



Discrimination Law Association

**ANNUAL REPORT
2017-2018**

**Presented to the
Annual General Meeting**

**Held at
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Discrimination Law Association

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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 2017 - December 2018.

2017-18 has been a mixed year with some real low points for any one working in discrimination law. Whilst the Windrush scandal hit the headlines gaining widespread public condemnation and setting in motion fundamental debates about how race discrimination is entrenched in society, women up and down the country continued to raise concerns about sexual harassment; challenge pay inequality and pension rights through the courts and fight pregnancy discrimination in the workplace. Whilst questions continue to be asked about access to justice, and criticisms made on the national stage about poverty and disadvantage, examples of everyday discrimination come to light thick and fast. Whether on the street, in housing, criminal justice or the benefits system, we continue to see examples of discrimination impacting on the poorest and most vulnerable in society.

The challenge for the DLA executive has been to find ways to respond to the big picture, in a way that supports our members and meets our charitable objectives. We hope that we have done this over the last year, and are very aware, that if we have done so, it is only with the commitment and sheer hard work of a very large number of people, who give their time and expertise generously and continuously.

In my last year as chair of the DLA, I have been privileged to work with and be supported by a fantastic executive committee of enthusiastic, committed discrimination lawyers and experts in discrimination, and by Chris Atkinson, our endlessly patient and efficient administrator. Chris has, amongst other things kept us on track to deliver events and keep members up to date; he has managed all our administration; dealt with finances with our treasurer and provided continuity and the calm overview needed to function. I know that all the executive and all our members will join me in saying a very big thank you to him for another year's excellent work.

The DLA depends upon the support and hard work of many people including many members who give time and expertise on a voluntary basis. The DLA continues to be a strong, relevant and effective organization because of the strength of our membership. We are fortunate to have individual lawyers, legal firms, voluntary organizations; academics, advisors; law centres and policy experts as members and we have friends and supporters across the voluntary and legal sector. Particular mention and thanks this year to Jacqui McKenzie, who spoke

to our Conference about Windrush and her work with victims; to Jeo Omambala who gave the legal update at conference, to Robin Allen QC who led a fascinating panel discussion at conference and to all the speakers and workshop leaders who made this such a good event. Thanks as well to Allen and Overy again for their great generosity in providing venue and refreshments for our AGM. It would not happen without such support. Thank you.

We have had great support at PGMs, and thanks go to all our speakers who give their time and expertise, and the chambers and solicitors firms who have supported us with venues and refreshments. Please do see the list in the report to remind you of the quality and breadth of our speakers' expertise and the generosity of our hosts.

Special thanks this year go to Kiran Daurka, solicitor at Leigh Day, who represented us at the Women and Equalities Committee enquiry into sexual harassment and non-disclosure agreements, outlining key criticisms and providing important insights for the politicians. It has been my pleasure and privilege to work with so many people from different backgrounds and with different skills in my 5 years as chair, and I thank all of them.

I have been supported in my work by a strong committee this year and in each of my 5 years. Whilst all the members of the executive work hard, Michael Reed, our treasurer, deserves special mention for all the work he does ensuring that the committee understand our financial position and take relevant and sensible decisions where needed.

This year we say thank you for the last time to Tamara Lewis, who has been a voice of wisdom and common sense for the DLA for many years, and who is stepping down as a committee member. I speak for all members past and present in saying a big thank you for all the time, hard work and care she has put into the DLA over so many years.

We say thank you to Michael Newman, partner at Leigh Day, who is standing down this year, as he takes paternity leave. We all wish him and his family well. As vice chair to several DLA chairs, he has been a consistent and wise counsel, and committees and wider membership have benefited from his insight, legal skills, and generosity with his time. I have appreciated his input and support as my vice chair on too many occasions to mention. Thank you.

We also say thank you to Catrin Lewis, who stands down as a committee member this year, after contributing much to the work of DLA over a number of years, bringing the views of both counsel and the view from

the ET to discussions and drafting. We wish all three members good luck in the future and thank you for all the contributions made over many years.

As the scandals such as Windrush and #MeToo have come to light, we have reflected the discussion and the legal developments in Briefings, and Geraldine Scullion, our indefatigable editor continues to identify interesting and apposite writers and contributors and persuade them to write and informative articles for us. The DLA is very fortunate to have Geraldine editing our Briefings, bringing as she does a keen eye for the current legal developments, and a strong moral compass for the key policy developments which will interest our members. We also have many excellent and expert authors who are willing to write case notes, news items and longer in-depth articles to inform us and push us to action. Thank you on behalf of all the members, to Geraldine and everyone who has written for us this year. We have enjoyed reading the articles and are better informed as a result. We look forward to welcoming new authors in the coming years, but also encourage and welcome new articles from those who have written for us often. Long may it continue.

This year we have introduced some changes to how we work, moving to an electronic version of Briefings. This has been successful and generally well received and will be reviewed in the coming year. We have also continued to contribute to discussion on the national stage. Michael Newman represented DLA in discussion with Philip Alston as he carried out the UN investigation into poverty in the UK. I attended at the Women and Equalities Committee to give evidence on the enforcement and adequacy of the Equalities Act 2010 as well as attending numerous meetings with the EHRC, the Equality and Diversity forum. These meetings allow us to feed in the view of members to a wider discussion on access to justice; provision of advice and assistance on discrimination issues, and the discriminatory impact of national policy and resourcing decisions.

Whilst we also recognize the core activities of many discrimination lawyers as being focused on employment, we continue to reach out to those beyond our traditional support base, encouraging greater discussion about the causes and impacts of state policies and actions which are potentially discriminatory on grounds of race, gender and status. We hope to continue to grow both our wider membership with lawyers from housing, public law and immigration for example, and also continue to support regional development so that members outside London can benefit from the discussion and insights of a PGM programme. I am delighted that we now have two functioning regional

DLA groups, and thanks again to Nazia Khan, Helen Barney and David McBride and their respective firms and chambers for all the effort they are putting in to make events happen.

I have very much enjoyed being chair of DLA. The need for a claimant-based discrimination law organization remains as important as ever and I know that DLA will continue to have support from its members and beyond. I wish the new chair and the new committee the very best for the future.

3. Membership

Membership of the DLA has held up well over this past year. As of 31st December 2018, DLA membership stood at 231 members, made up of:

- 92 solicitor/barristers
- 47 individuals - other (including academics, trainers, consultants, trade unionists)
- 37 student/unwaged/retired
- 24 voluntary organisations/law centres
- 5 large solicitors firms
- 10 medium solicitors firms
- 6 small solicitors firms
- 9 national organisations (including equality bodies, trade unions)

Overall membership was marginally down as compared with the same time last year (250 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 articles and case notes published in *Briefings* this year addressed critical themes which continue to engage discrimination practitioners in the struggle to ensure a fair and equal society across the UK. The March edition highlighted the devastating impact of racial inequality in every aspect of life as revealed by a multiplicity of data, such as the government's race disparity audit. The July edition examined the 'Windrush scandal' which exposed the impact of immigration law and the government's 'hostile environment' policy which was designed to deter people from coming to the UK and the ramifications of which continue to blight the lives of those affected. The particular disadvantage women prisoners experience in a system designed by men for men and the impact of sentences of imprisonment on them was another topic examined in *Briefings*. The November edition explored the potential for inequality and discrimination in the increasing use of artificial intelligence by service providers or employers, as a result of algorithms being tainted by the biased assumptions of their human creators.

Among the significant cases reported was the SC's controversial decision in *Ashers Baking Company Limited* which upheld the right of a supplier of goods and services to refuse to provide a product with a political slogan supportive of same-sex marriage with which the owners disagreed, finding they were protected by articles 9 and 10 of the European Convention on Human Rights. The rights of trans people also featured in a number of significant judgments which challenged the impact of government policies on their rights including *R (on the application of C) v Secretary of State for Work and Pensions* (on data retention policies), and *MB v SS Work and Pensions* (on state retirement pension and gender reassignment).

Also reported were decisions which touched on the changing nature of personal relationships and challenged the state's systems which are not in tune with them. These included *McLaughlin for Judicial Review (Northern Ireland)* in relation to an unmarried partner's right to claim widowed parent's allowance, and *Steinfeld and Keidan* which upheld the right of a heterosexual couple to enter into a civil partnership.

The DLA is extremely fortunate in being able to draw on a wide range of experienced practitioners who make valuable contributions to the

discussion, who strengthen our understanding and assist the development of equality law by analysing practice or identifying emerging themes. This analysis and the reports on important decisions would not happen without the support of such volunteers, drawn from the DLA members, executive committee and supporters. The DLA greatly appreciates these contributions. Our active members' database has provided a rich resource of contributions to the DLA's work and the articles and case reports published in *Briefings*. *Briefings* Editor Geraldine Scullion uses the list to invite active members to contribute to the forthcoming editions. If you would like to write for *Briefings* and be included on the database, please contact Chris Atkinson at info@discriminationlaw.org.uk.

The DLA 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 2018, we had 521 recipients (individual and organisations) 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 all our venues for hosting meetings (and providing refreshments).

24 January 2018	Employment tribunal database, anonymity orders & access to justice	Gus Baker
7 February 2018	Panel discussion "Judging women - sentencing & gender equality"	Jenny Earle, Paramjit Ahluwalia & Kate Lill
15 March 2018	Panel discussion "Access to the legal profession"	Chaired by Catrin Lewis with Robin Allen QC and Oliver Persey
24th April 2018	Recent Developments in Discrimination Practice & Procedure in the ETs	Naomi Cunningham
6 June 2018	Home Office v Windrush Generation: the origins & future of the hostile environment and Windrush Scandal	Jamie Beagent, Adrian Berry and Brian Dikoff
7 July 2018	Algorithms, Apps and Artificial Intelligence	Robin Allen QC & Dee Masters
10 September 2018	Gender Pay Gap: Tactics and Strategies for Litigation	Eleena Misra
17 October 2018	Recent developments in maternity and parental rights at work	Katie Wood

6. Regional Representation

The Manchester DLA launched in December 2017 the events that followed were:

December 2017 launch at GCN Chambers Manchester, with a review of 2017 touched on topics such as gender pay gap, Lammy report, and Oxford/Cambridge intake of BAME;

April 2018 at the EHRC which focused on race discrimination in education (GRT) as well as Brexit and recent impact on equality;
 August 2018 Slater and Gordon Manchester the PGM discussed Discrimination in Housing and recent cases on Disability and Religious Discrimination;

December 2018 GCN Chambers was to introduce a discussion about 'Is Britain fairer report' and recent cases in the supreme court however due to low numbers this was cancelled. Aim for 2019:

The Committee met in early January 2019 and dates for events this year will be March, June and October 2019. Topics to be confirmed, all the PGMs will be held at Slater+Gordon offices in Manchester. The aim is to have a full year of PGMs and to promote the Manchester DLA, so it is familiar to all who have an interest in anti-discrimination, to strengthen ties with grass root causes and non-profit organisations, to share issues, concerns, partnership and generally increase healthy numbers for our PGMs;

The DLA West Midlands group held a very successful meeting on 10th January. Tim Jones of No5 chambers gave a very comprehensive rundown of UK, EU and European Convention on Human Rights law on Roma, Gypsies and Travellers, including planning and the provision of services.

7. Influencing Law and Policy

Influencing law and policy is at the heart of the DLA, and 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, government departments and others on important topics that we feel touch on the DLA's principles.

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 attend 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 2019 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. They can be downloaded from our website www.discriminationlaw.org.uk:

Enforcing the Equality Act: the law and the role of the EHRC	Women and Equalities Committee of the House of Commons	October 2018
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On 31st October, DLA Chair, Catherine Rayner, was one of three experts (the others were Karon Monaghan QC, Barrister, and Sam Smethers, Chief Executive, Fawcett Society) called to give oral evidence to the Women and Equalities Committee.

A working group was set up to coordinate a DLA response to the July 2018 Consultation on Reform of the Gender Recognition Act. The group had constructive and illuminating discussions, but in the end the range of views proved too wide for it to be possible to draft a joint response.

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

- Employment Tribunal User Group
- Equality and Diversity Forum
- 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 (London & Manchester offices)
- Cloisters Chambers
- No5 Chambers (Birmingham)
- Garden Court Chambers
- Garden Court North Chambers

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 2018 and to Garden Court Chambers for hosting it this year.

A special vote of thanks is due to Allen & Overy for so generously hosting our annual conference once again, providing catering and valuable support services.

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
Kim Crangle	Director
Naomi Cunningham	Director
Colin Davidson	Director
Rosalee Dorfman Mohajer	Director
Katya Hosking	Director
Nina Khuffash	Director
Peter Kumar	Director
Catrin Lewis	Director
Tamara Lewis	Director
Michael Newman	Director
Eirwen Pierrot	Director