



Discrimination Law Association

ANNUAL REPORT 2004-2005

**Presented to the
Annual General Meeting**

**Held at the offices of
Irwin Mitchell Solicitors
150 Holborn
London
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**On Monday 14th November 2005
At 6pm**

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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

This report relates to the period December 2004 to November 2005.

The DLA has grown from strength to strength as an effective force in the quest for proper equality protection for those facing discrimination of various kinds. As with last year, our efforts to respond to government consultation documents in areas affecting equality law and policy have been mammoth.

Members of the Executive Committee (EC) have given evidence to Parliamentary Committees and also seek to represent the interests of our membership by participation on the committees of variety of other related organisations (e.g. Equality and Diversity Forum). We have continued to provide a very helpful training and information exchange resource for our members via our Practitioner Group Meetings (PGMs) and, as ever, we provide commentary on recent legislative, case law and policy developments via our periodical journal, "Briefings". The sections which follow this overview demonstrate our steady progress as an organisation.

What, however, has been unique about this year has been the government's decision to conduct two wide-ranging reviews on precisely the kind of work the DLA aims to do: The Discrimination Law Review and the Equality Review. We, at the DLA, saw this as an important opportunity to influence the shape of equality law to come and organised our 6th National Conference, to be held on 12th December 2005, with the two reviews clearly in mind. We believe that the conference, "Re-imagining Equality: A Vision for the Future" - with its amazing array of speakers with different points of access to equality and discrimination law - will be the forum in which much of our membership can hear and think about new and better ways of securing equality. We will then seek to feed all of the thinking, provoked and distilled at the conference, back into the two reviews. We believe that we will then be ideally placed to build upon our developing reputation as a significant critical force in equality promotion and protection.

As chair, I would like to note, in bold, my indebtedness to members of the EC who have made it possible for the organisation to achieve many of its aims this year. The responsibility for Briefings continues to rest with our editor and EC member, Gay Moon. Gay, many thanks for your patience and fastidiousness. Thank you to Juliette Nash who has been responsible for the organisation of the PGMs and to Elaine Banton, our Treasurer, who continues to manage our finances superbly. I thank also the remaining EC members who have responded at short notice to desperate requests for help with responses to consultation and helped with other instrumental organisational tasks. This year would not have been the success it has been without your extremely hard work.

I do want, however, to express particular gratitude to Barbara Cohen, our vice-chair and Melanie Crofts, our administrator. Barbara has been the backbone (and at the forefront if both are possible) of the EC. Barbara, the organisation is privileged to have you as vice-chair, your commitment and vitality are unparalleled. Melanie, as all of us on the EC can testify, has offered the DLA a sterling service. Melanie, we would be at a loss without you.

A special thanks to all of those organisations and/or institutions which have allowed us to descend upon their premises, free of charge, for meetings and thank you also to those EC members who have helped to arrange those meetings.

Finally, thank you to our members for continuing to support the DLA. We look forward to seeing you at the conference and at other upcoming events.

3. Membership

The DLA has two categories of membership, associate membership for organisations, and individual membership. On 7th November 2005 DLA membership stood at 397, of whom 167 (42%) were associate members and 223 (56%) were individual members and 7 were complimentary members (2%). During the period November 2004 and November 2005 approximately 45 new members were recruited. In other words, 11% of our membership during this period has been recruited during the year.

4. Briefings and E-mail News

Briefings

The DLA Briefings come out three times a year in February, June and October. They aim to cover most of the major cases of relevance to discrimination practitioners with more detailed articles on areas of particular interest or new developments. The editorials seek to pick up on current issues in a thought provoking way. Given the time scale within which they are produced, they do not represent DLA policy on any particular issue but they do seek to reflect the concerns of those affected by discrimination.

The Briefings also carry news items and book reviews. It is wholly dependent on the contributions of members and we are very grateful for these.

Three issues of briefings (Volumes 24-26) have been published since the last Annual Report in December 2004 taking the total number of Briefings to 42. The increasing number of discrimination cases being reported means that we now have to be more selective about the cases that we report, focussing more on those in the higher Courts. This trend seems likely to continue.

The last year has seen articles on the impact of the new employment tribunal procedures, Gypsies and Travellers, employers liability for harassment by third parties, race discrimination in mental health care and treatment, an introduction to the Disability Discrimination Act 2005, consultation on the new Age Regulations and the report of the Immigration Race Monitor. The next year looks likely to be full of new issues for the Discrimination Law Association as it will encompass a new Equality Act, new Age Regulations as well as the outcomes of the Equality Review and the Discrimination Law Review.

We do get a small amount of revenue from advertising in the Briefings and we would welcome more.

The Briefings are edited by Gay Moon 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. We hold meetings every one or two months. The following meetings were held between December 2004 and November 2005:

- 18/01/05 – Third Party Liability
- 26/04/05 – The Burden of Proof in Discrimination Cases
- 25/07/05 – Goods, Facilities and Services Cases in Discrimination Law: County Court or Employment Tribunal?
- 07/09/05 - Age Discrimination: the Proposed Regulations
- 26/10/05 - Follow-up discussion on the Statutory Grievance and Dispute Resolution Procedures

We are extremely grateful to the Disability Rights Commission for hosting those meetings and providing so much support including video links to their Wales and Manchester offices. These meetings are generally very well attended.

The format of the meetings is either expert speakers (including lawyers in practice, Employment Tribunal chairs and trade union officers) followed by a open-floor discussion or a less formal information exchange on trends in practice.

This format has proved very popular and we have been told that the chance to discuss issues with fellow practitioners and the expert speakers is very helpful. The video link has ensured that members outside London are able to participate.

We want to thank all of our speakers this year who have provided such well thought-out and thought-provoking talks. We also want to thank everyone who has come and participated in our meetings.

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

6. Influencing Law and Policy

The period covered by this report has been an important time for discrimination law: while legislation offering protection on new grounds of sexual orientation and religion or belief was beginning to bite, further proposals to meet EC obligations were put forward for consultation, including draft regulations on age discrimination and regulations strengthening sex equality in the workplace. The Disability Discrimination Act 2005 strengthens protection against disability discrimination and will from 2006 impose a duty on public authorities to promote disability equality. Following earlier consultation, the Government introduced legislation to establish a single equality body, the Commission for Equality and Human Rights, extend protection against religious discrimination and give public authorities a duty to promote sex equality. Far more controversial has been the bill to create an offence of inciting religious hatred. As indicated below, the DLA has prepared submissions and briefings, in relation to all of the main proposals relating to equality and discrimination.

Early in 2005 the government announced a review of discrimination law, and the DLA has identified this review as the main focus for its policy work in the coming months. The main aim of the forthcoming DLA conference “Re-Imagining Equality: a Vision for the Future” is to stimulate thinking amongst DLA members and others about the strengths and weaknesses of current laws in order to make effective contributions to the discrimination law review.

Policy submissions

Our last Annual Report included details of written submissions to November 2004. During the period 1 December 2004 to 30 November 2005, the DLA has made written submissions in response to the following consultations and proposals for new or revised legislation and policies;

- Increasing Diversity in the Judiciary
- Amendments to the Employment (Sexual Orientation) Regulations 2003

- Equality And Diversity: Updating The Sex Discrimination Act 1975 – Draft Employment Equality (Sex Discrimination) Regulations 2005
- CRE Draft Code of Practice on Housing
- Employment Equality (Age) Regulations 2006: consultation on draft regulations
- Disability Discrimination Act: Definition of Disability: consultation on draft guidance
- Joint Committee on Human Rights – Concluding Observations of UN Committee for the Elimination of Racial Discrimination on the UK 17th Report; the DLA also gave oral evidence on this issue to the Joint Committee.

Legislation in Parliament

The government introduced two bills during 2004-5 which raised important issues relevant to the aims and main concerns of the DLA.

- ***The Equality Bill*** will establish the Commission for Equality and Human Rights (CEHR); the Bill proposes an extension of protection against discrimination on grounds of religion or belief to goods, facilities and services and functions of public authorities and would impose a duty to promote equality on grounds of sex on public authorities. The DLA prepared a detailed briefing to the House of Lords for Second Reading of the Equality Bill raising concerns about the CEHR's independence as well as its structure and functions. Some of our concerns were acknowledged by the government in their amendments, but many issues remain; the DLA prepared a further briefing for Report Stage in the Lords recommending amendments to all three parts of the Bill. The DLA supported the amendment to extend protection against sexual orientation discrimination.

- ***The Racial and Religious Hatred Bill*** was the government's third attempt to create a new offence of inciting religious hatred. The DLA agreed with the overall aim: to protect the members of any group defined by religious belief, or lack thereof, from having hatred stirred up against them. In a detailed briefing, the DLA sought to put this proposal into a wider context, referring to the harmful impact on British Muslims of the use of anti-terrorism legislation and arguments for more draconian measures, the under-use or inappropriate use of existing criminal law that could offer protection, and the need to encourage, rather than discourage, debate and challenge to religious dogma and the rights of minority groups (women and sexual minorities) within faith-based groups. The DLA proposed a comprehensive amendment that would protect believers or non-believers, as distinct from protecting their beliefs, which would significantly lessen the potential "chilling effect" on legitimate debate that the Bill as initially drafted, could have.

In addition, Marsha Singh MP introduced as a private member's bill, the Employment Tribunals (Representation and Assistance in Discrimination Proceedings) Bill. This bill followed his Early Day Motion highlighting the lack of assistance currently available to discrimination claimants, including from any of the equality commissions. At last year's AGM the DLA agreed to give priority attention to this issue. We commented on an early draft of the bill and have continued to be involved in discussions regarding the problems identified in the EDM and this bill.

The DLA involvement in policy initiatives and legislation has been at all levels, including detailed written submissions, oral evidence, 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 is often contacted by MPs and Peers on discrimination law issues and the views of the DLA are sought by the Commission for Racial Equality, the Equal Opportunities Commission and the Disability Rights Commission on policy and legal issues.

We have been represented on the Equality and Diversity Forum by Tufyal Choudhury and on the Employment Appeal Tribunal's Users Group by Shah Qureshi. 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).

7. Organisational Development and Funding

Financially the period 2004/2005 has continued the good progress made over the last year and has seen the DLA consolidate on the previous years' work. Membership as usual remains the main source of income for the DLA and efforts continue to increase the DLA membership. Enquiries in relation to attaining charitable status, which will hopefully open additional avenues of funding for the organisation, remain ongoing.

Positively, the DLA has built on the improvements from last year and from a small net surplus of £187 has increased this to £6,603. Every effort is being made to continue to further reduce expenditure in our running costs. Nonetheless, we believe it remains important to invest in important ventures such as our forthcoming 6th National conference to be held on 12 December 2005.

Income for this year stands at £29,700. Expenditure this year has reduced to £23,097, as compared to last year's £35,094, with the bulk of expenditure going on staff and administration costs. Our current monies in the bank are approximately £1,083.43. An additional £17,787.39 is held in the savings account. We have also changed the savings accounts to one which attracts a higher rate of interest.

Summary

We remain financially stable. We will continue to strive to improve both our membership and funding base and reduce expenditure where possible.

Elaine Banton, Treasurer.

Appendix 1: Staffing

Melanie Crofts 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:

- ◆ Matrix Chambers
- ◆ Doughty Street Chambers
- ◆ Tooks Chambers
- ◆ 36 Bedford Row Chambers
- ◆ Disability Rights Commission
- ◆ Webster Dixon Solicitors
- ◆ Central London Law Centre
- ◆ Old Square Chambers

Thank you to Irwin Mitchell Solicitors for hosting the AGM in December 2004 and printing the annual report.

Thank you to Tooks Chambers for printing the ballot papers and nomination lists for the last AGM.

We would also like to thank our guest speaker, Conor Gearty, 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:

Elaine Banton	Elected 2003	December	Treasurer
Ulele Burnham	Elected 2004	December	Chair
Catherine Casserley	Elected 2004	December	Director
Tufyal Choudhury	Elected 2004	December	Director
Barbara Cohen	Elected 2004	December	Director
Tess Gill	Elected 2004	December	Director
Sarah Hannett	Elected 2004	December	Director
Tamara Lewis	Elected 2004	December	Director
Aileen McColgan	Elected 2004	December	Director
Karon Monaghan	Elected 2004	December	Director
Gay Moon	Elected 2004	December	Director
Juliette Nash	Elected 2004	December	Director
Shah Qureshi	Elected 2004	December	Director
Catherine Rayner	Elected 2004	December	Director

Attendance at meetings

Nine meetings of the Executive Committee were held between January and November 2005. Attendance figures are shown below.

Name	Possible	Apologies	Attended
Elaine Banton	10	2	8
Ulele Burnham	10	3	7
Catherine Casserley	10	3	5
Tufyal Choudhury	10	2	7
Barbara Cohen	10	2	8
Tess Gill	10	2	5
Sarah Hannett	10	5	3
Tamara Lewis	10	5	5
Aileen McColgan	10	4	4
Karon Monaghan	10	4	2
Gay Moon	10	1	9
Juliette Nash	10	1	9
Shah Qureshi	10	1	9
Catherine Rayner	10	2	2