

Tackling Discrimination in the East

An external evaluation of ISCRE's Big Lottery Fund project to tackle discrimination by employers and service providers.

Steve Allman | September 2015



Ipswich & Suffolk Council for Racial Equality

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"Most of us are aware that recent legal aid cuts threaten our access to justice. The huge increase in employment tribunal fees has meant that people without money therefore have no protection to fight against immoral employers.

I am aware of this from a personal perspective as ISCRE's employment lawyer/s helped and supported me in increasing my awareness of unlawful discrimination that I was facing with my employers. They subsequently advised me to take my case to the employment tribunal, thus improving my confidence to challenge unlawful discrimination.

As the Vice Chair, I am committed to the charity's aims of giving communities a voice to foster community cohesion by encouraging strong and positive relationships between people from different backgrounds and recognising the value of diversity. In order to create a fairer society, we must ensure elimination of unlawful discrimination and to uphold equality values in organisations and individuals, and providing representation and access to justice to individuals experiencing discrimination or harassment."

Sue Raychaudri, Vice Chair, ISCRE

Introduction

“When my supervisor referred to me using the N-word I was shocked and complained to my employer, but they did nothing.”

People who experience unlawful discrimination say the personal impact is two-fold; they have to suffer the impact of the act of discrimination, which may have resulted in losing their job or having their housing application refused, and also suffer the personal consequences, such as reduced confidence and self-esteem, depression, financial or relationship difficulties.

The Equalities Act (2010) protects certain characteristics from discrimination, including age, gender, disability, sexual orientation, religion and pregnancy; but people with those characteristics are often unaware they are protected, and employers and service providers might have a limited understanding too.

Anyone can become a victim of unlawful discrimination at some time in their lives and those who do say they don't know who turn to for help and advice.

Fortunately for some there is Tackling Discrimination in the East (TDE); an innovative project by ISCRE providing free legal advice and support to people in Suffolk who experience unlawful discrimination at work, in education or when buying goods or using public services.

This report provides an independent evaluation of the project's tremendous impact and achievements during its second year (2014-2015) and includes contributions from people who have experienced unlawful discrimination.



“In my opinion, having evaluated TDE in and engaged their clients and partners, it is clear that the project has delivered, and continues to deliver, a unique, highly impactful service to people experiencing unlawful discrimination. They demonstrate exceptional levels of competence and legal expertise when providing clients with advice, but the “USP” of this project is their ability to blend professional advice with personal compassion and empathy for whoever comes through the door.”

Steve Allman, Independent Evaluator | September 2015

Background to TDE

ISCRE (Ipswich & Suffolk Council for Racial Equality) has a history of breaking new ground. Since 1977, the Suffolk charity has enabled individuals and organisations to challenge unlawful discrimination and access equality of opportunity.

The Ipswich-based charity's roots lie in supporting people experiencing discrimination and prejudice on the grounds of race, but the organisation's name has become something of a misnomer as it now supports people with any of the characteristics protected by the Equalities Act (2010), including age, gender, disability, sexual orientation, religion and pregnancy.

People approaching ISCRE for advice and support have experienced unlawful discrimination at work, in education, when buying goods or using public services; all activities which are protected by the act. In the UK, there were 3064 claims on the grounds of racial discrimination alone brought against employers in 2013-14, which accounts for only 2% of all claims.

The demand for ISCRE's services is both high and increasing, not least as a result of major changes to the Employment Tribunal system in July 2013 when the government introduced fees for unfair dismissal or discrimination claims of £250 to lodge a claim and £950 to have the claim heard.

The latest statistics show that the number of disputes proceeding to tribunal has fallen by 60% since fees were introduced and it's entirely reasonable to suspect that many cases of unlawful discrimination are going unchallenged

because socially disadvantaged people and those on low incomes are simply not in a position to pay the fees.

ISCRE successfully applied for a Big Lottery Fund grant in 2013 to develop Tackling Discrimination in the East, a three-year project to support Suffolk people experiencing unlawful discrimination, evaluated within this report.

About the Project

From early in the evaluation, it was evident that TDE is delivering a highly effective, well-managed service to people experiencing discrimination. TDE has already delivered and, in some areas, exceeded it's outcomes and people supported by TDE report immense gratitude and impact.

In the second year, TDE helped and advised 254 socially disadvantaged clients, exceeding the original target of 250 and bringing the cumulative total of people supported in the first two years of TDE to an impressive 444.

In addition, TDE staff and volunteers have worked tirelessly to deliver 1037 attendances at 1023 sessions of advice or support in year two, bringing the cumulative total for years one and two to 2316 attendances at 2298 sessions.

The project's achievements are even more impressive given that a relatively small team delivers the outcomes, including the Director of Legal Services, Information Officer and two part-time Legal Advisors; supported by 17 volunteers, some of whom are former clients rebuilding their confidence and employment skills. The team is based at ISCRE's head office in Ipswich town

centre but also delivers outreach sessions three times a month in other locations across Suffolk including Lowestoft, Haverhill and Bury St Edmunds.

The high demand for the service comes as no surprise to ISCRE which, until the government withdrew its funding in 2012, ran the Suffolk Discrimination Law Service with a small team of lawyers and legal volunteers.

ISCRE experienced high demand for that service too, supporting between 158 to 203 people annually, the majority of whom lacked the financial resources to challenge discrimination without additional support.

In 2013 the charity successfully applied for a Big Lottery Fund grant of nearly £295,000 to fund Tackling Discrimination in the East, a project designed to further develop the former law service and continue its vital support to people experiencing unlawful discrimination in Suffolk and parts of Norfolk.



Steve Allman | September 2015

Project Aims

TDE aims to tackle unlawful discrimination in four ways, forming project outcomes which TDE has already delivered or exceeded in some areas:

- 1. Supporting people experiencing unlawful discrimination to have better life chances and skills to access employment and services by raising awareness of their rights.**
- 2. Improve mental wellbeing by helping people to tackle the unlawful discrimination causing their distress.**
- 3. Increase the self-confidence of people and carers lacking experience of asserting rights and develop their skills to challenge unlawful discrimination.**
- 4. Enable greater access to employment and services for people in Suffolk, particularly groups disproportionately affected by unlawful discrimination, by involving local employers and service providers.**

About the Evaluation

ISCRE, as the host organisation for TDE, commissioned this external evaluation in May 2015 and appointed independent evaluator Steve Allman based on his background working in the equality sector and his previous work evaluating Big Lottery Fund projects for charities and social enterprises.

The charity sought a brief external evaluation to determine the impact of the project against the original aims of the Big Lottery Fund application, in addition to identifying any areas for improvement, challenges and potential opportunities with a view to building a case for support and enabling TDE to evidence impact when exploring potential long-term sustainable funding opportunities.

Literature Review

In the course of the evaluation, the evaluator has conducted a literature review of key documents and information relating to TDE, including data exported from ISCRE's Lamplight database, project reports, Big Lottery Fund reports, evaluations from workshops, client feedback, case studies and promotional materials.

The evaluator concludes that ISCRE has robust recording processes in place for monitoring delivery and impact, with its own bespoke database maintaining a wealth of information about individuals and organisations supported by the project, supported by detailed notes relating to progress and outcomes.

Engagement

The Director of Legal Services and Information Officer have shown particular enthusiasm for the external evaluation and have demonstrated a real willingness to engage with the process and ensure the evaluation includes a range of views from clients, partners and key stakeholders.

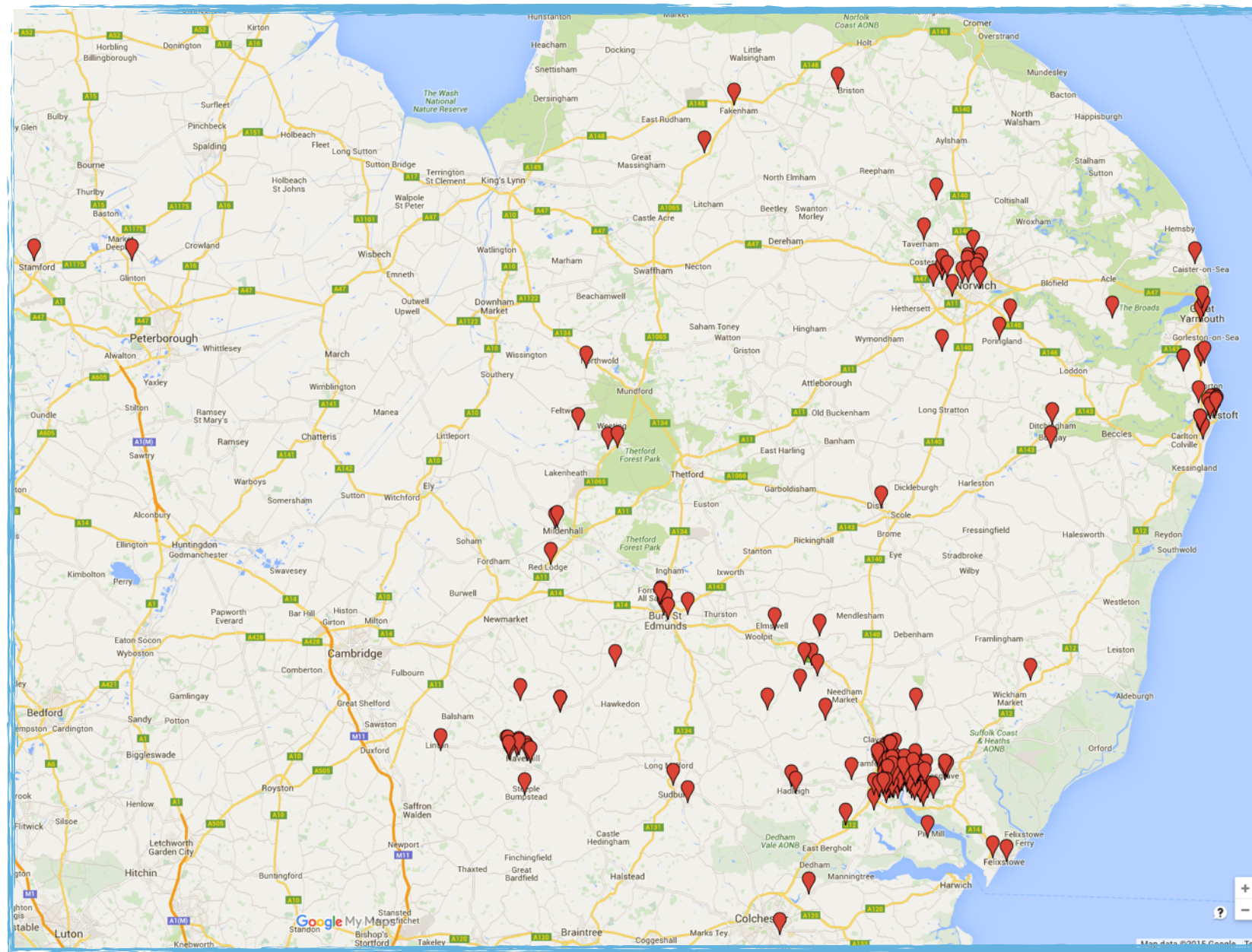
The evaluator has directly engaged 5 clients and 7 partner organisations to obtain detailed, first-hand accounts of TDE, via detailed telephone interviews or testimonies received by email. The evaluator has interviewed 2 trustees and engaged staff and volunteers from ISCRE.

Project Reach

TDE has succeeded in reaching people experiencing unlawful discrimination in all parts of Suffolk, partly as a result of its successful outreach service and through developing partnerships with local organisations. The map overleaf shows the approximate location of all 254 clients supported in Year Two.

The majority of clients are based in Ipswich, where ISCRE is based, with a small number of clients from Suffolk's other major towns, including Bury St Edmunds, Haverhill, Lowestoft and other areas where TDE has established partnerships with local organisations or delivered regular drop in sessions.

TDE has also supported clients in Norfolk, primarily on the border around Thetford and Great Yarmouth and the security of the Big Lottery Fund grant has enabled the project to secure further funding to support people experiencing discrimination in Norwich.



Outcome One: People in Suffolk experiencing unlawful discrimination will have better life chances and skills to access employment and services by raising awareness of their rights.

TDE knows only too well that unlawful discrimination comes with a huge personal cost for the victim, who may be left facing reduced skills or life chances as a consequence of challenging the person or company at fault.

People supported by TDE say that project staff and volunteers show considerable empathy and provide personal advice and support in addition to professional legal advice and undertaking the necessary case work.

TDE set out to reduce discrimination by enabling 150 socially disadvantaged people to increase awareness of their rights and create better life chances for a further 650 people; including finding or retaining employment, accessing training or accessing goods and services as a result of their intervention.

How TDE has helped:

In the second year of the project, TDE has helped and advised some 254 clients to challenge unlawful discrimination, bringing the total number of people supported by TDE over two years to 444. The client data collated by TDE demonstrates a range of positive outcomes, including clients increasing in confidence, being able to continue (or start) work and access additional

employment-related opportunities such as training or volunteering. Frank is one of many clients who feels more confident and positive thanks to TDE:

Frank

52 year old single man, worked in a factory on a three week rotating shift pattern, worked there for many years. Diagnosed with mental health problems in 2012. Had several periods when he could not work due to his illness and was subjected to disciplinary proceedings due to the level of absence. Went off sick and returned to work after two months. The employers agreed that he could work a regular day shift as his GP had recommended this. However after only two weeks, Frank was called to a disciplinary meeting and was dismissed. TDE's discrimination advisor met with him and advised him of his rights and agreed strategy.

TDE drafted the legal documents to go through Early Conciliation and when that failed, commenced ET proceedings on his behalf, claiming unfair dismissal and disability discrimination (unfavourable treatment and failure to make reasonable adjustments. TDE negotiated a settlement before the case came to Tribunal. The employers paid Frank £5000 and agreed the wording of a reference to assist with his search for new employment. At the end of his case, Frank reported that he was feeling more confident and positive, and that his emotional wellbeing had improved.

The majority of clients supported by TDE in Year Two were aged 25-44 (46%), followed by 45-64 (37%), 15-24 (8%) and over 65 (4% (NB: not all clients disclosed their age). 116 clients are single (45%) and 97 (38%) are couples.

In particular, TDE seeks to support those people who might be considered socially disadvantaged and there is considerable evidence to demonstrate that the project is actively engaging disadvantaged people. Of the clients supported by TDE in Year Two, 86 received an income of less than £400/month (33%), 78 received £400-£999/month (30%) and 66 received between £1000-£1999/month (26%). Some clients interviewed during the evaluation process expressed their shock at the costs involved in raising a complaint about unlawful discrimination and said, without TDE, they would have been very unlikely to challenge it.

Disability

101 clients supported by TDE declared a disability (47%) including physical impairments (19.6%), mental health needs (13%), learning disability (7.5%), long term illness (4.7%) and sensory impairment (2.74%). For 79% of clients declaring a disability, it was the primary factor in their discrimination case, with 54% of disabled people experiencing discrimination at work and 24% experiencing it through goods and services.

TDE has successfully supported clients to take their cases as far as Employment Tribunals. Peter, David and Liam share their stories below:

Peter

47 year old man employed since 1997 as a supervisor in a factory. Suffered from depression since 2000. Had a heart attack in 2012 resulting in a lengthy absence from work. Employers started disciplinary proceedings in 2013 alleging that Peter had bullied and intimidated colleagues. He was dismissed on the basis of gross misconduct; his appeal against dismissal was

unsuccessful. TDE's Discrimination Advisor met with him to discuss his legal rights and to agree what help he needed. We drafted and commenced Employment Tribunal proceedings claiming unfair dismissal and disability discrimination. We negotiated for him a financial settlement and an agreed reference. He confirmed that this had reduced his depression and he was looking forward to moving on with his life.

David

37 year old single man, disabled with a long term condition. He told his employers this when he took the job, and explained that he would need regular breaks to take his medication, to eat and to rest. He accepted the job on the basis that he was told he would only have to travel within his local area.

However, he was sent on jobs much further away and travel time was not included as part of his working week. He was travelling long distances and working very long hours. His health suffered as a result. He asked his employers to make reasonable adjustments to his working week so that he did not have to travel so far or work such long hours. The employers failed to make any changes. His health deteriorated further; he was stopped by police when illness caused him to drive erratically. He informed his employers of this.

He failed to attend work one day after becoming unwell during the night – he was found by a colleague who could clearly see he was unwell. His employers still failed to make any adjustments. After 5 months in the job he was dismissed. TDE's Discrimination Advisor advised him on his rights and agreed a strategy. TDE wrote an appeal against dismissal and grievances and drafted legal proceedings and advocated for him through Early Conciliation. TDE

commenced proceedings in the Employment Tribunal claiming disability discrimination and breach of Working Time Regulations and a settlement was negotiated by TDE and David received £3500.

Liam

21 year old single man, disabled due to physical disability, working in a shop since 2013. Had several periods of absence due to his disability and an unrelated injury. The employer asked Liam to resign, and when he refused the employer sent him a P45 and subsequently confirmed verbally that Liam's employment had been terminated as they had accepted his resignation.

Liam denied resigning. TDE gave him advice and advocated with his employers. They drafted legal proceedings and in the Employment Tribunal TDE negotiated a settlement. Liam received back pay and holiday pay that was owed to him. His employers also offered him his job back. Liam is now back in work and has reported his financial situation has improved, he is now feeling more confident and less stressed in his work and in his day to day life.

Culture & Ethnicity

"I was the victim of racist bullying at work. It knocked my confidence completely and led to me feeling low and depressed. TDE were on hand to advise me how to handle things, like suggesting questions I should ask my employer about how they were following it up. I was pleased with their support."

TDE has successfully advised and supported 50 people who do not have English as a first language (20%) and other European first languages were most prevalent including Portuguese (15 clients), Lithuanian (10) and Polish (9); other first languages include Kurdish, Russian, Bengali and French.

The project ensures it's services are accessible to all and has arranged an interpreter or translator for 11% of clients in Year Two, which has presented challenges at times given short notice or lack of availability. Fewer than half of clients in Year Two were white British (43%) with TDE building on ISCRE's established success in engaging people from a wide range of backgrounds.

19% of clients were Black or Black British, with 12% of Caribbean descent and 7% of African descent; 11% of clients were White of European descent and other ethnicities included Asian, Kurdish, Bangladeshi and Irish.

The majority of clients supported by TDE (110) described their religion as Christian (43%) whilst 100 clients said they had no religion (43%). 7 clients were Muslim, 5 Buddhist, 1 Hindu, 1 Jewish and 30 preferred not to say or did not disclose a religion.

In terms of discrimination; 21% of challenges were discrimination at work relating to race and just under 7% related to race and goods and services.

"I was racially abused at work and was surprised by how my employer, a big public sector organisation, failed to deal with it. They could tick the boxes to follow procedure, but they showed very little understanding of the Equalities Act and very little

empathy as to how racial abuse at work makes a person feel. TDE helped me to present a case to my employer and provided advice and support to me and my employer, which helped.”

TDE has had a tremendously positive impact for clients experiencing discrimination on the grounds of race, ethnicity and culture; some have kindly given permission for us to share their cases and explain how TDE helped:

Anna

33 year old Polish national. Disabled due to a long standing condition. Some time before she sought advice from TDE, she had been dismissed and had made a claim to the Employment Tribunal for discrimination due to her disability and nationality. She was given advice about the strength of the claim and support by TDE negotiating a settlement of her claim.

She agreed to withdraw her claim on the basis that an agreed reference was supplied to support her search for alternative employment in future. Anna reported that things had improved; she was relieved to have settled the claim and was feeling much more positive about the future. She also felt more aware of her rights and confident in asserting them in future.

Helena

38 year old Portuguese national working as a support worker in a residential home. She had worked there for a year without any problems. A new manager started and Helena issued a grievance against him on the basis that he was bullying staff. She was suspended pending investigation into

allegations made against her of bullying and inappropriate behaviour towards residents. She was subsequently dismissed for gross misconduct.

Helena’s case was considered in great detail by TDE and information obtained from her former employers. She was advised by TDE that her case would not have any chance of success at tribunal as the employers would be able to show that they had made their decision to dismiss her following proper procedures and reasonable investigation. Any potential claim for race discrimination was out of time.

TDE enabled her to understand her rights and to avoid running a costly and difficult legal case which would not have been successful. TDE assisted Helena to receive back pay and holiday pay which was due to her. She obtained alternative employment.

Sonny

40 year old single man seeking work as a self employed musician. Arrested due to serious allegations from ex-partner and released on police bail. Police seized his electronic musical equipment as part of their investigations into the allegations made against him. No charges were ever brought against him.

The police retained without good reason the equipment for several months, which meant that Sonny could not pursue his musical career. Sonny received help and advice on the issue and TDE’s Discrimination Advisor drafted a complaint to the police. His property was returned to him following receipt by the police of the formal complaint and the complaint resolved. Sonny was able to continue with his work as a musician.

Gender, Sexuality and Sexual Orientation

TDE successfully advised and supported a number of clients in Year Two who experienced discrimination as a result of their gender, sexual orientation or sexual identity and clients report that TDE demonstrated great tact, sensitivity and professionalism in dealing with their cases. The project engaged nearly as many women (47.8%) as men (49.4%), including 4 clients with a different gender to their birth gender.

89% of clients described their sexual orientation as heterosexual, 8% preferred not to say or didn't provide the information and just under 2% of clients were bi-sexual or homosexual.

Claims of unlawful discrimination on the grounds of gender, sexuality or sexual orientation accounted for 11.5% of all claims, with pregnancy and maternity issues being most prevalent (6.5%), followed by sexual discrimination or harassment at work (3%) and 2 claims relating to discrimination at work on the grounds of sexual orientation and 2 relating to discrimination concerning goods and services. Julia and Lydia share their stories:

Julia

19 year old single woman working as a nursery nurse and studying for her NVQ qualification. Worked 5 days per week for the first 6 months. Notified employer she was pregnant and working days were cut down to 4. When she notified employer of the dates of her maternity leave, her days were cut further to just one day per week. At the same time, another staff member had their days increased.

The reduction in hours to below 16 per week meant that Julia could no longer fulfil the requirements of her NVQ training and could not obtain her qualification. TDE's Discrimination Advisor met with her and discussed her rights and what could be done for her. They drafted grievance letters and when this did not resolve the situation TDE drafted and commenced employment tribunal proceedings on the grounds of pregnancy discrimination.

A settlement was negotiated so that Julia could complete her NVQ training after she returned from maternity leave; a reference was agreed for future prospective employers if she chose not to return. She also received payment of holiday pay which had been due to her.

Lydia

24 year old single woman, non-English speaking migrant worker, worked in a factory, employed through an agency. Had always worked continuously for the same factory. She was asked by the factory manager at the end of 2013 if she was pregnant and was told she could not work for them if she was.

Once the factory manager discovered that she was pregnant, she was not offered any further work. TDE's Discrimination Advisor met with her to advise her and agree the next steps. They drafted grievances and then ET legal documentation. Employment Tribunal proceedings were started against both the agency and the factory. TDE negotiated a financial settlement and a reference before the case came to Tribunal.

Outcome Two: The mental wellbeing of people involved in the project will be improved by helping them to tackle the unlawful discrimination causing their distress.

As TDE knows only too well, there is a close relationship between unlawful discrimination and mental health and wellbeing. For some, mental health difficulties are the primary factor in their case, whilst others experience a decline in mental health as a result of challenging it, or as a consequence of the emotional impact of becoming a victim of unlawful discrimination.

TDE aims to improve the mental wellbeing of 650 people who have experienced unlawful discrimination and, at the end of year two, is on target to deliver this outcome by the end of the project.

How TDE has helped:

46% of clients in Year Two disclosed having a disability of some description, with 34 clients (13%) specifying poor mental health as their primary disability.

It can be assumed that the actual total of clients with mental health difficulties is higher as the figures don't include those who identified another type of disability as their primary need, nor those who have suffered a decline in mental wellbeing as a consequence of discrimination but are unlikely to self-identify as someone with a mental health difficulty.

Clients helped and advised by TDE describe the detrimental impact of unlawful discrimination to their mental wellbeing. For some, this manifests as reduced confidence or self-esteem, others fear damaging their careers by speaking out against discrimination and some may become a victim of discrimination as a result of ongoing mental health issues, or becoming a victim may further exacerbate such difficulties. James shares his story below:

James

49 year old single man, disabled due to severe mental health problems. Suffered from agoraphobia so TDE undertook a home visit. The police had not taken account of his disability when dealing with him. He had been arrested on suspicion of assaulting a police officer which was due to his mental health problems.

During the arrest the police seized some of James' personal property. This was aggravating his illness. TDE advocated with the police on his behalf for the return of his belongings. The items were returned to him 4 months later and it became apparent that they had been damaged whilst in the care of the police. James was given help by TDE's Discrimination Advisor to make a police complaint.

The police acknowledged that they had not followed correct procedures for the safe storage of the items and agreed to pay James £150. James was able to replace the items. This led to an improvement in his health and he was able to go out of his flat for the first time in months.

What They Say

A number of clients engaged in the evaluation described the impact of unlawful discrimination on their mental health and general well being:

"Without the help and support of TDE I would have probably given up. It's been difficult... coping with depression caused by an organisation that should know better. I've realised that no matter how big the organisation is, the law is the law and we should never be afraid to challenge (discrimination)."

"TDE put in a lot of hard work and, along with their knowledge of the law, helped me enormously. I also think TDE aided my recovery with their empathy and kindness towards me. I have returned to work full time and so far everything is going well."

"I experienced discrimination at work and had nowhere to turn for help and guidance, which led to me becoming extremely stressed and depressed. TDE gave me a fantastic service from start to end; I felt supported, received information that was easy so why to understand, felt heard and the advice helped me maintain a relationship with my employers as well as reduce the sleepless nights I was having. Without TDE I probably would have left my employment without getting things resolved."

Outcome Three: People/carers involved in the project, lacking experience of asserting rights, will have increased self confidence and skills to challenge unlawful discrimination.

TDE recognises that, prior to experiencing unlawful discrimination, clients may have a relatively low understanding of their rights, which can hinder their ability to assert them and challenge discrimination. The project aims to increase awareness of unlawful discrimination and the confidence to challenge it through the delivery of a series of tailored workshops to some 60 people across Suffolk.

How TDE has helped:

In the second year of TDE, 45 people have attended awareness-raising workshops, bringing total attendance since the start of the project to 58, meaning TDE is well on target to deliver its aims under this outcome.

33 clients supported by TDE are carers (12%) and many report feeling better informed about unlawful discrimination and better able to care for their loved one as a result of their engagement with TDE.

TDE has delivered workshops in conjunction with a number of partners in order to access people with a diverse range of needs including the Disability Advice Service (Dec. 2014), Volunteering Matters (Jan. 2015), YMCA (Feb. 2015) and The Chapman Centre, which advises vulnerable people.

Questionnaires from attendees in Year Two have been reviewed by the evaluator and demonstrate high levels of satisfaction, excellent content and delivery and increased confidence to challenge discrimination.

Working in Partnership

7 local partners contributed their views to the evaluation, including **Julian Support**, a charity supporting local people with mental health difficulties, which reported increased awareness and staff confidence following their workshop. **Volunteering Matters'** RESPECT project supports young people at risk of abuse or exploitation, including one young person who was supported by TDE after it was discovered she was working at a hotel for just £2 an hour.

TDE works closely with Citizen's Advice Bureaus (CAB) in Suffolk. It has worked in partnership with **Ipswich CAB** to develop the "Three Ds Project", designed to assist disabled people who face disadvantage when applying for Employment and Support Allowance (ESA). The project has been taken up nationally by CAB, in addition to local branches, such as **North East Suffolk CAB** and **Haverhill CAB**; which has also worked received advice and support from TDE to support two disabled clients at employment tribunals.

YMCA Suffolk report young people have increased confidence and tools after TDE's workshop and **Ipswich Disability Advice Bureau** have also benefited.

What Partners Say About TDE

“The young people we work with now have the tools to engage with services and employment as they’re more aware of their rights and have the confidence to challenge when required.”

Annette Hinds, YMCA Suffolk

“Without TDE there is a band of clients who would be very restricted on where they can obtain detailed discrimination advice and support. Those clients who do not qualify for Legal Aid and who have no other forms of funding face limited options when seeking specialist support in this complex area; particularly here in North East Suffolk.”

Amber, North East Suffolk Citizens Advice Bureau

“TDE delivered a workshop for our staff and service users, many of whom are vulnerable adults with mental health needs. They delivered the workshop in a way we could all understand and it’s definitely increased our awareness of unlawful discrimination and given confidence to vulnerable people who wish to apply for jobs or training.”

Jacquelyn Smith, Recovery Coordinator, Julian Support

“We’ve seen growing numbers of clients unable to access Legal Aid and, without it, unlawful discrimination either goes

unchallenged or people take poor, anecdotal advice which can have dire consequences long term. TDE has provided sound, knowledgeable advice to our clients when they need it most.”

Nelleke Van Helfteren, Deputy CEO, Ipswich Citizen’s Advice Bureau

“We referred a young person to TDE who was working for a national hotel chain being paid just £2 an hour, via a local agent. TDE came in and advised her and her family and encouraged everyone to have an open conversation and work out the best way forward. TDE has also delivered three workshops, which were all incredibly useful.”

Tonia Wilson, Project Manager, Volunteering Matters

“Not only has TDE supported a number of our clients experiencing discrimination as a result of disability, but it’s also supported our own organisation with specific advice relating to our responsibilities under the Equalities Act. Without TDE, I’m not sure where else people facing discrimination could turn for the same level of knowledge and expertise they provide there.”

Pat Ramsey, Ipswich Disability Advice Bureau

“Every client we’ve referred to TDE has had an instant uplift. A number of clients are vulnerable as a result of disability or mental health but TDE handle their cases with care and sensitivity.”

Frances Riddall, Advice Session Worker, Haverhill Citizens Advice Bureau

Outcome Four: People in Suffolk, from groups particularly affected by unlawful discrimination, will experience greater access to employment and services from local employers/service providers involved in the project.

TDE has been proactive in developing partnerships with local employers and service providers in an attempt to reduce discrimination by increasing their awareness and improving their understanding of their duties and responsibilities; a preventative action warmly welcomed by the organisations.

In conjunction with the workshops delivered in Outcome 3, TDE is committed to conducting 20 small scale research and "mystery shopping" exercises on behalf of employers and service providers to ascertain the extent to which the learning from the course is being implemented on a day to day basis.

How TDE has helped:

TDE has significantly exceeded the original target by 320%, delivering workshops to 122 participants from 84 small businesses to date. The increase is due to building effective partnerships with other organisations which have brought TDE into contact with new audiences, such as the Suffolk GP Practice Managers Conference and the Advisory, Conciliation and Arbitration Service (ACAS) regional conference on mental health at work.

The evaluator has reviewed feedback from participants which demonstrates high levels of satisfaction and raised awareness. TDE has developed a range of bespoke workshops designed to increase awareness of discrimination amongst key target audiences, including Landlords and Lettings Agencies, Legal Professionals and Small Businesses.

The sessions enable managers to engage directly with discrimination specialists, ask questions and explore genuine scenarios and TDE has been effective in reaching a wide range of stakeholders by accessing key groups such as the Suffolk Chamber of Commerce, enabling a wider awareness.

TDE has proactively reached out to socially disadvantaged people too by targeting workshops at those groups most likely to experience unlawful discrimination, including people from black and minority ethnic backgrounds via their own ISCRE network, disabled people and those with mental health needs via One Voice and The Befriending Scheme and other groups, including Suffolk Lesbian, Gay, Bisexual and Transgender Network.



Challenges

The feedback about TDE from both clients and partners is overwhelmingly positive, but the evaluator has identified a small number of areas for improvement, or areas that may benefit from consideration:

1) TDE staff go to great lengths to ascertain data about the project's impact and have amassed an impressive range of statistics and case studies, including information from their own bespoke database. However, despite their best efforts, the nature of advice work requires TDE to signpost clients to other agencies and it's difficult for ISCRE to capture the full impact of their engagement, particularly as clients have moved on both physically and mentally and don't always wish to discuss their case at a later stage, which means it's highly likely that the full impact of TDE remains largely unknown.

2) TDE has built an impressive network of partners and communicates well with them all, but a small number of referring agencies engaged in the evaluation suggested they would like to know the outcome for clients they refer, whilst acknowledging that they too struggle with some of the same issues around capturing data and it may be unknown, despite best efforts.

3) The transactional nature of advice work sometimes prevents TDE from establishing ongoing relationships with clients which limits the opportunities for further consultation and user involvement in developing new projects.

4) The nature of legal advice and sensitivity of cases handled by TDE requires a high level of confidentiality which can prevent TDE from highlighting the impact of the project. In some cases, clients have received successful

outcomes with support from TDE but have signed non-disclosure agreements with their former employers, preventing them from discussing the case.

5) The political landscape of legal advice has changed significantly since the project commenced in 2013, with sweeping changes to legal aid and increased tribunal fees creating a greater need for the services offered by TDE, a need that is not always matched by available finances and resources, albeit through no fault of their own.

6) A small but not insignificant challenge for TDE has been managing the costs of interpreting and translation services as clients do not always state this need in advance, therefore the costs are a little unpredictable.

"We would be able to comment and offer more valuable feedback about TDE if we ourselves received some feedback relating to specific outcomes for the clients we receive."

"Once we've referred a client to TDE, we don't always get to know what the outcome was for them so we don't know whether our referral had an impact. I'm sure it's something TDE experience too, unfortunately it's just the nature of advice work, which relies very much on signposting."

Recommendations

The evaluator is strongly of the opinion that TDE staff and volunteers have excelled in delivering the project outcomes and have consistently reviewed and revised their delivery throughout the first two years.

To this end, there is little room for improvement, but the evaluator offers the following recommendations for consideration by TDE and ISCRE:

- 1) Consider how TDE can capture the full impact of its intervention, particularly when signposting clients to other agencies and by developing the system for following up with clients and partners at a future date to ascertain the value of signposting and attribute due credit for any potential impact.
- 2) Develop the funding mix to incorporate needs-based funding opportunities in addition to service-based funding. For example, funders that would not typically fund a legal advice service might consider contributing specific funds to support a number of people with mental health difficulties or disabilities, but are unlikely to fund the project wholesale.
- 3) There is some evidence from stakeholders which indicates that the association ISCRE may potentially lead victims of unlawful discrimination to assume that TDE can only advise on discrimination on the grounds of race. TDE has made significant progress in developing the brand in its own right and it is recommended that this continues and, perhaps, expands to include distinct literature and online materials for project separately from ISCRE.

4) Explore the potential market for delivering workshops and raising awareness in schools and colleges, perhaps by complementing curriculum-based work or Personal, Social and Health Education (PSHE) sessions, and explore the potential for funding this activity via the establishment's budget.

5) ISCRE has explored the potential to develop TDE as a self-sustaining business model and a number of factors restrict it from doing so; the majority of clients can not afford to pay for the service, a number of local legal professionals already provide their services free of charge and charging employers for services could potentially present a conflict if one of their employees was to make a complaint.

Whilst recognising these limitations, the evaluator recommends that ISCRE continues to explore the potential to generate income to sustain TDE, primarily for workshops rather than advice as the project continues to deliver high-quality workshops that many organisations have the capacity to pay for.



Next Steps

In the East of England, TDE truly is one of a kind. The aims and delivery methods are unique to TDE and the project is having a significant impact.

People engaged in the evaluation describe a significant gap in advice and support on discrimination issues in the East of England and many say, without the intervention of TDE, their cases would have remained unchallenged; potentially exacerbating the personal and emotional impact on the victims.

For ISCRE, the worst thing that could happen is that the project ends in 2016 without continuation funding when all evidence points to a growing need. To this end, the evaluation identified a small number of opportunities and points of consideration which may build on the service currently provided by TDE:

- 1) Partner agencies engaged in the evaluation perceive discrimination to be on the increase in a number of areas; primarily claims by people with mental health difficulties, fathers seeking access to their children following divorce/separation and claims relating to access to housing.
- 2) Partner agencies report significant gaps in Suffolk in supporting migrants and refugees and expect the level of support needed to increase after the high profile of these issues in the media during summer 2015.
- 3) Clients suggest that employers require further support to implement the Equalities Act, not simply develop their awareness and understanding.

4) There appears to be a lack of affordable advice and expertise for small businesses seeking to abide by the Equalities Act and address discrimination but can not afford to pay solicitor's fees for legal counsel.

5) TDE has provided advice and support in parts of Norfolk, particularly the border areas around Thetford and Waveney. The security of Big Lottery funding has enabled TDE to attract additional funds from Norfolk Community Law Service to support people living in Norwich. TDE is acutely aware of the need for its services outside of Suffolk and is open to geographic expansion but mindful of logistics.

Conclusion

In my opinion, having evaluated TDE in and engaged their clients and partners, it is clear that the project has delivered, and continues to deliver, a unique, highly impactful service to people experiencing unlawful discrimination. They demonstrate exceptional levels of competence and legal expertise when providing clients with advice, but the "USP" of this project is their ability to blend professional advice with personal compassion and empathy for whoever comes through the door.

Sadly, people experiencing unlawful discrimination are not an obvious cause, with the majority of people being unaware of the need for, or lack of, services, until they find themselves in a situation which requires legal advice.

For victims of unlawful discrimination with nowhere to go and no-one to turn to, we sincerely hope they can continue to turn to TDE in the future.

Acknowledgements

The evaluator is grateful to all those who engaged in the evaluation, but particularly those who have experienced, or are experiencing, unlawful discrimination. Their cases can be difficult to share but they were willing to do so in order to evidence the positive impact in their lives and in the hope that it may help to sustain the service provided by TDE for other people experiencing unlawful discrimination in future.

About the Evaluator

Steve Allman is an independent evaluator with an extensive track record of challenging discrimination and prejudice in the equality sector, as a former CEO of a disability charity and advocate for disabled people. He supports charities and social enterprises to evaluate impact and develop sustainable strategies and has worked with a number of national and local organisations around the UK www.steveallman.com | 01473 353600

