

**29/04/2009**

## **PRESS RELEASE**

### **Disability Cases Highlight Need for Change**



A patient who alleged he was discriminated against due to his HIV positive status has received £4,000 and an apology after challenging the standard of care he received from Craigavon Area Hospital.

The County Court case, supported by the Equality Commission for Northern Ireland, arose from the treatment received by Tony Bell when staff at the hospital refused to perform an endoscopy by a procedure called "flexible sigmoidoscopy". Mr Bell was subsequently informed by letter from the Southern Health and Social Care Trust that the procedure had been denied him on the basis of his HIV status, and that this was entirely inappropriate.

Mr Bell underwent an alternative form of examination which was not completed until four months later.

Mr Bell said, "The denial of this procedure, and the length of time involved in my treatment, created a great deal of anxiety and distress for me. It was a period that caused me great worry about the state of my health. The hospital has confirmed to me that they have the facilities and appropriate procedures in place to perform endoscopy on HIV patients and I believe that they should have followed those procedures in my case and respected my dignity as a patient in their care. Thankfully my treatment has

now been completed but I wouldn't want other HIV patients to go through a similar experience."

The Trust, in settling the County Court case brought under the Disability Discrimination Act, apologised to Mr. Bell for the injury to his feelings and distress experienced by him as a result and agreed to undertake a review of any policies which touch upon the issue of service provision for HIV patients.

Anne McKernan, Casework Director at the Equality Commission said, "Mr Bell's case highlights the importance of observing the requirements of the Disability Discrimination Act, especially within the context of medical treatment. Under changes introduced in 2007, people with HIV were given clear protection from discrimination from the point of their diagnosis. This change to the law was designed to break down the barriers of stigma, and fear which have prevented people with HIV from accessing many services, such as housing, education or, as in Tony Bell's case, appropriate medical services. We are pleased the Southern Health and Social Care Trust has recognised this and agreed to liaise with the Equality Commission to review its practices and procedures and ensure they are effective and conform with the law."

This is one of a number of recent cases which the Equality Commission has supported in relation to people with disabilities encountering difficulty in accessing facilities and services.

Patricia McShane, a 62 year old woman with lupus and osteoporosis approached the Commission after an incident at the First Trust Bank in Coleraine. Mrs McShane had attempted to enter the bank but suffered a bad fall on the steps outside. She alleged that the handrails were not in a helpful position, and that no ramp or graded access was available.

Mrs McShane sustained two fractures to her left femur and had to spend time recovering in a nursing home as she was unable to climb stairs. On returning home she had to use a zimmer frame and had adjustments made to her home to help with her mobility difficulties.

Mrs McShane said, "The fall has had a big impact on my day to day life. I am still suffering considerable pain and often feel that the accident could have been prevented. Nevertheless, I am happy the case has been settled and that First Trust's Coleraine branch has improved their entrance for disabled customers. I hope other shops and businesses in the area will also make improvements to their premises to reduce the likelihood of similar accidents occurring."

First Trust Bank paid Ms McShane £30,000 compensation along with legal costs and agreed to carry out adjustments to their Coleraine premises. They also re-affirmed their commitment to equality of opportunity as defined in the Disability Discrimination Act and the Code of Practice.

Another disability case supported by the Equality Commission was that of Paul Hamilton, from Newtownards, who approached the Commission after an incident at Belfast International Airport. Mr Hamilton, who has mobility and hearing impairments, was making his way through airport security when he was asked to remove his shoes before passing through the security arch. He claimed that he explained to the security guard that he wore splints. However, he was asked to remove his shoes and splints which were passed through the x-ray machine and then he had to walk through the security arch.

This proved very difficult for Mr Hamilton whose balance is badly affected without splints. He found this request extremely difficult and humiliating especially at having to remove his splints in the full view of other travellers.

Mr Hamilton said, "I found the whole experience very embarrassing and unsettling. The security staff at the airport showed a complete lack of consideration for those with mobility problems like myself. Alternative arrangements should have been in place to screen disabled people in line with their security requirements. Their insistence that I had to walk without the aid of my splints was unreasonable, removed my dignity and showed a lack of understanding of the needs of disabled people."

ICTS (UK) Ltd, the security company used by Belfast International Airport, agreed to pay Mr Hamilton £1500 in settlement of his complaint and apologised for the hurt and distress caused by his treatment. The company accepted that it had failed to make reasonable adjustments and as a result subjected Mr Hamilton to less favourable treatment on grounds of his disability.

Commenting on these cases, the Equality Commission's Anne McKernan said, "These services have acknowledged shortcomings in their provision for disabled people and we are pleased they have agreed to work closely with the Equality Commission to comply with their duties and responsibilities under the Disability Discrimination Act. The Commission can provide advice to any service provider on the law and we would actively encourage businesses to contact us if they require guidance. It is essential to ensure that people with disabilities enjoy full and equal treatment especially when carrying out everyday activities such as travelling, accessing financial services or receiving medical treatment."