

**ANNUAL REPORT  
2022-2023**

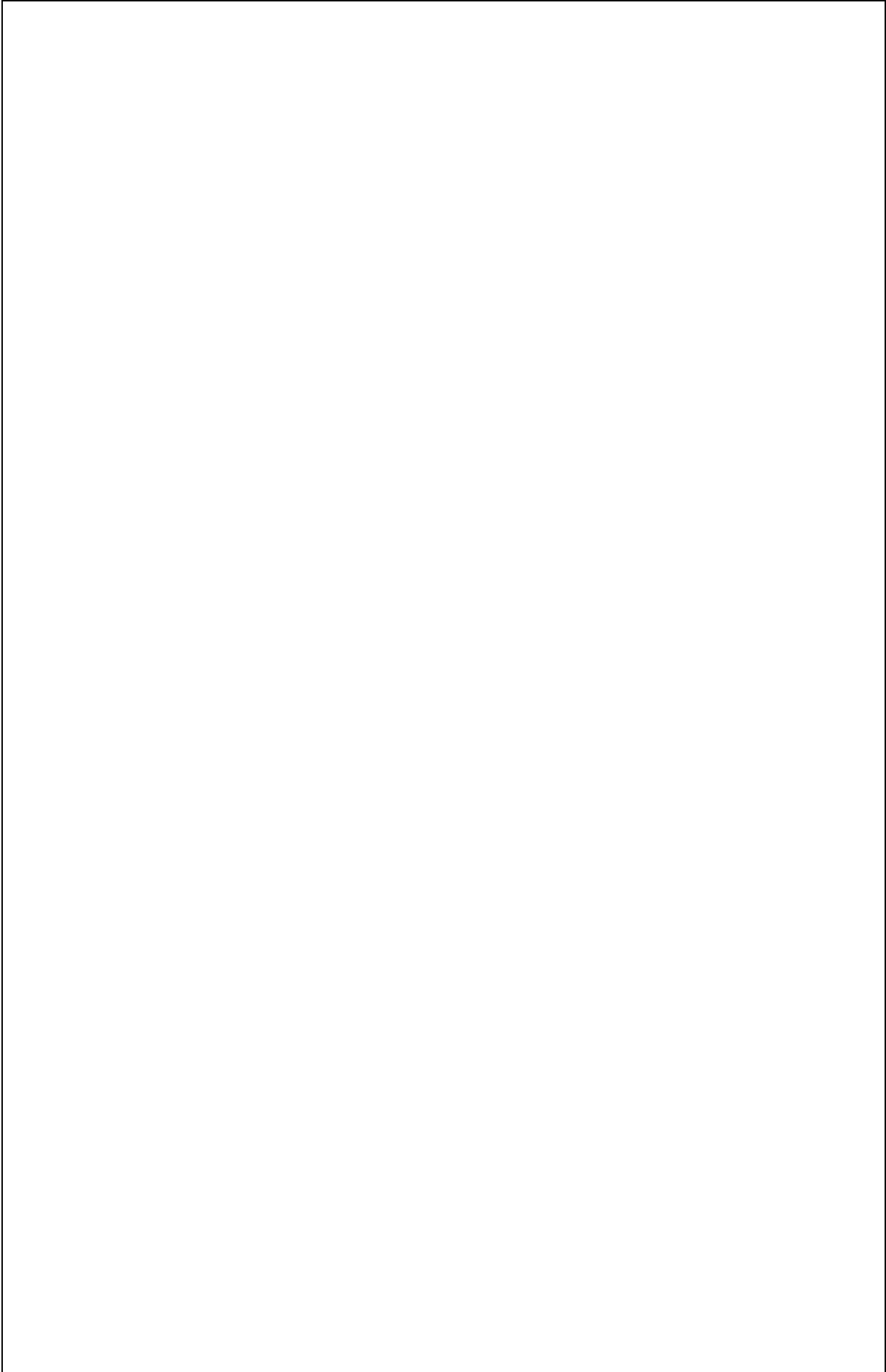
**Presented to the  
Annual General Meeting**

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

**on Wednesday 25th October 2023  
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 27th July 2022 to today's date.

### Overview

Much has changed since our last AGM and the introduction of this DLA committee and technology has been at the forefront of such change. Technology has allowed us to move away from lockdown and start living with Covid-19 by way of an effective vaccine. In space, technology allows the continuation of space exploration, and the possibility of finding life on Mars, we've seen commercial trips to space, and people returning to the Moon. In cyberspace, the increased debate on AI in society and business, data protection, and workplace monitoring, while we listen to stories of how algorithms may take our jobs. Exciting times for some, but for others, change can be frightening.

Back down on Earth, the war in Ukraine continues, and, as I write this report, I learn that unrest in the middle east has erupted again, causing vast devastation to both Israeli and Palestinian communities. This disturbing news having a global effect with fear of increased race-related hate crime around the world, and as Brexit becomes a distant memory for the UK, reports on hate crimes are on the rise. Sadly, we will be living with the effects of all these events for many years to come so in 2023, there is still a need for our organisation and the work we do.

### What have we done?

The DLA has had a busy time over the past fifteen months following on from the work of the previous 2021/22 committee. Together we have continued to support immigration rights by submitting a comprehensive and forthright response to the Call for Evidence issued by the Joint Committee on Human Rights regarding the Human Rights of Asylum Seekers in the UK.

We continue to support, by providing evidence to, the Women and Equalities Committee's Inquiry into Menopause discrimination and welcomed the first Employment Tribunal decision in *Mrs M Lynskey v Direct Line Insurance Services Ltd*: 1802204/2022 and 1802386/2022, recognising that the symptoms of menopause fall within the protection of s.15 of the Equality Act 2010 after the EAT decision in *Ms M Rooney v Leicester City Council* EA-000070-DA (previously UKEAT/0064/20/DA) EA-2021-000256-DA (previously UKEAT/0104/21/DA); Briefing 1007[2022]

[https://assets.publishing.service.gov.uk/media/615eea73e90e07198108146c/Ms M Rooney v Leicester City Council EA-000070-DA Previously UKEAT 0064 20 DA EA-2021-000256-DA Previously UKEAT 0104 21 DA .pdf](https://assets.publishing.service.gov.uk/media/615eea73e90e07198108146c/Ms_M_Rooney_v_Leicester_City_Council_EA-000070-DA_Previously_UKEAT_0064_20_DA_EA-2021-000256-DA_Previously_UKEAT_0104_21_DA_.pdf)

Some DLA members were able to help Nicola Dowling with her documentary on BBC Radio 4's File on 4 series into suggestions that there was a culture of misogyny and sexism in the London Fire Service and fire services across the UK, after reports said it to be prevalent.

The Executive Committee also participated in several consultations including new EAT Procedure Rules and a Practice Direction consultation on Open Justice. The DLA working group identified some areas where there may be an impact on litigants with disability and sex protected characteristics. It also highlighted the needs of litigants in person, recommending the introduction of a "court guide" similar to the Administrative Court's Judicial Review Guide, guiding litigants on how to prepare grounds for appeal and comply with the requirement to be concise and succinct when constructing a skeleton argument for appeal. Improving access to justice is a key goal for the DLA and it welcomes steps to make it easier for litigants in person in particular to participate more fully in the justice system, such as that currently being undertaken in Northern Ireland - see [Litigant Voice \(litigant-voice.co.uk\)](http://litigant-voice.co.uk).

DLA members also continued to help on the HMCTS digital reform by testing new platforms to assist the judiciary's plans to digitalise its service and providing it via remote access. (<https://www.gov.uk/guidance/the-hmcts-reform-programme>).

Members became delegates for forums and meetings alike reporting back from as far away as Antwerp. An Access to Justice meeting in the House of Lords, an ENAR conference in Belgium and remote monthly Equally Ours Policy Forum & HR/Equality Strategy Group meetings to name but a few.

One of the highlights came in June when the committee welcomed a delegation from the Singapore Ministry of Manpower and the senior Minister of State, Dr. Koh Poh Koon, to discuss experiences of using UK Equality law, good and bad, to help the Ministry form and legislate its own workplace anti-discrimination framework.

We also held what we hope to be the final fully online-only PGMs in April and May 2023. Geraldine Van Bueren KC (Professor Emerita at QMUL and Visiting Fellow, Kellogg College, Oxford) and Chris Milsom (Cloisters Chambers) gave a talk in April on "Making Class a Protected

Characteristic” and shared her petition around our network. Louise Price of Doughty Street Chambers gave our May PGM and spoke about international law and “the relevance of unincorporated UN treaties in equalities law.”

I say these are to be our last fully online-only PGMs because we are hoping to bring our future programme of PGMs as a hybrid model, both providing in-person and online opportunities to join. We have three PGMs planned to bring us to the end of the year, but the programme begins with our AGM held at Cloisters Chambers on 25<sup>th</sup> October 2023. Guest speaker will be Daphne Romney KC speaking on Victimisation and Whistleblowing.

Members of the committee share the many roles needed to run the DLA including keeping the charity governance and policy documents up to date and fit for the future; arranging, organising and taking part in future meetings, PGMs and conferences, as well as helping make new rules in our fight against discrimination and campaign for access to a fair and just judicial system for all.

This brings me nicely to our forthcoming annual conference. The theme this year is Equality and Access to Justice. [DLA-conference-flyer-3-November-2023.pdf \(discriminationlaw.org.uk\)](#).

A hybrid-model conference will be both held in Allen & Overy London Offices as well as online. It is our first in-person conference since before lockdown, bringing the DLA back into an in-person networking environment. You will see in the programme we have tried to cover all aspects of law and how equality is failing some people in our justice system.

The conference ends with a look into what discrimination of the future will look like and the challenges of AI, which brings my report round full circle to where it began, with technology. In a world where technology is the future, and the here and now, it is important to keep focus on the human aspect of community. I hope you see you all at conference.

### **3. Membership**

Membership of the DLA has held up well over this past year. As of 31<sup>st</sup> March 2023, DLA membership stood at 184 members, made up of:



- 65 solicitor/barristers
- 38 individuals - other (including academics, trainers, consultants, trade unionists)
- 35 student/unwaged/retired
- 26 voluntary organisations/law centres
- 3 large solicitors firms
- 5 medium solicitors firms
- 2 small solicitors firms
- 12 national organisations (including equality bodies, trade unions)

Overall membership was slightly down as compared with the same time last year (232 members) and is now below the levels of previous years when we had just 250-300 members. In general, we now have 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* is an essential element of the DLA's mission of advancing education in the field of legal representation for people who are, or may be subjected to discrimination, of increasing resources available to those working in this field, strengthening their understanding, and contributing to the development of equality law.

*Briefings'* articles and case notes map case law developments and explore legal and policy matters relevant to the issues of the day.

In the November 2022 edition, *Briefings* reflected on the impact of the Covid-19 pandemic, particularly focusing on the devastating impact of the pandemic on the rights of disabled people. It featured one article on the potential legal challenges associated with post-pandemic disability discrimination in employment, and a second focusing on the UK Covid-19

inquiry. The latter set the scene for the inquiry; it examined the impact of the government's response to Covid-19, explored the pandemic's differential impact on disabled people, and demonstrated how it exposed and magnified existing structural failings and inequalities.

The March 2023 examined the draft Retained EU Law (Revocation and Reform) Bill which threatened to lead to the revocation or erosion of equality rights and protections contained in retained EU law and the consequent potential undermining of protection from unlawful discrimination. Thankfully, in July 2023, *Briefings* was able to report that, following extensive criticism, the government changed its approach and removed the Bill's automatic 'sunset' clause.

In that edition the government's policy in relation to the Universal Credit implementation scheme and the impact of transitional arrangements on severely disabled people was the subject of a case note explaining the applicants' successful legal challenge. Also reported was the successful challenge to the government's discriminatory definition of 'gypsies and travellers' as set out in its planning policy for Traveller sites. The unsuccessful challenge to the discrimination aspect the government's policy to remove certain individuals claiming asylum in the UK to Rwanda was reported; in her case note, the author highlighted the High Court's assessment that the appellants had chosen not to make asylum claims before arriving in the UK even though such a choice was not actually open to them.

In June, the DLA family was devastated to learn of the death of Barbara Cohen, one of the association's inspirational founder members. For the July 2023 *Briefings*, Gay Moon, longstanding DLA member and one of Barbara's many friends and colleagues, drew together tributes which poured in from across the globe to Barbara's warmth, passion and commitment to equality as well as her enormous contribution to the development of discrimination law in the UK and Europe.

The July edition also addressed issues relevant to the rights of transgender people. These included an article explaining the historical background to protection for gender reassignment in the UK and the development of the Gender Recognition Reform (Scotland) Act and its process through the Scottish parliament, plus a case note exploring the Court of Session's definition of sex in the Equality Act 2010 following a challenge to the Scottish ministers' statutory guidance on the matter.

The DLA is extremely fortunate to count some of the most experienced discrimination lawyers and activists in the UK among its members and supporters. Their analysis of legal developments and emerging trends

increases and strengthens our understanding of the law. Their commitment to the DLA and *Briefings* is an incalculably rich asset for the association; the production of the three editions of *Briefings* each year would not be possible without their willingness to volunteer their time, 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 have your name included on the database, please contact Chris Atkinson at [info@discriminationlaw.org.uk](mailto:info@discriminationlaw.org.uk).

The DLA would like to acknowledge the excellent work of our editor Geraldine Scullion and our designer Alison Beanland and thank them for their skills in producing *Briefings*.

## **E-mail News & Information Circulation**

Over the reporting period, we have circulated 6 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 31<sup>st</sup> March 2023, we had 563 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. However, we have now set up a new programme of in-person events which will be available online as well.

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

27th April 2023	Making Class a Protected Characteristic	<ul style="list-style-type: none"> <li>Geraldine Van Bueren KC (Professor Emerita at QMUL and Visiting Fellow, Kellogg College, Oxford) and Chris Milsom (Cloisters Chambers)</li> </ul>
11th May 2023	Unincorporated UN treaties	<ul style="list-style-type: none"> <li>Louise Price of Doughty Street Chambers</li> </ul>

## 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.

One example of this has been the DLA's contribution to the debate on menopause discrimination in the workplace and whether the menopause should be designated as a protected characteristic.

- September 2021, in response to an initial approach from the WEC, the DLA held an online PGM on Menopause in the Workplace to provide DLA members with a forum to feed into the DLA's response.
- October 2021, a written submission, drafted by committee member Declan O'Dempsey which took account of members' input, was made to the WEC
- 19 January 2022 when our co-chair, Colin Davidson, provided oral evidence to the WEC.
- July 2022 following a further request from the WEC for supplementary evidence as to whether section 14 of the Equality Act (combined discrimination/dual discrimination provision) should be introduced, DLA produced a detailed response recommending that, amongst other things, section 14 should be enacted.

On 28 July 2022, the WEC published its First Report of session 22-23, Menopause and the Workplace, HC 91 which included no fewer than fifteen references to the contribution made by the DLA. It recommended both that Section 14 of the Equality Act 2010 be enacted immediately, and that the menopause should be designated as a protected characteristic (

As ever, we will create similar opportunities in 2023-24 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](http://www.discriminationlaw.org.uk):

Call for Evidence - Asylum seekers in the UK	Joint Committee on Human Rights	Dec 2022
Consultation re proposed amendments to the Employment Appeal Tribunal Rules 1993 and to a new Practice Direction for the EAT	Employment Appeal Tribunal	July 2023

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 Cloisters Chambers for hosting this AGM.

## Appendix 3: Executive Committee

### Members

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

<b>Nicola Redhead</b>	Chair
<b>Colin Davidson</b>	Treasurer
<b>Jonathan Boyle</b>	Trustee/Director
<b>Kayvan Ghotbi-Ravandi</b>	Trustee/Director
<b>Gemma Grant</b>	Trustee/Director
<b>Atif Kaudri</b>	Trustee/Director
<b>Changez Khan</b>	Trustee/Director
<b>Declan O'Dempsey</b>	Trustee/Director
<b>Jonathan Rackham</b>	Trustee/Director
<b>Dave Ratchford</b>	Trustee/Director
<b>Annapurna Waughray</b>	Trustee/Director