



NEWS REPORT

Date: 18 January 2010
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Title: X Endowed Primary School v Special Educational Needs and Disability Tribunal & Ors [2009] EWHC 1842 (Admin)
Country: United Kingdom

Context

Issue at stake: Definition of “disability” under the domestic legislation
Ground of discrimination: disability
Source: national court decision
Field: education
Legislative provisions: Disability Discrimination Act 1995 and the Disability Discrimination (Meaning of Disability) Regulations 1996

Content

Case: The question for the High (Administrative) Court was whether the Disability Discrimination Act, which provides that a number of antisocial conditions including a tendency to physical abuse of other persons do not amount to “impairments” for the purposes of founding “disabilities” under that Act, applies so as to exclude from protection those whose tendency to physical abuse is the result of another mental impairment (here Attention Deficit Disorder and Hyperactivity Disorder). The claim involved a 10 year old boy who complained that his school had failed to make appropriate adjustments in relation to his disorder, his assault on a member of staff resulting in his expulsion from the school. Children with ADHD often experience temper tantrums, aggression and mood swings. A lower court had ruled that the school had discriminated against the Claimant by failing to make reasonable adjustments by securing specialist advice and support prior to his assault on the staff member.

Decision of the Court: The High Court ruled that the school was not obliged by the Disability Discrimination Act to make any adjustment in relation to the tendency to physical abuse, notwithstanding the fact that it was a symptom of his ADHD. In this case, however, the school had breached the legislation by failing to take steps prior to the assault to manage the Claimant’s ADHD, which would have included training in calming and de-escalation strategies in respect of disruptive behaviour falling short of physical abuse by the Claimant.

Internet link source and additional information: (no newspaper links)



<http://www.bailii.org/ew/cases/EWHC/Admin/2009/1842.html>