

ANNUAL REPORT 2021-2022

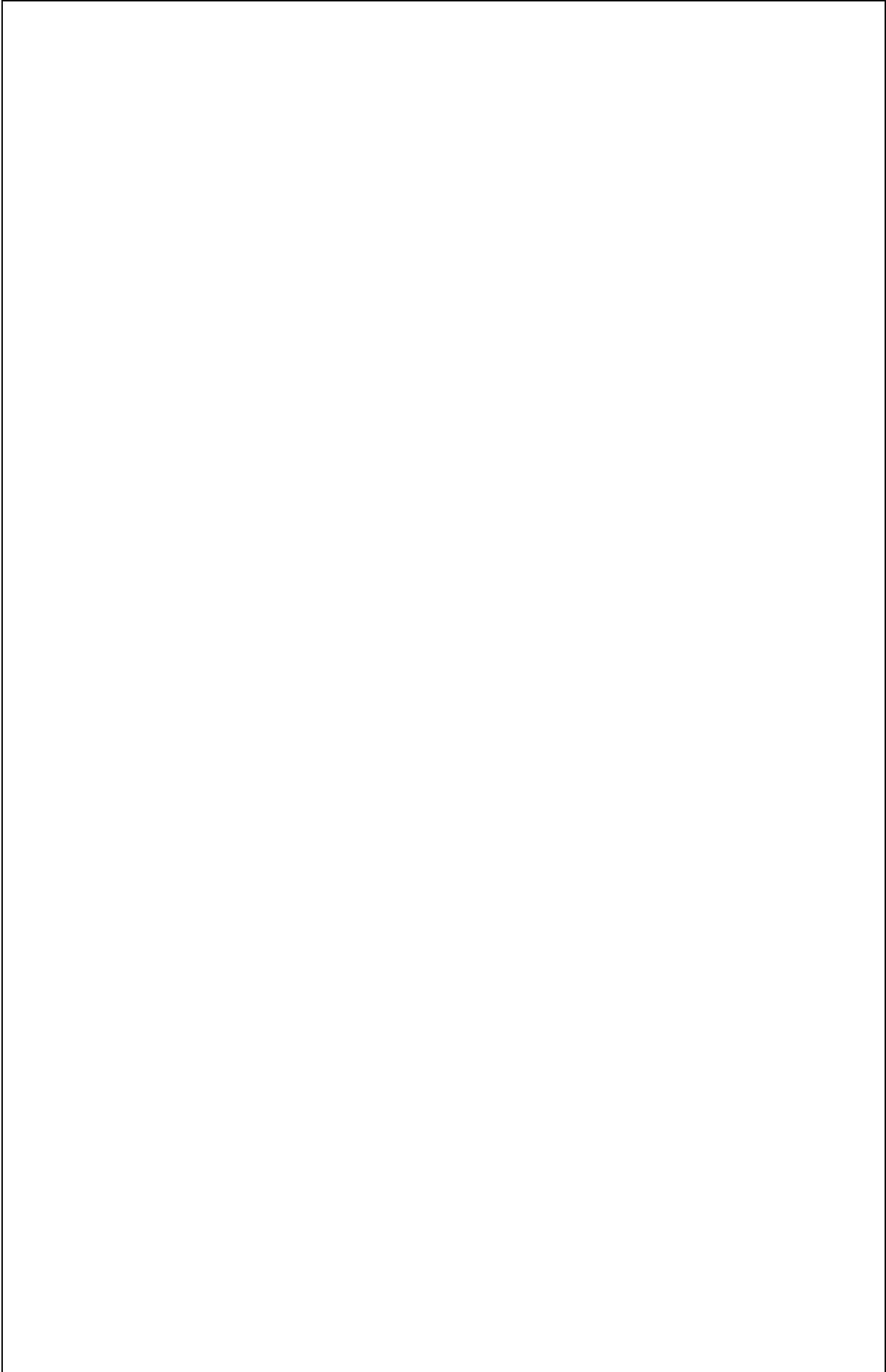
**Presented to the
Annual General Meeting**

**Held
online via zoom**

**on Wednesday 27th July 2022
at 6:00pm**

Discrimination Law Association

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



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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 Chair's report covers the period from the previous AGM on 27 April 2021 to today's date,

The most vulnerable in society continue to experience the lasting effects of the covid-19 pandemic along with the previous decade of austerity, where existing inequalities continue to be entrenched and exacerbated. During this time we have seen the Government continue its attacks on those protections that currently do exist, such as its proposal to 'update the Human Rights Act' with its proposed Bill of Rights. The DLA has considered and strongly opposes the new British Bill of Rights put forward by the Government, now widely referred to as the 'Rights Removal Bill'. The Government's intention appears solely to weaken statutory protections against human rights violations by making it more difficult for vulnerable people to bring proceedings for a breach of their human rights and imposing new constraints on UK courts considering such claims.

Amongst other changes, the Government has stated that a new permission stage will be introduced "requiring people to show they have suffered a significant disadvantage before their claim can go ahead" which will allegedly "prevent trivial legal claims wasting taxpayers' money". However there is no evidence that the courts are struggling with spurious, mischievous or frivolous claims which they are unable to weed out such as to justify this new Bill.

Further, the introduction of this new preliminary stage may give rise to claims of indirect discrimination from those who are less fluent in English, have communication impairments and who cannot afford skilled legal advice to assess the disadvantage they have suffered and get through the application stage. The real outcome of this change, and others throughout the Bill, will be to simply place additional barriers in front of the most vulnerable in society seeking redress of human rights violations.

The DLA is also extremely concerned that the Government appear to have simply ignored The Independent Human Rights Act Review as well as the responses to its own consultation, which overwhelmingly disagreed with its proposals. Instead the Government seem intent on pushing this Bill through against the will of the relevant experts and ordinary people.

The underlying model of the Human Rights Act is the concept that every individual is treated equally, fairly and with dignity and respect. The Rights Removal Bill is a direct threat to these principles and the DLA stands with its partners and colleagues in opposing this Bill. As any campaign against

this Bill gathers momentum, the DLA will join with its partners and update its members further.

The DLA is also pleased to have contributed to the Woman and Equalities Committee consultation on Menopause and the workplace. In its written, and subsequent oral evidence, the DLA highlighted the widespread extent of menopause-related discrimination and called for menopause to be made a protected characteristic with access to adjustments in the workplace. In supplementary evidence following the Government's response, the DLA also advocated for the enactment of s14 on dual discrimination and invited the Government to consider widening this further, as it did when the Government first consulted on this point in 2009. Details of our response on these points can be found on our website.

The DLA also submitted a response to the Review carried out by the Global Alliance of National Human Rights Institutions (GANHRI), through its Sub-Committee on Accreditation (SCA), on the status of the Equality and Human Rights Commission (EHRC) as a UN National Human Rights Institution (NHRI).

In this response the DLA asked the GANHRI to consider the independence of the EHRC based upon explicit statement by Government Ministers regarding their approach to tackling inequalities and its appointment of a new chair and commissioners to the EHRC. The DLA suggested it is inevitable that on occasions when the EHRC omits to challenge publicly government policies or actions which could violate human rights there will be a response that this is the result of commissioners being appointed to "drive forward" the Government's agenda.

The DLA also specifically highlighted that the EHRC lacked "an explicit mandate to protect human rights", which was a concern of the Sub-Committee on Accreditation in its initial accreditation of the EHRC in 2008. Potentially more significant in terms of the EHRC's deficient legislative mandate to protect human rights, is the exclusion of the EHRC's power to conduct investigations into an individual or organisation it suspects of having committed an unlawful act, which currently applies only to acts unlawful under the Equality Act 2010 and not acts unlawful under s.6 Human Rights Act 1998. Again, Details of our response on these points can be found on our website.

The DLA has provided evidence concerned the failure of government to introduce Quantified One-way Costs Shifting (QOCS) for disability discrimination cases brought in the County Court, the public sector equality duty and the UN Convention on the Rights of Persons with Disabilities.

The House of Lords Liaison Committee held a one-off evidence session on the recommendations of the former Select Committee on the Equality Act 2010 and Disability. Written evidence was also submitted on whether provisions relating to design and licencing requirements on taxis (section 163 EA 2010) should be commenced.

Having considered the inequalities currently facing society, the DLA is currently hosting an online conference on the role of equality law in addressing these social & economic disadvantage and inequalities. There has been a number of insightful sessions from academics and legal practitioners on what causes and perpetuates these inequalities. This has included speakers from the Trade Union Congress and the American Civil Liberties Union. The online format has allowed us to bring speakers from around the UK and indeed from across the ocean. We look forward to our talks this evening from longstanding supporter, Catherine Casserley and tomorrow evening Geraldine Van Bueren QC, who is the Chair of the Association of Working Class Academics and a Leverhulme Fellow for her work on social mobility, class and the law.

The committee has also this year progressed significantly a number of the tasks it set for itself last year. The committee were able to upgrade the website which was originally set up in 2005 but had become unsecured due to outdated software. This has also been function-tested to be accessible to all, however we would welcome feedback from members if they have any access problems or suggestions for usability.

Members will also hopefully have seen the relaunch of *Briefings*, which is discussed in more detail below. We welcome any feedback on this.

The committee have taken steps to renew old policies and review its constitution. This is work which is ongoing and it will be taking into next year. This is in part due to the capacity of the reduced committee and also as a way of spreading the costs of these upgrades over successive financial years, given the expense laid out on the website upgrade and the relaunch of *Briefings*. The DLA has run a small deficit this year in undertaking these necessary upgrades. It will seek to recoup these expenses in the coming year by raising funding through conference and potentially seeking grants and specific funding requests.

Despite the committee being small in number again this year, with only 7 members for the term, it is felt significant progress was made in standing up against inequality and progressing the internal administrative reforms required for the DLA to continue to be effecting in the years to come. A goal of the new committee may be to expand membership of the Executive Committee and co-opt individuals to assist with the ongoing business.

This year has again required a concerted effort from everyone involved in the committee and those members who have been involved in responses to consultation and providing content for briefings, and conference. We would like to give special thanks to Geraldine and Alison for all their work on Briefings and the redesign which is excellent. Of course massive thanks goes out to Chris, who always manages to keep the wheels turning, and we thank you all for your contributions to keeping the charity functioning on behalf of its beneficiaries and members.

3. Membership

Membership of the DLA has held up well over this past year. As of 31st March 2022, DLA membership stood at 232 members, made up of:

- 82 solicitor/barristers
- 45 individuals - other (including academics, trainers, consultants, trade unionists)
- 44 student/unwaged/retired
- 33 voluntary organisations/law centres
- 4 large solicitors firms
- 9 medium solicitors firms
- 3 small solicitors firms
- 12 national organisations (including equality bodies, trade unions)

Overall membership was slightly down as compared with the same time last year (245 members) and is now only just below the levels of previous years when we had just 250-300 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

Briefings reached a landmark in 2021 having been in production for 25 years. The first briefings reports were published in 1996 with the aim of providing a complainant focused source of accessible, high-quality analysis of employment and non-employment discrimination cases and supporting practitioners by sharing knowledge and expertise, enabling more effective challenges to unlawful discrimination. To mark its 25th year, a new, updated design for *Briefings* was developed and launched in July 2022. Developing the new *Briefings* design prompted reflection on the changes the journal has documented since it was first published - the same critical issues of rights without remedies, the withdrawal from international obligations or the undermining of rights - are issues as relevant today as they were in previous decades.

The July & November 2021 and March & July 2022 editions included ten articles, 41 case reports and four book reviews.

The content reflected some of the challenges which the UK government and public bodies have faced when adjusting the delivery of public services during the coronavirus pandemic and which have resulted in a disproportionately negative impact on protected groups.

In her article in July 2021, for example, Elizabeth Cleaver set out some of the difficulties she had experienced when attempting, on behalf of two learning-disabled clients, to review the Secretary of State for Health and Social Care's decision on priority access to the Covid-19 vaccine which had excluded her clients. In November 2021, in the 1000th briefing since 1996, Charlotte Pettman reviewed the High Court's decision in *R (on the application of Rowley) v Minister for the Cabinet Office* which found that the Cabinet Office's failure to provide BSL interpreters for two Covid-19 government briefings amounted to unlawful discrimination. In the same edition, Changez Khan explored whether a compulsory Covid-19 vaccination policy in the workplace would fall foul of the Equality Act 2010 and set out some of the dilemmas facing employers.

Anticipating the government's forthcoming inquiry into the Covid-19 response and the impact of the pandemic across the UK, including its consideration of '*any disparities evident in the impact of the pandemic on different categories of people, including, but not limited to, those relating*

to protected characteristics under the Equality Act 2010 and equality categories under the Northern Ireland Act 1998, the DLA urges *Briefings* readers to contribute briefings on their experience of discrimination caused by the response; this might include case reports or articles about potential indirect discrimination, or failure to make reasonable adjustments or comply with the public sector equality duty.

Publication of such information in *Briefings* will greatly enrich the DLA's and other practitioners' involvement in the inquiry.

The July 2022 edition focused on the Bill of Rights Bill which aims to reform '*the law relating to human rights by repealing and replacing the Human Rights Act 1998.*' In her preliminary analysis of the Bill, Barbara Cohen outlined its main regressive provisions and potential adverse impacts. The DLA intends to join with others to oppose the Bill and *Briefings* will, with your support, continue to highlight this and other government attempts to undermine hard won rights and freedoms.

We are extremely fortunate to count some of the most experienced discrimination lawyers and activists in the UK among the DLA's members and supporters. We greatly appreciate their willingness to take the time to write articles and case reports for *Briefings*. Their analysis of legal developments and emerging trends increases and strengthens our understanding of the law and assists the development of equality law. Their commitment is an incalculably rich asset which assists the DLA and *Briefings* to achieve its mission of advancing education in the field of legal representation for people who are or may be subjected to discrimination, and of increasing resources available to those involved in anti-discrimination work. The production of the three annual editions of *Briefings* would not be possible without their commitment, expertise and experience.

These volunteers are drawn from DLA members, executive committee and other supporters, many of whom are included in our active members' database. *Briefings* Editor Geraldine Scullion uses the database to contact and invite active members to contribute to forthcoming editions. If you would like to write for *Briefings* and be included on the database, please contact Chris Atkinson at info@discriminationlaw.org.uk.

We would like to acknowledge the contributions of our editor Geraldine Scullion and our designer Alison Beanland and thank them for their excellent work on the new design and on producing *Briefings*.

E-mail News & Information Circulation

Over the reporting period, we have circulated 9 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 March 2022, we had 566 recipients (individual and organisations) on our electronic mailing list and therefore directly receiving our *eNews*.

5. Practitioner Group Meetings

The DLA has continued to run a programme of meetings over this reporting period. Due to the pandemic, these events have had to be run online via zoom but this has had the added advantage of enabling members who live beyond travelling distance into London to attend.

We are grateful to all of our speakers who have given up their time and efforts to help us.

7 September 2021	Menopause discrimination - discussion to guide the DLA's response to the WEC call for evidence	<ul style="list-style-type: none">• Haitham Hamoda, Chair of the British Menopause Society and Consultant Gynaecologist at King's College Hospital• Sally Leech, Training Lead at Henpicked: Menopause in the Workplace• Declan O'Dempsey, DLA Committee member and barrister at Cloisters Chambers
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6. Influencing Law and Policy

Influencing law and policy is at the heart of the DLA, and we have continued to play an active part in shaping the national debate around discrimination policy.

As well as formal consultation responses, we also engage with other NGOs, and join with other organisations in letters to the press, government departments and others on important topics that we feel touch on the DLA's principles.

- DLA gives evidence to Disability Select Committee follow-up session to their Report on Disability & Equality Act 2010: July 2021
- House of Lords Liaison Committee publishes its follow-up report "Equality Act 2010: the impact on disabled people" Sept 2021
- Written evidence provided to Woman and Equalities Committee call for evidence on Menopause Discrimination in the Workplace - October 2021
- Oral evidence provided by Colin Davidson to Woman and Equalities Committee via Zoom - 19 January 2022
- Written evidence provided to consultation on Human Rights Act Reform: A Modern Bill of Rights - 4 March 2022
- Written evidence provided to the Review carried out by the Global Alliance of National Human Rights Institutions (GANHRI), through its Sub-Committee on Accreditation (SCA), on the status of the Equality and Human Rights Commission (EHRC) as a UN National Human Rights Institution (NHRI) - 1 June 2022
- Supplementary written evidence to Woman and Equalities Committee on introducing section 14 of the Equality Act (the combined discrimination/dual discrimination provision) - 1 July 2022

As ever, we will create similar opportunities in 2022-23 so that we can continue to influence law and policy effectively in line with our members' interests.

DLA Submissions

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

Menopause Discrimination in the Workplace	Women & Equalities Committee of the House of Commons	Sept 2021
Human Rights Act review	MoJ	March 2022
Review of EHRC as an NHRI	Global Alliance of National Human Rights Institutions	June 2022

Organisations that the DLA has liaised with over the reporting period include:

- Employment Tribunal User Group
- Equality and Diversity Forum
- 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

For all of the reporting period, events have been held online due to the pandemic but we are extremely grateful to the firm Edwards Duthie Shamash for its generous sponsorship of live-captioning of the Annual Conference in July 2022 and this AGM.

Appendix 3: Executive Committee

Members

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

Colin Davidson	Co-Chair & Treasurer
Annapurna Waughray	Co-Chair
Jonathan Boyle	Trustee/Director
Georgina Churchhouse	Trustee/Director
Kayvan Ghotbi-Ravandi	Trustee/Director
Changez Khan	Trustee/Director
Declan O'Dempsey	Trustee/Director
Jonathan Rackham	Trustee/Director