



Discrimination Law Association

ANNUAL REPORT 2003-2004

**Presented to the
Annual General Meeting**

**Held at the offices of
Irwin Mitchell Solicitors
150 Holborn
London
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**On Monday 13th December 2004
At 6pm**

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Incorporated in England & Wales**

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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.

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

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

Aims

Whilst the organisation is membership based, the DLA exists primarily to benefit a particular group of individuals – actual and potential claimants in discrimination litigation.

To do this, the organisation has stated aims and objectives which include, for example, promoting best practice in advice and support for claimants in all types of discrimination cases; and facilitating discussion nationally and internationally about existing and proposed legislation and ensuring that the claimants view point is taken into account.

To allow the DLA to continue to grow and to develop its work further, the organisation is in the process of seeking charitable status. This has meant that the committee has had to look again at our purposes and our aims, to make sure that they are charitable in law. Whilst we will be recommending some rewording, and reordering of the aims, we are confident that they are charitable, and hope to gain charitable status in the year ahead.

Suggested AIMS

1. To enhance and expand the teaching of discrimination law in the UK
2. The promotion of equality and diversity and the advancement of human rights and the promotion of the sound administration of law and in particular the rights of individuals not to be discriminated against on the grounds of their gender or marital status, race, nationality or ethnic origin, disability, religion or belief or sexual orientation or any other prohibited ground , by
 - i supporting those involved in the provisions of advice assistance and representation to those who complain of discrimination by the provision of training and information about developments and changes in discrimination law, policy and practice
 - ii by informing members and the public in general about proposed changes to the law, and their practical effect on individuals
 - iii by commenting on proposed changes to the law and policy at national and local level
 - iv by proposing changes in law, policy or practice, in furtherance of the charitable objectives
 - v by supporting or opposing changes in law, policy or practice, where this is in line with the associations objectives
 - vi by facilitating and organising meetings and conferences between lawyer practitioners, advisors, academics and policy makers both in the UK and with those from overseas.

2. Overview and Chair's Report

1 April 2003 – 10 December 2004

This report covers a period of just over 18 months which reflects our accounting period. However, the focus is on the 12 month period from December 2003 since our last AGM.

The DLA has had a very busy year. The seemingly endless stream of consultation papers emanating from Government affecting discrimination law and policy has required intensive effort on the part of the committee and the wider membership.

This effort has ensured that the voice and experience of our members is heard.

We have continued to produce our excellent periodical journal, Briefings. Thanks to all the contributors for their excellent contributions. The reputation of the journal improves with each year and responsibility for that lies in large part with our editor, Gay Moon, a committee member. Gay has shown considerable commitment to Briefings and brought great skill and expertise to the task of editing the journal. We are very grateful to her.

Our practitioner group meetings remain a useful and valued forum for high quality discussions on important and developing areas of discrimination law and practice. Thank you to Tess Gill and Juliette Nash for organising the practitioner group meetings this year and thank you to all our speakers.

Importantly we have now a web site established which we hope will continue to develop as a resource for members and for the public more broadly.

We continue to increase our profile as an organisation. This is due to, amongst other things, the quality and consistency of our input into the debate around the development of discrimination law and policy, as well as the quality of our publications and practitioner group meetings. Our views are now positively sought on issues of discrimination law and policy. We are a unique organisation in being able to draw on the experience of such a broad membership – that expertise is increasingly recognised and respected.

Our finances continue to be well managed and particular thanks are owed for this to Elaine Banton, our Treasurer.

Thanks too to our Auditors, Harish Thakrar, Chartered Accountants of Wellingborough, Northamptonshire.

We would like to thank the following for their support:

- Bindmans for hosting last years AGM (which was a tremendous success)
- The Disability Rights Commission for their generous hosting of practitioner group meetings
- Matrix Chambers and Doughty Street Chambers for their hosting of executive committee meetings
- Tooks Court Chambers for their assistance with administration including copying

On my own behalf and on behalf of the committee, I should also like to thank Melanie West, our administrator, whose considerable efficiency in the management of the DLA organisation has been so smooth that it is sometimes easy to forget the tremendous effort involved. I want to thank her to for the considerable patience that she has demonstrated from time to time with me and some of the other committee members and for her considerable good humour. It is obvious to the committee that Melanie is very committed to the DLA and its objects as is evident in her work for the DLA. We remain very grateful to her for all her work.

As outgoing Chair, I would also like to thank personally Barbara Cohen who has been Vice Chair for the two years during which I have held the position as Chair. During her membership of the executive committee Barbara has always been hardworking and extremely committed to the DLA. She has, too, been an important source of support to me. Her wisdom and good sense have been very valued by me and, I know, other committee members.

I have very much enjoyed my time as Chair. It has always been an extremely interesting and stimulating position to hold. I have been very fortunate to have been supported by excellent committee members and a broad and diverse wider membership who together have brought unrivalled knowledge and experience to the work of the DLA.

Karon Monaghan

3. Membership

The Discrimination Law Association has two categories of membership, associate membership for organisations, and individual membership. On 29th November DLA membership stood at 411, of whom 174 (42%) were associate members and 231 (56%) were individual members and 6 were complimentary members (1%). During the period November 2003 and November 2004 approximately 74 new members were recruited. In other words, 18% of our membership during this period has been recruited during the year. This represents steady growth which we hope to develop further over the coming years.

4. Briefings and E-mail News

Briefings

The Briefings have now settled into a cycle of appearing three times a year. They aim to cover all the major cases affecting discrimination practitioners with more detailed articles on areas of particular interest or new developments. The editorials provide a commentary on current issues. The Briefings also carry news items and book reviews. It continues to depend on the contributions of members, for which we are very grateful.

Three issues of Briefings (Volumes 21 - 23) have been issued since the last Annual Report in December 2003, containing a total of 41 individual briefings. They appeared in, February 2004, June 2004 and November 2004.

The last year has seen articles on the new Race Equality schemes, the draft Disability Discrimination Bill, children's rights, psychiatric injury and damages, Muslims in the UK labour market, the appropriate courts to hear cases of discrimination in the access to goods, facilities and services, the problems of proving adverse impact and the new burden of proof provisions. They are edited by Gay Moon and designed and typeset by Alison Beanland.

E-mail News

The E-mail News service continues to improve with relevant national and international news and case up dates.

This e-mail service continues to be valued greatly by members. It also helps us to keep in touch with our membership and respond quickly to their needs.

5. Practitioner Group Meetings

The Practitioners' Group for members wholly or mainly advising complainants has continued to meet in Central London. The following meetings were held between December 2003 and December 2004:

- 11/02/04 Psychiatric Injury and Damages in Discrimination Cases.
- 24/03/04 Psychiatric Injury and Damages in Discrimination Cases - Practical application.
- 26/05/04 New definitions of indirect discrimination and the practical application of indirect discrimination in cases of sex and race discrimination.
- 19/07/04 Costs awards in the Employment Tribunal.
- 06/10/04 Impact of new procedure rules on discrimination cases.
- 27/10/04 Briefing on EOC reflections and initiatives on the road to sex equality.

We are grateful to Doughty Street Chambers and the Disability Rights Commission for hosting those meetings. We are also grateful to Howells solicitors in Sheffield, Harper McLeod in Glasgow and the Wales and Manchester offices of the DRC who arranged video links in their offices for these meetings. These meetings are generally very well attended.

The format of the meetings is one or two expert speakers (including lawyers in practice, Employment Tribunal chairs and trade union officers) followed by a open-floor discussion.

This format has proved very popular and we have been told that the chance to discuss issues with fellow practitioners and the speakers is always interesting. The video link has allowed us to open up these discussions to members outside London.

We want to thank all of our speakers this year who have provided such well-thought out and thought-provoking talks.

We aim to concentrate on topics of practical relevance to the way we practice and we like to keep things topical. As discrimination law grows larger and more complex, there is never a shortage of topics to discuss. We are also always happy to have suggestions from members as to topics they would like covered.

Meetings in the New Year include the thorny topic of liability outside the employment relationship – more fallout from Bernard Manning - and an update by Robin Allen on recent cases.

And of course, we owe a big debt of gratitude to Melanie for all her hard work behind the scenes for the meetings.

6. Policy Issues

In the period from April 2003 to November 2004, the DLA has made written submissions in response to the following consultations and proposals for new or revised legislation and policies;

- ACAS draft guidance on legislation outlawing discrimination in the workplace on grounds of religion or belief or sexual orientation
- The Bar Draft Equality and Diversity Code
- Commission for Judicial Appointments – Diversity Issues
- Commission for Racial Equality: Draft Legal Strategy 2003
- Commission for Racial Equality (Draft) Statutory Code of Practice for Employment
- Constitutional Affairs Committee - Legal Aid Inquiry

- Constitutional Reform: A Supreme Court for the UK
- Constitutional Reform: Appointment of Judges
- Constitutional Reform: Future of QC's
- Delivering Equality for Disabled People: Extension of the Disability Discrimination Act
- Disability Discrimination Act (Amendment) (Pensions) Regulations 2003
- Draft Disability Discrimination Bill
- Disability Rights Commission Draft Code of Practice
- Employment Appeal Tribunal –Draft Revised Rules
- Employment Tribunals Revisions to the ET Rules of Procedure
- Equal Opportunities Commission Formal Investigation into Pregnancy Discrimination within the Workplace
- Equality and Diversity: Age Matters
- Equality and Diversity: Making it Happen
- Equality and non-discrimination in an enlarged European Union - EC Green Paper
- Fairness for All: A new Commission for Equality and Human Rights
- Gender Recognition Bill
- Joint Committee on Human Rights – Concluding Observations of UN Committee for the Elimination of Racial Discrimination on the UK 17th Report
- Morris Inquiry into Professional Standards and Employment Matters in the Metropolitan Police Service

- Religion or Belief and Sexual Orientation Discrimination (Occupational Pensions)
- Simplification and Improvement in the Area of Equal Treatment between Men and Women
- A Single Equality Bill for Northern Ireland
- Strength in Diversity: Towards a Community Cohesion and Race Equality Strategy
- Towards Equal Pay: Proposals to Streamline Equal Value Tribunal Procedures

In addition the DLA made representations in relation to proposed measures:

- Parliamentary Briefing on the Employment Equality (Sexual Orientation) Regulations and Employment Equality (Religion or Belief) Regulations 2003
- Achieving Change: Enforcement Powers of the Equality Commissions - a briefing paper for the CEHR Task Force

This long list represents considerable effort and time by members of the Executive Committee and many DLA members. We thank everyone who has been involved for their valuable contribution.

Details of the above written submissions are available from the DLA website or from the DLA office on request.

7. Influencing Law and Policy

The period covered by this report has been an important time for discrimination law: to comply with EC obligations, protection against discrimination was extended to sexual orientation and religion or belief and disability discrimination rights were strengthened; debate continued regarding age discrimination and the proposed Commission for Equality and Human Rights. Issues of discrimination and equality were raised in other contexts, including the appointment of the judiciary, governance of the legal profession and access to justice. In respect of all of these the DLA has played an increasingly prominent role.

Our involvement has been at all levels, including detailed written submissions, meetings with senior officials, speaking at conferences, interviews and articles in the media, collaborating with other organisations; in each case our objective has been to secure better, more effective ways to tackle unfair discrimination and to promote equality.

The DLA was a co-signatory to the shadow report submitted to the UN Committee on the Elimination of Racial Discrimination by a large group of NGOs. We collaborated with the TUC, Stonewall and others in preparing a parliamentary briefing to assist MPs and Peers when they considered the Employment Equality (Sexual Orientation) Regulations. We have often been contacted by MPs and Peers on discrimination law issues and by parliamentary committees when they are considering issues relevant to the DLA, including the Joint Committee on Human Rights and the Joint Committee on the Draft Disability Discrimination Bill. Both the Commission for Racial Equality and the Equal Opportunities Commission have asked for our views on their legal strategies.

We prepared a briefing paper and have had a number of meetings with senior officials to discuss in detail our views regarding the law enforcement role of the proposed new Commission for Equality and Human Rights. We have been pleased to note that a number of our recommendations appear to have been accepted.

We have been represented on the Equality and Diversity Forum by Sarah Hannett and on the Employment Appeal Tribunal's Users Group by Akua Reindorf. As a member of UK Race & Europe Network (UKREN) we have been able to contribute to race equality matters in the UK and in Europe through the European Network Against Racism (ENAR).

8. Referrals

The Discrimination Law Association is not an advice agency. We do not give legal advice to individuals.

We do, however, receive many calls each year from members of the public seeking advice. The DLA has recently set up a new website and hope that a referrals directory will be included. This is a project which will be developed in the future.

9. Organisational Development and Funding

Financially the period 2003/04 has been an improved one for DLA and has seen the DLA consolidate on the previous years' work. Membership remains the main source of income for the DLA and efforts continue to increase the DLA membership. Membership fees increased for the first time in three years this year. Enquiries are ongoing regarding attaining charitable status which would hopefully open additional avenues of funding for the organisation.

Positively the DLA has improved from running on a deficit of - £16,091.22, (expenditure for last year to 31 March 2003) to a small net surplus of £187 for this year. Efforts continue to further reduce expenditure in our running costs. We anticipate the financial status of the DLA should improve over the coming months.

Income for this year stands at £35,281. Expenditure this year has stabilised at £35,094 as compared to last year's £34,994. The bulk of expenditure was for employment salary, briefings and last years' conference which went into this years' accounts. Our current monies in the bank are approximately £6,243.38. An additional £17,000.00 is held in the savings account. We are in the process of changing our accounts to improve our rates of interest and lower our costs.

Summary

We are currently financially stable. We continue to strive to improve both our membership and funding base.

Elaine Banton, Treasurer.

Appendix 1: Staffing

Karen Whitehead became Administrator on 1st December 2002 until 14th May 2003

Melanie West became Administrator/Development Officer on May 14th 2003 and is working 17.5 hours per week.

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 barristers' chambers and organisations, who have allowed us the use of their rooms for meetings:

- ◆ Doughty Street Chambers
- ◆ Matrix Chambers
- ◆ 36 Bedford Row Chambers
- ◆ Disability Rights Commission

Thank you to Bindman and Partners Solicitors for hosting the AGM in December 2003 and for Irwin Mitchell for sponsoring the event.

We would also like to thank our guest speaker, Shami Chakrabarti, for agreeing to come and speak to us.

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:

Kavita Bachada	Elected 2003	December	Director
Elaine Banton	Elected 2003	December	Treasurer
Ulele Burnham	Elected 2003	December	Director
Catherine Casserley	Elected 2003	December	Director
Tufyal Choudhury	Elected 2003	December	Director
Barbara Cohen	Elected 2003	December	Director
Tess Gill	Elected 2003	December	Director
Sarah Hannett	Elected 2003	December	Director
Karon Monaghan	Elected 2003	December	Chair
Gay Moon	Elected 2003	December	Director
Juliette Nash	Elected 2003	December	Director
Shah Qureshi	Elected 2003	December	Director
Catherine Rayner	Elected 2003	December	Director
Akua Reindorf	Elected 2003	December	Director
Tariq Sadiq	Co-opted	May 2004	Director

Attendance at meetings

Nine meetings of the Executive Committee were held between January and November 2004. Attendance figures are shown below.

Name	Possible	Apologies	Attended
Kavita Bachada	9	5	3
Elaine Banton	9	2	6
Ulele Burnham	9	3	3
Catherine Casserley	9	5	4
Tufyal Choudhury	9	2	7
Barbara Cohen	9	0	9
Tess Gill	9	3	6
Sarah Hannett	9	6	3
Karon Monaghan	9	3	6
Gay Moon	9	1	8
Juliette Nash	9	3	4
Shah Qureshi	9	5	4
Catherine Rayner	9	2	6
Akua Reindorf	9	2	3
Tariq Sadiq	5	3	0