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CONSENT ORDER

**HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT**

Claim no. AC-2024-LON-001815

THE KING on the application of

Claimant

(incl ref.)

ESTHER LOUKIN

(CH/3975/005)

Defendant(s)

(incl ref.)

(1) NORTH EAST AMBULANCE
NHS FOUNDATION TRUST
(NOR227.206)

(2) EAST OF ENGLAND
AMBULANCE SERVICE TRUST
(KIB.12008447.18)

(3) NHS ENGLAND
(SWH/755636/718)



21 Feb 2025

LONDON

UPON the Claimant filing a claim for judicial review on 29 May 2024 challenging (i) the First and Second Defendant's failure to have any system or policy to provide for the emergency transportation of wheelchair users with their wheelchairs and/or the decision not to have any system or policy to provide for the same; (ii) the Second Defendant's failure to make arrangements to transport the Claimant to hospital in an emergency and/or the failure to have in place a system that provided for the emergency transportation of the Claimant together with her wheelchair; and (iii) the Third Defendant's failure to give guidance to Ambulance trusts in relation to the emergency transportation of the wheelchair users together with their wheelchairs.

AND UPON the Second Defendant accepting that it is required by s.149 Equality Act 2010 in the exercise of its functions in the operation of a system for conveying patients to hospital in an emergency, to have due regard to the need to eliminate discrimination and to advance equality of opportunity, including by having due regard, in particular, to the need to remove or minimise disadvantages suffered by persons who have physical disabilities requiring the use of powered wheelchairs, such as the Claimant.

AND UPON the Second Defendant confirming on 29 May 2024 that it had commissioned a fleet of new ambulances which it states can convey wheelchair users to hospital with their wheelchair.

AND UPON the Second Defendant confirming on 19 June 2024 that it is in the process of updating its policies in respect of conveying wheelchair users to hospital with their wheelchairs in an emergency and will comply with the public sector equality duty as part of the rollout of the fleet of new ambulances.

AND UPON the First Defendant admitting on 24 June 2024 that it (i) had no formal and specific system or policy providing for the emergency transportation to hospital of wheelchair users with their wheelchairs; (ii) is required by s.149 Equality Act 2010 in the

exercise of its functions in the operation of a system for conveying patients to hospital in an emergency, to have due regard to the need to eliminate discrimination and to advance equality of opportunity, including by having due regard, in particular, to the need to remove or minimise disadvantages suffered by persons who have physical disabilities requiring the use of powered wheelchairs, such as the Claimant; and (iii) ought to put a formal and specific system or policy, providing for the emergency transportation to hospital of wheelchair users with their wheelchairs, in place as part of discharging its s.149 Equality Act duty.

AND UPON the First Defendant having carried out a review of current processes in place and having consulted internally and externally on the issues raised in the Claimant's claim, and having as a result developed a policy for the Transportation of Patients with Custom/Motorised Wheelchairs.

AND UPON the Claimant having considered the position following receipt of the First Defendant's letter dated 1 October 2024 and the draft policy and engagement report enclosed therewith.

AND UPON the Third Defendant confirming in correspondence that it is minded to carry out a review of its *Commissioning Framework and the National Urgent and Emergency Ambulance Services Specification* in the 2024/25 financial year, and that the scope of the review will be confirmed in due course and the Third Defendant will comply with its statutory duties in the exercise of any review function.

**BY CONSENT
IT IS ORDERED THAT:**

1. The Claimant's application for judicial review is withdrawn.
2. The Second Defendant shall pay the Claimant the sum of £8,000 in full and final settlement of the Claimant's claim for damages against the Second Defendant in these proceedings.
3. The Second Defendant shall pay the sum at paragraph 2 of this Order to the Claimant's solicitor within 21 days of signing this order.
4. The First Defendant shall pay the Claimant's reasonable costs of her claim as against the First Defendant on the standard basis to be assessed if not agreed.
5. The Second Defendant shall pay the Claimant's reasonable costs of her claim as against the Second Defendant on the standard basis to be assessed if not agreed.

6. There be no order for costs in respect of the claim against the Third Defendant.
7. There be a detailed assessment of the Claimant's legal aid costs.

Dated this 13th day of December 2024

We consent to an order being made in the above terms



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Solicitors for the Claimant



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Ref: SWH/755636/718

Solicitors for the Third Defendant

BY THE COURT

Approved by Sir Peter Lane sitting as High Court Judge
21st February 2025