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PRESS RELEASE

Two claimants with hearing loss settle cases against public bodies

Two people with hearing loss have received settlements from public bodies after they took cases, alleging they suffered discrimination as a result of their disability. Both cases were supported by the Equality Commission for Northern Ireland.

Miss Boyce, who has a hearing impairment with a loss of 40% hearing in both ears, found attending a hospital appointment to be a daunting experience at which she was alone and had difficulty understanding what she was being told. Miss Boyce had requested that a friend be allowed to attend her hospital appointment with her on two occasions, to ensure she could understand everything that her doctor said. These requests which would not have cost any money to implement, were refused. Without the support requested, Miss Boyce, had real difficulty hearing and understanding what the doctor told her and was extremely upset.

The Commission supported this case that in failing to allow her to be accompanied at a medical appointment, the Trust did not fulfil their duty to make reasonable adjustment for her disability. The Western Health and Social Care Trust agreed to pay Miss Boyce £2500 without acceptance of liability in respect of any matters alleged, but stated that they regretted any perceived injury to feelings, upset and distress experienced. The Trust is liaising with the Equality Commission to review its procedures and this will include deaf awareness training for staff. Miss Boyce was pleased with this outcome and hopes by taking the case it will help others who have a hearing impairment.

In another case, the NI Courts and Tribunals Service have agreed to pay £2500 to Mr. Annett, who also has severe hearing loss. Mr Annett was due to defend himself in a small claims case and had advised court staff before the case that he would need everything to be written down. Despite assurances that all arrangements were made, Mr. Annett did not receive the adjustments that he needed to defend himself. In settling the case, the Courts Service acknowledged that an error was made in the provision of reasonable adjustments for Mr. Annett and that this constituted a breach of its duties under the Disability Discrimination Act. The Courts Service apologised for any injury to feelings, upset and/or distress suffered by Mr Annett and reaffirmed its commitment to the principle of equality.

Chief Commissioner, Dr. Michael Wardlow said:

“Every year, the Commission gets more complaints about disability discrimination than on any other ground. Last year 36% of all calls to our legal team were about the experiences of disabled people. These cases highlight some of the issues faced by people with hearing loss, when others make assumptions about what they can and cannot do. Responding to requests for reasonable adjustments, such as those highlighted in these cases are often done without showing due regard for the law or taking on board the person’s individual needs. Both of these cases would have been avoided had simple and non costly solutions been put in place as requested by the individuals.

He continued: “We support cases like these to highlight to organisations, including public bodies that they must make sure their practices and procedures allow all people, including those with disabilities, to access their services. In addition, authorities need to ensure their staff are aware of and comply with these policies.”

Jackie White, NI Director of charity Action on Hearing Loss, said:

“The level of discrimination on the grounds of disability remains a source of considerable concern for Action on Hearing Loss. There are approximately 300,000 people in Northern Ireland (or 1 in 6 of the population) who are deaf, or have some degree of hearing loss and/or are living with tinnitus. These individuals are fully entitled to expect and to receive, the same standards of service, care and support, as their hearing peers. Settlements such as these make it clear that people can successfully challenge unfair treatment based on any form of disability. Action on Hearing Loss calls on all public bodies, employers and service providers to recognise the need for reasonable and appropriate adjustments to ensure that their facilities and services are fully accessible to everyone in Northern Ireland.”

ENDS

Note to Editor:

Total population with hearing loss in NI	300,000
Children with hearing loss in NI	1,400
Deafblind people in NI	10,431
People with severe tinnitus in NI	7000
People who could benefit from a hearing aid in NI	150,000

Source: <http://www.actiononhearingloss.org.uk/~media/Documents/Northern%20Ireland/COD%20%20Executive%20Summary.ashx>