**Did you find it difficult accessing information or did you not get the communication support you needed?**

****The Equality Act 2010 says that organisations that run services, big or small, must take steps to make sure you get information in a format that is good for you. This means you should expect accessible information from banks, energy companies, shops and restaurants as well as public organisations, such as local authorities, the NHS, government departments and the courts.

This can mean:

* Giving contracts in Easy Read
* Giving bank statements or energy bills in large print
* Having restaurant menus in braille
* Sending you receipts by email

Organisations that run services and public organisations also have to take steps to communicate with you in a way that is accessible to you. Communication means getting information from you and giving information to you. Not only should organisations make their communication accessible, they should also make it easy for you to communicate with them.

This can mean:

* Having a British Sign Language interpreter for meetings, theatre performances or concerts
* Arranging a face to face meeting, instead of asking you to fill in the form online or speak on the phone
* Setting up a **video relay service** so that Deaf British Sign Language users could get in touch with a call centre

**Video Relay Service:** this is a way for Deaf people to be able to talk to other people on the phone or using a computer.



* Communicating using email, instead of sending letters in the post



The law says you should not be at a **disadvantage** just because information or communication is not accessible to you, this is **discrimination**.

**Disadvantage:** this means not having the same chances as everyone else.

**Discrimination:** this means being treated in an unfair way. This could be because of your sex, your age, because you are a Disabled person or your race.

A public organisation or an organisation that runs services would only get away with doing this if they can show they did this for a very good reason and there was nothing they could do to make information accessible to you.

Examples of situations where a person might be at a disadvantage:

* You could not use a promotional offer, because it was only on offer online and the website was not accessible to you
* A company did not offer text, phone or video relay service for Deaf British Sign Language users, so it takes you much longer compared to other customers to sort out problems with their services or get information from them



* Before offering a service, an organisation asked you to agree with the terms and conditions, which were not in a format that was accessible to you
* You were **penalised** because you did not do anything about information they sent you, as it was not accessible to you. For example, you were **sanctioned** because you did not go to an interview at a Job Centre Plus. However, this is because their letter was not in a format that was accessible to you.

**Penalised:** this means something bad happening if you do not follow the rules. It could be having a service taken away or being charged a fine.

**Sanctioned:** here, this means that when you break the rules of benefits or support, they are taken away.

****The Equality Act says it is **reasonable** to expect organisations to take steps to give information in different accessible formats. It means that organisations need to think ahead about the difficulties Disabled people experience accessing information. They must think ahead rather than wait until a Disabled person tries to use their service.

**Reasonable:** this means fair or the right thing to do.

****In most cases, companies or organisations that run services should have accessible information ready. For example they should have menus in different formats or consultation documents in different formats.

****It would also be reasonable for organisations that have a long term relationship with you, such as banks, **utility companies** or mobile phone companies, to ask you whether or not you need information in a different accessible format or if you need communication support.

**Utility companies:** this means gas, electricity, water and telephone companies.

****

Information and communication support should be right for you. If an organisation does not give you information in a format that is accessible for you, they still have to think about what they can do to make information accessible to you.

****

Any changes that are made should push for your independence and respect your **dignity**. They should not make you feel uncomfortable.

**Dignity:** this means that a person and their opinions or wishes are important and listened to. This also means being treated with respect.

For example, having your private information read to you when other people are around, or having someone to read written information instead of getting it in an accessible format would not always count as a **reasonable adjustment**.

**Reasonable adjustment:** this is when changes must be made to get rid of barriers and make something or somewhere accessible to a Disabled person. This is to make sure that disabled people get the same services as non-disabled people.



When communication support is given, like a British Sigh Language interpreter, it has to be good quality support.

Information in an accessible format or communication support must be given at the right time so that you can make the same choices and access services like everybody else. For example, if a braille or Easy Read letter about your benefits arrives much later than others and you are running out of time to make an **appeal**, you have been discriminated against.

**Appeal:** this is the way that you tell an organisation, local authority or government department that you are not happy with a decision that they have made.

**What you can do if things went wrong**

****If you did not get information in an accessible format or your communication support needs were not met, you can make a complaint to stop this from happening again. Your complaint could mean that changes are made that will help many other Disabled people. A lot of the time the organisation will be breaking a law called the Equality Act and you will be able to start a court case against them.

**Making a complaint vs legal action**

****It is always a good idea to make a complaint, even if you are not thinking of taking legal action. Good organisations that care about their customers keep a check on complaints and use them to make things better.

We have put together a letter that explains to the organisation how their actions have gone against the Equality Act, which you can use. Your complaint could help the company understand that they are breaking the law.

The information below explains some of the differences between making a complaint and taking legal action.

**Complaint:**

**Time:** You should make a complaint as soon as possible. Usually there is no time limit, unless the company’s **complaints procedure** says something else.

**Complaints procedure:** these are the steps taken by an organisation when someone makes a complaint.



**Process:** the Company’s complaints procedure

**Outcomes you can achieve, this means what can happen as a result of your complaint:** You can get:

* An apology, this means them understanding what they have done and saying sorry
* An explanation of why things went wrong
* A change in the way the service is given and a written agreement that the company will make this change

**Risks:** No financial risk, this means that you will not risk losing any money if you do this.

**Issues you can raise:** You can raise any issues. Our **templates** are linked to specific **incidents**, however, you can talk about any problems you have had over a long time.

**Template:** this is an example letter or document. It can usually be changed so that a person can put their own information into the document.

**Incident:** this is an event or when something happens.

**Legal Action: this means using the law to take a case**

**Time:** You should start as soon as possible. The limit for starting a discrimination case in court is six months, less one day from the date of the incident.



**Process:** The process follows special rules called The Civil Procedure Rules.

**Outcomes you can achieve, this means what can happen as a result of taking legal action:** You can get:

* ****A **court order** that you were discriminated against

**Court order:** this is an order from the court telling someone that they must do or not to do something.

* ****An order telling the company they should not do it again
* Financial compensation, this means getting money to make up for any damage caused
* A court order that the company changes the way it works, this can also be called an injunction

**Risks:** financial risks, this means it could cost money. There are ways to bring this risk.



**Issues you can raise:** Legal action has to be about a specific incident or a number of incidents. You can only start legal action if you think the company did not follow the law.

If you are not sure whether you have a strong case for legal action, it is worth making a complaint first. You may get a better understanding of what the organisation feels about what has happened. They are likely to explain to you why they did not give communication support or information in an accessible format.

You should keep in mind though, that normally once you have started legal action, you won’t be able to bring up the same issue through the company’s complaints procedure.

However, you don’t always have to make a complaint before starting legal action. You can send a ‘letter before action’, this is the first step in legal action.

You can do this instead of making a complaint. This may be taken more seriously and the organisation is likely to give you the information you need. Then you can decide whether or not to start a discrimination case in court.

The reason for sending a ‘letter before action’ is different from a complaint letter. Not only are you letting the organisation know what went wrong, it also tells them that you are willing to go to court if they don’t make things right.

Some people who do not have much money coming in or who are on benefits can get free legal advice to help you write your ‘letter before action’. If you get in touch with Civil Legal Advice, they will be able to put you in touch with lawyers who can help you: <https://www.gov.uk/civil-legal-advice>.

You can also use our example letter below. There is no risk of losing money or having to pay money if you send a ‘letter before action’. You can use one of the example letters below to write a ‘letter before action’.

The next section will help you to write a complaint letter or a ‘letter before action’ and will give you advice on taking legal action.

**Getting together evidence, this means proof that something is happening**

Getting together evidence is important whether you decide to take legal action or to make a complaint. Get evidence on the spot, make a note of the date and time, and if possible take pictures or make a video with your mobile phone.

If you are dealing with a member of staff ask for their name. If there are people who saw what happened and are happy to support you in making a complaint or taking legal action, make sure to get their contact information.

If you can, make a record of what happened and how it affected you. For example:

* You were unable to use the service
* They wasted your time
* You did not have the same choices as others
* You could not understand what was going on
* You felt upset about how you were treated



It can be important to have written this down, or recorded something on your phone the day it happened, so that you don’t forget. It also helps you to explain to the organisation, or to a judge if your case goes to court, what it feels like to be discriminated against in this way.

You have a right to get a copy of all information the organisation has on record linked to your name or any images of you. This can be CCTV footage and records of phone calls you made. To help you get together evidence, you can use this right to get a copy of this information.

At the link below is useful information about your rights under the **Data Protection law** and on how to make a **Subject Access Request**, including a template letter you can use.
https://ico.org.uk/your-data-matters/your-right-of-

**Data Protection law:** this is a law about how people’s personal information can be used. The main reason for this law is to protect people from abuse through their private information being used in a bad way.

**Subject Access Request:** this is when a person asks an oganisation for the information that the organisation has about them.

****In your complaint letter, you can also ask the organisation to send you their policies, procedures and information about any training their staff get.

**How to make a complaint**

**Step 1: Find out who to complain to**

It is important to find the right organisation to complain to.

Each organisation should have its own complaints procedure. This will tell you where to send your complaint to and how long it should take before the complaint is dealt with.



**Step 2: write a complaint letter.**

You can use our template letter to write a complaint. Try to do it as soon as possible.

**Step 3: Ask for evidence you need.**

You can do it in your complaint letter or in a different letter afterwards. You can ask for records of phone calls you made asking for information in an accessible format or any emails or letters about what happened.

In the example letters below you can see how to ask for evidence.

**Step 4: Make sure you follow up and get a reply.**

If you do not get a reply within the time given in the organisations complaints procedure, or within the time you gave in your complaint letter, you will need to follow up with the organisation for a reply. You can do this by sending an email or phoning.

Chasing email

There may be different situations you end up in:

* You get a reply and you are happy with it
* The company wants to talk with you about how to deal with what has happened
* You get a reply and you are not happy with it
* You do not get a reply at all

**Step 5: Think about taking further action**

If you are not happy with the reply or you do not get a reply, you could think about taking legal action.

If you got a reply, you will probably get some kind of explanation of why things happened the way they did. Read it and think whether the reasons given look like good reasons to you. Remember the Equality Act means that organisations must think about the possible needs of Disabled people beforehand. It means that they must do what is reasonable to meet those needs.

For this reason, replies that say things such as ‘we did not know you might need information in an alternative format’, will not always be good enough reasons.

Look at our ‘How to deal with most common excuses’ document to help you decide what to do next.

****Sometimes, if your complaint was against an organisation such as government departments, local authorities, the NHS or organisations that run money services, you can also think about taking your case to an **ombudsman**.

**Ombudsman:** this is a government organisation that a person can make a complaint to. This organisation is used when a person thinks that an organisation or company has done something in an unfair way or given a bad service.

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You can find out more about ombudsman on their websites. For general information and the list of the Ombudsman schemes, visit Citizens Advice Bureau’s [website](https://www.citizensadvice.org.uk/consumer/get-more-help/how-to-use-an-ombudsman-in-england/).



However, it is worth remembering that Ombudsman schemes are not always that best places to go to deal with discrimination cases.

**Writing a letter before Action**

This is the first step you will take in starting legal action. Below is a template you can use to write a letter before action.

**Things to remember:**

* Make sure you find out where to send the ‘letter before action’ to. You can find the companies address on their website or on the Companies House website.
* Pick out one incident, when you were not able to get communication support or information in a format you need. If you always get information in a format which is not accessible to you or do not get the communication support you need, you may want to choose the most recent time this happened or the incident where you have the most evidence.
* Send this letter as soon as you can. The time limit to make a claim in court is six months less one day since the event that happened. However, you should not leave it too long.

Sending the letter before action as soon as possible will give you time to talk to the organisation about different ways of dealing with the issue. If you send the letter sooner you will probably remember more clearly what happened. Most importantly, sending it soon after what happened can be very important for making sure you can get evidence.

**Taking legal action**

By legal action, we mean starting a discrimination case in the County Court. You can do this on your own or you can find a lawyer to do this for you.

If you are on **means tested benefits**, or you do not have much money coming in, you may be able to get government funding to pay for your legal costs, this is called legal aid. Some solicitors may take your case on a “No win no fee” basis, this means that if you do not win then you do not pay anything.

**Means tested benefit:** these are benefits that people can get if they have below a certain amount of money coming in.

If you think you will need legal advice and someone to take your case to court, get in touch with our Disability Justice Project or see here for the list of organisations to contact.

If you have a lawyer, they will usually write all the documents for you and will guide you through the process.

If you decide to take legal action yourself below are some tips, example documents and links to information and tools that might be helpful.

Disability Attitude Re-adjustment Tool (DART) <https://www.kingqueen.org.uk/dart/>

Guides for a person who taking their own case to court <https://www.judiciary.gov.uk/publications/handbook-litigants-person-civil-221013/>

Court forms <http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do>

Citizen Advice Bureau’s taking court action <https://www.citizensadvice.org.uk/law-and-courts/legal-system/taking-legal-action/small-claims/going-to-court/taking-court-action/>