

**ANNUAL REPORT
2018-2019**

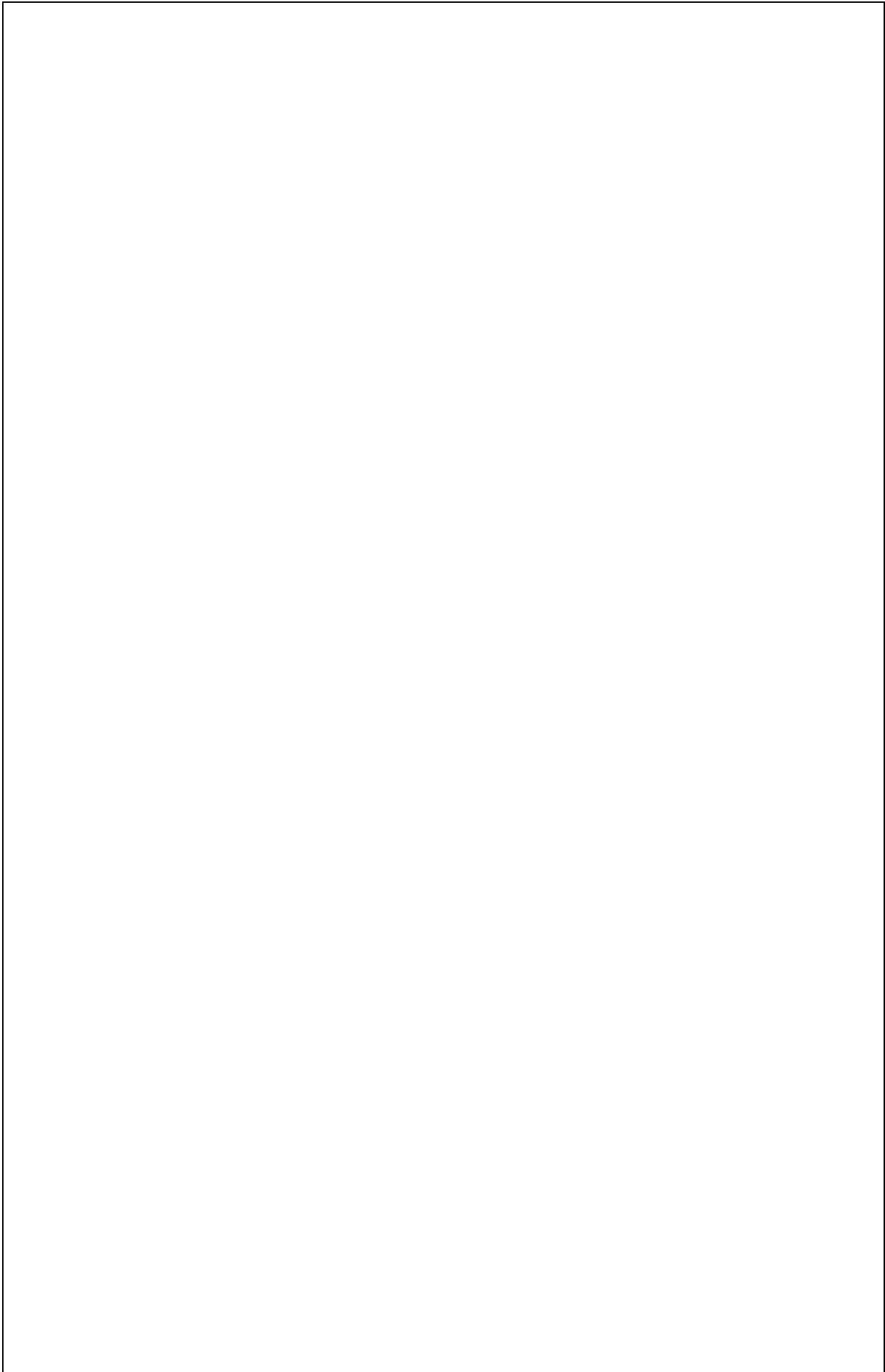
**Presented to the
Annual General Meeting**

**Held at
Slater and Gordon
90 High Holborn
London WC1V 6LJ**

**on Wednesday 26th February 2020
at 6:00pm**

Discrimination Law Association

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



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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 2018 - December 2019.

It is traditional for the Chair's report to capture a summary of the external activities of the Discrimination Law Association. As such it's as a form of accountability of the executive committee to its members as the electorate. It follows that there is a temptation to view the organisation as its tangible activity and further for that account to contain a degree of positivism.

This form of organisational accountability nestles with the statutory requirement to give an account of its assets and financial flows. But the DLA is more than its assets and activity. As an incorporated body it has a tangible presence. It occupies a space, pertains to meet the needs of its beneficiaries and has meaning to its stakeholders. It also has a very eminent and capable membership.

The last few years of austerity government have created a pressure on the third sector. This is not just because of the reduced availability of funding, but also because of the increased impact of policy on vulnerable stakeholders and therefore the need to intervene. Austerity has also affected the capacity and diversity of people to volunteer. Not only has this created capacity constraints, the last few committees have almost entirely consisted of lawyers. We hope that in the future the membership and composition of our Executive Committee continues to attract those who are committed to discrimination law, even though they may not be lawyers.

The bulk of the work this year has therefore been to open up the organisational culture to an awareness of what it isn't doing but might well need to. This includes what it could be doing differently or better.

My personal view that that the way around this goes beyond increasing the diversity of the board to creating a container for the necessary assessment. This is often referred to as strategic review. The organisation hasn't done this for something like 8 years. This has partly been because of the need for resources and capacity, both of which are limiting factors in an organisation that substantially relies on the goodwill and contribution of its members. There has also been a degree of entrenchment from reliance on commercial structures for support. The combination potentially leads to "blind-spots" and a relatively narrow modality. It has been easy to try to do what we do harder, rather than look at alternatives, simply because delivery of what we are already

doing has the feeling of action in the external environment of urgency. One of the blindspots has been the need to maintain and update the organisations governance structures.

It would be easy, therefore, to view the reduction in delivery, necessary to facilitate capacity for change, as some sort of failure. Doing so is a measure against an existing expectation of “the way we do things”. Highlighting the need for improved governance structures has at times been uncomfortable. The reality is that it has proved a necessary step in transition. So has mapping out alternatives.

The course of the year included identifying membership as a category of stakeholders the most important of which are the charitable beneficiaries. Discussions included:

- i) the width and priority of the needs of beneficiaries;
- ii) how to facilitate more diverse inclusion of the membership;
- iii) changing the membership structure to include beneficiaries;
- iv) how to direct actions towards the direct needs of beneficiaries;
- v) the potential need for a website that facilitates members and beneficiaries to collaborate.
- vi) how to create an environment of greater efficiency and effectiveness against the needs of beneficiaries.
- vii) the internal barriers to change.

Not all of these discussions resulted in action. One of the outcomes was a shift in the nature of conference towards activism and how beneficiaries are prevented from facilitating themselves. An important outcome of the conference was an awareness of the positive benefits of member and beneficiary collaboration. Gratitude is due to both Allen & Overy, the committee and all of the members that stepped up to contribute.

As far as the year goes, I am also personally grateful for the opportunity to have contributed and thankful to the outgoing committee in their individual contributions and the pursuit of what they believe.

There is a lot more that the DLA could be doing and creating the awareness of this and the need for updated governance structures is itself an achievement. The new year brings a substantial shift in the composition of the executive committee. This brings new opportunity and it is very much hoped that the new committee can continue the transition.

3. Membership

Membership of the DLA has held up well over this past year. As of 31st December 2019, DLA membership stood at 213 members, made up of:

- 77 solicitor/barristers
- 43 individuals - other (including academics, trainers, consultants, trade unionists)
- 39 student/unwaged/retired
- 27 voluntary organisations/law centres
- 5 large solicitors firms
- 4 medium solicitors firms
- 6 small solicitors firms
- 12 national organisations (including equality bodies, trade unions)

Overall membership was marginally down as compared with the same time last year (231 members) and is still only just below the levels of previous years when we had just 250-300 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

Supporting access to justice and advocating for better legal protection for discrimination complainants is a founding aim of the Discrimination Law Association. The issues addressed in this year's *Briefings* reflect the validity and continuing importance of this aim.

The year began with a demand for the UK government to take urgent action to address the disproportionate impact of poverty and austerity on groups protected by the Equality Act 2010 (EA). This demand resulted

from the DLA's meeting with Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights where it highlighted its concerns about the unequal and devastating impact of austerity on people who face barriers which make it almost impossible to enforce their rights.

The consequence of government austerity policies in relation to welfare benefits continued to play out in discussions or legal challenges – policies such as the move to Universal Credit which has caused serious problems for severely disabled people, or challenges to the discriminatory impact of the housing benefit cap and the bedroom tax.

The year concluded with an account of the DLA's annual conference *Disability in society - the law and the lived experience* which focused on the struggle for human rights and justice faced by many disabled people.

A review of the year's *Briefings*' articles highlights what still remains to be done. These range from the ongoing failure of the government to implement the s1 EA socioeconomic duty in England, to the failure to take any steps to end the discrimination and socio-economic disadvantages experienced by Gypsies, Roma and Travellers in the UK as highlighted by the Women and Equalities Committee report in April 2019.

Other failures include tackling the disproportionate number of people from black and minority ethnic groups detained under the Mental Health Act 1983 (MHA) as was highlighted by Professor Sir Simon Wessely's Independent Review of the MHA published in 2018. The need for legislation to reform 'legally sanctioned secrecy' via the use of non-disclosure agreements in discrimination cases was another urgent issue which was raised in the November *Briefings*.

Articles informed readers of legal policy developments and trends such as on challenging unconscious bias and stereotyped assumptions, on the moral and economic imperatives for ethnicity pay reporting, or on challenging potential EA discrimination arising from the use of facial recognition technology. Experienced practitioners shared valuable insights on a wide range of topics such as establishing a valid comparator in equal pay claims.

Briefings' case notes reported on significant case law and judgments which informed and updated readers. The DLA is extremely grateful for those legal experts who volunteer to take the time to analyse and report on cases, or write more in-depth articles on current and emerging legal developments. *Briefings* could not be published without the support of such volunteers, drawn from the DLA members, executive committee

and active members/supporters. If you would like to write for *Briefings*, the DLA would be delighted to include you in its active members' database; please contact the DLA's administrator, Chris Atkinson, at info@discriminationlaw.org.uk to have your name added to the database.

The DLA would like to thank and acknowledge the work of *Briefings* editor Geraldine Scullion, and that of our designer and typesetter Alison Beanland.

E-mail News & Information Circulation

Over the last year, we have circulated 11 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 2019, we had 570 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).

16 January 2019	Sexual harassment and abuse proceedings in the civil courts	Suzanne McKie (Farore Law)
5 March 2019	Religion and belief discrimination	Declan O'Dempsey (Cloisters Chambers)
18 March 2019	Discrimination case updates	Heather Williams (EHRC) and Michelle Gyimah (Director: Equality Pays)
1 May 2019	<i>Essop v UKBA</i> Part II - 7 years on - Justification in Indirect Discrimination claims	Nicola Braganza (Garden Court Chambers)
21 May 2019	Mental Health and Race	Stephen Heath (Mind)
27 June 2019	Using the Equality Act 2010 in Housing Law	Toby Vanhegan (4-5 Grays Inn Square Chambers)
21 October 2019	Discrimination case updates	Kashif Ali (St Johns Buildings).

6. Regional Representation

The Manchester DLA group hosted two very successful and well attended events under the rubric “discrimination case updates”, the first on 18th March 2019 with speakers: Heather Williams (EHRC) and Michelle Gyimah (Director: Equality Pays) and the second on 21st October 2019 with speaker: Kashif Ali (barrister from St Johns Buildings).

It is very much regretted that Nazia Khan of Slater & Gordon Manchester is no longer able to organise these events in future but the hope is that someone can step forward to take over the mantle. Many thanks for Nazia for all her untiring efforts and for laying the foundations of this new venture.

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 Equally Ours.

As ever, we will create similar opportunities in 2020 so that we can continue to influence law and policy effectively in line with our members’ interests.

DLA Submissions

On 23rd January 2019 DLA member and partner at Leigh Day, Kiran Daurka was called to give oral evidence on behalf of the DLA to the Women and Equalities Committee on the use of non-disclosure agreements in discrimination cases.

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

Consultation on ethnicity pay reporting	Department for Business, Energy & Industrial Strategy and Race Disparity Unit)	Jan 2019
Report on the use of non-disclosure agreements in discrimination cases inquiry	Women and Equalities Committee	June 2019

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:

- 4-5 Grays Inn Square Chambers
- Leigh Day
- Slater & Gordon (London & Manchester offices)
- Cloisters Chambers
- Garden Court Chambers

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

Thank you to Garden Court Chambers for hosting our AGM in February 2019 and to Slater & Gordon London 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
Peter Kumar	Chair (from February 2019)
Michael Reed	Treasurer
Mohini Bharania	Director
Georgina Churchhouse	Director
Glynis Craig	Director
Kim Crangle	Director
Naomi Cunningham	Director
Colin Davidson	Director
Rosalee Dorfman Mohajer	Director
Charlotte Harwood	Director
Katya Hosking	Director
Nina Khuffash	Director
Catrin Lewis	Director
Tamara Lewis	Director
Helen Meenan	Director
Michael Newman	Director