

Media release - 10th May 2005

Disabled boy gets on swimmingly

Eight-year-old Samuel Doran is to get back in the swim after his local pool was forced to lift the ban that stopped him going to swimming lessons. He has also won £1,500 compensation.

Samuel, who has Down's Syndrome, and his mum, Elaine Doran, complained to the Disability Rights Commission (DRC) when he wasn't allowed to go to the mainstream swimming class at Hoyland Leisure Centre, Hoyland, Barnsley.

Samuel, who can swim a length, had already had lessons in a class for disabled children. But Samuel wanted to move on to a mainstream class because he was ready for and needed a more structured lesson to develop his swimming ability. His mum suggested to the manager that she came in the water for the first few lessons to give Samuel confidence in the new class, but was told that this wasn't allowed. The Centre Manager then refused to register Samuel for swimming lessons.

Elaine sought advice from the DRC which agreed to fund the case and referred her to local solicitor Pam Kenworthy, a disability discrimination specialist at Sheffield-based Howells solicitors. After negotiations, staff at Hoyland Leisure Centre, which is owned by Barnsley Premier Leisure, are now to be trained to Amateur Swimming Association (ASA) Level 2 so that all instructors can teach disabled people.

Barnsley Premier Leisure has also agreed to improve the access to their services for all their disabled customers. They will:

- ensure that Samuel gets his mainstream swimming lessons;
- will pay £1,500 for injury to feelings to Samuel;
- rewrite all written information for disabled customers so that staff know when to offer assistance if needed.

Elaine Doran said: "Our fundamental argument was that there were no legitimate grounds for Samuel to be excluded from the lessons in the first place - and once they fully understood that, the management at Barnsley Premier Leisure have worked with us to achieve this satisfactory solution.

"Samuel is now enrolled on a course of lessons at Hoyland Leisure Centre. I hope our situation and the positive way in which it has been resolved will help other leisure centres and service providers to realise what can be achieved with a little effort to improve access to facilities for those in need of extra assistance."

Bert Massie, Chairman of the Disability Rights Commission, said: "We are delighted that Samuel will be able to progress with his swimming. It is important that all leisure services examine their policies to ensure they do not exclude disabled people and do not stop disabled children enjoying sports just like any other child. A little flexibility would have meant that Samuel could be having lessons with everyone else, rather than having to fight to get them."

Elaine's solicitor Pam Kenworthy said that she was delighted with the outcome:

" Organisations must be aware of their responsibilities under the Disability Discrimination Act and it is up to them to ensure that their facilities and services are open to all. In this case, there was absolutely no problem in including Samuel in the mainstream swimming lessons - it simply required a little flexibility on the part of the pool to allow him time to settle in. Samuel is thoroughly enjoying his lessons and we hope that the knock on effect of the case will be to ensure that this kind of situation does not recur in future."

For further information, please contact Pam Kenworthy on 0114 249 6637, Sue Pratt at Disability Rights Commission on 020 7543 7042/7044, or Kath Harding PR on 0114 201 8011 or mobile 07710 490943.