



## **Disability Discrimination** **– How do I complain about how I’ve been treated by a Business or Service Provider?**

### **Introduction**

This guide gives you practical help on how to complain effectively when you think that you have been given ‘less favourable treatment’ by a service provider simply because you are disabled. It has been provided in conjunction with [Disability Rights UK](#)

### **The Law**

The Equality Act 2010 not only makes disability discrimination unlawful, but it also imposes a legal requirement on services providers to consider the needs of disabled customers and adapt their services to take account of disabled people’s needs. Supermarkets, Bus, Rail and Taxi companies are all service providers.... As are local authorities and government departments.

In essence, the Equality Act means that service providers:

- Must take steps to remove barriers to the services they offer.
- Must not treat disabled people less favourably because of their disability or long-term health condition.
- Must not harass disabled people.

### **Why it’s good to complain**

My experience demonstrates that one person can make a difference for the many, and that if you’ve had to complain about access there will be many others who have tried and been brushed aside, or who are thinking about doing so.

Remember – if you persuade one service provider to improve the way it delivers its service this will benefit others.

### **What can actually be done about my complaint?**

For most people, the remedies they want to see are simply for the service provider to make some changes. That is why it's so important to tell them exactly what the problem is and what you want them to do about.

Often a letter is enough.

But, if the complaint is ignored or just isn't dealt with satisfactorily, taking legal action is the only option left.

### **How can the Courts help me?**

If a Court accepts that a service provider has discriminated against you, it can order them to make changes as to how they deliver their service. This can include by way of an urgent injunction requiring a business to make changes immediately.

It will also award compensation for the distress caused by the experience. That compensation is typically between £1,000 and £9,000 but can be much higher.

If a provider is repeatedly having to deal with costly legal cases, then it becomes more cost effective for them to actually make the changes being requested of them.

The majority of cases settle without going to court. In fact, the court expects both sides to try and reach an amicable settlement if at all possible. So don't think that by bringing a case you are inevitably going to end up having to attend Court to give evidence. Most of the cases I handle are settled 'out of Court'. I am a [CEDR Accredited Mediator](#) and support mediation as a means of creating an environment in which problems can be solved and relationships can be rebuilt.

## **Complaining – it's as easy as 1,2,3....**

### **A step-by-step guide to making a complaint**

#### **STEP ONE – Timing is everything**

You should write your letter as soon as you can after the incident so that the facts are fresh in your mind. It's important to remember that you only have 6 months from the date of the incident to commence legal proceedings. So if your letter doesn't do the trick, you need to get in touch with a lawyer quickly so that there enough time to help you to seek the remedy you're after.

#### **STEP TWO - Compose your letter**

There are some sample letters in this guide which can help you to compose your letter. I recommend that you include the following:

**a. When & Where**

Be specific as possible – dates, times, who you were with and include names/job titles of people who were present from the service provider. Ideally you need to prove you were there, so ask for CCTV footage, provide tickets etc.

**b. What happened**

Was there a physical feature that prevented access to the service providers building? Did you ask for help with something but refused assistance? Were you treated differently because of your disability?

**c. How it made you feel**

It's important to convey how the incident made you feel. Examples include:

- inconvenience,
- anxiety,
- distress,
- vulnerability,
- loss of dignity,
- delay,
- embarrassment,
- insult or
- harassment.

This is not an exhaustive list so be sure to explain fully the impact the incident had on you.

**d. What remedy you'd like to see**

It's incredibly important to specify what you want to see happen. Believe it or not, there are no constraints on what you can ask for, but I recommend that you keep them realistic. Remedies can include a range of things:

- An apology
- Change in the way they offer their service
- Reimbursement
- Compensation
- Promise to consult with disabled people in the future
- Retraining staff
- Installation of a ramp, automatic door, larger signs or a hearing loop system
- Changes to websites to allow assistive technology to work

Although the service provider should have considered what adjustments would avoid the substantial disadvantage you're complaining about, it would be helpful to set out what you think they could do, and explain why you think those changes would be reasonable.

### **STEP 3 - Life after the letter**

Always include a date by when you expect to receive a reply to your letter. I usually recommend that you allow them 2 weeks to reply, but in emergency situations this could obviously be significantly reduced. If you haven't heard from them after your letter, then contact them to see what's happening. It may be that they are investigating the matter.

If you do get a reply and it's unsatisfactory, write and tell them and explain that you intend to seek legal advice on the matter unless they respond more positively.

**Remember: you only have 6 months from the date of the incident to commence legal proceedings.** So if your letter doesn't do the trick, you need to get in touch with a lawyer quickly to give them enough time to help you to seek the remedy you're after.

# TEMPLATE COMPLAINT LETTER

Business  
Address  
Post Code

Date

Dear Sir?madam

**Re:** Compensation Claim for Disability Discrimination  
**Name**  
**Dob:**  
**Address:**

I am writing to complain about an experience at your business on (Date) at (Location) and to ask you to make your service more accessible to disabled customers.

## **Information about my Disability**

I am a disabled person within the meaning of section 6 of the Equality Act 2010. I am unable to walk because of (XXXX), and this means that I use a wheelchair to travel independently.

## **Events Giving Rise to this Complaint**

On the 14th January 2022 I went to your supermarket at around 10:30am to buy some essentials. This shop had been chosen as it is local to me and on this particular morning, it was useful because it was on my route to work. I used my wheelchair and when I arrived at the shop I learned that there was no ramped access but there was a wheelchair buzzer. I rang the buzzer to signal the attention of any staff, and a shop assistant responded. The member of staff explained that he believed there was a portable ramp to provide access but that he did not know where it was in the store. He said he would speak to the manager the following day.

The next evening, I returned to the Store as requested. Again, I rang the buzzer to try to gain access to the store, presuming that the ramp would have been found and that I would now be able to enter. My Partner had to enter the store to request that the General Manager attend upon her at which point the General Manager moved outside to tell me that there was no ramp, that there never had been and never would be because the Landlady of the property refused to allow ramps on her listed building. I was told that if I wanted to buy anything from the shop the staff could take my card or cash to complete the purchase on my behalf. I left, feeling very upset and powerless. I felt that my rights did not matter and that your staff could not assist me.

## **The Basis for the Complaint**

In providing facilities for people to shop, you are providing a service within the meaning of section 29 of the Equality Act 2010 ("the Act"). You are therefore obliged to comply with the

provisions of section 29 including the obligation to make reasonable adjustments in accordance with section 20 of the Act.

In failing to provide an accessible entrance you have discriminated against me, by failing to make reasonable adjustments.

What I would like this Complaint to achieve.

1. A written apology;
2. Installation of a ramp at the door entrance;
3. Equality Act training for all customer facing staff;
4. Independent Access Audits of each of your stores across England & Wales;
5. Ensure that all Stores across England & Wales are fully accessible to wheelchair users by January 2023;
6. A specific complaints process for disabled customers;

I should also add that although a secondary consideration in this case, I am also entitled to compensation. I refer you to the case of *Vento v Chief Constable of West Yorkshire Police* [2003] IRLR 102 (uplifted following *'Da' Bell v National Society for the Prevention of Cruelty to Children 2009'*) where the Court of Appeal set out guidelines for how much compensation should be awarded in respect of injury to feelings for cases of this nature. I would ask you to make proposals for compensation.

I am happy to engage with you to explore alternative ways to resolve this dispute, but invite you to bear in mind the time constraints set out in the Equality Act 2010. If I do not hear from you, or if you deny that you are in breach of the Equality Act then I will proceed to instruct lawyers and commence Court proceedings. This will add in additional costs which would be unfortunate.

I look forward to hearing from you.

Yours sincerely

# TEMPLATE DATA SUBJECT ACCESS REQUEST LETTER

Data Protection Officer (DPO)  
Organisation  
Address  
Post Code

27<sup>th</sup> July 2022

Dear Sir/Madam

## **Subject access request made under the General Data Protection Regulation 2016 (GDPR) and the Data Protection Act 2018 (DPA)**

I write to make a request for information under Article 15 of GDPR.

As a Controller under the GDPR, **[NAME OF BUSINESS]** is obliged by law to comply with this request.

**[NAME OF BUSINESS]** is obliged to comply with this request without undue delay and in any event within one month of the date of this letter. The term "month" is defined by Schedule 1 of the Interpretation Act 1978 to mean one calendar month.

### **The request**

This is a general request for information which relates to me and which is held by or on behalf of the Trustees of **[NAME OF BUSINESS]**.

### **The Information Commissioner**

The Information Commissioner is the statutory regulator of the GDPR and DPA. I anticipate that **[NAME OF BUSINESS]** may not have dealt with many requests under the GDPR and DPA. I therefore respectfully refer you to the Information Commissioner's guidance and codes.

### **Purpose of the request**

Article 15 of the GDPR provides me with a free-standing right to access personal data held by **[NAME OF BUSINESS]**. Consequently, the purpose or motive for making the requests is irrelevant. However, I can confirm that I wish to check that the personal data held by **[NAME OF BUSINESS]** is accurate and is being processed in compliance with the GDPR and DPA so that I can, where relevant, exercise the other rights conferred under the GDPR.

## **The personal data**

To help you comply with the requests, you should know that it is likely that personal data is held relating to my **[membership]**.

## **Locating the personal data**

I would envisage that a number of individuals may have processed (as defined in Article 4 GDPR) personal and special categories of personal data relating to me. Specifically **[Name people involved who may hold your emails]**.

Please note that it is not necessary that I am named in the information. It is sufficient that **[NAME OF BUSINESS]** can identify me from the information and any other information in your possession or which is likely to come into your possession.

Some of the information may be held in the form of:

- Sent/received emails, texts, Facebook Messenger and Whatsapp,
- Photographs and CCTV
- Word-processed briefings and scripts
- Handwritten notes

Please ensure that all current, deleted and archived information is searched.

## **Processing on personal and work systems and devices**

It is possible that some personal data may have been processed on **[NAME OF BUSINESS]** employees' and officers' personal email accounts, systems and equipment and on individuals' work email accounts, systems and equipment. In both cases, as such email accounts, systems and equipment are being used for official **[NAME OF BUSINESS]** activities they should also be searched for the purposes of complying with these requests.

## **Alternative name spellings**

The names to be searched include, but are not limited to:

- Full Name
- Last Name
- Initials

## **Information to supply**

Once you have identified the personal data within the scope of the requests, please provide copies of the personal data (as per Article 15.3). In order for me to properly understand the context of the personal data, I would be grateful if you could supply copies of the original documents including those with handwritten annotations. The information should be supplied electronically to this email address.

You are also obliged to supply the information listed in Article 15.1 and 15.2 GDPR.

### **Fee information**

I understand that you must provide this information free of charge (Article 12.3 GDPR). The circumstances which permit **[NAME OF BUSINESS]** to charge a reasonable fee, as set out in Article 12.5, do not apply in these circumstances.

### **Withheld information**

If you decide to withhold any of my personal data or special categories of personal data, please set out the relevant provisions in the GDPR and/or DPA that you are relying on.

### **Failure to comply**

Please note that a failure to comply with this request could result in **[NAME OF BUSINESS]** facing an administrative fine of €20 million or 4% of its turnover (whichever is highest). In addition, as a Data Subject I have the right to bring an action in the courts for compliance and compensation for damage and/or distress.

Yours sincerely

Your Name

Dob:

Address

E-Mail Address