

## **Thank you Caroline - Tribute to Caroline Gooding (7 March 1959 - 19 July 2014)**

*Catherine Casserley and Barbara Cohen bring together some of the many ways in which Caroline Gooding made a positive impact on the lives and learning and work of disability rights campaigners, lawyers and others.*

*Baroness Jane Campbell said of Caroline Gooding: 'I met Caroline in the early 90s during the height of the campaign for anti-discrimination legislation. I was immediately struck by her intelligent legal analysis of our situation and what needed to be done practically to make our case. If this wasn't impressive enough, she was also a true fellow freedom fighter, prepared to sit in the road alongside all radical disabled activists and wave a placard. Not many can combine the personal, political and professional in one being - Caroline could. She was as comfortable round a high-level board table as she was wearing a Rights Now T-shirt shouting for equality alongside the grassroots disability movement. I learnt from her during my early political years and can only hope to emulate her in some way as I navigate the political terrain in parliament. She was my friend and legislative mentor. A great loss on every level.'*

When Caroline died in July 2014, she left behind a legacy that sees the UK with some of the strongest disability discrimination legislation in the world. But unless you had worked with her you wouldn't have known how much she had achieved because her modesty equalled her skills as a lawyer and a legal policy adviser. Her death was greeted with shock and distress not simply for the loss to disability rights but also because she was such a good friend, mentor and human being. This article takes a look at some of the work that she did as well as some of the personal recollections of members of the DLA and other organisations.

Caroline had a stroke in her early 20s, which left her with reduced manual dexterity. Whilst she rarely wrote anything down this wasn't really due to her disability - she didn't need to, as her powers of recall were astonishing. After studying at Cambridge she qualified as a solicitor. But it was her time at Berkeley, the birthplace of the independent living movement, and where she studied the Americans with Disabilities Act, which ignited her passion for disability rights and led to her pioneering book *Disabling Laws Enabling Acts: Disability Rights in Britain and America*. She was instrumental in the passing of the Disability Discrimination Act 1995 (DDA).

While the DDA made it unlawful to discriminate against a disabled person for a reason relating to their disability or to fail to make reasonable adjustments, it did not, unlike the Race Relations Act 1976 and the Sex Discrimination Act 1975, establish a statutory equality body with enforcement powers. So, with others, in 1997 Caroline set up the Disability Discrimination Act Representation and Advice Project, known as DDA RAP, secured funding and was its first director. DDA RAP selected DDA cases which she and other discrimination lawyers took on a pro bono basis.

In 1999 parliament passed the Disability Rights Commission Act, and it was at the Disability Rights Commission (DRC) that Caroline really used her skills to most effect.

Caroline worked at the DRC as Special Adviser and Director of Legislative Change from 2000 to its end in 2008. She oversaw the implementation of the DDA, the drafting of the statutory codes of practice, with what has been described by those who worked on them as 'tortuous' negotiations with civil servants – all with her humour, determination and insight. Those codes of practice proved critical to the interpretation of the law – in a way that no other codes of practice have in the equality field. And in addition she shaped the law through her advice on what cases the DRC should back and how they should be run.

Together with her colleague, Catherine Casserley, Caroline drafted a bill in 2004 which was a precursor to the 2005 DDA incorporating the disability equality duty, which Caroline went on to shape, and more codes of practice followed. Perhaps her finest achievement at the DRC was the strategy that she drew up and delivered for the implementation of the disability equality duty – the obligation under the DDA 2005 for public authorities to take disability into account in everything that they do. This was done with so little time left for the DRC to run – yet she had a vision about how it could change the lives of disabled people and she set about putting that into practice. She led an ambitious strategy that saw all public authorities contacted about their disability equality schemes, disability organisations invited to learning sessions about how to use the duties and lawyers also encouraged in their use of it in litigation. And that has paid off enormously. It has been used to great effect so often over the past 8 years.

Caroline's work went beyond the UK, such was the acknowledgement of her expertise. She was one of those rare lawyers who had a unique combination of skills, as Baroness Campbell's quote attests - the ability to look at the policy implications of a legal case and so how it could make a difference to the largest number of people, how to make an incredibly complex law accessible to lawyers and non-lawyers alike; and the ability to know when and how much to compromise when negotiating with government and civil servants, and so to get the best possible result. As one former colleague, Richard Excell put it, *'she didn't let her realism make her give up on what idealism demanded and she didn't let her idealism stop her recognising what was realistic.'*

Post the DRC Caroline continued to use her legal policy skills and that unstoppable energy to great effect, working on the drafting of what became the Equality Act 2010 - which saw some incredible additions for disability rights which were the result of some hard slog which we had to have with the civil servants and others. She also worked on the subsequent codes of practice for the Equality and Human Rights Commission and other national and international projects. It was of great benefit to the DLA when Caroline was elected to the Executive Committee in 2010 and she

continued as a vital member; in the current year she was a vice chair. Her clear analysis of the equality implications of a policy or situation sharpened our collective thinking. Often with relatively few words she identified both the problem and the equality solution to worrying government proposals. She identified priority issues for the DLA's work and challenging themes for our conferences and other events.

Caroline's work as a consultant, advising large and small organisations on their compliance with the DDA, especially the disability equality duty, followed the same approach: clear analysis of what needed to be put right and thoughtful presentation of solutions, always mindful of the internal dynamics, mechanisms and resources for change of the organisation concerned.

Caroline was always open to something new. For example, she used the opportunity of a holiday in China with her partner Anne to meet again Chinese academic lawyers she had met on behalf of the DLA when they were on a study tour in London. During their short meeting Caroline gained fresh insight into China's laws and policies, in particular those affecting women's equality rights.

But not only did she possess all these skills. She shared them. She was never slow to give others an opportunity - influenced no doubt by her socialist principles. So many people have said that they owe their career path to Caroline – she influenced them either directly, or indirectly. And she was fun - there was nothing po-faced about her.

We could go on but there is simply too much to mention. Caroline has left such a legacy, not only in the legislation but also in the number of people who have learnt from her. Just a few of the quotes about her:

*'She was such a remarkable person, so knowledgeable and wise, and so generous in her support for so many of us. Caroline made a remarkable contribution.'*

Dame Phillippa Russell, former DRC Commissioner and now Chair, Standing Commission on Carers

*'I wasn't sure whether she ever realised what a phenomenon she was - not that she would have cared a hoot anyway.'*

Nick O'Brien former Director of Legal Services, DRC

*'Caroline was a marvellous woman and certainly contributed very early in my awareness of disability law to my understanding of the social model of disability.'*

Helen Mountfield QC

*'It was her inspirational ideas and challenges to the status quo, however, which are becoming enshrined in the growing confidence belonging and increasingly public face of disability activism.'*

Dancing Giraffe, Accessible Information for Disabled People

*'Like everyone who has ever had the privilege of working with Caroline, I have gained from her knowledge and wisdom and her total commitment to equality and justice, and I have enjoyed her good friendship and support - all of which I now appreciate more than ever and greatly miss.'*

Barbara Cohen

*'Since her death I have been contacted by so many people who have said what a massive influence she had on them - many who would not have or do the jobs that they do if it wasn't for her. She will leave a huge hole not only in my life, personally but in the field of equality and human rights. She is simply irreplaceable. But her legacy will live on, in those in the legal field and in the laws that she helped to shape - every day when I look at the Equality Act, and the codes of practice, I see her hand.'*

Catherine Casserley