

**17 September 2020**

## **PRESS RELEASE**

### **Access to toilets key to independence for disabled people**

How different would your day be if you did not have access to a toilet when you needed one?

This week's announcement of a pledge by the Department of Finance to change the building regulations to make large accessible toilets for severely disabled people mandatory for new buildings that meet the specified criteria is a major step forward in disability inclusion, dignity and respect.

The Equality Commission gets many complaints every year about failure to make reasonable adjustments. A wheelchair user with motor neurone disease, Michael Holden, MBE, from County Down, has settled two cases in the past year alleging disability discrimination in the non-provision of suitable toilet facilities. With the support of the Equality Commission, he took the cases to help bring to public notice the issue of toilet provision for people with disabilities.

Mr Holden is one of more than a quarter of a million people in the UK who cannot use standard accessible toilets.

In May 2018, he visited Balmoral Show, one of Northern Ireland's largest events which last year had more than 120,000 visitors, where he found toilet facilities which he says he was unable to use as they could not accommodate his chair and his carer.

In March 2018, Mr Holden booked two tickets for an Ed Sheeran Concert to be held outdoors at Boucher Playing Fields. Aiken Promotions, as organiser of the concert, was responsible for the provision of toilet facilities. Although Mr Holden emailed them to advise them that he needs a high dependency toilet such as a Changing Places

toilet, no high dependency toilet was provided at the venue and Mr Holden says he was unable to use the disabled toilet that was provided.

Michael Holden said: “It is difficult enough doing normal things like going to a concert in a wheelchair without the additional problem of not being able to use the toilet when you need to. I took these cases to highlight the additional difficulty for people whose choices for work and for leisure are severely limited by lack of suitable toilet provision.”

Anne McKernan, Director of Legal Services with the Equality Commission, said: “It is great to hear that the building regulations in Northern Ireland will change so that Changing Places toilets are provided more widely. The DFP pledge on building regulations will help people like Mr Holden take part in more of the activities that most people take for granted.

“For the present, the law here currently says that service providers must consider reasonable provision for people with disabilities to access their services and make reasonable adjustments. This means a consideration of what is feasible, affordable and of an adequate standard in providing any reasonable adjustment, and any decision not to make one has to be objectively justifiable. But you cannot just decide to ignore the issue.”

The Royal Ulster Agricultural Society and Aiken Promotions each settled Mr Holden’s case against them with a donation of £2,500 to Disability Pride Charity and payment of his costs, both without admission of liability. They confirmed their commitment to the principle of equality of opportunity and agreed to continue to ensure that they conform to the relevant equality legislation in Northern Ireland. Both the RUAS and Aiken Promotions also agreed to liaise with the Commission in respect of toilet provision for disabled customers and to implement any reasonable recommendations made by the Commission.

## **Notes**

- Changing Places toilets are larger accessible toilets for severely disabled people, with equipment such as hoists, curtains, adult-sized changing benches and space for carers.
- The Minister for Finance, Conor Murphy, spoke in the Assembly on 16 September to confirm the commitment to changing the building regulations.

- This is an important step for Government towards fulfilling its obligations under [Article 9](#) of the UNCRPD, the United Nations Convention on the Rights of Persons with Disabilities, eg paragraph 1 (a) and paragraph 2 (a) and (b). Article 9 deals with enabling “persons with disabilities to live independently and participate fully in all aspects of life...”
- In England, the rule on Changing Places toilets came into force in July. The UK Government estimates it will add the toilets to more than 150 new buildings in England a year. A £30 million fund to install Changing Places in existing buildings will open in the next few months.
- In England, shopping centres, supermarkets, cinemas, stadia and arts venues are just some of the buildings that will be required to include at least one Changing Places toilet.