to-date and ensuring the organisation continues to be so well run. Thanks also to Tamara Lewis for her informative and practical discrimination law updates.

Briefings has gone from strength to strength, and we imagine members continue to be impressed with the range and quality of the articles. Contributors continue to come from all aspects of the DLA's diverse membership, including academics, leading barristers and policy experts. It is also refreshing to see that we continue to have many new authors amongst the more familiar names, and we have a debt of gratitude to our editor Geraldine Scullion, whose tireless work and inventive attitude made this possible.

There could be only one topic for our annual conference, as nothing could be uppermost in the executive's mind other than the referendum result. We were determined that the occasion should not be a cause of despair though, and rather that we should make use of the wealth of expertise available to us to try and ensure that discrimination protection continues, and is embedded in society in a way that makes legal repeals increasingly difficult. We welcomed Clare Moody MEP and Professor Uduak Archibong MBE (Director of Centre for Inclusion and Diversity, University of Bradford) for a stimulating day of fresh perspectives on the threats and opportunities facing discrimination law.

Whilst the whole committee work had to put together the programme and organise the conference, particular thanks to Gay Moon for her oversight and organisation of the event.

We have continued to benefit from the generosity of Baker McKenzie for the use of their facilities, including multiple venues, refreshments throughout the day, and hosting the evening reception. Their support continues to be an important part of what makes the annual conference such a success.

As a small charity run largely by volunteers, we are grateful to the help and support given by a number of legal firms: Slater and Gordon, 7 Bedford Row Chambers and Leigh Day all contributed venues, resources to print and collate conference materials and refreshments.

One of the most visible aspects of the DLA's work is our program of regular Practitioner Group Meetings, this year supremely organised by Mohini Bharania and Rosalee Dorfman-Mohajer . These events provide a vital interface between our members and experts, continue to be very well-received, and feel more important than ever in times when any "expert" opinion is increasingly under attack.

To all our speakers and contributors, whether at the conference, PGMs or in *Briefings*, huge thanks are due from all of us on the executive committee - without your enthusiastic and unstinting efforts, the organisation would be shadow of itself, and we hope you will continue to provide this assistance in 2017 and beyond.

3. Membership

Membership of the DLA has held up well over this past year. As of 31st December 2016, DLA membership stood at 259 members, made up of:

- 103 solicitor/barristers
- 53 individuals - other (including academics, trainers, consultants, trade unionists)
- 33 student/unwaged
- 41 voluntary organisations/law centres
- 4 large solicitors firms
- 7 medium solicitors firms
- 7 small solicitors firms
- 11 national organisations (including equality bodies, trade unions)

Overall membership was marginally down as compared with the same time last year (262 members) and is 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

Briefings

The DLA's legal journal *Briefings* was to the fore in highlighting serious issues of discrimination and inequality in 2016, many of them emanating from the implementation of a Conservative Government agenda. The three editions of *Briefings* last year included 41 briefings on anti-discrimination case reports and equality law topics of interest to anti-discrimination practitioners and advisors across the UK.

A critical topic in March 2016 was the potential impact of the Brexit referendum on equality law, as was the development of a British Bill of Rights to replace the threatened Human Rights Act. The Prevent strategy and its detrimental impact on Muslim communities was also critiqued and conclusions drawn that the statutory Prevent duty and the apparatus for its implementation must be repealed. The lack of an effective civil remedy for victims of trafficking forced into domestic slavery was also highlighted.

These are all topics which will no doubt continue to concern practitioners in 2017.

Successful challenges to the impact of UK government austerity policies on the lives of individuals were evident in the case reports. For example, the case brought on behalf of Cameron Mathieson successfully challenged the rules on disability living allowance which had restricted payment to severely disabled children receiving treatment in hospital; likewise, the limitations on access to legal aid for victims of domestic violence were also successfully challenged.

Briefings also covered the unfolding stories of the correct approach to interpreting indirect discrimination (*Naeem v SS for Justice*), the correct comparator in sickness absence reasonable adjustments claims by disabled employees (*Griffiths v DWP*), as well as the potentially discriminatory impact of the government's change to the definition of 'Gypsy and Traveller' for planning law purposes.

Briefings is entirely dependent on the willingness of DLA members and supporters to write articles and case notes and we are very grateful to all our contributors. Our active members' database has provided a rich resource of contributions to the DLA's work and for the items published in *Briefings*. *Briefings* Editor Geraldine Scullion uses the list to invite active

members to contribute to the forthcoming edition. If you would like to write for *Briefings* and be included on the database, please contact Chris Atkinson at info@discriminationlaw.org.uk.

As always, we would like to thank and acknowledge Geraldine Scullion's work and that of our designer 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 2016, we had 463 recipients on our electronic 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 and also Outer Temple Chambers for hosting meetings (and providing refreshments).

16 March 2016	Dyslexia in the Workplace	Catherine Rayner (7br Chambers)
4 May 2016	Discrimination against Gypsies & Travellers: Time to end 'the last acceptable form of racism'	Marc Willers QC (Garden Court Chambers)
22 June 2016	Key issues to consider when preparing a race discrimination case	Kate Annand (Doughty Street Chambers)
20 Jul 2016	Witnesses - who needs them? Maximising the benefits and reducing the risks of witness evidence	Naomi Cunningham (Outer Temple Chambers)
7 September 2016	State Islamophobia and the "Prevent Duty"	Lena Mohammed (Islamic Human Rights Commission)
26 October 2016	Transgender Discrimination	Chryssy Hunter (London Metropolitan University) and Alice Ramsay (Leigh Day)
17 Dec 2015	Mental Health - disability-related discrimination and the employer's knowledge	Althea Brown (Doughty Street Chambers)

6. Influencing Law and Policy

Influencing law and policy is at the heart of the DLA, and as the list of submissions below demonstrates, we have continued to play an active part in shaping the national debate around discrimination policy.

As well as formal consultation responses, we also engage with other NGOs, and join with other organisations in letters to the press on important topics that we feel touch on the DLA's principles.

To take one example, the DLA had an honourable mention in the House of Commons's Justice Committee's report on Court and tribunals fees, where our response was cited in relation to "the impact on types of ET claims and claimants":

"The Discrimination Law Association argued that reduced access to tribunals had fallen disproportionately on women and those from traditionally disadvantaged groups."

We regularly attend the Employment Tribunal National Users Group, and our contributions reflect our members' concerns about access to justice, and any reforms to the tribunal process that may impact on those bringing discrimination claims. We also continue to work with the British Institute for Human Rights on matters of common interest, and attends meetings with the Equality and Diversity Forum.

Select Committees are an increasingly important part of parliamentary democracy, and so we are pleased that we continue to be invited to give evidence, hopefully providing some material from a practitioners' perspective that can be used to hold ministers (of every persuasion) to account.

As ever, we will create similar opportunities in 2017 so that we can continue to influence law and policy effectively in line with our members' interests.

DLA Submissions

The DLA made written submissions in relation to the following inquiries / consultations since the previous AGM. All can be downloaded from our website www.discriminationlaw.org.uk:

Immigration Bill briefing note	House of Lords Committee Stage	January 2016
Gender Pay Gap	evidence to Women and Equalities Select Committee	January 2016
Civil Courts Structure Review	Interim Report	February 2016
Access to Justice	Bach Commission call for evidence	May 2016
Compensation for Loss of Pension Rights in Employment Tribunals	Working Group of Employment Judges	May 2016
Mandatory Gender Pay Gap Reporting - Public Sector Employers	Government Equalities Office	October 2016
Ensuring strong equalities legislation outside the EU	House of Commons Women & Equalities Committee inquiry	November 2016

Organisations that the DLA has liaised with in the past year include:

- Employment Tribunal User Group
- Equality and Diversity Forum
- Runnymede Trust
- Women and Equalities Committee

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' firms, who have hosted Executive Committee and/or Practitioner Group Meetings during the year:

- 7br chambers
- Leigh Day
- Slater & Gordon Lawyers

Additionally Leigh Day have generously printed full sets of documents for our annual conference and for this year's AGM.

Thank you to 7br chambers for hosting our AGM in February 2016 and again this year.

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

We would also like to thank our guest speaker David Isaac for agreeing to speak at this year's AGM.

We are extremely grateful to them all.

Appendix 3: Executive Committee

Members

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

Catherine Rayner	Chair
Michael Reed	Treasurer
Mohini Bharania	Director
Naomi Cunningham	Director
Rosalee Dorfman-Mohajer	Director
Katya Hosking	Director
Nina Khuffash	Director
Peter Kumar	Director
Catrin Lewis	Director
Tamara Lewis	Director
Chris Milsom	Director
Gay Moon	Director
Michael Newman	Director