



Discrimination Law Association

ANNUAL REPORT 2006-2007

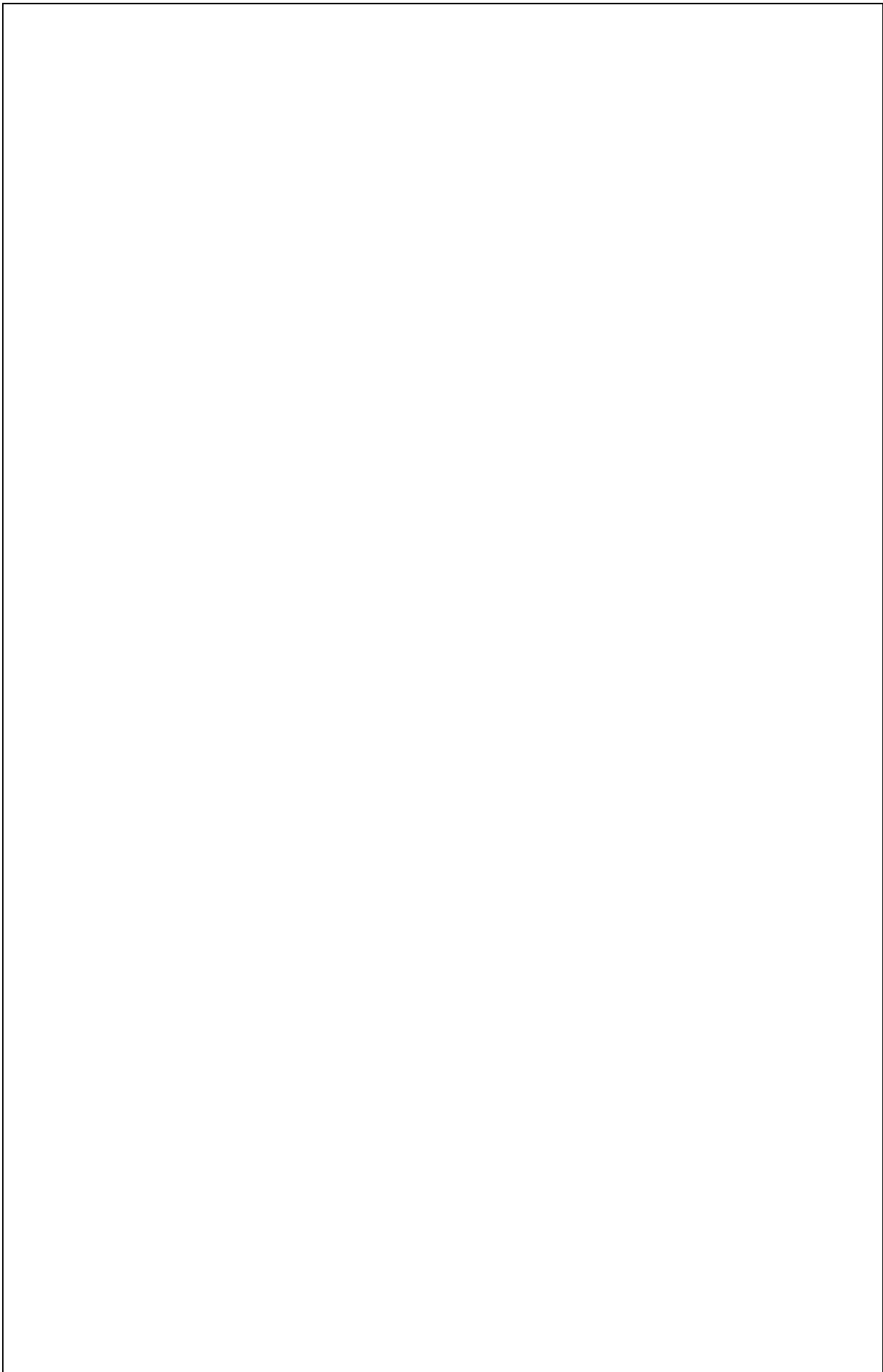
**Presented to the
Annual General Meeting**

**Held at
Irwin Mitchell Solicitors, London**

**On 28 November 2007
At 6pm**

Discrimination Law Association

**Company Limited by Guarantee 3862592
Incorporated in England & Wales**



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1. History and Aims

The Discrimination Law Association was founded in 1995 with the objective of pushing forward the practice of complainant-oriented discrimination law and creating resources for those involved in practice. From the start strong emphasis was placed on the needs of the voluntary sector.

In 1998 a three-year grant was received from the Community Fund (formerly the National Lottery Charities Board). This enabled us to employ a part-time Development Officer.

Membership grew rapidly and in October 1999 the Association was incorporated as a company limited by guarantee.

We have been able to employ a part time employee to assist us in our activities since.

Aims

The Discrimination Law Association was established to promote good community relations by the advancement of education of the general public in the field of anti-discrimination laws and practices.

2. Overview and Chair's Report

This report relates to the period December 2006 to November 2007

The past twelve months have been a busy and active time in the equality and discrimination field. The DLA has remained active in the battle to secure effective equality protection while also developing its capacity, strength and profile as an organisation.

The final reports of the Equalities and the Discrimination Law Reviews delivered far less than they had promised in the way of a radical rethinking of the approach to tackling discrimination. We drew on the experience, expertise and knowledge of our members to put together a rigorous, lengthy and detailed response to the DLR consultation paper. While the government remains committed to introducing a single equality bill in this Parliament, we will sustain our work in this area to ensure that there is effective and workable legislation that will provide Britain with the equality legislation that is needed to address the discrimination that persists in our society.

Access to justice has been an area of growing concern and focus of work during the past year. We have campaigned to bring to the attention of Government, statutory equality bodies and others, the impact of changes to Legal Services Commission funding in civil cases on publicly funded representation in discrimination cases. The experience of our members provided us with the knowledge and expertise to highlight the inadequacies of the current approach, even within its own terms, for ensuring proper legal support and advice to victims of discrimination. We highlighted this issue as conference speakers at the Greater London Authority, the Mayor of London's State of London Debate and the Law Society's Minority Lawyers Conference. This issue will no doubt remain a key priority for action in the coming year.

More positive developments can be seen in the area of Statutory Dispute Resolution procedures, where the DLA, along with others, has succeeded in convincing government that the current approach is unworkable. A seminar with Melanie Pine, the Director of Ireland's Equality Commission also provided an opportunity to develop our thinking on mediation and alternative approaches to dispute resolution.

As we look ahead, I hope that as an organisation we will continue to provide criticism of non-compliant legislative proposals and critical support for such proposals as accord with our aims. We will engage with the new Equality and Human Rights Commission as it takes shape, to ensure that its actions and priorities are grounded in the reality of the lives of people who seek to challenge the discrimination and prejudice they face.

As an organisation whose task is as described above, it is my experience that the Executive Committee has been able to do much of what it has achieved this year primarily because of the good will and dedication of its members and the incredible support provided by our administrators. In February the DLA said a fond farewell to Melanie Crofts, who, after many years of dedication to the organisation, left to take up a full time teaching position at Northampton University. Our new administrator, Cassandra Balchin, comes with significant experience of the challenges of working in the NGO sector. This experience is proving invaluable as we consider ways to develop the DLA to ensure that we are effective in meeting our aims and objectives.

The experience, expertise and passion for equality of our members remain the driving heart of the DLA. We want to ensure that we are able to harness that energy, providing opportunities for them to be involved in our activities, particularly members outside London, and to attract new members. One avenue for achieving this will be more joint events like the seminar on strategic litigation in age discrimination with the Third Age Employment Network and Justice. These provide an opportunity for partnership with organisations that share our commitment to equality. Through a survey of members, we are also exploring ways to make the

DLA website and information circulation more responsive to our diverse members' needs.

Members of the Executive Committee continue to put in the time and effort needed to sustain our work over the past year. Without the reliance I have been able to place on our astonishingly energetic Vice-Chair, Barbara Cohen, I would not have been able to give the organisation much of value. As ever, Gay Moon has superbly edited our journal *Briefings*, and PGMs have been brilliantly organised by Juliette Nash and Michael Reed. Sophie Garner has given us the benefit of her expertise on our proposed charity application and, thanks to our Treasurer Elaine Banton, we have sufficient funds to undertake the crucial work we wish to in the year to come. I started off in this paragraph attempting to highlight all of the contributions made by each Executive Committee member. Fortunately, contributions have been so extensive, both to academic and practitioner issues, that it would be impossible to list them all here. It has been a privilege to be chair of this organisation and of this Executive Committee. Many thanks to you all.

A special thanks to all of those organisations and/or institutions which have allowed us to descend upon their premises, free of charge, for meetings and thank you also to those Executive Committee members who have helped to arrange those meetings.

Finally, thank you to our members for continuing to support the DLA. We look forward to seeing you at the wide range of events we have planned for the New Year.

3. Membership

As of 12 November 2007, DLA membership stood at 340, made up of:

- 110 solicitor/barristers
- 10 large solicitors firms
- 14 medium solicitors firms
- 8 small solicitors firms
- 76 voluntary orgs/law centres
- 19 national orgs
- 1 commercial Co.
- 67 individual – other (including academics, trainers, consultants)
- 28 student/unwaged
- 7 complimentary

The DLA has two categories of membership: associate membership for organisations and individual membership. In this period, 60% of our membership was made up of individuals and 40% of associate members. 34 new members were recruited during the period 7 November 2006 – 12 November 2007. In other words, 10% of our membership during this period is new to the DLA.

4. Briefings and E-mail News

Briefings

The *Briefings* come out three times a year.

They aim to cover all the major cases affecting discrimination practitioners, with more detailed articles on areas of particular interest or new developments. The editorials provide a commentary on current issues. The *Briefings* also carry news items and book reviews.

The publication continues to depend on the contributions of members, for which we are very grateful. The last year has seen articles on Multiple Discrimination; Parents' Rights at Work; Sickness Absence and the DDA; the new Disability Equality Duty for the public sector; the new Gender Equality Duty for the public sector; the new Sexual Orientation Regulations in relation to the access to goods, facilities and services; the Benefits of Purpose Clauses; the Need for Legislation on Genetic Discrimination; and Discrimination against Carers.

Briefings have been edited by Gay Moon for the last eight years and she is now standing down from this responsibility. They are designed and typeset by Alison Beanland.

E-mail News & Information Circulation

Over the last year, we have circulated seven issues of the DLA's E-mail 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.

In between E-mail News issues, the DLA office also circulated information regarding numerous important events and activities to members, as well as occasional requests for information from other DLA members.

A survey of members was launched at the end of the year to assess ways of making information circulation as relevant as possible to members' needs.

5. Practitioner Group Meetings

In 2006-07 DLA has continued to run a diverse programme of Practitioner Group Meetings.

We have aimed to strike a balance between sessions focusing on practical work (information exchange and speaker sessions) and those focusing on policy issues.

Practical sessions this year have included talks on using the Public Equality Duties in Casework; an update on the developing law relating to Religion and Belief Discrimination; applying the Burden of Proof Rules to Indirect Discrimination Cases; and the uses of the Race Relations Act to protect migrant workers from exploitation.

Many of our policy sessions have been concerned with the ongoing Discrimination Law Review. In particular, we held a major meeting to collect and discuss the memberships views on our consultation response. This, along with the membership questionnaire and the volunteers gathered at that meeting was invaluable in preparing a full, informed response. We held a meeting on the proposed higher profile of mediation to resolve discrimination disputes including experience from the Irish legal system. Most recently we held a meeting to discuss how best to protect carers from discrimination.

We also held a joint meeting with the Third Age Network and Age Concern to plan for strategic cases in Age Discrimination.

We would like to thank Tess Gill, Catherine Casserley, Ulele Burnham, Gay Moon, Robin Allen, Declan O'Dempsey, Melanie Pine, Juliette Nash, Camilla Palmer, Joanna Wade and Barbara Cohen for their excellent work as speakers. We would also like to thank all the members who have attended and contributed to the meetings.

The purpose of the PGMs is to provide members with the support and information they need. We always welcome suggestions as to topics, types of meetings, and ways to ensure the PGMs are as accessible as possible to all members.

List of CPD accredited events held by DLA 01 November 2006 – 31 October 2007

| DATE | LOCATION | TITLE | SPEAKERS | CPD HOURS | BSB* accred? |
|----------|----------------|---|--|-----------|--------------|
| 15/11/06 | Irwin Mitchell | Indirect Discrimination and the Burden of Proof – Where do we go from here? | Tess Gill (Old Square Chambers) | 2 | |
| 31/1/07 | DRC | Public Equality Duties: What do they mean for practitioners? | Catherine Casserley DRC Jill Brown – Outer Temple Chambers | 2 | √ |
| 21/03/07 | DRC | Sexual Orientation Regulations – Goods Facilities and Services | Ulele Burnham – Doughty Street Chambers | 2 | √ |
| 18/04/07 | DRC | Age Regulations 'Strategic Cases' Strategy Exploratory Meeting | Gay Moon (JUSTICE); Robin Allen QC and Declan O'Dempsey (Cloisters Chambers) | 2 | √ |
| 08/05/07 | DRC | Examining the Place of Mediation in Equality Cases | Melanie Pine - Equality Tribunal, Ireland | 2 | √ |
| 18/07/07 | DRC | Using the Race Relations Act to Protect Migrant Workers | Juliette Nash – North Kensington Law Centre | 2 | √ |
| 25/09/07 | DRC | Religion & Belief: The current state of law | Declan O'Dempsey – Cloisters Chambers | 2 | no |
| 24/10/07 | 7 Bedford Row | Ensuring Carers do not suffer Discrimination | Camilla Palmer & Joanna Wade of Palmer Wade; Barbara Cohen | 2 | no |

* Bar Standards Board. All PGMs were accredited by the Solicitors Regulation Authority.

6. Influencing Law and Policy

Two main issues have dominated the law and policy activities of the DLA during the period covered by this report:

- The Discrimination Law Review and the contents of future equality legislation;
- Access to justice for victims of discrimination.

At our November 2006 AGM, Angela Mason, then Director of the Women and Equality Unit, described the work of the team of civil servants who were carrying out the discrimination law review that had been commissioned by the government in February 2006. She reviewed the terms of reference and expressed optimism about the proposals for a single equality bill that would result from this review.

With many others we waited expectantly for the discrimination law review's proposals, which were finally published on 12 June 2007 as a Green Paper: "Framework for Fairness: Proposals for a Single Equality Bill for Great Britain", with a consultation period until 4 September 2007.

Following a meeting for all members, DLA working groups developed the DLA's detailed written response, which we submitted on 4 September. While welcoming some positive improvements, the DLA's overall assessment was that a critical opportunity had been forsaken; the proposals, potentially regressive in parts, failed to strengthen existing protections and statutory equality duties and failed to recognise the importance of effective enforcement. A copy of the DLA response is available on our website: <http://www.discrimination-law.org.uk/response/DLA%20response%20to%20DLR.pdf>

At the same time as we were looking forward to new legislation, we were confronted with the reality of major changes to public funding of legal services. We see this as having a serious negative impact on access to justice under the existing anti-discrimination legislation. In our view, informed by the experience of our practitioner members, the proposed, and now implemented, changes to civil legal aid will make it virtually impossible for victims of discrimination to receive the skilled advice and assistance they need in what judges have frequently described as a complex and difficult area of law. We have made representations to relevant Ministers and have sought to raise it with senior officers of the EHRC.

Our response to consultation on resolving disputes in the workplace drew on the results of our survey of DLA members. Reflecting the views of members regarding their experiences in relation to the statutory dispute resolution procedures when acting for discrimination claimants, we

recommended repeal of these procedures, and we have welcomed the government's decision to do so.

DLA Submissions

Our last Annual Report included details of written submissions to the end of October 2006. During the period 1 November 2006 to 30 October 2007 the DLA has made written submissions in response to the following consultations and proposals for new or revised legislation and policies;

- Written submission on the proposed changes to legal aid sent to Vera Baird, MP, Parliamentary Under-Secretary of State at the Department for Constitutional Affairs
- [The Carter Report and the LSC/DCA paper: Legal Aid - a sustainable future](#)
- The [DTI Consultation: Resolving disputes in the workplace](#)
- Proposals for [Implementation of New Powers to Prevent Illegal Migrant Working in the UK](#)
- [The Discrimination Law Review - Green Paper: A Framework For Fairness](#): Proposals for a Single Equality Bill for Great Britain
- European Commission consultation on future EU anti-discrimination legislation
- Equality and Human Rights Commission consultation on Interim Funding Arrangements

The DLA continues to be consulted formally and informally, and be invited to engage in relevant policy debates. During this period we have been particularly engaged in meetings with senior officials and with the equality commissions, including the EHRC, the Greater London Authority, trade unions and voluntary bodies, speaking at conferences in relation to the discrimination law review and proposals for new equality legislation. We have been consulted by and engaged with the media and have welcomed the opportunities to collaborate with other organisations. Our primary focus has been to contribute to the development of effective equality legislation and to the establishment of policies and procedures that ensure effective rights of redress for unlawful discrimination.

We continue to be represented on the Equality and Diversity Forum by Tufyal Choudhury. We are part of the Access to Justice campaign. As a member of UK Race & Europe Network (UKREN) we have been able to contribute to race equality matters in the UK and in Europe through the European Network Against Racism (ENAR).

7. Organisational Development and Funding

Financially the period 2006/2007 has improved on the sound progress made over the last few years. Membership remains the main source of income for the DLA and greater efforts are being made to increase the DLA membership. Enquiries continue in relation to attaining charitable status, which will hopefully open additional avenues of funding for the organisation to grow.

Most encouragingly the DLA has moved from a deficit of £4,706 last year to a surplus of £1,028 this year. No conference was held this year but we believe it remains important to invest in important ventures such as a national conference for the DLA. Continued effort is being made to further reduce expenditure in our running costs without compromising on the level of service offered to members.

Income for this year stands at £26,758 which is a reduction from last years' £42,630. Membership income saw a small dip at £22,448 from last years' £26,517. However expenditure this year was reduced to £25,730 from last years' £47,336. This decrease was largely due to no conference being held this financial year. Overall the financial position remains strong. Our current monies in the bank are approximately £3,171.70. An additional £17,943.90 is held in the savings account.

Summary

We continue to grow financially. We will strive to improve both our membership and funding base and reduce expenditure where possible.

Elaine Banton, Treasurer.

The DLA office moved to London in March 2007.

Appendix 1: Staffing

Cassandra Balchin became DLA Administrator/Development Officer on 27 March 2007.

There are no other paid or unpaid staff.

Appendix 2: Support and Thanks

During the year we have benefited from the support of the following solicitors and organisations, who have allowed us the use of their rooms for meetings:

- ◆ Disability Rights Commission
- ◆ Webster Dixon Solicitors
- ◆ 7 Bedford Row, London
- ◆ Irwin Mitchell Solicitors

Thank you to Irwin Mitchell Solicitors for hosting the AGM in November 2007 and for sponsoring the refreshments.

Thank you to Webster Dixon Solicitors for printing the Annual Report and other documentation for the 2007 AGM.

We would also like to thank our guest speaker, John Wadham, Head of Legal at the EHRC, for presenting at the AGM.

We are extremely grateful to them all.

Appendix 3: Executive Committee

Membership

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

| | | |
|----------------------------|-----------------------|-----------|
| Elaine Banton | Elected November 2006 | Treasurer |
| Nick Bone | Elected November 2006 | Director |
| Ulele Burnham | Elected November 2006 | Director |
| Catherine Casserley | Elected November 2006 | Director |
| Tufyal Choudhury | Elected November 2006 | Chair |
| Barbara Cohen | Elected November 2006 | Director |
| Sophie Garner | Elected November 2006 | Director |
| Razia Karim | Elected November 2006 | Director |
| Tamara Lewis | Elected November 2006 | Director |
| Gay Moon | Elected November 2006 | Director |
| Juliette Nash | Elected November 2006 | Director |
| Shah Qureshi | Elected November 2006 | Director |
| Michael Reed | Elected November 2006 | Director |
| Eleanor Williams | Elected November 2006 | Director |

Attendance at meetings

10 meetings of the Executive Committee were held between December 2006 and November 2007. Attendance figures are shown below.

| Name | Apologies | Attended |
|----------------------------|------------------|-----------------|
| Elaine Banton | 6 | 4 |
| Nick Bone | 6 | 4 |
| Ulele Burnham | 6 | 4 |
| Catherine Casserley | 7 | 3 |
| Tufyal Choudhury | 1 | 9 |
| Barbara Cohen | 1 | 9 |
| Sophie Garner | 6 | 4 |
| Razia Karim | 5 | 5 |
| Tamara Lewis | 3 | 7 |
| Gay Moon | 1 | 9 |
| Juliette Nash | 3 | 7 |
| Shah Qureshi | 5 | 5 |
| Michael Reed | 4 | 6 |
| Eleanor Williams | 9 | 1 |