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PRESS RELEASE

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Supreme Court rules in favour of David Allen in wheelchair access case

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The Supreme Court has ruled in favour of David Allen, the teenager who took his case of unlawful disability discrimination against the Royal Bank of Scotland (RBS) over disabled access. The Bank has now exhausted all its appeal rights and must install a ramp at its main branch in Sheffield.

The case is important because it sets the precedent that service providers can be ordered, under the Disability Discrimination Act, to undertake building work so that disabled people have access to their services.

David said,

“The banks - like every other business - should comply with the UK Disability Discrimination laws. RBS have put an enormous amount of time and money into fighting our request to create disabled access. It would have been so much cheaper if they had just built the ramp in the first place as required by law.”

David, a wheelchair user, brought the case because he was unable to get into his branch of RBS and was forced to conduct his banking in the street. With the help of Sheffield Law Centre and the Equality and Human Rights Commission, he brought his case to Sheffield County Court under the Disability Discrimination Act 1995.

In January 2009, His Honour Judge Dowse ruled in David's favour and ordered RBS to install access for disabled people, as well as some compensation. The bank appealed but the Court of Appeal ruled in favour of David as well.

Lord Justice Dyson - now promoted to the Supreme Court himself – gave the leading judgment. He drew attention to the statutory Code of Practice, which says

“The policy of the DDA is not a minimalist policy of simply ensuring that some access is available to disabled people; it is - so far as it is reasonably practicable - to approximate the access enjoyed by the rest of the public.”

This ruling is useful for other disabled people because other courts must follow it. It describes what a court must consider when looking at similar cases.

RBS applied to appeal again to the Supreme Court. The British Bankers Association, which represents the banking industry in the UK, supported the appeal, saying, “the decision of the Court of Appeal sets a precedent for all service providers.”

However, the Supreme Court refused to grant permission, meaning that RBS has exhausted all its rights of appeal. The decision of the Court of Appeal is final. This will give helpful guidance to courts faced with claims from other disabled people seeking to enforce their rights to the same sort of standard as the general public enjoys.

David’s mother, Ceri, who had to start the legal action because David was under 18 at the time, said,

“We are extremely grateful to Sheffield Law Centre and the Equality and Human Rights Commission for helping us to bring this action against RBS. They always understood that our claim was about access, not money.”

NOTES TO EDITORS

1. Earlier press releases about this case are available at www.slc.org.uk/disability.htm
2. David Allen has banked at the Church St, Sheffield branch of RBS since he was at primary school. Now he uses a wheelchair, he cannot get into the branch at all. As a result, he had to do his banking on the street, despite the Disability Discrimination Act requiring the bank to take reasonable adjustments to their branch. He found this degrading and humiliating.
3. The Disability Discrimination Act 1995 prohibits discrimination related to a disability in the fields of employment, education, goods facilities and services (GFS) and public authority functions. Part 3 of the Act also requires service providers to make “reasonable adjustments”
4. Disabled people who have been discriminated against unlawfully have to their complaints in their local county court. David was successful with his case in Sheffield County Court in January 2009. The Royal Bank of Scotland appealed to the Court of Appeal, but the three judges dismissed the appeal. They ordered the bank to install wheelchair access to the branch and pay an additional £3000.
5. David was represented by Sheffield Law Centre and Catherine Casserley and Robin Allen QC, of Cloisters Chambers. He was backed by the Equality and Human Rights Commission.
6. Sheffield Law Centre is an independent registered charity and provides specialist legal advice in housing, employment, immigration and asylum and discrimination law. There are 56 law centres altogether in the UK, supported by the Law Centres Federation.

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