



**Discrimination Law Association**

# **ANNUAL REPORT 2011-2012**

**Presented to the  
Annual General Meeting**

**Held at  
Leigh Day & Co.  
Priory House  
25 St John's Lane  
London EC1M 4LB**

**on Tuesday 12<sup>th</sup> February 2013  
at 6:00pm**

**Discrimination Law Association**

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# 1. History and Aims

The Discrimination Law Association was founded in 1995 with the objective of pushing forward the practice of complainant-oriented discrimination law and creating resources for those involved in practice. From the start, strong emphasis was placed on the needs of the voluntary sector.

In 1998 a three-year grant was received from the Community Fund (formerly the National Lottery Charities Board). This enabled us to employ a part-time Development Officer.

We have been able to employ a part-time employee to assist us in our activities since.

Membership grew rapidly and in October 1999 the Association was incorporated as a company limited by guarantee.

On 8<sup>th</sup> July 2008 the Association was granted charitable status.

The Association's charitable purpose reflects its original aims: promoting good community relations by the advancement of education in the field of antidiscrimination law and practice. The Association continues to achieve this aim by, among other things, the promotion and dissemination of advice and information; the development and co-ordination of contacts with discrimination law practitioners and similar people and organisations in the UK and internationally. The DLA continues to be concerned to contribute to an understanding of the needs of victims of discrimination amongst lawyers, law-makers and others. At a time at which much of the public funding which provided support for putative victims of discrimination has either been removed or is under serious threat, the DLA is proud to espouse a complainant-centred approach to anti-discrimination law and practice.

Membership is open to any lawyer, legal or advice worker 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 2011 - December 2012.

The DLA has yet again with minimal resources continued to make a significant contribution to equality law and in a time of increasing changes to law and policy made the voice of its members heard.

The relative financial stability achieved in 2010/11 was built upon in 2012 assisted by the holding of two major events: a public debate, kindly hosted by Doughty Street Chambers and entitled *Crimes of Violence and Honour : Equality Human Rights and the "Honour Code"*; and what has become the annual conference, this year focusing on the practicalities of dealing with discrimination claims under the Equality Act 2010 at a time of cuts to services and changes to the law and very generously hosted by Simmons and Simmons LLP. The DLA very much hopes to continue to create fora for the public discussion of issues touching upon equality in all sections of society and to seek to engage non-lawyers in those discussions.

Despite the impact of the cuts to public funding, the impending, and significant, reduction in the legal aid budget and the strains placed on the DLA's resources caused by these factors, the DLA has still been able to respond robustly to many government consultation exercises. The executive committee is proud of this achievement but it is also important to note that we may witness a further drop in membership income in the coming year precisely because organisations that have been stalwart members will fall victim to the government's austerity agenda. This will require the re-doubling of the DLA's efforts - even when they may appear futile - to highlight the detrimental consequences for the equality agenda of cuts which affect, most profoundly, the most disadvantaged. It will also require the incoming executive committee to think creatively about how best to survive and continue to do its very important work.

As the outgoing chair, I wish to give my personal thanks to the committed members of the executive, with whom it has been a pleasure to work, our incredibly efficient administrator Chris Atkinson and, of course, the unstinting Briefings editor, Geraldine Scullion, all of whom have worked tirelessly to help to fulfil the DLA's aims. In particular, I wish to express my gratitude to Barbara Cohen, the vice-chair, who has acted as the backbone of the DLA and has so often made sure that we keep our eyes firmly fixed on the objectives that brought the organisation into being.

**Catherine Casserley**  
**Chair**

## 3. Membership

Membership of the DLA has held up well over this past year. As of 31<sup>st</sup> December 2012, DLA membership stood at 287, made up of:

- 105 solicitor/barristers
- 6 large solicitors firms
- 5 medium solicitors firms
- 11 small solicitors firms
- 41 voluntary orgs/law centres
- 14 national orgs
- 69 individual - other (including academics, trainers, consultants)
- 36 student/unwaged

Overall membership was very slightly down as compared with the same time last year (290 members) and still only just below the levels of the previous year when we had 303 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 produced *Briefings* in June and November 2011 and in March 2012. *Briefings* publishes articles and case reports relevant to equality law and is distributed to all our members, as well as 900 CABx throughout the UK.

This year the journal included 39 briefings - 8 articles and 31 case notes - on legal and political developments of practical importance to equality law and anti-discrimination practitioners.

For example, the November edition reported on the concluding observations of the UN Committee on the Elimination of Racial Discrimination, highlighting its criticism of the UK's fulfilment of its international obligations under the Convention. These criticisms ranged from proposed government cuts to the budget and resources of the EHRC, revision of the Equality Act 2010, and changes to the mechanism for enforcing employment discrimination complaints - all themes which were featured in *Briefings* during the year. Case notes included topical issues such as addressing legitimate limits on the manifestation of one's religious belief, whether unlawful harassment occurs when a gay employee is 'outed' by a work colleague, and on-going challenges to the adequacy of public authorities' fulfilment of their public sector equality duties.

*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 31<sup>st</sup> December 2012 we had 367 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 give up their time and efforts to help us.

We would also like to thank Slater & Gordon Lawyers (previously Russell Jones & Walker) and Cloisters Chambers for hosting meetings (and providing refreshments).

List of PGMs - December 2011 to December 2012

DATE	TITLE	SPEAKERS
12 Dec 2011	Disability Discrimination	James Laddie
25 April 2012	Preparing for Battle	Naomi Cunningham
23 May 2012	EU Charter of Fundamental Rights	Peter Reading
18 July 2012	Julia and John are hardly spring chickens	Amanda Hart
21 Nov 2012	age discrimination	Declan O'Dempsey
12 Dec2012	employment status	Catherine Rayner

## 6. Influencing Law and Policy

Influencing law and policy is an important part of what the DLA aims to do. In the past year we have sought to do so by submitting detailed responses to government consultations, by giving evidence to a parliamentary committee, by writing directly to officials, by joining with other organisations in letters to officials or letters to the press on important issues and by participating in forums and discussions concerning equality law and policy matters. The DLA EC has brought to the attention of DLA members certain government proposals when there was some hope that by stimulating a wide response some greater influence might be achieved.



In 2011 - 2012 a primary focus of our work to influence law and policy has been to resist the various government proposals purportedly resulting from its 'Red Tape Challenge' and its determination to reduce 'bureaucratic burdens' on business and public bodies.

The DLA sought to stimulate as many organisations and individuals as possible to submit evidence demonstrating how ill-advised are the government's proposals to repeal provisions in the Equality Act 2010 providing for the statutory questionnaire procedure, protection against harassment by third parties and employment tribunal powers to make recommendations going beyond the circumstances of the claimant. Using good case examples supplied by DLA members we submitted detailed responses to the formal consultation as well as joining with others to brief parliamentarians. Regrettably, despite overwhelming opposition amongst those who responded to the consultation, the government is proceeding with these repeals.

At the same time, major changes to employment rights continue to emerge, and we have sought to highlight the potential adverse impact on equality of recent proposals.

The DLA joined with the TUC and other NGOs to raise concerns regarding the reduction in the duties, resources and, potentially, the independence of the Equality and Human Rights Commission. We continued to be aware of equality issues within the operation of immigration control, anti-terrorism measures and policing, and submitted responses highlighting potential disparate impact of current or proposed policies and practices.

Recognising the inter-connectivity of equality and human rights, the DLA responded to a recent consultation on a Bill of Rights arguing strenuously that the Human Rights Act is a bill of rights and should be retained as a whole, and none of its obligations, rights and liberties or its enforcement mechanisms should be diluted in any way.

In front of us and on the horizon is the review of the public sector equality duty, programmed to report in April 2013. We have alerted all DLA membership and have encouraged the collection of examples showing the positive impact of the duty. With other NGOs, we are waiting for a suitable opportunity to illustrate and explain to the government appointed steering group the true and critical importance of this duty in achieving progress towards real, substantive equality.

## **DLA Submissions**

The DLA made written submission in relation to the following since the previous AGM. All can be downloaded from our website:  
[www.discriminationlaw.org.uk](http://www.discriminationlaw.org.uk)

- Forced Marriage - Home Office Consultation
- Dealing with Dismissal and “Compensated No Fault Dismissal”
- Proposed Repeals of Equality Act 2000 provisions:
  - Employer liability for harassment of employees by 3rd parties
  - Employment Tribunals power to make wider recommendations in discrimination cases
  - Procedure for obtaining information (statutory questionnaires)
- A Second Consultation by the Commission on a Bill of Rights
- Women in the Workplace
- Review of Schedule 7 Terrorism Act 2000
- Local Government Transparency

## **7. Organisational Development & Funding**

In terms of its organisational progress DLA has continued with its core projects of publishing information; providing forums for discussion through the PGMs; and providing written submissions in relation to draft legislation and influencing policy. As part of its core programme the DLA once again ran a successful one day conference on discrimination law in October 2012. The staff and organisational structure of DLA is stable, and it is envisaged that no major changes will be taking place in the forthcoming year.

## **Appendix 1: Staffing**

Chris Atkinson became the DLA Administrator/Development Officer as a temporary appointment in October 2010 and was confirmed as a permanent replacement to Sharon Morris 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
- ◆ Russell Jones and Walker Solicitors
- ◆ Doughty Street Chambers
- ◆ Cloisters Chambers

Thank you to Doughty Street Chambers for hosting our Public Discussion in February 2012 and our AGM in March 2012 and to Leigh Day for hosting our AGM this year.

A special vote of thanks is due to Simmons and Simmons for so generously hosting our October conference for a second time, providing catering and valuable support services.

We would also like to thank our guest speaker, Sadiq Khan MP, 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:

<b>Catherine Casserley</b>	Chair
<b>Michael Reed</b>	Treasurer
<b>Mohini Bharania</b>	Director
<b>Catherine Casserley</b>	Director
<b>Paul Chan</b>	Director (co-opted Dec 12)
<b>Barbara Cohen</b>	Director
<b>Sophie Garner</b>	Director
<b>Caroline Gooding</b>	Director
<b>Shazia Khan</b>	Director
<b>Tamara Lewis</b>	Director
<b>Ro Marsh</b>	Director (co-opted May 12)
<b>Gay Moon</b>	Director
<b>Ian Moss</b>	Director
<b>Michael Newman</b>	Director
<b>Brenda Parkes</b>	Director
<b>Peter Reading</b>	Director (resigned Nov 12)
<b>David Stephenson</b>	Director

## Attendance at meetings

13 meetings of the Executive Committee were held between March 2011 and March 2012. Attendance figures are shown below

<b>Name</b>	<b>Attended</b>	<b>Apologies</b>
Mohini Bharania (maternity leave July 2012)	2	11
Catherine Casserley	9	4
Barbara Cohen	13	0
Sophie Garner	7	6
Caroline Gooding	1	12
Shazia Khan (from April 2012)	9	2
Tamara Lewis	5	8
Ro Marsh (not EC member April-June 2012)	7	4
Gay Moon	10	3
Ian Moss (elected April 2012)	2	7
Michael Newman	11	2
Brenda Parkes (elected April 2012)	9	0
Peter Reading (resigned Nov 2012)	7	3
Michael Reed	10	3
David Stephenson	5	8