



Disability Justice Project
Discrimination guide

Accessible information and communication

About this guide

We experience discrimination on a daily basis. Many of us don't always realise that what is happening is against the law, and others feel unable to do anything about it.

That's why we put this guide together.

This guide covers what to do if you experience difficulties accessing information or have been unable to get the communication support you need. Please refer to our other guides for support when you:



[have difficulties with physical access, getting into buildings, lack of accessible toilets](#)



[cannot get adaptations made to your home](#)



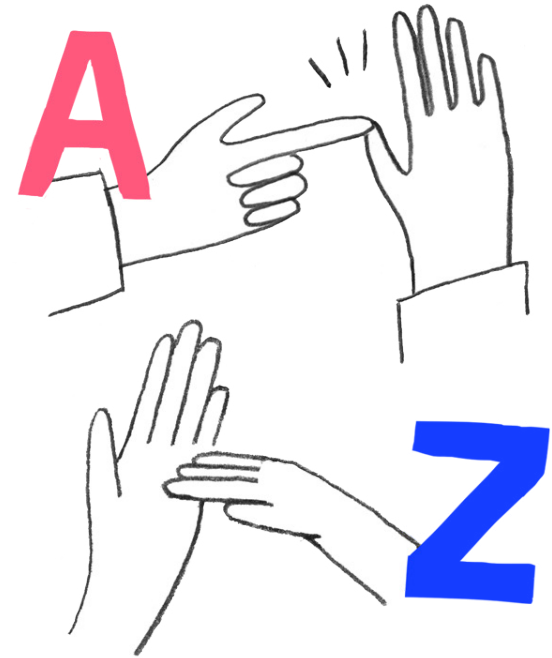
[have difficulties using public transport or taxis](#)



[have difficulties accessing public engagement and consultations](#)

These guides look at specific problems Disabled people experience. They will help you to identify whether you have experienced discrimination and will take you through the process of challenging discrimination step by step. You will find template letters you can use, practical tips on collecting evidence and sources for further information and advice.

The law has prohibited discrimination against Disabled people for more than 20 years, and yet we still face many barriers and sometimes find it impossible to access services. This is largely because it is left up to us to enforce this law. By taking action to combat discrimination, you aren't only making changes for yourself: you are improving things for other Disabled people.



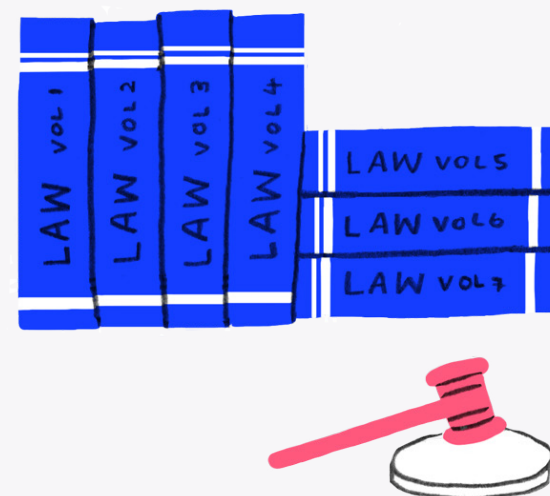
Accessible information and communication

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What the law says

The Equality Act 2010 requires that providers of services, big or small, take steps to ensure 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 bodies, such as local authorities, the NHS, government departments and the courts.



What the law says

Providing accessible information can involve:

- contracts in easy-read
- bank statements or energy bills in large print
- restaurant menus in braille
- sending you receipts via email.

Service providers and public bodies also have to take steps to communicate with you in a way that is accessible to you. Communication includes receiving and giving information – organisations should not only make their communication accessible, they should also make it easy for you to communicate with them.

This can include:

- providing a BSL interpreter for meetings, theatre performances or concerts
- arranging a face-to-face meeting, instead of asking you to fill in a form online or speak on the phone
- setting up a video relay service so that Deaf BSL users can contact a call centre
- communicating via email instead of sending letters.

The law says you should not be disadvantaged just because information or communication is not accessible to you. This is discrimination, and a public body or a service provider would only get away with it if they could show they did this for a very good reason and there was nothing they could do to make information accessible to you.

Examples where discrimination occurs due to inaccessible information:

- You could not use a promotional offer, because it was only available online and the website was not accessible.
- A company did not offer text, phone or video relay service for Deaf BSL users, so it took 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 available in alternative formats.

- You were penalised because you did not act upon information they sent you, as it was not accessible to you. For example, you were sanctioned because you did not attend an interview at a Job Centre Plus because their letter was not in an accessible format.

The Equality Act says it is reasonable to expect organisations to take steps to provide information in alternative formats. It requires organisations to think ahead about the difficulties Disabled people experience accessing information, rather than waiting until a Disabled person attempts to use their service. In most instances, companies or service providers should have accessible information on hand, for example, 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 operators – to ask you whether or not you need information in alternative formats or if you require communication support.

Service providers are required by the Equality Act to think about what kind of communication support they can and should provide to enable Disabled people to access their services, and take steps to ensure this support is provided. What kind of support it is reasonable to provide will depend on the kind of service, the size of a company, and the cost and practicality of providing it. It may not be reasonable for a corner shop to communicate with pen and paper, or typing on a mobile, but for a large supermarket or a big bank it would be necessary to do more than that – for example, booking qualified interpreters or other communication support workers for specific appointments, or arranging a video relay service.

Information and communication support should be good for you. If an organisation does not provide alternative formats that work for you, they still have to consider what they can do to make information accessible to you.

Adjustments that are made should encourage your independence and respect your dignity; they should not make you feel uncomfortable. For example, having your personal information read to you when other people are around, or having someone to read written information instead of providing it in an alternative format would not necessarily count as a reasonable adjustment.

When communication support, like a BSL interpreter, is provided, it has to be of a good quality.

Information in an alternative format or communication support must be provided 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 entitlement arrives much later than a standard letter and you are running out of time to appeal the decision, you have been discriminated against.

You do not have to wait until you are unable to access information or communication support. If it is important for you to get it at the right time, write a complaint letter as soon as you can.

Accessible information and communication support from social services and the NHS

The Equality Act 2010 requires local authorities to provide information in accessible formats and communication support as part of its duty to make reasonable adjustments for Disabled people. The Care Act and the care and support statutory guidance also make it clear that local authorities should take steps to ensure a person can effectively participate in the assessment and care planning process.

This includes when a local authority:

- gives a person information about the assessment process
- provides general information and advice
- provides information to support a person's involvement in the assessment process, including the list of questions to be covered during the assessment, which has to be provided in advance
- gives a person a copy of their assessment document
- tells a person which needs they will meet or explains why they won't meet needs
- gives information to a person about possible care and support options
- gives a copy of a care plan
- explains how a personal budget had been calculated
- refuses to give a direct payments and gives reasons

The NHS, including GP practices, hospitals, clinical commissioning groups (CCGs) as well as providers of social care services have a duty to provide information in accessible formats and communication support under the Equality Act. They are also required by the NHS Accessible Information Standard to find out about your communication needs, record them and provide accessible information or communication support.



What you can do if things go 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 prevent the same situation from happening again. Your complaint could potentially lead to changes that will help many other Disabled people.

In many cases the company will be in breach of the Equality Act and you will be able to take a legal action against them.

This section covers:



The differences between complaints and legal action



Collecting evidence



How to make a complaint



How to take legal action

Differences between complaints and legal action

	Complaint	Legal action
Issues you can raise	Any issues relating to a specific incident or problems experienced over a long period of time	A specific incident when you think the company did not follow the law
Potential outcomes	<ul style="list-style-type: none"> • An apology • A commitment to improve service • An explanation of why things went wrong 	<ul style="list-style-type: none"> • An order that you were discriminated against and that the defendant should not do it again • A monetary compensation • An order that defendant changes its provision (an injunction)
Risks	No financial risk	Potential financial risks, but there are ways to minimise them
Process	Company's complaints procedure	Civil Procedure Rules
Time	No time limit, but as soon as possible	Within six months less one day for a county court discrimination claim, or three months if the organisation is a public body and you wish to challenge them by judicial review. Always act and get advice as soon as possible.

It is always worth making a complaint regardless of whether you are thinking of taking legal action or not. Good companies that care about their customers monitor complaints and use them to make improvements.

We have created a template letter, which explains to the company how their actions breached the Equality Act, which you can use. Your complaint could help the company realise that they are acting unlawfully.

By making a complaint you may get a better understanding of what the company's position is. They are likely to explain to you why their information or communication is not accessible, and help you sort out the problem without needing to take legal action. If you have already started legal action, you usually would not be able to raise the same issue through a complaints process.

However, you don't always have to make a complaint before starting legal action. You can send a 'letter before action' (the first step in a possible court case) instead of making a complaint. This may be taken more seriously and the company is likely to respond by giving you the information you need to decide whether or not to continue with legal action. The purpose of a letter before action is different from a complaint letter; not only are you letting the company know what went wrong, it also indicates that you will be prepared to go to court if they don't make things right. Some people on low incomes or benefits can get free legal advice to help you write your letter before action. There is no financial risk in sending a letter before action.



Contact Civil Legal Advice or EASS who will put you in touch with the lawyers who can help you www.gov.uk/civil-legal-advice and www.equalityadvisoryservice.com



[Download our template complaint letters](#)

Collecting evidence

It is important to collect evidence if you decide to take legal action or make a complaint. Collect evidence on the spot, make a note of the date and time, and if possible take pictures or make a video on your phone.

If you were unable to use a service, wasted time, did not have the same choices as others, could not understand what was going on, or felt upset about how you were treated, it can be important to have noted this down or recorded something on your phone so that you don't forget. It also helps you to explain to the company or organisation, or a judge if your case goes to court, what it feels like to be discriminated against in this way.

If you are dealing with a member of staff ask for their name. If there are people who witnessed this situation and are willing to support you in challenging this, make sure to get their contact details.

You have the right to get a copy of all the information the organisation has on record connected to your name or your image. This includes CCTV footage and records of phone calls you made. To help you collect evidence, you can use this right to get a copy of this information.

In your complaint letter, you can also ask the organisation to send you their policies, procedures, and details of the training their staff received.



Useful information about your rights under the data protection legislation 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-access>

How to make a complaint

1. Find out who to complain to

2. Write a complaint letter

3. Ask for the evidence you need

4. Chase for a response

5. Consider further action

1: Find out who to complain to

Each organisation should have its own complaints procedure, which will tell you where to send your complaint to and how long it should take to process it.

2: Write a complaint letter

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

3: Ask for the evidence you need

You can do it in your complaint letter or separately. In this instance you will need records of phone calls you made asking for information in accessible format any emails or letters regarding the incident.



[Download our template complaint letters](#)

4: Chase for a response

If you do not get a response within the time stated in the complaints procedure or within the time you indicated in your complaint letter you will need to chase for a response. You can do it by sending an email or phoning.

There may be different scenarios to follow:

- You will get a response and you are happy with it
- The company wants to negotiate a solution with you
- You get a response and you are not happy with it
- You do not get a response at all

5: Consider further action

If you get a response, it is very likely that there will be some 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 requires organisations to anticipate potential needs of Disabled people and do what is reasonable to meet those needs, so responses such as we did not know you might need information in an alternative format, will not necessarily count as good reasons. Look at our [How to deal with most common excuses](#) page to help you decide what to do next.

Sometimes, if your complaint was against an organisation such as government departments, local authorities, the NHS organisations providing financial services, you can also consider taking your case to the appropriate ombudsman. You can find out more about specific ombudsmen on their websites. For general information and the list of the ombudsman schemes, visit CAB's website.

However, it is worth remembering that ombudsman mechanisms are not always best equipped to deal with discrimination cases.



[Template chasing emails](#)

Taking legal action

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

If you are on means tested benefits, or your income is low, you may be able to get government funding to pay for your legal representation (legal aid). Some solicitors may be willing to take your case on a “no win no fee” basis.

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



If you decide to take legal action yourself, below are some tips, templates of documents and links to resources that might be helpful.

- [Disability Justice Project guide to legal aid](#)
- [Doug Paulley’s disability attitude re-adjustment tool](#)
- [Judiciary.gov.uk guides for litigants in person](#)
- [Justice.gov.uk court forms](#)
- [Citizens’ Advice taking court action](#)



If you think you will need legal advice and representation, get in touch with our Disability Justice Project or [see here](#) for the list of organisations to contact.

Letters

Writing a complaint letter is the first step you will take in starting a legal action. We have made several templates you can use to write letters.

[See here](#) if you are not sure whether you should write a complaint letter or a letter before action.

This section covers:



Failure to provide information in accessible format



Failure to provide communication support, such as BSL



Lack of accessible information and communication support from social services and the NHS

Letter types

Word template



Online form



Information was not provided in an accessible format

Things to remember

- [Read what the law says.](#)
- The time limit for starting a discrimination case in court is six months, so send those letters as soon as you can.

Public bodies include private companies, when they are doing something on behalf of the government or local authorities.

A public body did not make information available in easy-read or another alternative format

Use this letter if information in an accessible format was not provided by a public body, such as a government department (like the DWP), local authority (your local council), a court or tribunal, or the NHS.

Complaint letter

Letter before action

A service provider did not make information available in easy-read or another alternative format

Use this letter when you could not get information in a format you need while trying to use a service, such as signing a contract with utility company, a bank, buying tickets or products, going to a restaurant, theatre, cinema, gym and other services.

Complaint letter

Letter before action

Communication support, such as BSL, was not provided

Things to remember

- [Read what the law says.](#)
- The time limit for starting a discrimination case in court is six months, so send those letters as soon as you can.

Public bodies include private companies, when they are doing something on behalf of the government or local authorities.

Sometimes organisations book interpreters, but they cancel the jobs and you may turn up for an appointment only to find out there won't be an interpreter after all. In a situation like this, you may still have been discriminated against. Ask the organisation how much notice they had from an interpreter and why they did not let you know.

A public body did not provide a BSL interpreter or other communication support

Use this template if you needed a BSL interpreter or other type of communication support when dealing with a public body, for example attending an assessment for benefits or a meeting organised by a public body, being questioned by the police or taking part in court proceedings.

Complaint letter

Letter before action

A service provider did not provide a BSL interpreter or other communication support

Use this template if you needed a BSL interpreter or other type of communication support to access a service, which was not provided.

Complaint letter

Letter before action

Communication support or alternative formats were not provided by the NHS or social services

Things to remember

- [Read what the law says.](#)
- The time limit for starting a discrimination case in court is six months, so send those letters as soon as you can.
- [You can find more information about the NHS complaints procedure here.](#)

The NHS and social care services have a duty to provide information in accessible formats and communication support under the Equality Act. They also are required by the NHS Accessible Information Standard to find out about your communication needs, record them and provide accessible information or communication support.

NHS or social care providers did not provide information in an accessible format I need

Complaint letter

Local authority social services did not provide information in an accessible format I need

Complaint letter

Use this template letter if local authority social services did not provide you with information in a format that is accessible to you.

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