



Discrimination Law Association

**ANNUAL REPORT
2014-2015**

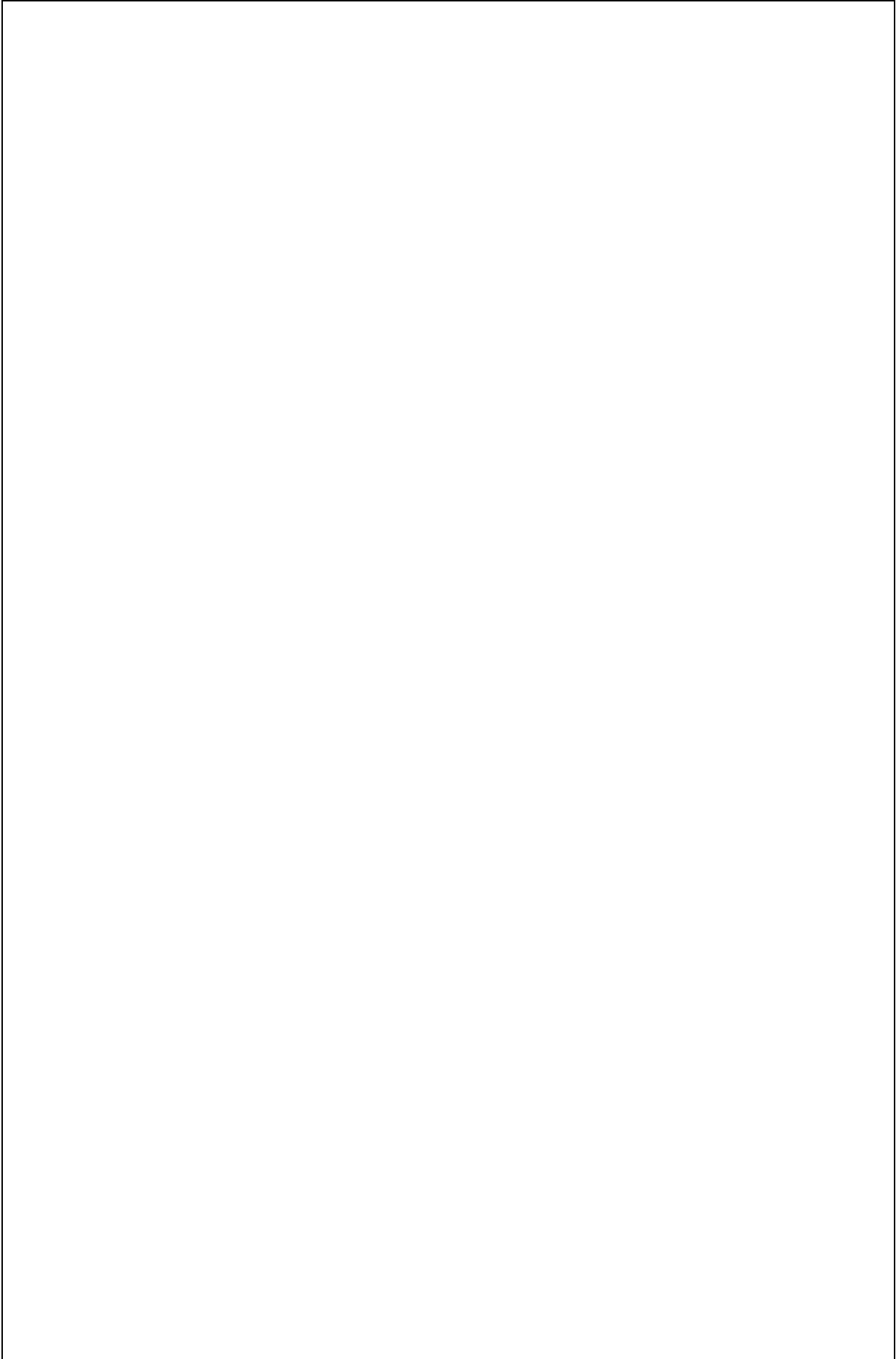
**Presented to the
Annual General Meeting**

**Held at
7br Chambers
7 Bedford Row
London WC1R 4BS**

**on Wednesday 3rd February 2016
at 6:00pm**

Discrimination Law Association

**Company Limited by Guarantee 3862592
Incorporated in England & Wales
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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 covers the period from December 2014-December 2015.

This past year the DLA executive have continued to work hard with active members; friends and partner organisations to raise the views of our members and to put the case for stronger enforceable protection from discrimination. The DLA continues to be recognised as an important voice representing the concerns claimants and their advisers in all the debates about discrimination law, policy and practice, and our views have been sought on numerous consultations and initiatives.

The year started of course with our AGM and we were delighted to welcome Roger Kline of Middlesex University to talk about discrimination in health care and the issues for health care providers.

The general election campaign gave opportunities to underline the importance of anti discrimination measures and laws promoting and enforcing equality, and the DLA joined in signing letters addressing racist campaigning, and drafted 10 key questions on equalities for members to put to those standing for election.

As the debate on Human Rights continues to unfold, the DLA was proud to sign the BIHR letter to the times celebrating Human Rights Day.

As well as responding to a number of government consultations we were delighted to have the opportunity of giving evidence to two select committees.

Firstly, after wide consultation with members, we gave both written and oral submissions to the House of Lords select committee considering how the Equality Act 2010 has impacted on disability rights. Thanks are due to those members who responded to us with cogent and sensible suggestions and to Barbara Cohen for attending to represent the DLA views at the committee itself.

Secondly, we gave written and oral submissions to the House of Commons Women and Equalities Committee regarding the possible introduction of gender pay gap reporting and our thanks are due to Michael Newman for his thoughtful and persuasive suggestions and comments. Both sets of contributions are available to view via links on the website.

A major initiative this year is the establishment of an active members database to support the executive committee in the work of the DLA. We are delighted to have had so many expressions of interest and offers of active involvement and our work has already been informed and contributed to by those members. We are looking forward to building on this and developing the wider participation of our members in the years to come.

Our Finances remain healthy, due to continued membership support, a successful conference and of course due to the careful and appropriate management and oversight by our administrator Chris Atkinson and our treasurer Michael Reed. The thanks of all members and especially the committee go to both individuals for their hard work in ensuring that the committee is up-to-date with all matters concerning our financial health.

The DLA website and information bulletin have continued to be well received and informative and thanks are again due to Chris Atkinson for keeping the committee on track, up-to-date and well run.

Briefings has also seen another successful year, with articles from established practitioners and authors and from newer voices. Geraldine Scullion, our hardworking and patient editor continues to provide us with a thoughtful and thought provoking steer, with the resulting commission of relevant and thought provoking articles and case notes. Many thanks to Geraldine.

2015 saw our conference shine a critical light on the anniversaries of the Race Relations Act, the Sex Discrimination Act, the Disability Discrimination Act and the formation of the Discrimination Law Association itself as we asked *Enforcing Equalities: where next?* Following the election of a new government, a number of initiatives gave pause for thought. We were delighted to welcome Judge Brian Doyle President of the Employment Tribunals to give our keynote address, and the insight into the challenges for the Tribunals that lie ahead was invaluable. This is an issue which we will be returning to in the early part of 2016 with the publication of the Briggs report. We were also delighted to have talks from outstanding practitioners from across the spectrum, celebrating the advances made in discrimination law and practice and focussing on the challenges ahead. As well as celebrating achievements updating our members with our popular breakout sessions, we enjoyed a thought provoking and inspiring panel debate, asking *Where do we go from here?*

Our thanks as always go to our friends at Baker and Mackenzie solicitors who yet again generously provided us with a venue, refreshments and a reception afterwards. Without their support our conference would not be such a successful and enjoyable event.

As a small charity run largely by volunteers, we are grateful to the support and help given by a number of legal firms. Our thanks for support go to Leigh Day Solicitors, who generously give time and resources to collating and printing our conference materials and the materials for the AGM. We also thank Slater Gordon Solicitors for hosting our monthly PGMs and to 7 Bedford Row Chambers for hosting the AGM and reception.

The DLA continues to benefit from volunteers giving their time and expertise to our practitioner group meeting programme, and this year Mohini Bharania and David Stephenson organised a splendid array of speakers and topics across the year, all of which were well received and all of which gave our members the benefit of the views of the experts.

To all our speakers and contributors, whether the conference, PGM or the Briefings, a huge thanks is due from all of us at the DLA.

At the end of the year, we say goodbye to a number of members of the executive committee, and welcome new members. To Razia Karim; Peter Daly; Sabrina Sullivan; David Stephenson and Barbara Cohen, an enormous thank you for all the work you have done for the DLA over the years, and our best wishes for the future.

A special and particular thanks to Barbara Cohen, who is standing down this year. From the start of the DLA Barbara has worked with great energy, wit and determination, to improve and promote the policy and practice of discrimination law for the benefit of those who suffer discrimination. As a member of the executive and as our chair for many years, she has been an inspiration as well as a really good friend. Thank you Barbara from all at DLA.

3. Membership

Membership of the DLA has held up well over this past year. As of 31st December 2015, DLA membership stood at 262, made up of:

- 103 solicitor/barristers
- 53 individuals - other (including academics, trainers, consultants, trade unionists)
- 33 student/unwaged
- 41 voluntary organisations/law centres
- 4 large solicitors firms
- 7 medium solicitors firms
- 7 small solicitors firms
- 11 national organisations (including equality bodies, trade unions)

Overall membership was marginally down as compared with the same time last year (274 members) and is still 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

Briefings

The DLA's three editions of *Briefings* in 2015 contained 40 briefings on equality and anti-discrimination law topics and case reports of interest to anti-discrimination practitioners and advisors across the UK.

On a particularly topical issue, the November *Briefings* included a leading article reflecting on the humanitarian crisis affecting migrants and

refugees in Europe, and how the UK's response could and should be improved in accordance with its legal obligations and its humanitarian duty.

Challenges to the implementation of the public sector equality duty continue to be at the forefront, such as in the failure to provide an adequate number of approved premises for women released on licence from prison, or on the impact of the housing benefit cap on lone parents.

A number of decisions challenging access to service provision were covered; these included cases taken by a wheelchair user wanting to travel on a bus, or by Irish Travellers and those associated with them denied entry to a pub, a disabled holidaymaker unhappy with the arrangements made by her travel company while she was abroad, and a gay man ordering a cake from a bakery.

Interesting issues were addressed by the CJEU on obesity and disability, and on indirect discrimination by association. At the national level, we reported on decisions on whether 'caste' and a belief in 'left-wing democratic socialism' are protected by the Equality Act 2010.

A highlight in 2015 was the 20th year of the DLA, an anniversary which coincided with the anniversaries of the Race Relations Act 1965, the Sex Discrimination Act 1975 and the Disability Discrimination Act 1995. These milestones provided the opportunity for previous DLA chairs and leading members to reflect on the organisation's achievements, looking at enforcement issues, future challenges and sources of inspiration in the fight to achieve real equality.

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. Recognising that we have a rich resource among our members, we have developed an active members' database. The aim is to identify those who are interested in contributing to the DLA's work, such as contributing to submissions and consultations or writing articles or case notes for *Briefings*. If you would like to write for *Briefings* and be included on the database, please contact Chris Atkinson at info@discriminationlaw.org.uk.

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 2015, we had 454 recipients on our electronic 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 Matrix Chambers and Outer Temple Chambers for hosting meetings (and providing refreshments).

List of PGMs - December 2014 to December 2015

DATE	TITLE	SPEAKERS
14 April 2015	The 'same employment' test: 15 kittens and one ball of wool	Naomi Cunningham
26 May 2015	Disclosure in discrimination cases - how to get the documents the other side don't want you to see	Paul Epstein QC
22 Jun 2015	Discrimination in the provision of goods and services - the developing landscape	Claire Darwin
8 July 2015	Supreme Court decision in <i>Ackerman-Livingstone</i> : The implication for Housing and Discrimination practitioners	Catherine Casserley
25 Nov 2015	Understanding the 'psychology of race' and how to win cases	David Stephenson

17 Dec 2015	<i>ChEZ v Nikolova</i> - Decision of the Grand Chamber of the Court of Justice of the European Union on the application of the Race Equality Directive 2000/43 ("RED") on direct and indirect discrimination and discrimination by association	Simon Cox
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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.

We continue to have active membership of the Employment Tribunal users group and were delighted to have an opportunity to meet with the President of the Employment Tribunals, Judge Brian Doyle, to discuss our members' particular concerns. We continue to work with the British Institute for Human Rights on matters of common interest, and to attend meetings with the Equality and Diversity Forum.

The DLA continues to try to influence policy and practice both through our conferences and through responding to a variety of consultations. This year our annual conference looked back at the achievements of discrimination lawyers and practitioners, celebrating the contributions of individuals and organisations and looked forward to the challenges which we face in holding onto hard-won advances, and pushing forward to secure better and permanent improvements and protections.

We were very pleased to have the opportunity to expand upon our members' views, and to debate these before two select committees, and very much hope that we will have further opportunities to contribute and influence policy development in the year ahead.

We will continue to seek to influence law and policy by working with other NGOs and trade unions 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 inquiries / consultations since the previous AGM. All can be downloaded from our website www.discriminationlaw.org.uk:

How should Employment Tribunals operate in the future?	Law Society consultation	Feb 2015
Best Value Statutory Guidance	Department of Communities and Local Government consultation	Mar 2015
Transgender Equality	Women and Equalities Committee Transgender Equality Inquiry	Aug 2015
2021 Census	Office of National Statistics consultation	Aug 2015
Equality Act 2010 and Disability	Call for evidence - House of Lords Select Committee	Sept 2015
Reforming support for failed asylum seekers and other illegal migrants	Home Office consultation	Sept 2015
Gender Pay Gap	GEO consultation	Sept 2015
Courts and tribunals fees and charges	Justice Committee Inquiry	Oct 2015
Gender Pay Gap for Women over 40	Women and Equalities Committee Inquiry	Dec 2015

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

- British Institute for Human Rights
- Employment Tribunal User Group
- Equality and Diversity Forum
- House of Lords Select Committee on the Equality Act & Disability
- Racial Justice Roundtable
- Runnymede Trust
- Women and Equalities Committee

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:

- ◆ 7br chambers
- ◆ Leigh Day
- ◆ Slater & Gordon Lawyers

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

Thank you to Cloisters Chambers for hosting our AGM in January 2015 and to 7br Chambers for hosting our AGM this year.

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

We would also like to thank our guest speaker Frances O'Grady for agreeing to speak at this year's AGM.

We are extremely grateful to them all.

Appendix 3: Executive Committee

Members

The following individuals have served on the Executive Committee during the period covered by this report:

Catherine Rayner	Chair
Michael Reed	Treasurer
Mohini Bharania	Director
Barbara Cohen	Director
Peter Daly	Director
Katya Hosking	Director
Razia Karim	Director
Peter Kumar	Director
Tamara Lewis	Director
Ro Marsh	Director
Gay Moon	Director
Michael Newman	Director
David Stephenson	Director
Sabrina Sullivan	Director