

# Sheffield Citizens Advice and Law Centre

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## A Self-Help Factsheet

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How to complain to service  
providers that have discriminated  
against you in relation to your  
disability



# Disabled people and service providers

## A self-help factsheet

- **Have you had a poor service because of your disability?**
- **Have you had a worse service than someone without a disability?**

### **The Equality Act 2010 makes disability discrimination unlawful.**

Service providers must change what they do to take account of disabled people's needs. They must not treat disabled people worse because of something to do with a disability or long-term health condition. They must also take steps to remove barriers to the services they offer.

If you received a worse service than if you weren't disabled, you may have suffered unlawful discrimination. Discriminating against disabled people is wrong and Parliament decided it was unlawful back in 1995.

The Disability Discrimination Act was replaced by the Equality Act in 2010.

This factsheet is to help you complain effectively if you think a service provider *might have* discriminated for reasons relating to a disability or a long-term illness.

## **Why complain?**

When we talk about a “complaint,” we mean telling a service provider of an improvement they could make to their service. This is valuable information that should help them offer a better service to other people too.

If a service provider improves its service, it will benefit other people too - disabled and non-disabled. For instance, if a council replaces a heavy entrance door with an automatic one, then older people and people with prams will also benefit. If a department store improves its staff training for people with hearing impairments, it will also improve the service to people who do not speak English well and it will improve its reputation for good customer service.

Making a complaint does not commit you to anything. You hope to get a positive reply from the service provider.

## **Who this factsheet is for?**

The Equality Act 2010 gives legal protection to “disabled people”. This includes people with a long-term health condition.

It also includes people who may not consider themselves disabled because their disability is under control – for instance, someone who takes regular medication for diabetes or someone who wears a hearing aid.

It is estimated that about 20% of the population count as “disabled” for the definition in the Equality Act.

The Act also protects people who are *associated* with a disabled person, if they receive worse treatment because of that person’s disability.

It also protects people who are treated worse because they made a legitimate complaint about disability discrimination. This is called “*victimisation*.”

## **Who can you complain about?**

Most businesses, organisations and public bodies are covered by the Equality Act 2010. It applies to both paid and free services.

This factsheet does not cover complaints about your employer. If you have a problem with your employer, you should try to get advice from an employment adviser – see the resources at the end of this factsheet.

## **A bit more about the law**

The changes brought in by the Equality Act include protection against discrimination because of another person's disability. This helps carers, relatives and friends of disabled people.

The legal duty on service providers is to think about what disabled people will need in advance. Service providers should not wait until a disabled person comes along before thinking about their needs.

The courts will expect service providers to provide evidence of what they have done to identify barriers and remove them.

## **What remedies the Equality Act 2010 gives you.**

The Equality Act 2010 gives you the legal right to take your complaint to your local county court. Someone independent – a judge - can make a decision about your case. However, in most cases, people reach agreement without having to go to a court hearing.

Whether you go to court or not, the first thing to do is to tell the service provider exactly what you are not happy with and what you want them to do.

This factsheet is to help you write that letter.

## **What the court can do – the bottom line**

If the court upholds your complaint, it can order the service provider to pay you money as compensation. Sometimes, the court can order a service provider to do something differently, although this is fairly rare.

Going to court costs money. There are fees to pay at various stages of a claim, depending on what happens to it. If you are on a low income, you might not have to pay these.

Not many cases under the Equality Act 2010 go to court. This means the courts are not used to dealing with this type of claim so it is hard to predict how a court will deal with your case.

Starting court proceedings always carries a risk that the court could order you to pay the service provider's legal costs if you lose. There are lots of things you can do to minimise this risk but it is always better to get some advice first.

Normally you should apply to court within 6 months of any specific incident you are complaining about.

You will only need to go to court if you really can't settle the issue with the service provider. A court will always expect both sides to try to settle the complaint first. The court will expect both sides to act reasonably and give the other side a chance to answer the complaint.

## **Alternatives to court**

Although going to court is an option, you could try other things first, such as:

- Negotiation - settling your complaint informally
- Mediation – however, the free mediation service through the Equality & Human Rights Commission has now been abolished
- Any other complaints procedure, trade association or Ombudsman
- Talking to other people or groups who might be affected.

## **Complaint letters**

A good complaint letter needs to tell the service provider who you are, exactly what happened and when and where. Try to be as specific as possible about dates and who was present. Use names if you know them. If you don't know them, give a description of the person and what their role was (e.g. a store manager). If possible, use the exact words spoken.

You also need to decide exactly what you think was wrong. You might be complaining about:

- a physical feature that a service provider is responsible for – for instance, if access to your bank is only up a set of steps.
- a way of doing things - the law refers to a “provision, criterion or practice”
- or you might want the service provider to provide a bit of extra help because of your disability – the law calls this an “auxiliary aid or service”. For instance, you might want the council to send you council tax bills in large print.

Very often, disabled people have sympathy when the staff of a big organisation cannot make an adjustment. However, your complaint is about the organisation as a whole.

You should tell the service provider if you have experienced any of the following:

- Delay
- Unnecessary Effort
- Discomfort
- Inconvenience or frustration
- Loss of dignity or privacy
- Humiliation or embarrassment
- Insult or upset
- Fear or grief
- Worry or anxiety

The types of complaint above are the most common. However, you could also complain if you have lost out on something or if the problem has cost you money.

## **Complaints – What to ask for**

It is important to say what you want to happen now. Remember, the service provider cannot change what happened in the past, only what happens in the future.

You can ask for anything you want. Usually, you will be in the best position to suggest a sensible solution because you are the one who has experienced the particular problem.

You might want the service provider to:

- Apologise
- Acknowledge that you were offended, insulted, embarrassed or didn't get to use the service
- Change the way they offer their service
- Reimburse you
- Offer you a sum of money in compensation - this is the main thing a court can order
- Promise to consult with disabled people in future
- Adapt a building
- Install a lift
- Conduct an "access audit" to check how well disabled people are getting the service.
- Retrain staff
- Put up better signs
- Or anything else you can suggest

It helps to be as specific as possible about what you think the service provider should have done.

It sometimes helps to think exactly what you would have done if you were providing the service.

## **Sample complaint letter**

A sample complaint letter is below. It is designed as a guide but you will need to think carefully about what you are going to put in it.

General points:

- Adapt the letter to what *you* want it to say – it is *your* letter.
- Write the letter as soon as you can, whilst you can remember exactly what happened well.
- Remember to include your name, address and any reference number.
- Check that the letter makes sense when you read it.
- Keep a copy of it so you can prove to someone else what you have sent.
- You don't need to send it by recorded delivery or registered post. You can expect a letter sent in the ordinary post to arrive. Or you can send it by e-mail or fax, so you can show it was sent.
- Phone or e-mail a few days later to check it has arrived. Ask who will be dealing with it and when you can expect a reply.
- When you get a reply – or if you don't get a reply at all to either letter – think about getting more advice.

## Sample letter of complaint

[Your name]  
[Your address]  
[Your postcode]

[Date]

The Manager  
[Name of service provider]  
[Address of service provider] (usually the place you are complaining  
about but sometimes a head office)  
[Postcode]

Dear [name / Sir / Madam,]

### **Access to your services – The Equality Act 2010**

I am writing to bring a complaint to your attention and to ask for your response to it.

On **[date of the incident you are complaining about]**, I was unable to use **[describe the service you wanted to use or what you were unable to do]** at **[describe where it happened so that the person receiving the letter will know where you are talking about]**.

This is because **[describe the feature preventing you from accessing the service and explain why - for example, *the only entrance to your shop is via a flight of 10 steps. I am a wheelchair user.*]**

As a result, your service put me at a serious disadvantage because of my disability. I could not use your service in the way a person without a disability could.

**[You may want to include a couple of lines explaining any inconvenience, distress or discomfort which you experienced].**

I would have liked **[here you can make any suggestion you have about what you think the service provider should have in place, based on your experience.]**

Please could you tell me what steps you have taken to meet your legal duty and deal with this lack of access?

Could you also tell me what steps you will agree to take to put right the problems I experienced.

Could you please reply to me in writing within 14 days. I look forward to hearing from you.

Yours faithfully

**[Insert your name here]**

Example of a finished letter:

Joe Bloggs  
19, Ordinary St  
Anytown  
AT1 5JB

1<sup>st</sup> August 2014

The Manager  
The Awkward Shop  
5, Sloping St  
Hilltown  
HT1 1AF

Dear Sir / Madam,

**Access to your services – The Equality Act 2010**

I am writing to bring a complaint to your attention and to ask for your response to it.

On 29th July 2014, I was unable to get into your shop at 5 Sloping St.

This is because there is a high step in the doorway and I couldn't get my wheelchair over it.

As a result, your service put me at a serious disadvantage because of my disability. I could not use your service in the way a person without a disability could.

I was very embarrassed because it was a busy shopping day and I had people trying to get past me whilst I was trying to get in to your shop.

I would have liked to see a simple ramp built into the floor of your shop – I noticed there was plenty of room and I can't see any reason why it wouldn't have been possible to carry out this minor building job.

Please could you tell me what steps you have taken to meet your legal duty and deal with this lack of access?

Could you also tell me what steps you will agree to take to put right the problems I experienced?

Could you please reply to me in writing within 14 days. I look forward to hearing from you.

Yours faithfully,

Joe Bloggs

## Sample letter – reminder

[Your name]  
[Your address]  
[Your postcode]

[Date]

The Manager

[Name of service provider]

[Address of service provider] (usually the place you are complaining about but sometimes a head office)

[Postcode]

Dear [name / Sir / Madam,]

### **Access to your services – The Equality Act 2010**

I wrote to you on [date of your last letter] and asked you to reply within 14 days. I haven't heard from you yet.

Could you please confirm when you will respond to my letter.

If I don't hear from you at all within the next 14 days, I may bring a claim in the county court against you without further notice.

I look forward to hearing from you.

Yours faithfully

**[Insert your name here]**

## **Resources**

### Advice in Sheffield

Sheffield Citizens Advice and Law Centre

Enquiries 0114 205 5055

Fax 0114 253 6712

E-mail [discrimination@slc.org.uk](mailto:discrimination@slc.org.uk)

Website [www.advicesheffield.org.uk](http://www.advicesheffield.org.uk)

### Equality and Human Rights Commission

The Commission's helpline has been abolished but the website contains useful resources. See:

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

### Equality Advisory Support Service (EASS)

Helpline 0808 800 0082

Text phone 0808 800 0084

[www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)

### Legal aid

This is now only available through a telephone "gateway" but is free to people on low incomes

Telephone 0345 345 4 345

Minicom 0345 609 6677

[www.gov.uk/civil-legal-advice](http://www.gov.uk/civil-legal-advice)

### Law Centres Network

(if you live in another part of the UK)

[www.lawcentres.org.uk](http://www.lawcentres.org.uk)

### Citizens Advice

[www.adviceguide.org.uk](http://www.adviceguide.org.uk)