

# **ANNUAL REPORT 2020-2021**

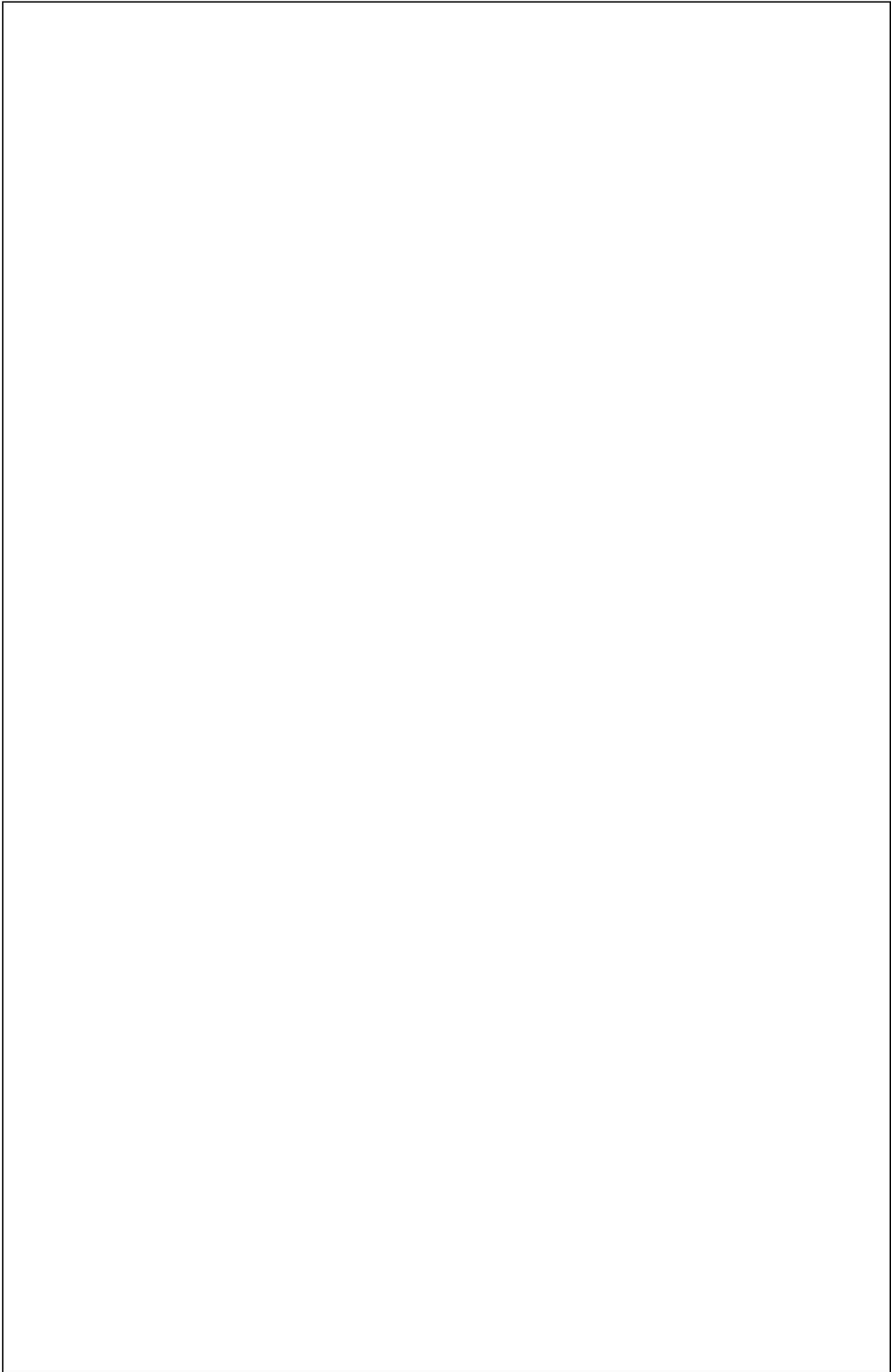
**Presented to the  
Annual General Meeting**

**Held  
online via zoom**

**on Tuesday 27th April 2021  
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 in February 2020 to today's date, 27 April 2021.

This term began with the nomination of a substantially new committee, with a number of DLA titans having stood down over successive years and taking with them a wealth of knowledge and experience. We are grateful to them for their service and contributions, which are noted in their absence. The term also began with no elected chair, however Annapurna Waughray and Colin Davidson were duly confirmed by the committee to share this responsibility throughout the course of this Executive Term.

No one will be unaware of the impact that coronavirus has had on the world over the course of the last year and it will have touched many of us deeply. There have been multiple reports undertaken (such as those by The Health Foundation, Public Health England and The Women and Equalities Committee, as well as available ONS data) which have illustrated the impact COVID-19 has had in entrenching inequalities for those most deprived and disadvantaged already. Whilst the world is evolving and adapting to this new threat, our systems are slow to respond and we require to ensure this entrenchment isn't perpetuated for years to come. The DLA has work to do in the coming year to continue to shine a light on these inequalities and look for ways to challenge the Government's inaction on these divisions and to ensure that generations are not left behind by the inequalities that already exist across health, employment, housing and access to benefits and public funds. This work has begun through PGMs including the "Roundtable on Covid-19 and discrimination law" and articles in Briefings and discussions in conference.

The DLA and its Executive Committee have not been unaffected by the pandemic in an administrative and personal capacity, as have other charities and voluntary organisations. This has affected our functionality as we have pivoted to an online-only presence, and committee members have dealt with the ongoing impact of the pandemic on their own personal and professional lives whilst seeking to contribute to the first-class work of the charity. We would like to say thank you to all the Executive Committee members throughout the year who have given their free time in difficult personal and professional circumstances. Thanks goes out, as always, to our administrator, Chris Atkinson, who has kept the ship steady during the transition of committees and these difficult circumstances.

During this crisis the world has also been shaken by the tragic murder of George Floyd in May 2020. We then witnessed the mobilisation of the BLM movement that was heard and felt around the globe. The activity of this grassroots movement raised awareness of this tragic, senseless and racist murder such that it could not be ignored and in no small part led to the conviction of the police officer Derek Chauvin this month. Without this type of action it appears inconceivable that this conviction would have taken place, taking into account the original police report having recorded this death as a “medical incident” and the previous string of police killings, which have resulted in no such action.

It is therefore horrifying to see the current Government seeking to push through legislation in The Police, Crime, Sentencing and Courts Bill that could be utilised to further suppress similar types of grassroots action here in the UK. This Government has already been utilising the current coronavirus regulations to detain and fine activists protesting on behalf of BLM and other movements.

This has been illustrated shockingly in the recent police use of these regulations to forcibly arrest women at the vigils for Sarah Everard in London. This was particularly stark given that the man arrested for the kidnap and murder of Sarah Everard is a police officer.

The current legislation has also been used most recently to fine a 61-year-old NHS worker £10,000 for organising a protest against the Government’s 1% pay-rise for NHS staff, which is in effect a real-time cut to their wages. This is in the midst of a global pandemic where NHS workers have been asked to put their lives on the line and the Government has rewarded them with little more than empty promises and a clap on the doorstep.

As such there is little hope this new legislation will be used proportionately and will not amount to a wholesale infringement of individuals’ Human Rights. With evidence (as highlighted in previous *Briefings* articles and PGMs) that BAME people are 54% more likely to be fined under coronavirus rules for protesting that than white people, and that those who are young or from disadvantaged and underprivileged backgrounds are likewise more likely to receive fines, it appears clear that this legislation will further entrench discriminatory policing, which disproportionately affects those from ethnic minorities and those who are already being disadvantaged by the pandemic. This is a further concern when considering the research that shows these fines can be successfully challenged with the correct advice, which may again

disproportionately affect those who cannot pay the fine or have access to legal advice and may face a criminal record as a result. The DLA hosted a PGM related to “Discriminatory policing, justice and the right to protest during Covid” that covered a number of these issues and was well received by those in attendance. It may be that an updated or refresher PGM is required on this in due course.

Despite this gloomy outlook, there have been a number of positives to take away from the DLA activity this year. The DLA hosted its first entirely online conference, which appears to have been a considerable success and received overwhelmingly positive feedback, along with some constructive criticism. Hosted over two weeks the online format allowed us to introduce speakers from throughout the UK and also across the world. We had esteemed speakers from South Africa and the USA as well as home grown talent. We had a live captions facility for those who wished to make use of them, seeking to make the new format as accessible as possible to all. The learning from online PGM’s and conference will be utilised moving forward in seeking to include and empower members and beneficiaries from all-around the UK, some of whom were not previously able to make our predominantly London-based physical meetings.

With the conference being online this year we also took the decision to decrease the cost of this substantially in seeking to attract a wider audience. Despite the drop in cost we were able to deliver a similar income to that of last year’s conference due to the increased attendance on the basis of the online format.

Financially the DLA has also benefited from exceptionally kind donations over the course of the year, ranging from £10 - £1,600. We thank all of our kind donors for their assistance in keeping the charity financially secure.

In order to safeguard the charity’s finances on behalf of our beneficiaries we also took advantage of the government furlough scheme for a period to furlough our administrator (with his explicit consent and approval) on a part-time basis, allowing us to continue to function whilst protecting the finances for future and uncertain years. As such you will see from our financial reports we have achieved a surplus in this year, despite the pressures on the charity.

We have also begun a redesign of *Briefings*, which you may have noticed with the initial step of placing the index at the front for ease of reference. We have undertaken a survey of readers to find out how *Briefings* is utilised and how this can be improved to make it more

accessible and beneficial to the readership, we thank those who contributed to this survey. As a result of these findings we are currently updating the layout and content, which will roll out early in the next session.

With so much activity online now, we have also taken the opportunity to review the website and will be upgrading the website operating system to ensure this is fit for purpose in the digital age.

The committee has also taken steps in reviewing internal policies, procedures and governing documents with a view to bringing these up to date. An exercise we will carry into the next session.

This year has 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, this of course includes Geraldine and Alison for all their work on *Briefings* and the redesign. 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 31<sup>st</sup> March 2021, DLA membership stood at 245 members, made up of:

- 82 solicitor/barristers
- 51 individuals - other (including academics, trainers, consultants, trade unionists)
- 55 student/unwaged/retired
- 27 voluntary organisations/law centres
- 6 large solicitors firms
- 5 medium solicitors firms
- 6 small solicitors firms
- 13 national organisations (including equality bodies, trade unions)

Overall membership was slightly up as compared with the same time last year (213 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*

This year's review of the content of *Briefings* spans four editions published in March, July and November 2020 and March 2021 - a unique and exceptional year. As the impact of COVID-19 continues to unfold, its exposure so far of entrenched inequalities in our society has been stark; inequalities of wealth, power and access to resources, contrasted with the unequal access of marginalised or vulnerable groups to resources, education, jobs, benefits and health and other services. Challenging the disproportionate impact of the pandemic on women, ethnic minorities, older people, young people, and disabled people will continue to be a major focus of *Briefings* as 2021 progresses.

The nine articles and 42 case reports included in *Briefings* in 2020/21 highlighted some of these issues as they began to emerge.

In July Catherine Casserley and Chris Fry considered the implications for disabled people of the Coronavirus Act 2020 and the government's response to the pandemic, highlighting some areas for legal challenge such as potential indirect discrimination, failure to make reasonable adjustments or comply with the public sector equality duty. Challenging specific COVID-19 measures was also a theme in the November edition where Declan O'Dempsey, Akua Reindorf and Chris Milsom asked 'Where now for the Public Health England COVID-19 Disparities Review?', setting out some potential legal avenues for holding the government to account.

Recurring and ongoing discrimination issues also appeared in the articles and case reports; these included issues such as women's fight for pension equality (*Delve, Safeway v Newton*), the correct approach to Article 14 justification, particularly in relation to social policy (*JD & A v*

UK; also *Briefing* 923 by Declan O'Dempsey and *Briefing* 949 by Adam Straw and Tayyiba Bajwa), equal access to welfare benefits (*O'Donnell v Department for Communities; Cox*), and many more. Potential institutional race discrimination was reported in *SSHD v R* (Joint Council for the Welfare of Immigrants and others); and in her critique of the Windrush Lessons Learned Review, Jacqueline McKenzie reminded readers of the appalling impact of the Windrush scandal, caused in part by racist immigration legislation and the government's 'hostile environment' policy, on the lives of thousands of Black members of the Windrush generation.

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*, particularly in a year when many were coping with exceptional demands in their private and professional lives. 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](mailto: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 work 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 2021, we had 577 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.

27 May 2020	Roundtable on "Covid-19 and discrimination law: some tricky issues"	Betsan Criddle and Rachel Owusu-Agyei (Old Square Chambers)
16 July 2020	Discriminatory policing, justice and the right to protest during Covid"	Mira Hammad (Garden Court North), Danielle Manson (Garden Court) and Shina Animashaun (Garden Court)
15 December 2020	Complex Gender Identities and the Equality Act	Robin Moira White (Old Square Chambers)

## 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.

In February 2020, the DLA was represented at an EHRC roundtable on reforming the Public Sector Equality Duty specific duties. The EHRC had been working internally on proposals to reform the duty, making it more outcomes-focussed and evidence based. They were engaging Government on the proposals and wanted to get a wide range of input from interested organisations. This first roundtable was with equality and discrimination experts including civil society, lawyers and academics.

As ever, we will create similar opportunities in 2021 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):

Inquiry into the impact of Coronavirus on people with protected characteristics	Women and Equalities Committee of the House of Commons	30th April 2020
Independent Review of Administrative Law call for evidence (questioning the Judicial Review process)	Independent Panel working for the Lord Chancellor and the Chancellor of the Duchy of Lancaster	19 October 2020

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 most of the reporting period, events have been held online due to the pandemic but we have benefited from the support of the solicitors' firm Slater & Gordon who hosted Executive Committee meetings and last year's Annual General Meeting before the first lockdown:

We are also extremely grateful to the firm Edwards Duthie Shamash for its generous sponsorship of live-captioning of the Annual Conference in February 2021 and this AGM.

## Appendix 3: Executive Committee

### Members

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

<b>Colin Davidson</b>	Co-Chair & Treasurer
<b>Annapurna Waughray</b>	Co-Chair
<b>Yara Ali-Adib</b>	Director
<b>Jonathan Boyle</b>	Director
<b>Ryan Bradshaw</b>	Director
<b>Georgina Churchhouse</b>	Director
<b>Kim Crangle</b>	Director
<b>Natasha Dare</b>	Director
<b>Kate Egerton</b>	Director
<b>Anna Kaminska</b>	Director
<b>Leila Moran</b>	Director
<b>Jonathan Rackham</b>	Director
<b>Maurice Serrell</b>	Director

