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## **Disability discrimination case highlights strain on schools, children and their families**

“Starting school should be time of excitement for pupils and their families. But for pupils with disabilities, it can prove to be a distressing experience for them and their families when they are concerned that schools cannot meet their needs”, said Geraldine McGahey, Chief Commissioner, Equality Commission for Northern Ireland.

Ms McGahey was joined today by the parents of Violet Heasley who settled a disability discrimination case they had brought on their daughter’s behalf with the support of the Equality Commission to the Special Educational Needs and Disability Tribunal. The case was settled without admission of liability.

Violet lives with Osteogenesis Imperfecta, commonly known as brittle bone disease and was the only wheelchair user at Dunmurry Primary School where she attended for nursery and Primary One. As there was no suitable toilet facility Violet had no other choice but to wear a nappy. Violet’s family were very unhappy regarding the school’s handling of her toileting needs.

Speaking about Violet’s experience, her mother Shelbie Heasley said: “The situation became so distressing for Violet that in the end we took her out of the school altogether, she did not return after the initial school closures due to Covid. We were told that the toilet was approved, and necessary works would be carried out, but these weren’t completed while Violet attended as a pupil at the school.

“It was just awful, where was her dignity? It took months to find another school that could accommodate her needs. Violet’s new school has the appropriate facilities, and she is able to fully participate in everyday life at school and is thriving. Securing her new school place wasn’t an easy process either. I believe it was a result of our persistence, hard work and a lot of stress.”

Chief Commissioner of the Equality Commission, Geraldine McGahey, said: “We are acutely aware of the challenges faced by many parents of children with disabilities or with Special Educational Needs to secure an appropriate place at a school. Whilst recognising the pressures faced by both individual schools and the Education Authority, it is important that all children are in a school environment which meets their needs and where they will be happy and flourish.

“I am delighted to hear that Violet has settled into her new school and is enjoying school life. The Commission believes every child must have equality of access to a quality educational experience and must be given the opportunity to reach his or her full potential. This remains the case even when times are difficult and budgets tight”, concluded Ms McGahey.

In settling the case Dunmurry Primary School regretted any upset to Violet and her parents regarding the toileting facilities and they affirmed their commitment to equality of opportunity in the school for all disabled pupils. The school committed to liaising with the parents of disabled children from enrolment to ensure that the school are fully aware of any needs of the child; to keep parents informed of the progress of any planned adjustments in respect of their child and to liaise with the parents to ensure that the needs of that child are being met by the school. Dunmurry Primary School has advised that an accessible toilet has been installed at the school.

## **ENDS**

### **Notes**

- As part of the settlement terms Dunmurry Primary School also committed to ensure that their policies, practices and procedures conform in all respects with all national equality legislation pertaining to Disability Discrimination in education. The school undertook to liaise with the Commission and to consider any reasonable recommendations the Commission may make.
- The case was lodged with the Special Educational Needs and Disability Tribunal and was supported by the Equality Commission.
- No financial compensation is available in the Special Educational Needs and Disability Tribunal where a claim of discrimination is found.