

Vera Baird QC MP
Department for Constitutional Affairs
Selborne House
54 Victoria Street
London
SW1E 6QW

Dear Ms Baird,

We are writing to express our concern about the impact that the current proposals for fixed fees in legal aid will have on the legal support and advice that will be available to those that seek the protection of the law in the face of discrimination.

We welcome your recognition, during a meeting with the NfP that the fixed fee system could have a particularly adverse impact on discrimination law and that there could be a case for a special category for discrimination law.

As an organisation we work to promote good practice and education in anti-discrimination law and practice. Our 400 members include many practitioners with a vast range of experience in providing advice, information and representation under contract with Legal Service Commission in the private and not for profit (NfP) sector.

Having consulted our members we can report that there is universal concern about how the proposed changes will impact on anti-discrimination law and thus on the ability of victims of discrimination to secure redress.

The experience of our members is that discrimination cases are different from other cases. There are complexities and sensitivities that are specific to discrimination cases. It is in the very nature of discrimination that Claimants will often be from the most marginalised and vulnerably sectors of society.

As the judiciary have often noted, discrimination law is remarkably complex. For example, a complex sexual harassment case can last many days and thus require over 60 hours of preparation. Claimants (some of whom have suffered sexual assault) are not in a position to run cases themselves. Skilled, impartial and expert preparation is vital to winning such a case.

Claimants too often suffer an inequality of arms when faced with well-funded respondent solicitor firms instructing barristers, including QCs. In our experience, four hours is not even sufficient for taking initial instructions on many routine discrimination cases. Preparing questionnaires and analysing the statistical data given in replies to questions can take that time alone.

A further issue is *non-employment* discrimination law. Such cases lack a specific SCAN code, and are therefore usually done under tolerance. Under the new system, practitioners will be penalised. We can see no reason why an advisor helping, for

example, a Muslim woman thrown off a bus for wearing a head scarf should be paid differently from all other legal help work.

We are also concerned at the lawfulness of the fixed fees. The DCA and the LSC have duties to promote equality under the Race Relations Act and Disability Discrimination Act. The DLA believes that, contrary to proper compliance with these equality duties, the proposed new system will have a disproportionate adverse impact on the ability of many disabled people and BME communities to have access to justice generally and specifically in relation to complaints of discrimination and harassment.

We enclose our full reply to the consultation on the new contract which details our concerns.

We should be grateful for an opportunity to meet with you and your team to discuss the future of publicly funded discrimination law. We hope tht it will be posible to arrange a meeting in the near future.

Thank you and we look forward to hearing from you at an early date.

Please reply to Juliette Nash at North Kensington Law Centre, 74 Golborne Road, London W10 5PS.

Yours sincerely

Juliette Nash
Discrimination Law Association