



**ANNUAL REPORT
2007-2008**

**Presented to the
Annual General Meeting**

**Held at
Doughty Street Chambers, London**

**On 9th December 2008
At 6pm**

Discrimination Law Association

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

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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 8th July 2008 the Association was granted charitable status.

Aims

The Discrimination Law Association was established to promote good community relations by the advancement of education of the general public in the field of anti-discrimination laws and practices.

2. Overview and Chair's Report

This report relates to the period December 2007 to November 2008

The past twelve months have been a busy and active time in the equality and discrimination field. The DLA has remained active in the battle to secure effective equality protection.

Access to justice has continued to be an area of growing concern and focus of our work during the past year. We have campaigned to bring to the attention of Government, statutory equality bodies and others, the impact of changes to Legal Services Commission funding in civil cases on publicly funded representation in discrimination cases. The experience of our members provided us with the knowledge and expertise to highlight the inadequacies of the current approach, even within its own terms, for ensuring proper legal support and advice to victims of discrimination. We were able to meet with the Parliamentary Under Secretary of State for Justice, Lord Hunt, to discuss with him our concerns regarding this – and we were able to usefully draw on the experience of our members for the meeting. This will undoubtedly continue to be an issue in the future.

We have also been active in raising awareness of the Lords' decision in London Borough of Lewisham v Malcolm, and in gathering together the experiences of our members of its impact on disability discrimination claims. We will continue to lobby for changes to the Disability Discrimination Act 1995 and/or for the provisions in the Equality Bill to ensure that the protection afforded by disability related discrimination pre Malcolm is restored.

In addition, representations were made on the proposed directive in goods and services, covering disability, religion or belief, age and sexual orientation. The passage of this directive is critical to the future of UK discrimination law.

The Executive Committee has been able to do much of what it has achieved this year primarily because of the good will and dedication of its members and the incredible support provided by our administrators. While in post, Cassandra Balchin worked hard to help us increase our profile and find technological solutions to overcome perceptions that we are a Londoncentric organisation. We said a fond farewell to her in May 2008 when she left to take up another employment opportunity. Our new administrator, Sharon Morris, comes with significant experience of the

challenges of working in the NGO sector. Sharon has contributed a vast amount in what has been a very challenging - both practically and financially – time, and we are extremely grateful for her contribution and support.

This year has seen the redesign and relaunch of our website, and DLA gaining charitable status. In addition, we appointed an independent contractor to edit DLA Briefings – Geraldine Scullion.

Like many other organisations, however, DLA has faced considerable challenges this year. In particular, we have continued to see a drop in membership. This, combined with the costs of recruiting a new administrator, moving the DLA “office”, replacing failing IT equipment and recruiting an editor for Briefings, has left DLA in a very difficult financial position going into the next year. Whilst a membership drive increased numbers, DLA is still likely to need significant funding in the coming year to effectively continue with its work – and the next year will be critical to the future of equality legislation given the government’s continued intention to produce a single equality act. We have, reluctantly, had to increase membership fees for the next year, to reflect the greater expense of running the organisation.

The experience, expertise and passion for equality of our members remain the driving heart of the DLA. We want to ensure that we are able to harness that energy, providing opportunities for them to be involved in our activities, particularly members outside London, and to attract new members. We are also seeking funding for a specific project to enable us to fully engage with the Equality Bill when it is published next year.

Members of the Executive Committee continue to put in the time and effort needed to sustain our work over the past year. Without the reliance I have been able to place on our astonishingly energetic Vice-Chair, Barbara Cohen, I would not have been able to give the organisation much of value. Until Geraldine Scullion took over the editorship, Gay Moon had superbly edited our journal *Briefings*. Practitioner Group Meetings have been organised by Juliette Nash and Michael Reed. Sophie Garner has given us the benefit of her expertise on our proposed charity application – which was successful. In addition, Elaine Banton has continued to be a sterling treasurer in difficult times.

We also owe thanks to Roger Bronkhurst who assisted us with our application for charitable status.

I started off in this paragraph attempting to highlight all of the contributions made by each Executive Committee member. Fortunately,

contributions have been so extensive, both to academic and practitioner issues, that it would be impossible to list them all here. It has been a privilege to be chair of this organisation and of this Executive Committee. Many thanks to you all.

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 – in particular, Webster Dixon, who hosted the Executive Committee meetings until recently, and to Bindmans, which now hosts them. Thank you also to those Executive Committee members who have helped to arrange those meetings. We thank 7 Bedford Row chambers and Russell Jones & Walker for generously hosting Practitioner Group Meetings.

Finally, thank you to our members for continuing to support the DLA. We look forward to seeing you at the wide range of events we have planned for the New Year.

3. Membership

As of 30th November 2008, DLA membership stood at 314, made up of:

- 106 solicitor/barristers
- 8 large solicitors firms
- 10 medium solicitors firms
- 12 small solicitors firms
- 67 voluntary orgs/law centres
- 17 national orgs
- 1 commercial Co.
- 68 individual – other (including academics, trainers, consultants)
- 25 student/unwaged

Included in these figures are 8 complimentary members.

The DLA has two categories of membership: associate membership for organisations and individual membership. In this period, 64% of our membership was made up of individuals and 36% of associate members. A total of 142 new members and members returning to the DLA after a break in membership were recruited during the period 12 November 2008 – 12 November 2007. In other words, 44% of our membership during this period is attributable to new or returning members.

4. Briefings and E-mail News

Briefings

The DLA Briefings come out three times a year. 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, because of 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 33-35) have been issued since the last Annual Report in December 2007, containing a total of 42 Briefings. The number of discrimination cases being reported continues to grow which makes selection of cases to comment on more difficult and this trend seems likely to continue.

The next year looks likely to be full of new issues for the Discrimination Law Association. Perhaps most importantly it will see the introduction of a new Equality Bill.

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

During the year we have been fortunate to welcome a new editor, Geraldine Scullion. The briefings are typeset by Alison Beanland.

E-mail News & Information Circulation

Over the last year, we have circulated 13 issues of the DLA's E-mail 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 the 30th November 2008 we had 502 recipients on our e-news mailing list, and therefore directly receiving our e-news.

5. Practitioner Group Meetings

The DLA has continued to run an exciting programme of PGMs this year. Highlights have included John Halford, of Bindmans, explaining the scope of Public Equality Duties; *Lewisham v Malcolm*, with Catherine Casserley of Cloisters, who acted for the intervening EHRC and Karon Monaghan, Matrix, who spoke on the higher courts's approach to equality issues.

We are extremely grateful to all of our speakers. We would also like to thank Russell Jones and Walker, and 7 Bedford Row who have hosted meetings this year.

If you have an idea for a meeting, please let us know.

List of CPD accredited events held by DLA 01 November 2007 – 31 October 2008

DATE	LOCATION	TITLE	SPEAKERS	CPD HOURS	BSB* accred?
28/11/08	Irwin Mitchell Solicitors	EHRC	John Wadham	2	√
8/7/08	Bedford Row Chambers	Malcolm and the DDA	Catherine Casserley	2	√
16/9/08	RJW	Backlash? Are the Higher Courts Undermining Hard Won Legal Principles of Discrimination Law	Karon Monaghan	2	√
7/10/08	RJW	Using the discrimination public duties in public and private litigation	John Halford	2	√

* Bar Standards Board, CPD points currently being applied for. All PGMs were accredited by the Solicitors Regulation Authority.

6. Influencing Law and Policy

During the period covered by this report, the DLA has engaged in dialogue and written and oral submission on a range of matters that raise significant equality issues. Where there were matters which we recognised as being of concern to other organisations, for example in relation to discrimination in the exercise of police powers or to new proposals to control immigration. In developing our submissions we were able to collaborate or to share information.

The new single equality body, the Equality and Human Rights Commission (EHRC), opened its doors in October 2007. John Wadham, EHRC Group Director – Legal, spoke at our AGM in November 2008. He gave us a general introduction to the ways in which the Commission intended to use its legal powers. In the following months the DLA participated in discussion regarding the EHRC’s draft legal strategy for 2008-9.

The two main issues that had dominated our work during 2007-8, the Discrimination Law Review and proposals for a single equality bill, and access to justice for victims of discrimination remained priorities.

With regard to the impact of changes to legal aid on discrimination victims’ access to legal advice and assistance, following our detailed written submissions, we met with Lord Hunt, Parliamentary Under Secretary of State for Justice, who was accompanied by officers from the Legal Services Commission (LSC), and set out our concerns that the new funding scheme would severely reduce the availability of skilled legal advice for cases involving discrimination. We were told that “genuinely” complex and lengthy discrimination cases could be treated as exceptional cases outside the strict funding limits. However, despite further correspondence from Lord Hunt seeking to allay our fears relating to the new time/cost limits, we remain unconvinced that the new funding regime will accord the victims of unlawful discrimination proper access to justice. The DLA plans to continue to monitor this issue carefully amongst its members both within the not-for-profit sector and private practice.

Consultation on the recommendations of the Discrimination Law Review concluded in early September 2007. The DLA and other organisations spent much of the following year waiting to know the government’s response to the consultation and more concrete proposals for the single equality bill. There was a White Paper, “Framework for Fairness” in May

2007 which outlined some of the main areas in which the Equality Bill would introduce change to current law, and in July 2007 the Government Equalities Office published The Equality Bill: Government Response to the Consultation, in which they explained their decisions on some more detailed issues - and reasons to accept or reject what organisations like DLA had said. Since then the DLA has been involved in seminars, workshops, conferences and quite specific consultations on some of the outstanding issues, including public sector equality duty, equal pay, definitions in relation to disability discrimination, positive action and procurement.

The real work on the Equality Bill lies ahead. It will be included in the Queen's Speech and should be introduced early in 2009. From that date there will be an urgent call for all DLA members to engage in assessing the impact of its provisions, contributing to DLA briefings, identifying where amendments are needed and raising our concerns with local MPs.

DLA Submissions

DLA made the following written submissions during 2007-8, all of which can be downloaded from our website:

- **Independent Police Complaints Commission draft guidelines on the investigation of complaints of discrimination - joint DLA and Police Action Lawyers' Group submission**
- **European Commission Proposal for a new Directive prohibiting discrimination outside employment on grounds of disability, religion or belief, age and sexual orientation**
- **Ethnic minority under-representation in Parliament**
- **Legal Complaints Service: the publication of solicitors' complaints records**
- **The Path to Citizenship**
- **Government Equalities Office consultation: women only shortlists**
- **DWP inquiry on disability and the Equality Bill**

In addition to the above, the DLA is often consulted informally and invited to engage in relevant policy debates. During this period this has included meetings with senior government officials, participation in seminars concerning the Equality Bill organised by the Equality and Diversity Forum and the Fawcett Society and informal discussion with trade unions and voluntary organisations as well as speaking at conferences and meetings. We have been consulted by, and engaged with, the media and have welcomed the opportunities to collaborate with other

organisations. We have identified, and assisted others to identify, the ways in which government policies across a range of issues often raise real concerns regarding the impact on equality.

DLA was invited by the Employment Law Bar Association (ELBA) to organise a joint seminar at the Bar Council's Annual Conference, to look at the different issues raised by the prohibition of discrimination in relation to religion and belief, offering lawyers a rare opportunity to debate this issue.

DLA is represented on the Equality and Diversity Forum, and we are part of the Access to Justice campaign. As a member of UK Race & Europe Network (UKREN) we continue 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 April 2007 to March 2008 has seen many changes and challenges. Membership remains the main source of income for the DLA and greater efforts have been made to increase the DLA membership as well as widen other sources of funding for the DLA. This year charitable status was achieved, which will hopefully open additional avenues of funding for the organisation to grow.

This year the DLA has moved from a modest surplus of £1,028 last year to a deficit of £5,569. Additional costs of recruiting a new administrator, moving the DLA "office", replacing failing IT equipment, new web design and recruiting an editor for Briefings have seen expenditure increase from last years' £25,730 to £27,124.

Efforts are being made to further reduce expenditure in our running costs without compromising on the level of service offered to members.

Income for this year stands at £21,555 which is a reduction from last years' £26,758. Membership income has continued to reduce, from last years' £22,448 to £20,437. We are currently having a recruitment drive and will be increasing subscriptions as other similar organisations have done. It is our intention to increase subscriptions in the following way:

Existing Rates

	Direct Debit	Cheque/BACS/WorldPay
Individual membership		
<input type="checkbox"/> Practising barristers and solicitors	£60	£65
<input type="checkbox"/> Full-time students and unwaged	£15	£15
<input type="checkbox"/> All other individuals	£40	£45
Associate membership		
<input type="checkbox"/> Voluntary Organisations (including Law Centres)	£45	£45
<input type="checkbox"/> National Organisations (including Trade Unions, public bodies, & local authorities)	£175	£200
<input type="checkbox"/> Solicitors' firms (2 – 5 partners)	£85	£95
<input type="checkbox"/> Solicitors' firms (6 – 25 partners)	£125	£145
<input type="checkbox"/> Solicitors' firms (26+ partners)	£200	£225

Proposed Rates

	Direct Debit	Cheque/BACS/ WorldPay
Individual membership		
<input type="checkbox"/> Practising barristers and solicitors	£75	£80
<input type="checkbox"/> Full-time students and unwaged	£15	£15
<input type="checkbox"/> All other individuals	£55	£60
Associate membership		
<input type="checkbox"/> Voluntary Organisations (including Law Centres)	£55	£60
<input type="checkbox"/> National Organisations (including Trade Unions, public bodies, & local authorities)	£215	£225
<input type="checkbox"/> Solicitors' firms (2 – 5 partners)	£100	£110
<input type="checkbox"/> Solicitors' firms (6 – 25 partners)	£150	£160
<input type="checkbox"/> Solicitors' firms (26+ partners)	£240	£250

Summary

We will strive to improve both our membership and widen our funding base whilst reducing expenditure where possible.

Elaine Banton, Treasurer.

Appendix 1: Staffing

Cassandra Balchin became the DLA Administrator/Development Officer in March 2007, and left in May 2008, when she was replaced by Sharon Morris.

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:

- ◆ Webster Dixon Solicitors
- ◆ 7 Bedford Row, London
- ◆ Doughty Street Chambers

Thank you to Doughty Street Chambers for hosting the AGM in December 2008 and for sponsoring the refreshments.

Thank you to Bindmans Solicitors for printing the Annual Report for the 2008 AGM.

We would also like to thank our guest speaker, Richard Light OBE, 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:

Elaine Banton	Elected 2007	November	Treasurer
Nick Bone	Elected 2007	November	Director
Ulele Burnham	Elected 2007	November	Director
Catherine Casserley	Elected 2007	November	Chair
Tufyal Choudhury	Elected 2006	November	Director
Barbara Cohen	Elected 2006	November	Director
Sophie Garner	Elected 2006	November	Director
Kiran Daurka	Elected 2006	November	Director
Tamara Lewis	Elected 2006	November	Director
Gay Moon	Elected 2006	November	Director
Juliette Nash	Elected 2006	November	Director
Shah Qureshi	Elected 2006	November	Director
Michael Reed	Elected 2006	November	Director
Eleanor Williams	Elected 2006	November	Director

Attendance at meetings

12 meetings of the Executive Committee were held between December 2007 and November 2008. Attendance figures are shown below.

Name	Apologies	Attended
Elaine Banton	4	7
Nick Bone*	5	0
Ulele Burnham	5	5
Catherine Casserley	1	10
Tufyal Choudhury	3	5
Barbara Cohen	1	10
Sophie Garner	6	5
Kiran Daurka	3	8
Tamara Lewis	4	7
Gay Moon	4	7
Juliette Nash	3	8
Shah Qureshi	3	8
Michael Reed	4	6
Eleanor Williams	3	1

* Note Nick Bone resigned in August 2008