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PRESS RELEASE

Settlement results in safe place for children with rare allergies

The mother of two girls, both of whom have a life-threatening food hypersensitivity, has welcomed the provision of a specialised waiting room where no eating or drinking is allowed, as part of the settlement of a disability discrimination case she took against the Ulster Hospital with the support of the Equality Commission for Northern Ireland.

Maire-losa McVicker's daughters Aoibhe (7) and Meabh O'Donnell (3) have FPIES (food protein induced enterocolitis syndrome), which means they have very severe physical reactions leading to physiological shock when they come into contact with certain trigger foods, and Aoibhe also has idiopathic anaphylaxis. Both girls attend for regular appointments at the Ulster Hospital's allergy clinic. Their interactions with other children have to be severely limited, especially if food is present.

The waiting room used for the allergy clinic originally had signs forbidding eating and drinking because of the dangers they posed to children attending. When the signs were removed, the O'Donnell family encountered two instances where people were eating and drinking in the waiting room. On the first instance, when Aoibhe was 6, she experienced an allergic reaction which caused her distress. On the second occasion, Ms McVicker removed her daughters from the room to keep them safe.

"I came to the Equality Commission because I was worried sick about the exposure of my girls to what could be a life-threatening allergic reaction. I felt that the Trust, by allowing people to eat in the waiting room, had failed to make a reasonable adjustment which would help safeguard my daughters' health," said Ms McVicker.

"The solution that the Trust has come up with should now deal with this problem, which has been a great relief to me," she added. "The refurbishment of the hospital's paediatric unit will now include a separate waiting room where no eating and drinking will be allowed, which will be of huge benefit to my children and to any others with similar conditions. Until that's ready, we have an interim solution in place. I appreciate the efforts made by hospital management to come up with a solution to the problems we were encountering."

Seamus McGoran, Director, Hospital Services, South Eastern Health and Social Care Trust, said: "We recognise the challenges faced by children and parents living with complex allergies and are delighted that we have been able to find a solution for Aoibhe, Meabh and others when they attend for appointments."

Anne McKernan, Head of Legal Services at the Equality Commission, said: “This is a good example where, by using the opportunity provided by a refurbishment already scheduled, a reasonable adjustment has been made which will be of great benefit to the O’Donnell family and others in their position. Every organisation providing services to the public, whether public or private, has a duty to make reasonable adjustments to make it easier for people with disabilities to use their services. In this case the settlement involves no monetary compensation – but it does contain undertakings to provide a safe place for two little girls with a rare and serious condition.”

Notes to editor: The terms of the settlement

This case was settled by the Trust without any admission of liability. The Trust apologised for any upset and distress experienced and affirmed its commitment to the principle of equality of opportunity. It undertook to continue to ensure that its policies, practices and procedures in terms of service provision for patients conform to all relevant equality legislation and Codes of Practice.

The Trust agreed that, upon the refurbishment of the Paediatric Outpatients Department (currently due to take place in 2018) it would reconfigure the existing paediatric waiting area to include a permanent parents’ room which will be maintained as a food and drink free area. In the meantime it undertook to provide an interim waiting room which would also be maintained as a food and drink free area. For both these facilities, specific requirements were committed to be implemented and monitored as follows.

- Swipe pass access to interim parent room by authorised staff only;
- Access restricted to parents and children waiting for OPD appointments who request this facility;
- Access to the room only when accompanied by authorised staff (to enable control and monitoring of no food/drinks policy). The Defendant will ensure that at all times there will be an authorised member of staff on duty during clinic hours to facilitate access to this room for parents and children wishing to avail of this room;
- No food or drinks to be brought into or consumed in this room;
- Appropriate clear signage to indicate no food or drink permitted in this room;
- A selection of age appropriate play materials/toys will be made available;
- Walls constructed of fire glazing glass to provide visibility into and out of the room (to enable staff to monitor the no food/drink policy as well as being able to see parents and children waiting for appointments);
- Cleaning of the room as and when required (frequency to be determined based on patient experience and feedback from infection control).

The Trust also undertook to communicate these obligations to all relevant staff, to ensure that they are adhered to, and ensure that any relevant training required is provided. It undertook to review policies which touch upon service provision for allergy patients and to liaise with the Equality Commission and consider in full and implement appropriate recommendations made by it.