



**ANNUAL REPORT
2008-2009**

**Presented to the
Annual General Meeting**

**Held at
Irwin Mitchell Solicitors
40 Holborn Viaduct
London, EC1N 2PZ**

**On Weds 2nd December 2009
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 2008 – December 2009

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.

In January 2009, we held a very successful and stimulating debate entitled "Where is the British Obama: The Diversity and Democracy Debate". The debate also raised much needed funds for our work. We extend our thanks to Diane Abbott MP, Sunder Katwala from the Fabian Society, Kwame Kwei-Armah, and Simon Woolley from Operation Black Vote for providing such an inspiring discussion, and Rabinder Singh QC for chairing the event.

The majority of our law and policy work has been focussed on the Equality Bill. We have contributed to a wide number of consultation documents arising from or feeding into the bill; have held consultation events; and have submitted a list of our concerns to the bill committee. In addition, we have made submissions on the European proposed directive.

Like many other organisations DLA has faced considerable challenges this year. We had, as experienced last year, a drop in our membership numbers. DLA continues to be in a perilous financial situation, and needs significant funding in the next year to effectively continue with its work – and the coming year will be critical to the future of equality legislation given the passage of the equality bill and potentially a new government with new legislation on the horizon.

Sharon Morris, our administrator, has contributed a vast amount to the work of the DLA in what has been a very challenging - both practically and financially – time, and we are extremely grateful for her contribution and support.

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. PGMs have been organised by Juliette Nash and Michael Reed. Sophie Garner has given us the benefit of her expertise in funding applications, as has Gay Moon. In addition, Elaine Banton has continued

to be a sterling treasurer in difficult times – and as she is standing down from the Executive, I would particularly like to thank her for her work over many years.

The contributions by the Executive members to the workings of DLA 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.

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, Eversheds, Doughty Street and Cloisters Chambers, who contributed to the January debate in kind; to Bindmans which hosts our Executive Committee meetings; and to Russell Jones and Walker and Bedford Row, as well as Freshfields, which have hosted our Practitioner Group Meetings. Thank you also to those Executive Committee 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 wide range of events we have planned for the New Year.

3. Membership

As of 30th November 2009, DLA membership stood at 298, made up of:

- 100 solicitor/barristers
- 6 large solicitors firms
- 5 medium solicitors firms
- 7 small solicitors firms
- 61 voluntary orgs/law centres
- 21 national orgs
- 1 commercial Company
- 69 individual – other (including academics, trainers, consultants)
- 28 student/unwaged

The DLA has two categories of membership: associate membership for organisations and individual membership. In this period, 66% of our membership was made up of individuals and 34% of associate members. A total of 29 (compares with 142) new members were recruited during the period 12 November 2009 – 12 November 2008. New members constitute 10% of our membership base.

Overall membership is slightly down as compared with last year, when we had 314 members. Losses have occurred within most membership categories, but the small and medium sized law firms plus voluntary organisations have been the categories that have seen the biggest losses. The reason for all but one of our non-renewals this year has been lack of funding or a need to reduce expenditure.

4. Briefings and E-mail News

Briefings

This year the DLA has produced 3 editions of *Briefings* (Volumes 36-38) which included 40 briefings - 10 articles and 30 case reports. The articles reflected important legal and political developments in the UK and further afield; for example the development of the Equality Bill, the UK's adoption of the UN Convention on the Rights of Persons with Disabilities and the impact of the election of President Barack Obama as discussed in the DLA's 'British Obama' debate. The case reports reflected important issues in discrimination law, for example as developed by the ECJ in relation to age discrimination or the concept of 'associative' discrimination as well as important cases where public sector equality duties have been tested by judicial review in the administrative courts. This year *Briefings* was given an ISBN number which means that it can be held in the British Library and other libraries.

Potential for development in the coming year includes wider coverage of non-employment discrimination cases such as county court or Special Educational Needs Tribunal cases, and more regular book reviews. The increase in circulation which will be achieved from November through the subscription of 900 members of the Citizens' Advice Bureau is welcome. A wider readership could encourage more advertising in *Briefings* which in turn would increase revenue.

Briefings is wholly dependent on the contributions of the membership and I am very grateful for these. I am also grateful for the support and expertise of Alison Beanland who designs and typesets *Briefings*.

Geraldine Scullion, Editor

E-mail News & Information Circulation

Over the last year, we have circulated 9 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 2009 we had 370 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. We are extremely grateful to all of our speakers. We would also like to thank Russell Jones and Walker, Freshfields 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 December 2008 – November 2009

DATE	LOCATION	TITLE	SPEAKERS	CPD HRS	BSB* accred
15/1/09	Freshfields	Redundancy and discrimination	Kathleen Healy, Elizabeth Graves and Susan Doris	2	√
10/3/09	RJW	Developments in age and retirement law	Declan O'Dempsey	2	√
2/4/09	RJW	Equal pay	Daphne Romney	2	√
28/4/09	DLA Piper	Taxation issues involved in employment litigation	Anne Fairpo	?	?
5/5/09	RJW	Maximising a schedule of loss	Naomi Cunningham	2	√
7/7/09	7 Bedford Row Chambers	Discrimination claims against the police and other criminal justice bodies'	Henrietta Hill	2	√
1/10/09	7 Bedford Row Chambers	Disability discrimination: definitions and dangers.	Declan O'Dempsey	2	√
4/11/09	7 Bedford Row	Who is covered by the religion or belief regulations	Shah Qureshi	2	√

6. Influencing Law and Policy

Influencing law and policy has been a top priority for the DLA during the period covered by this report. Leading up to the introduction of the Equality Bill we continued discussions with government and with member organisations and others regarding the content of the Bill. In our response to a consultation on the proposal to apply indirect discrimination to disability we highlighted the problems that that might entail and recommended ways in which the Bill could overcome the weakened legal protection for disabled people following the House of Lords decision in *Malcolm*. We responded to a 'last minute' consultation by the Government Equalities Office (GEO) on their proposal to include in the Bill a new strategic socio-economic duty; our concerns included the breadth of the concepts, the lack of clarity, the risk of dividing communities and difficulties of enforcement.

Our direct work on the Equality Bill began as soon as it was introduced on 24 April 2009. Drawing on the expertise of DLA members, we have tried to ensure that the implications of the provisions in this very long and complex Bill are well-understood by MPs and the wider public; we submitted a detailed list of concerns for consideration by the House of Commons Committee to assist their detailed scrutiny of the Equality Bill.

We welcomed the Government's recognition, following our previous submissions, that multiple discrimination is the reality of people's lives and requires legislative protection; we submitted detailed argument seeking to persuade the GEO not to limit protection to direct discrimination on the combination of two grounds; the need for protection against harassment and indirect discrimination on combined grounds is equally great. We sought to correct a misunderstanding regarding comparators and to allay fears that the GEO was envisioning. Our arguments and those of many other organisations have not yet prevailed, and the Bill has now been amended, as proposed, to incorporate only direct discrimination on a combination of two protected characteristics.

The DLA submitted a detailed response to the GEO consultation on proposals for specific duties to accompany the Equality Bill's proposals for a public sector equality duty. We expressed our concerns that the proposed 'flexible' approach could result in some public authorities avoiding difficult challenges. We foresaw a real risk that without elements of current equality duties that have proved effective, such as equality schemes, staff training and equality impact assessments, the equality duty could be marginalised rather than strengthened.

Throughout the whole of this reporting period the DLA has been invited to participate in numerous conferences and seminars relating to the Equality Bill organised by voluntary sector bodies, the Joint Committee on Human Rights, the Equality and Diversity Forum and training organisations; we have used these opportunities to help public, private and voluntary sector organisations to understand what the Bill says -- and what it does not say.

The DLA has engaged in dialogue and written and oral submission on a range of matters with implications for equality. Where we are aware that certain matters are also of concern to other organisations, in developing our submissions we have tried to collaborate or to share information and analyses. This has been our preferred approach for much of our work on the Equality Bill, sharing ideas with trade unions, equality groups and other NGOs. Another example was our collaboration with the Migrants Rights Network in preparing our response to the consultation, "Earning the Right to Stay" in which we criticised a proposed points-based scheme for access to citizenship identifying aspects that would be likely to have an adverse effect on certain protected groups.

The DLA has maintained its interest and involvement in the development of anti-discrimination laws in the EU. We submitted detailed comments in a UK government consultation on the draft EC Directive that would add protection against discrimination beyond employment for disability, age sexual orientation and religion or belief. We drew attention to the points of difference between the Directive and the Equality Bill, noting that if the Directive is approved changes will be necessary in the Equality Bill,

We foresee no possible reduction in our work on the Equality Bill while it completes its passage in parliament. Pressure on parliamentary time will be great, and DLA will work with others to try to avoid the loss of important provisions in the run-up to the General Election.

DLA Submissions

DLA made written submissions on the following during 2008-9, all of which can be downloaded from our website:

- UK consultation on proposed EC Directive for equal treatment outside of employment on grounds of disability, religion or belief, age and sexual orientation
- GEO consultation on Specific Duties
- Earning the Right to Stay
- Equality Bill: Assessing the impact of a multiple discrimination provision.
- Single Equality Bill Submission to House of Commons Committee
- Proposed Duty on Public Authorities to promote Socio-economic Equality
- Indirect Discrimination in Disability

DLA is represented on the Equality and Diversity Forum, and we have been a 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

Organisational Development

In terms of organisational development, 2008-2009 saw the transition of DLA into a charitable organisation. Thanks go to Roger Bronkhurst, DLA member for his invaluable assistance and guidance in the process.

Work has been done over the year in familiarising the Executive Committee (now also charity trustees) with their duties and responsibilities, and taking steps towards using DLA's charitable status to increase our income through grant applications and other means. By the end of the year the process of compiling a business plan had been initiated, and the process had involved directing the Executive Committee's minds to what specifically the DLA should be aiming to achieve, and how it can best serve the needs of the beneficiary group in the forthcoming 3 year period.

It is intended that by the end of the next financial year a 3 year development plan will be in place and operational, and that the first applications for funding will have borne fruit.

Sophie Garner

Funding

Financially the period April 2008 to March 2009 has seen many changes and challenges. Membership remains our main source of income and we received have a small amount advertising income for adverts carried in Briefings and e-news. The fundraising debate successfully raised £2080.

This year overheads have been reduced by reducing the admin support in the office.

Income for this year is £29,357, which was better than last year (£21,555) and 2006-2007 (£26,758). This increase has been attributable to membership, a higher level of advertising, and a high level of donations which was largely from people unable to attend the debate, but wanting to support the DLA. The DLA was registered for gift aid during this financial year, meaning that donations were topped up by £281.73.

Over the forthcoming year we will continue to keep overheads to a minimum, seek grant funding, aim to increase advertising revenue, obtain more donations and start a subscription service for Briefings.

Elaine Banton, Treasurer.

Appendix 1: Staffing

Sharon Morris became the DLA Administrator/Development Officer in May 2008, and continues to remain in 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:

- ◆ Bindmans Solicitors
- ◆ Russell Jones and Walker
- ◆ 7 Bedford Row, London
- ◆ Doughty Street Chambers

Thank you to Irwin Mitchell for hosting our AGM in December 2009 and for sponsoring the refreshments.

Thank you to Doughty Street Chambers for printing the Annual Report for the 2009 AGM.

We would also like to thank our guest speaker, Maleiha Malik, 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
Ulele Burnham	Elected 2007	November	Director
Catherine Casserley	Elected 2007	November	Chair
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
Peter Reading	Elected 2008	December	Director

Attendance at meetings

9 meetings of the Executive Committee were held between December 2008 and November 2009. Attendance figures are shown below.

Name	Apologies	Attended
Elaine Banton	6	3
Ulele Burnham	2	3
Catherine Casserley	2	7
Barbara Cohen	1	8
Sophie Garner	3	4
Kiran Daurka	2	2
Tamara Lewis	3	6
Gay Moon	2	7
Juliette Nash	2	5
Shah Qureshi	4	4
Michael Reed	4	4
Peter Reading	2	6