[Your address]

[your email]

[your telephone number]

[Compliance Manager]

[Service provider’s address]

[Date]

Dear Sir / Madam

Equality Act 2010 Letter Before Claim – Disability Discrimination

This is a pre-action letter for disability discrimination made by your business against me on [insert date].

I set out below my medical conditions, which mean I am unable to wear a face covering:

[list of medical conditions]

The above medical conditions have a substantial impact on my life. This means I have the protected characteristic of disability as defined in Section 6 of the Equality Act 2010. ("the EA”).

On the [date] [Outline here what happened – include quotes from staff/security/managers, how it made you feel / any damage to your health – give dates and times, the location of the incident(s) and, if you know the identity of any perpetrators, also include them here].

You will no doubt be aware that in a press release dated 24 July 2020 the Government referenced detailed Guidance about exemptions from wearing a face covering. I encourage you to familiarise yourself with the same if you have not already. The information can be found here:

<https://www.gov.uk/government/news/disabled-people-exempt-from-wearing-face-coverings-under-new-government-guidance>

Given the above, it is clear that I was following the rules when entering your premises without a face covering, as I am entitled not to wear the same to protect my health and well-being.

However, the response and behaviour of your staff to me was outside of the rules and, more seriously, unlawful, as it is in breach of the EA, an act which specifically prohibits you from discriminating against me. More particularly Section 29 Provision of services, etc:-

1. A person (a “service-provider”) concerned with the provision of a service to the public or a section of the public (for payment or not) must not discriminate against a person requiring the service by not providing the person with the service

2. A service-provider (A) must not, in providing the service, discriminate against a person (B)—

* as to the terms on which A provides the service to B;
* by terminating the provision of the service to B;
* by subjecting B to any other detriment.

Additionally, under Section 13 (1) A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.

Section 15 of the EA provides me with extra protection against discrimination arising in consequence of my disability. There is also a special rule for discrimination cases: if I can prove some of the facts, you will then have to prove there was no discrimination, as set out in section 136 of the EA. This section applies to any proceedings relating to a contravention of the EA.

If there are facts from which the court could decide, in the absence of any other explanation, that a person (A) contravened the provision concerned, the court must hold that the contravention occurred.

But subsection (2) does not apply if A shows that A did not contravene the provision.

The disability discrimination you perpetrated against me is covered by the Vento Scale as outlined in the Equality and Human Rights Commission Guidance regarding the value of discrimination claims. You can find it here:

https://www.equalityhumanrights.com/sites/default/files/quantification-of-claims-guidance.pdf .

The lower band mentioned in the above was revised to £900 - £9,000 for the financial year we are now in. In considering the level of compensation that applies the Commission states the following,

“While the court will assess the award of damages for injury to feelings in an objective way, the perception and the individual reaction of the claimant will be an important factor for the court to consider. The more upsetting the conduct is to the individual, the more seriously the discrimination is likely to be viewed by the court, and the higher the award for injury to feelings. Where a one-off act of discrimination is particularly humiliating or serious and the victim suffers serious consequences as a result, an award in the higher bands could be justified...”.

And,

“Where the discrimination happens in a public place in front of a number of members of the public, and so is more likely to be considered as humiliating...”.

As well as being committed in public, the discrimination committed caused me substantial distress.

I therefore seek £XXXX to settle this case along with specific information from you about how you will ensure that no further incidents will occur, and how you will train your staff to meet the requirements of the EA.

I take this opportunity to remind you that under the Civil Procedure Rules you are required to engage in constructive communication to minimise any possible need for assistance from the County Court.

I look forward to hearing from you with proposals for settlement within the next 14 days.

Yours faithfully,

[your signature]

[your name]