

ANNUAL REPORT 2013-2014

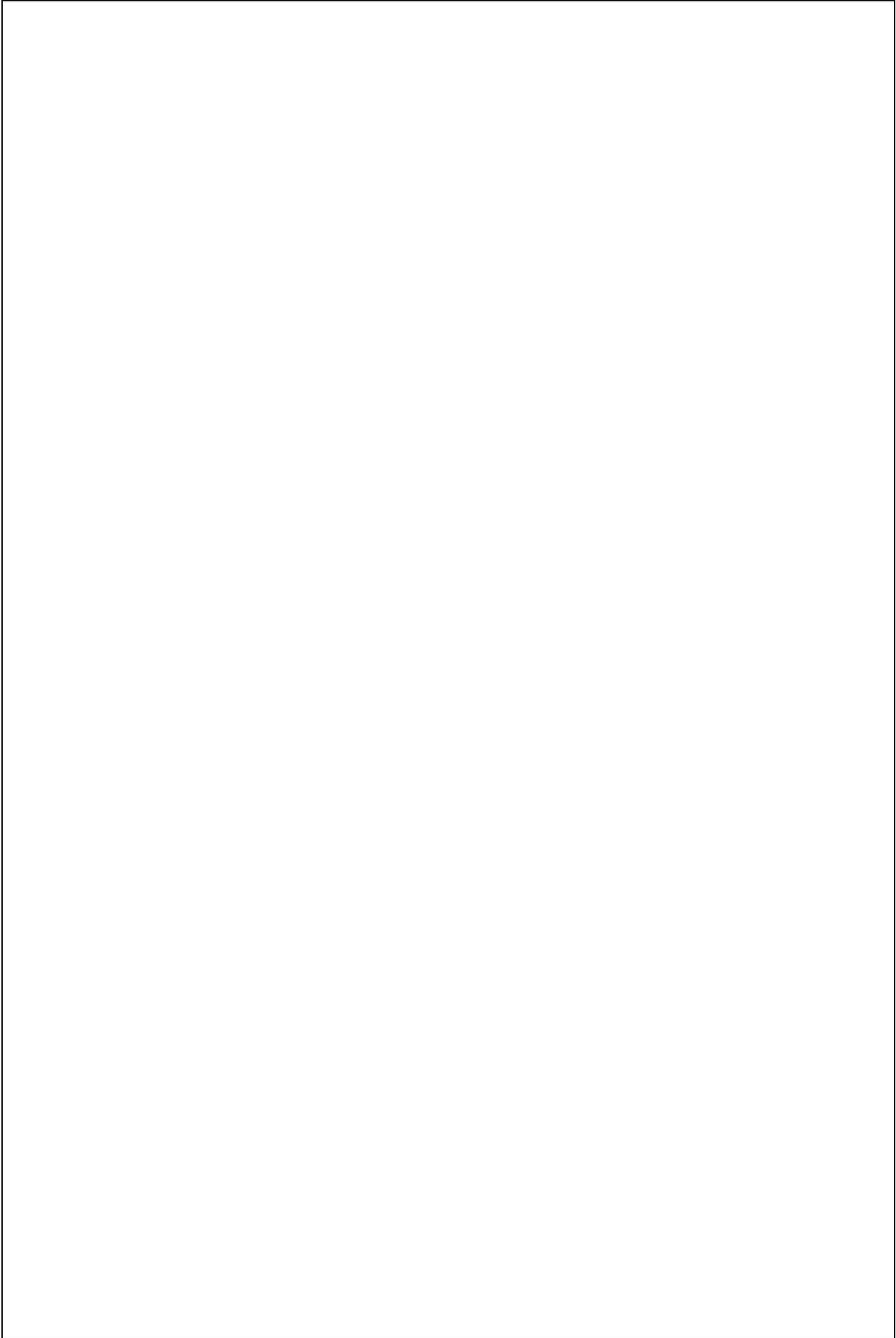
**Presented to the
Annual General Meeting**

**Held at
Cloisters Chambers
Temple
London EC4Y 7AA**

**on Wednesday 21st January 2015
at 6:00pm**

Discrimination Law Association

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



Contents

| Section | Subject | Page |
|-------------------|----------------------------------|-------------|
| 1. | History and Aims | 5 |
| 2. | Overview and Chair's Report | 6 |
| 3. | Membership | 8 |
| 4. | <i>Briefings</i> and E-mail News | 9 |
| 5. | Practitioner Group Meetings | 10 |
| 6. | Influencing Law and Policy | 11 |
| Appendix 1 | Staffing | 14 |
| Appendix 2 | Support and Thanks | 14 |
| Appendix 3 | Executive Committee | 15 |

1. History and Aims

At a time when much of the public funding for supporting victims of discrimination has either been removed or is under serious threat, the Discrimination Law Association remains fully committed to advocate and support a complainant-centred approach to anti-discrimination law and practice.

The DLA was founded in 1995 for the purpose of advocating for better legal protection for complainants in discrimination law through engaging with the political and legislative process and improving education and increasing resources for those involved in practice.

From the start, strong emphasis has been placed on the important role of the voluntary sector and trade unions, and that remains the case today.

In 1998 a three-year grant was received from the Community Fund which enabled us to employ a part-time member of staff to assist us in our activities, and we have continued to do so ever since, even though we are now self-sufficient.

In 1999 we were incorporated as a company limited by guarantee.

In 2008 the Association was granted charitable status. Our charitable aims are to promote good community relations by improving the assistance and support given to people who are or may be subjected to discrimination and to advance education and training in the field of legal representation for people who are or may be subjected to discrimination.

The DLA acts as a forum of lawyers and advisers and others who deal with discrimination law in considering the impact of proposed changes to the law and submitting responses and in disseminating training and good practice. Looking beyond our membership, the DLA works to encourage the development of meaningful public discourse on defeating discrimination amongst legislators, policy makers and civil society generally.

Membership is open to any lawyer, legal or advice worker, trade unionist, equality officer or other person substantially engaged or interested in discrimination law and any organisation, firm, company or other body engaged or interested in discrimination law. The membership comprises, in the main, persons concerned with discrimination law from a complainant perspective.

2. Overview and Chair's Report

This report relates to the period December 2013 to December 2014.

Most people would agree that 2014 was a difficult year for challenging discrimination and advancing equality. The damaging effects of the cuts to legal aid, to public services and to law centres and advice agencies became all too clear. The imposition of employment tribunal fees led to a drastic fall in discrimination claims. The Equality Act was weaker following repeals of important provisions. The EHRC had lost powers and resources. Politicians again raised the spectre of future repeal of the Human Rights Act.

Nevertheless, throughout the year, DLA remained robust and strong, increasingly recognised as a body whose views count, broadening our understanding and efforts, running a unique training project and responding to consultations across a wide range of issues. Our membership increased and participation in our events remained high.

AGM 2014

The DLA began 2014 with an inspiring talk at our AGM by Lou Englefield, Director of Pride Sports. Lou illustrated how prejudice based on false stereotypes continued to affect lesbians and gay men in sport at all levels; however, far more important were her examples of how gradual change is being achieved amongst players, coaches and managers, regulators and fans.

Training for 'lay' advisers

During March, April and May, DLA ran three full-day training sessions for advisers "Something is not quite right - is it discrimination?" The aim of this free training was to help non-lawyer advisers gain a better understanding of discrimination. We provided written background material on the law, enabling all of the sessions to be interactive. Led by experienced lawyers, participants tested the evidence of possible discrimination in scenarios involving different protected characteristics in a range of settings. Feedback for each session was very positive, and attendance remained constant for all three sessions.

DLA is very grateful to the following for the success of this project: St. Philips Chambers in Birmingham who hosted all three sessions providing

all facilities and refreshments; Labour Research Department, whose material we incorporated into Background Material for the training; Citizens Advice for promoting the training and helping to recruit participants; and all of our excellent trainers: Philip Tsamodos, Catherine Casserley, Sally Robertson and Catherine Rayner.

Practitioner Group Meetings

Our programme of Practitioners' Group Meetings continued to be both stimulating and informative; each session, with a unique relevant topic (please see page 10) attracts Continuing Professional Education points for barristers or solicitors. We were pleased to hold eight PGMs this year, covering a mix of best practice guidance, discussions regarding changes to legislation or procedures, using discrimination law in new contexts and the impact of recent decisions on key concepts of discrimination law.

Consultations and other engagement in policies and practices

Please see page 11 of this report for full details. DLA continued to give careful attention to consultations by different arms of government, not wanting to forgo these limited opportunities to bring an anti-discrimination/equalities perspective to government decision-making. In some cases to respond effectively required us to think about equality impact in new areas of government activity, for example proposals for major changes to the methods for collecting census data.

As set out on page 11, DLA was also invited to advise civil servants and agencies on how, in their specific areas, they can effectively investigate and/or monitor discrimination. We were also invited to join with others to state publicly our concerns regarding community relations and human rights. DLA continues to benefit from our membership of the Equality and Diversity Forum, the UK Race and Europe Network and the European Network Against Racism.

Annual conference

The very timely theme of our 2014 conference was 'Discrimination and Economic Inequality: two faces of disadvantage'. Our keynote speakers and concluding panel considered 'Can you tackle one without the other?' while other speakers incorporated the theme in their presentations. More than 100 people attended, including practitioners, advisers, trade unionists, campaigners and academic lawyers. Evaluations by participants were overwhelmingly positive. We are grateful to Baker &

McKenzie who once again very generously hosted our conference and to our speakers and breakout group leaders for their invaluable contributions.

DLA as a charitable organisation

Once again I am able to report that the DLA financial position remains good. I am grateful for the good financial management which our excellent Administrator Chris Atkinson unstintingly provided. I am also grateful to our Treasurer, Michael Reed, who prepared our budget and provided essential oversight of our finances throughout the year making certain that the EC, as charity trustees, remain mindful of our financial responsibilities. I am extremely grateful to all of the members of the EC who, individually and collectively, ensured sensible decisions, thorough planning, successful events and well-argued and well-documented submissions on behalf of DLA. As in previous years, our thanks to Geraldine Scullion who, as editor of Briefings, has ensured that our outstanding and highly-regarded journal remains stimulating, topical and informative. Finally, DLA is its members, and I wish to express sincere thanks to our active and responsive and interested membership which make DLA the strong and respected organisation it continues to be.

I cannot conclude a summary of the year without mentioning the very sad death of Caroline Gooding, who was elected to the EC in 2010 and was one of our Vice Chairs when she died in July 2014. DLA gained greatly and in many ways from her expertise and her wisdom.

3. Membership

Membership of the DLA has held up well over this past year. As of 31st December 2014, DLA membership stood at 274, made up of:

- 111 solicitor/barristers
- 6 large solicitors firms
- 5 medium solicitors firms
- 6 small solicitors firms
- 39 voluntary organisations/law centres
- 11 national organisations (including equality bodies, trade unions)
- 59 individuals - other (including academics, trainers, consultants, trade unionists)
- 37 student/unwaged

Overall membership was somewhat up as compared with the same time last year (255 members) and is now only just below the levels of previous years when we had just over 300 members. However, we have now rather more individual memberships and rather fewer organisations than in the past.

It is encouraging that there is still a steady flow of new membership applications but the challenge for this coming year will be to retain existing members and recruit new ones. We are especially concerned to retain our members who depend on grants from public authorities and/or legal aid whose survival is at risk due to government spending cuts and reform of legal aid; they make an extremely valuable contribution to the work of DLA as well as to members of the public who rely on them for accessible high-quality legal services.

4. Briefings and E-mail News

Briefings

The DLA's 3 editions of *Briefings* in 2014 contained 38 briefings on equality and anti-discrimination law topics and case reports of interest to lawyers and practitioners, including Citizens Advice advisors, across the UK.

As well as in-depth articles on topics such as homophobia in sport, and an exploration of the concept of indirect discrimination, we included articles focusing on practical implementation of the law; for example, using alternatives to the statutory questionnaire procedure, practical approaches to requesting flexible working, or bringing discrimination claims against schools in the Special Educational Needs and Disability tribunals.

Public sector equality duty cases continue to challenge the lawfulness of public authorities' decision-making in relation to the adverse impact of cut backs or austerity measures on vulnerable people. The case notes reflect both successful and unsuccessful challenges; successful cases included judicial reviews of the closure of the Independent Living Fund, the imposition of a residency requirement test for entitlement to council tax rebate, and the failure of the Secretary of State for Justice to provide adequate approved premises for women released from prison on licence. Unsuccessful cases reported on included the Court of Appeal's finding

that the indirect discrimination resulting from the 'bedroom tax' was justified.

Access to justice continues to be a critical theme for equality lawyers and advisors and the report in November of the successful challenge to the residence test for access to civil legal aid made welcome reading. Following its first unsuccessful attempt at the High Court, reported in March 2014, readers will follow closely the outcome of UNISON's attempts to amend the introduction of a fees regime at the ET and EAT - which will be reported in the coming year.

Briefings is entirely dependent on the willingness of DLA members and supporters to write articles and case notes and we are very grateful to all our contributors. We remember especially the late Caroline Gooding who was a regular and valued contributor and whose last case note was written in June 2014, a few weeks before her untimely death. *Briefings* will be the poorer without her commitment, insight and expertise. As always, we would like to thank and acknowledge the work of our editor Geraldine Scullion and our designer and typographer Alison Beanland.

E-mail News & Information Circulation

Over the last year, we have circulated 12 issues of the DLA's email 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 31st December 2014, we had 441 recipients on our e-news mailing list, and therefore directly receiving our eNews.

5. Practitioner Group Meetings

The DLA has continued to run an exciting programme of meetings this year. We are grateful to all of our speakers who have given up their time and efforts to help us. We would also like to thank Slater & Gordon Lawyers and also Pattinson & Brewer for hosting meetings (and providing refreshments).

List of PGMs - December 2013 to December 2014

| DATE | TITLE | SPEAKERS |
|-------------|------------------------------------------------------------------|---------------------------------|
| 11 Dec 2013 | EHRC Strategic Legal Cases | Sarah Lowe |
| 22 Feb 2014 | Status and discrimination law - some hurdles | Paul Michell |
| 26 Mar 2014 | Pregnancy and maternity discrimination | Susan Belgrave |
| 23 Apr 2014 | Tips and pitfalls from EJ's perspective | Simon Cheetham |
| 21 May 2014 | Migrant workers and discrimination | Jamila Duncan-Bosu |
| 18 Jun 2014 | The unfairness of a level playing field: indirect discrimination | Binder Bansel |
| 30 Sep 2014 | Stress, mental health and best practice in the workplace | Catherine Rayner |
| 18 Nov 2014 | Human Rights, Discrimination and Employment Law | Ben Collins and Nicola Newbegin |

6. Influencing Law and Policy

Influencing law and policy is central to the aims of the DLA, and in the past year we have sought to do so by submitting detailed responses to consultations, engaging in formal and informal contacts with officials, joining with other organisations in letters to the press on important issues, and participating in forums and discussions concerning equality law and policy matters. The DLA Executive Committee has also brought selected matters to the attention of DLA members, particularly when there was some hope that a wider response might achieve greater influence.

We have continued our work to challenge the government's suggestion that discrimination law is a 'bureaucratic burden' on business and public bodies. However, as the impact of the Coalition's changes to civil litigation funding and of the introduction of employment tribunal fees has

begun to emerge we have also emphasised the need to gather reliable and accurate data.

Members of the Executive Committee have held meetings with officials about the Equality Advisory Support Service (which has taken over the advice helpline service from the EHRC). The DLA was invited by the IPCC to be represented on the reference group supporting the IPCC review of guidelines for handling allegations of police discriminatory behaviour. The DLA was asked to advise NGOs and Home Office researchers on the law and likely manifestations of discrimination when landlords and agents are required to check tenants' immigration status during the pilot in the West Midlands of this part of the Immigration Act 2014.

The DLA also seeks to influence policy and practice through our conferences. This year we held a very successful conference which explored the relationship between discrimination and socioeconomic inequality.

As the General Election approaches we will continue our attempts to influence law and policy in line with our remit and will collaborate with other NGOs to ensure that the case for equality and against discrimination is articulated effectively.

DLA Submissions

The DLA made written submissions in relation to the following since the previous AGM. All can be downloaded from our website www.discriminationlaw.org.uk:

- Two sections of the Government's Review of the Balance of Competences between the United Kingdom and the European Union:
 - ◆ Fundamental Rights
 - ◆ Social and Employment Policy
- Two sections of the Council of Europe's Review of the longer-term future of the system of the European Convention on Human Rights and the European Court of Human Rights:
 - ◆ Future challenges to the Convention system
 - ◆ Subsidiarity and Mechanisms required at the European level to ensure effective protection of individual rights and authoritative interpretation of the Convention
- Welsh Declaration on the Rights of Older People

- Welsh Government's consultation on the draft Children's Rights Scheme 2014
- Equality & Human Rights Commission consultation on draft supplementary Code on age discrimination
- Equality & Human Rights Commission litigation strategy review consultation

Organisations that the DLA has liaised with in the past year include

- Home Office
- Equality and Human Rights Commission
- TUC
- Independent Police Complaints Commission
- Just Fair consortium
- Industrial Law Society
- Equality and Diversity Forum
- European Network Against Racism
- UK Race and Europe Network

We are continuing to explore the possibility of involvement in the People's Parliament initiative and we hope to finalise a meeting with the President of the Employment Tribunals early in 2015. DLA was one of more than 30 organisations that signed letters to the leaders of the three main political parties urging new commitments to promote and protect good community relations; and on Human Rights Day we were pleased to be among the signatories of the British Institute of Human Rights letter to the Telegraph on the legacy of the Magna Carta calling on those with power "to reflect on the importance of human rights protections in our democracy".

Appendix 1: Staffing

Chris Atkinson became the DLA Administrator/Development Officer as a temporary appointment in October 2010 and his permanent position was confirmed in November 2010; he remains in post. This is a part-time 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' firms, who have hosted Executive Committee and/or Practitioner Group Meetings during the year:

- ◆ Bindmans LLP
- ◆ Slater and Walker Lawyers
- ◆ Leigh Day
- ◆ Pattinson & Brewer

Additionally Leigh Day and Bindmans LLP have generously printed full sets of documents for our annual conference and for this year's AGM.

Thank you to Doughty Street Chambers for hosting our AGM in February 2014 and to Cloisters Chambers for hosting our AGM this year.

A special vote of thanks is due to Baker & McKenzie for so generously hosting our October conference, providing catering and valuable support services.

We would also like to thank our guest speaker Roger Kline, Research Fellow at Middlesex University and author of *The "snowy white peaks" of the NHS*, 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:

| | |
|----------------------------|-----------|
| Barbara Cohen | Chair |
| Michael Reed | Treasurer |
| Mohini Bharania | Director |
| Catherine Casserley | Director |
| Jo Chimes | Director |
| Peter Daly | Director |
| Sophie Garner | Director |
| Caroline Gooding | Director |
| Katya Hosking | Director |
| Peter Kumar | Director |
| Tamara Lewis | Director |
| Ro Marsh | Director |
| Gay Moon | Director |
| Michael Newman | Director |
| Brenda Parkes | Director |
| David Stephenson | Director |