

## **Claire Taggart v The Board of Governors of Northern Regional College**

Disability and SEN discrimination proceedings brought in the County Court which settled on 29 December 2015.

The Plaintiff was referred to the Commission by Disability Action.

### **Summary**

The Plaintiff was 19 years old and a student of the Northern Regional College's Newtownabbey campus from 2013 to 2015. She had commenced her second year of a two year course in Animal Management.

The Plaintiff was diagnosed with fixed functional dystonia in January 2014. The condition causes 'fixed flexion' in both of her hands and both of her feet and that she is unable to walk unaided and uses a wheelchair at all times. The Plaintiff had to change from using a manual wheelchair to power wheelchair in or around April 2014 due to her condition deteriorating.

The Plaintiff alleged that throughout her time as a student at the College's Newtownabbey campus, she has had difficulty getting to and from her classes as a result of problems with the lifts not working. There are various types of lifts installed at the college. She described how there was one 'old lift' which she used approximately once a week to access a particular classroom. There were 4 'closed lifts' and 1 open lift (lift A9), which. She used the open lift (lift A9) and the newer closed lifts on a daily basis, multiple times each day to access her other classrooms. The Plaintiff alleged that she has had problems with all three types of lifts.

When the Plaintiff used a manual wheelchair and the lifts were broken she had to resort to going up and down the stairs on her bottom in order to access her classrooms whilst relying on someone to carry her wheelchair. However, since having to switch to a 'power' wheelchair even this was not possible, as her power wheelchair is too heavy for anyone to carry up the stairs for her. The Plaintiff alleged that she had 'on a couple of occasions' been told to go home as a result of the lifts being out of order and being unable to access her classrooms via the stairs.

The Plaintiff's mother complained to the college on her daughter's behalf and had corresponded with the college's planning and customer services director. Mrs Taggart alleged that the initial response from the College was that the lifts broke down as a result of students vandalising them. Mrs Taggart suggested to the College that the Plaintiff could speak to the student body directly about the impact that vandalising the lifts could have on her. Whilst the College agreed that this was a good idea Mrs Taggart believes that they failed to make the necessary arrangements for this to happen.

Matters came to a head for the Plaintiff on the 23 May 2014 when she was stuck in the one of the new closed lifts (referred to as lift A9) for approximately one hour before eventually being rescued by the fire brigade. The emergency button in the lift did not work and the Plaintiff had to rely on her friends to contact reception to tell them she was stuck in the lift. The fire brigade officers lifted the Plaintiff to safety.

Mrs Taggart wrote a letter of complaint to the College regarding the incident and subsequently met with the College along with the Plaintiff on the 27 May 2014 to further discuss matters.

The Defendant agreed to make a payment of £1,000 to the Plaintiff.

The Defendant apologised to the Plaintiff in respect of access difficulties she experienced and, in particular, any inconvenience caused by the incident on 23<sup>rd</sup> May 2014.

The Defendant affirmed its continued commitment to the principles set out in its Equality Statement as follows:

“the promotion of equality of opportunity in all of its activities. We aim to ensure that we provide a supportive, fair, inclusive and welcoming environment for all staff, students and visitors free from any form of discrimination or harassment.”

The Defendant further affirmed its commitment to the principle of equality of access to its premises, facilities and services and will ensure that its respective policies, practices, procedures and premises in relation to the provision of facilities and services conform to its obligations under Part III and Part IV of the Disability Discrimination Act 1995, as amended and the provisions of the Special Educational Needs and Disability (Northern Ireland) Order 2005, as amended.

The Defendant confirmed that it has implemented the recommendations set out in the Defendant’s letter of 17<sup>th</sup> June 2014, namely:

- (a) The relocation of CCTV to enable observation of student behaviour at one of the most frequently affected lifts located between the student social area and “A” corridor;
- (b) To carry out an upgrade of the lift between A and B floor which has been subject to breakdown;
- (c) To ensure that any hydraulic cab release switch is located in an accessible position.

In addition to the above the Defendant ensures that all lifts are serviced monthly and that all lifts have an emergency call button which can be readily accessed by persons with a disability.

The Defendant undertook to continue to make students aware of the needs of disabled students and the importance of lifts in ensuring proper access to college facilities and services and participation in student life using the following means of induction and

equality tutorials. The College undertook to continue mandatory staff training to promote disability awareness and equality, and an understanding of disability rights and the Defendant was in the process of purchasing two e-learning packages: Safeguarding and Equality and Diversity. These have been created by Legal Island and have a Northern Ireland focus. This module was written by Northern Regional College in association with Legal Island and is bespoke to FE/HE Colleges in Northern Ireland.

The Defendant was willing to meet with the Equality Commission to review the Defendant's policy and procedures on disability and, in particular, in relation to disability awareness.