



Discrimination Law Association

ANNUAL REPORT 2023-2025

**Presented to the
Annual General Meeting**

**Held
online only
via zoom**

**on Wednesday 22nd January 2025
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	3
2.	Overview and Chair's Report	4
3.	Membership	6
4.	<i>Briefings</i> and E-mail News	7
5.	Practitioner Group Meetings	9
6.	Influencing Law and Policy	10
Appendix 1	Staffing	11
Appendix 2	Support and Thanks	11
Appendix 3	Executive Committee	11

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 Wednesday 25th October 2023 to today's date 22nd January 2025.

Overview

Fifteen months have passed since my last DLA Chair's report and so much has changed since then. In the UK, a Labour Government is in power after fourteen years of coalition and Conservative governments, and they have wasted no time in bringing about change, especially in the workplace.

The Sexual Harassment Act 2024, which came into effect in October 2024, mandates that employers take reasonable steps to prevent sexual harassment of their employees. Look out for our forthcoming online conference 'The Future of Equality Law' on 7th March 2025, where the EHRC will be speaking on the subject.

The Employment Rights Bill 2024, which could result in the biggest shake up in employment law since 1996, is under discussion by lawyers and employers alike. The bill suggests, the banning of zero-hour contracts, an end to the practice of fire and rehire and protection from unfair dismissal from day one of employment among other things.

DLA delegates out and about

In April, a DLA member travelled to the Hague to represent us at a European Network Against Racism (ENAR) strategy meeting. The two-day event allowed delegates across Europe to network and devise a strategy to combat the rise of racism.

On 9th September, the DLA was invited to a joint event at the US Embassy hosted by Humanists UK and the American Embassy to mark World Humanist Day. We listened to speeches from US Chargé d'Affaires, Matthew Palmer; Lord Wajid Khan, the new UK Government Faith and Belief Minister; Vice President of Humanists UK Polly Toynbee; and Humanists UK Chief Executive Andrew Copson.

DLA Consultation work

I chaired the working group who drafted the DLA response to oppose the then government's proposal to reintroduce ET fees and a current working group, led by Catherine Casserly of Cloisters Chambers, is answering a Government's call for evidence on costs protection for discrimination claims.

Over the last fifteen months the DLA has held an in-person conference entitled Equality and Access to Justice and ten PGMs.

At conference, we considered access to justice for persons with disabilities (both in court procedures and in access to HMCTS courts and tribunals) with John Horan (Cloisters Chambers), international law on access to justice with Declan O' Dempsey (Cloisters Chambers) and Aileen McColgan KC (11KBW), and how to combat the effect of sex and race discrimination in police forces, access to justice for victims of crime with Sophie Naftalin (Bhatt Murphy).

We also delved into the application of the public sector equality duty to address advice deserts with Catherine Casserley (Cloisters Chambers) and Professor Richard Owen (Chair of The Law Society's Access to Justice Committee), as well as the topic of reasonable adjustments and HMCTS with Elaine Banton (7BR Chambers) and Mike Williams, (Deputy Director of Service Excellence at HMCTS).

Sean Jones KC (11KBW) gave us an update on the latest outcomes in discrimination law and Dee Masters (Cloisters Chambers) discussed AI and the future: the future of discrimination.

Our PGM Sessions throughout the last fifteen months included:

- "Care Leavers and Housing" - speaker: Kathy Evans and Phoebe White of NYAS - 4th December 2024
- "Going into Labour" speaker: Rebecca Thomas of 42BR - 12 September 2024
- "Indirect Disability Discrimination" - speaker: Paul Smith - 27th June 2024
- "Equality Act updates" - speaker: Declan O' Dempsey - 13th June 2024
- "Settlements in discrimination claims" - Imogen Brown (Cloisters) & Clare Fowler (YESS) - 7 March 2024
- "Case Preparation/Management" - speaker: Jude Shepherd - 19th February 2024
- "Habib: the ETBB strikes back" - speaker: John Horan - 5th February 2024
- "Disclosure and Demeanour" - speaker: Gus Baker - 13 December 2023
- "Shifting the burden of proof" - speaker: Jeffrey Jupp 7BR - 23 November 2023
- "Religion/Belief Discrimination" - speaker: Naomi Cunningham - 14 November 2023.

And there is much more to come.

Our next PGM is directly after this AGM, where Jessica Franklin from Outer Temple Chambers will discuss the new s19A Equality Act and the case of British Airways plc v Rollett & Others [2024] EAT 131. Then in March we will have PGMs from Catherine Knowles of Exchange Chambers, Manchester, on the topic of Counting the Cost: How compensation is assessed in discrimination cases on 6th March and, rescheduled from last year, a PGM from Sophie Garner of St Philips Chambers on "Dealing with litigants with mental health differences" (Tuesday 25th March 2025). Not forgetting our conference on 7th March, details to follow soon.

Concluding thoughts

By the time you read this report the 45th president of America will be its 47th. I wonder whether his second term will be different from his first.

Fifteen months ago, my Chair's report commented on the start of the war in Gaza. At the time of drafting this report, a ceasefire has been declared, which may signal the conclusion of the conflict and facilitate the release of hostages. I take this news as an indicator that this will be a Happy New Year and wish you all the best for 2025.

3. Membership

Membership of the DLA has held up well over this past year. As of 21st January 2025, DLA membership stood at 189 members, made up of:

- 65 solicitor/barristers
- 39 individuals - other (including academics, trainers, consultants, trade unionists)
- 37 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 (205 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 a critical element of the DLA's mission to contribute to the development of equality law and support discrimination law practitioners. It does this by publishing articles and case notes mapping case law developments, highlighting relevant legislative changes and exploring legal and policy matters on equality law issues. This year, *Briefings* published 28 case notes and eight in-depth articles.

The November 2023 edition highlighted the exclusion of older and/or disabled people from accessing services which are increasingly only available online, and how the government's 'digital first' approach could amount to unlawful indirect discrimination, a breach of human rights and a failure to comply with the public sector equality duty. The DLA's annual conference on equality and access to justice also explored this issue and the participants discussed how to use discrimination law to address the growing lack of access to justice in the UK.

A recurring *Briefings*' theme is criticism of the government-of-the day's policies whether done through successful legal challenges, e.g. obtaining a declaration that the powers given to the police to prevent Gypsies and Travellers from returning to unauthorised encampments were incompatible with the Human Rights Act 1998¹, or through reports by international or domestic bodies. Examples include criticism of the the

¹ K (*Smith v Secretary of State for the Home Department and (1) Friends, Families and Travellers, (2) Liberty, interveners*) [2024] EWHC 1137 (Admin), May 14, 2024; [2024] Briefing 1090.

Windrush Compensation Scheme² or Justice’s highlighting of the failure of policy makers to conduct timely equality impact assessments as occurred with the Illegal Migration Act 2023³. The July edition highlighted the importance of using the European Convention on Human Rights to argue for the protection of rights, picking up on the High Court’s ruling that the Illegal Migration Act⁴ was incompatible with ECHR provisions. Always alert to the international legal framework, *Briefings* reported comments by the UN Committee on the Rights of Disabled People which, in March 2024, had criticised the government’s failure to ‘*address grave and systematic violations of the human rights of persons with disabilities and [its failure] to eliminate the root causes of inequality and discrimination*’⁵.

An important topical issue explored in March 2024 by Robin Allen KC and Dee Masters was the potential for artificial intelligence to increase workplace discrimination. The authors challenged readers to engage with the AI revolution and work with trade unions and policy makers to ensure that it does not perpetuate bias and discrimination, but its potential is harnessed for the benefit of workers. In July, it was reported that the TUC had published its Artificial Intelligence (Regulation and Employment) Bill which had been drafted by the authors and others; the TUC expressed its resolve to try to ensure that the bill, which had been drafted to UK parliamentary standards, would quickly become law.

Other important topics reported in *Briefings* include updates on legislative changes such as changes to the Equality Act 2010 which were outlined by Olivia Fletcher and Alice Ramsay in March⁶. Another is the development of law and policy regarding the rights of transgender people. The March edition reported on the legal challenge brought by For Women Scotland to the implementation of Scottish policy on gender representation⁷, while the July edition included a critical overview of the direction of travel in judge-made gender critical case law⁸.

The DLA is extremely fortunate to include 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

² https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4721713, news item March 2024 *Briefings*, p54

³ <https://files.justice.org.uk/wp-content/uploads/2023/08/31123029/JUSTICE-The-State-Were-In-Addressing-Threats-Challenges-to-the-Rule-of-Law-September-2023.pdf>

⁴ <https://www.bailii.org/nie/cases/NIHC/KB/2024/35.html>

⁵ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FGBR%2FFUIR%2F1&Lang=en; news item July 2024 *Briefings*, p43

⁶ [2024] Briefing 1076

⁷ [2024] Briefing 1081

⁸ [2024] Briefing 1089

commitment to the DLA and *Briefings* is an invaluable asset; 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.

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

E-mail News & Information Circulation

Over the reporting period, we have circulated 8 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 21st January 2025, we had 574 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. During the pandemic, these events had to be run online via zoom but this had the added advantage of enabling members who live beyond travelling distance into London to attend.

Following the pandemic, an attempt was made to hold these events both in-person and online but the attendance in person was rather disappointing and so the decision was taken to revert to online only.

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

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.

As ever, we will create similar opportunities in 2025-26 so that we can continue to influence law and policy effectively in line with our members' interests.

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, most events have been held online but we are extremely grateful to Cloisters Chambers for hosting our previous AGM and to Outer Temple Chambers, 7BR Chambers and Cloisters for hosting in-person PGMs.

Appendix 3: Executive Committee

Members

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

Nicola Redhead	Chair
Colin Davidson	Treasurer
Gemma Grant	Trustee/Director
Atif Kaudri	Trustee/Director
Declan O'Dempsey	Trustee/Director
Jonathan Rackham	Trustee/Director
Dave Ratchford	Trustee/Director
Laura Redman	Trustee/Director
Annapurna Waughray	Trustee/Director