**Letter before action – Failed to receive assistance on a train journey**

To: [Rail Company’s name]

Their Address

Also by email

From: your name

Your address:

Your phone:

Your email:

Date:

Dear [Rail company’s name]

**Re: Letter before action for Disability Discrimination – the Equality Act 2010**

I am writing this letter in accordance to pre-action protocol of the Civil Procedure Rules. I am a disabled person and you have discriminated against me. This is unlawful and you have to take steps to put things right. If you do not take these steps, I will take legal action and ask the court to order you to put things right. In this letter I will set out the events giving rise to this claim and the law.

**I am a Disabled person under the Equality Act 2010**

I am a disabled person within the meaning of section 6 of the Equality Act 2010. I have X condition which means [describe the impact of your condition on your ability to travel, for example: I’m a wheelchair user, and I am unable to get on or off the train without a ramp].

**Events giving rise to this claim**

Give details of your journey/journeys, for example: On X date I was traveling from station A to Station B.

Describe what exactly went wrong.

Example: I arrived at Station A at (time) and approached a member of your staff, who was at the platform asking them for assistance with boarding 9:30 train to station B. The staff member refused and I was told that I would only be able to get assistance to board the later train, which meant I had to spend 50 minutes waiting in the cold. When I asked a member of staff why it was not possible for him to bring a ramp and assist me with getting on the 9:30 train, I was told he was busy with something else.

Or

On the X date I travelled on the train from station A to Station B, which departed station A at 10:00 am. I had assistance to board the train at station A, but when the train arrived at Station B there was no one there to help me get off the train. I had to ask other passengers to help me, which was a frightening experience for me.

Describe the impact this had on you, for example: inconvenience, feeling humiliated, any physical impact, like being made to wait in the cold, any financial impact, were you late for an important meeting etc.

As a result not only I was late for my meeting, the difficulties with my journey affected my (physical) and mental health. I felt humiliated and angry and now I feel less confident using public transport.

Describe whether this situation happens regularly, for example if you have to take a certain train for work or any other important regular commitments.

**The law and how it applies to my situation**

You are a service provider under Section 29 of the Equality Act 2010, which requires you to make reasonable adjustments to ensure Disabled people can access your service. Section 20 of the Equality Act 2010 requires you to take such steps as it is reasonable to have to take to avoid the disadvantage Disabled people like me experience when trying to access your services. Those steps should include: changing a provision, criterion or practice, altering a physical feature or providing an auxiliary aid. Providing assistance to enable Disabled people like me to travel on your trains is an auxiliary service. I could not travel like everybody else, and therefore I was put at a substantial disadvantage. I am sure you are aware that the duty to make reasonable adjustments is anticipatory, and therefore you should have taken reasonable steps to ensure Disabled customers like me are given assistance to enable us to travel.

You subjected me to discrimination, by failing to make reasonable adjustments: you failed to provide assistance for me to enable me to travel.

**Obtaining Information**

The Civil Procedure Rules that the court follows in cases like this say that you (the proposed opponent) should provide relevant information and documents reasonably requested by someone in my situation. Please therefore provide me with the following information about the incident that I am complaining about:

* CCTV footage; [describe how you look or attach a photo]
* Any internal and external documentation and/or correspondence relating to the incident;
* Details of any policies you have in respect of assisting disabled service users to access your trains.

**What you need to do to put things right**

I expect you to do all the things I would achieve if I took a case to court, including the following:

1. An open acknowledgement that you have discriminated against me;
2. A commitment from you to change the way you provide assistance to ensure this situation does not happen to me or other disabled people using this station again;
3. compensation for injury to feelings.

**Next Steps**

Please acknowledge the receipt of this letter by email. I very much hope we can resolve this matter amicably. I look forward to receiving a full response to this letter from you within the next 21 days.

I am happy to engage with you to explore alternative ways to resolve this dispute rather than going to court. However, if I do not hear from you, or if you deny that you are in breach of the Equality Act then I will issue proceedings in the county court against you. You could then become liable for my legal costs as well as the compensation I am seeking outlined above.

Yours sincerely