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PRESS RELEASE

Removing Barriers to Education for Disabled Children

Families, acting with the support of the Equality Commission for Northern Ireland, have agreed settlements of claims brought in the Special Educational Needs and Disability Tribunal against three schools – Wallace High School, Lisburn; Lislagan Primary School, Ballymoney; and St. Brigid’s College, Derry.

The proceedings involved a refusal by the schools to accept a disabled child as a pupil, although the Education Authority, or one of its predecessor Boards, had identified the schools as suitable for the children.

In each case the school concerned has apologised to the children and their parents and, in the cases involving Wallace High school and St. Brigid’s College, acknowledge that the manner in which they dealt with the applications for a place in their school fell below the standard required in respect of compliance with disability discrimination law.

“The Equality Commission supports cases such as these to highlight that access to education is of vital importance for children with disabilities,” Dr. Michael Wardlow, Chief Commissioner of the Equality Commission said. “We have identified a lack of appropriate support during the transition between primary and secondary levels of education as one of the barriers confronting disabled children. It is fundamentally linked to better life chances and better employment chances for every young person with a disability.”

“There is a lesson from these cases for every school.” Dr. Wardlow said. “When a disabled child applies for a place, they should proactively give proper consideration to how they can adapt to meet the needs of that pupil. These are children who have enough barriers facing them in life. They don’t need the additional barriers that can be thrown up when schools decide that their needs cannot be accommodated.”

In each of the cases the families concerned, when faced with the opposition of the schools involved, chose to send their child to a different school. The children were accommodated at these other schools and their needs are being met.

In the settlements the schools agreed to work with the Equality Commission and to train their staff to make sure their procedures and policies conform to the law. The Commission has already reviewed their Special Educational Needs and Inclusion Policies with Wallace High School and Lislagan Primary School and both schools have made amendments to these in accordance with our recommendations. The Commission has also provided the schools with information regarding training

available for staff and board members. It is in contact with St. Brigid's College regarding the follow-up on that settlement.

"These changes, in practices and in the approach schools take to these issues, are important outcomes," Dr. Wardlow said. "The children who are at the heart of each case have moved on with their education and we wish them well as they progress through life. By challenging the decisions which were taken they and their families hope to ensure that other children, in similar circumstances, can avoid the additional, and unnecessary, difficulties which were placed before them."

Wallace High School

The settlement with Wallace High School concerns a child with significant mobility difficulties who uses an electric wheelchair. He also requires assistance in respect of his personal care. He has always attended mainstream education, has a Statement of Special Educational Needs, and a full-time Classroom Assistant. When the time came for him to transfer from primary education, and following a Special Educational Review, it was assessed that he should attend a grammar school and the Board (then the South Eastern Education and Library Board - later the Education Authority) advised Wallace High School that it intended specifying that school in his Statement. Over the following seven months the School disputed the recommendations made by the Board until finally, when the family fully learned of the opposition, his parents sent him to another school.

Lislagan Primary School

The child involved in the settlement with Lislagan Primary School has Spina Bifida and Hydrocephalus and a mild to moderate learning disability. The child had been attending a nursery school and, when the time came for him to start primary education, his parents, together with his one-to-one assistant and his occupational therapist, met with Lislagan School, which was located near to where they lived. She considered that it was clear at that meeting that the child would not be welcome there. She was asked "why this school?" and was told that there were other schools in the area. Although it was indicated that the Board of Governors would consider the matter, she heard nothing further and placed her son in another school.

St. Brigid's College

The case settled with St. Brigid's School involved an 11 year old boy who has an autistic spectrum disorder which has an adverse effect on his ability to learn, concentrate or understand. He also has difficulty understanding social situations and emotions. He has a statement of Special Educational Needs. He had been a pupil at a primary school linked to St. Brigid's but, though the Education Authority recommended in his Statement that he be placed there, this was refused by the school which stated that it "was not in a position to provide post-primary education" for him. This position was maintained by the School even after the Education Authority wrote to and met with them suggesting how the child's needs could be accommodated and detailing the availability of a classroom assistant and other support through the Education Authority's Behaviour Support Team. The child was eventually located at another school.