

The judge was deaf to my simple request

A POMPOUS judge at Barnet County Court in North London changed my life. The partial hearing loss from which I had suffered since childhood had deteriorated and conventional hearing aids did not help. But I wasn't too worried that I wouldn't be able to hear the proceedings when I appeared as a witness for my wife in a civil action.

I thought that I would cope by combining hearing and lip-reading if I explained that I needed to sit directly in front of the judge. He turned out to be a mumbler and the air-conditioning system in the court was so loud that it masked the human voice. Judge Dread brushed me aside when I asked whether it could be turned off. He said that he was partly deaf in one ear and that he could hear me perfectly.

My request was not excessive. I could have asked for a British Sign Language interpreter or for the use of a speech-to-text reporter, which I would have been entitled to and at the Court Service's expense. However, I am indebted to my arrogant judge because he upset me so much that I sought out the latest surgical advances in all things auricular. Now a titanium implant in my skull and high-tech gadgetry enable me to hear judges talking in whispers at a hundred paces.

Disability groups and those from within the Court Service tell me that my experience is not unusual. Last year, the Lord Chancellor's Department agreed to pay a deaf man £1,100 compensation to cover emotional distress and the cost of court fees — the first settlement of its kind. Lambeth County Court had failed to provide appropriate communications support in a disability discrimination case that Alistair Appleby, a Londoner, had brought against his employer, the Department for Work and Pensions. The court had booked sign language interpreters instead of the speech-to-text reporter that Appleby had requested. He did not use sign language and the case, which he subsequently won, had to be adjourned for six months, incurring further costs.

But grievances should be rare with laws and guidance designed to minimise such occurrences. The Disability Discrimination

Act 1995 gives the right not to be discriminated against. Businesses and other organisations must consider taking any reasonable action to make it easier for disabled people to use the services they provide.

Elements of the Youth Justice and Criminal Evidence Act 1999 are gradually being implemented to bring in facilities such as video links and screened witness boxes for people with learning disabilities.

The Sex Offences Act 2003 makes it easier to convict people who abuse someone with a learning disability. Mencap, the charity for people with learning disabilities, says that the Crown Prosecution Service has failed to bring many cases of alleged abuse to court because it felt that the victims were unlikely to make credible witnesses. Mari-

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lyn Graves, editor of *Disability Times*, says: "Although legislation can go a long way to help, it is down to people's attitudes."

John Horan, a partially paralysed barrister at Cloisters and winner of the Bar Council's 2003 Pro Bono award, tries to tackle the issue from within the system. "The fundamental thing is not what statutes there are but in making people understand what disability is and what it isn't," he says. "Deaf people despair of the courts. They come to court and there is either no one there who knows sign language or it is a different sort of sign language. You have to adjourn, adjourn, adjourn."

The Court Service says that, on occasions, disabled people will not receive the level of service that they expect. It is trying to make improvements through training programmes and an awareness campaign. A spokesman said: "We are keen to ensure that all staff working in the courts are aware of the Disability Discrimination Act and the reasonable adjustments they need to make."

ANDREW DON

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