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20 September 2020

Trinity Hospice & Palliative Care Services Ltd,  
Low Moor Road  
Bispham  
Blackpool  
FY2 0BG

## **THE DISABILITY DISCRIMINATION ACT 1995 FACE COVERING EXEMPTION**

My partner, xxxxx xxxxx, who is exempt from wearing a face covering, visited what I believe was your Red Bank Road Trinity Hospice shop on Wednesday 16 September 2020, and explained that he was exempt, but one of your staff members told him that he must cover his face and even told him to “cover your face with a piece of tissue”.

My partner walked out in disgust. Have you no experience of relating to people with the invisible illness called mental illness, especially one called anxiety?

<https://www.legislation.gov.uk/ukpga/1995/50/section/1>

1 Meaning of “disability” and “disabled person”.

[F1(1) Subject to the provisions of Schedule 1, a person has a disability for the purposes of this Act [F2 and Part III of the 2005 Order] if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.

(2) In this Act [F2 and Part III of the 2005 Order] “disabled person” means a person who has a disability.]

I myself suffer with anxiety and have an exemption card, but chose to wait outside as shopping is an extremely stressful time with this forceful unfriendly pushiness from staff members, mostly from charity shops like your own.

<https://www.legislation.gov.uk/ukpga/1995/50/section/3B>

[F13B Meaning of “harassment”

[F2

(1) For the purposes of this Part, a person subjects a disabled person to harassment where, for a reason which relates to the disabled person’s disability, he engages in unwanted conduct which has the purpose or effect of—

(a) violating the disabled person’s dignity, or

(b) creating an intimidating, hostile, degrading, humiliating or offensive environment for him.

(2) Conduct shall be regarded as having the effect referred to in paragraph (a) or (b) of subsection (1) only if, having regard to all the circumstances, including in particular the perception of the disabled person, it should reasonably be considered as having that effect.]]

You may face repercussions going forward should you continue to discriminate the mentally disabled in this way, and you may have to pay out damages in the future in relation to Section 25 of the Disability Discrimination Act 1995, so let this letter be a warning for your staff or volunteer staff to be kind to all strangers.

<https://www.legislation.gov.uk/ukpga/1995/50/section/25>

25 Enforcement, remedies and procedure.

[F1(1)A claim by any person that another person—

(a) has discriminated against him in a way which is unlawful under this Part; or

(b) is by virtue of section 57 or 58 to be treated as having discriminated against him in such a way,

may be made the subject of civil proceedings in the same way as any other claim in tort F2. . . for breach of statutory duty.

(2) For the avoidance of doubt it is hereby declared that damages in respect of discrimination in a way which is unlawful under this Part may include compensation for injury to feelings whether or not they include compensation under any other head.

May I remind you of the UK Governmental rules on exemptions and the Disability Discrimination Act 1995. While you are at it, why not tell off those who are *not* covering their noses, and warn those who continue to touch their masks that they are exposing themselves to infection.

***When you do not need to wear a face covering***

In settings where face coverings are required in England, there are some circumstances where people may not be able to wear a face covering. Please be mindful and respectful of such circumstances, noting that some people are less able to wear face coverings, and that the reasons for this may not be visible to others.

This includes (but is not limited to):

- children under the age of 11 (Public Health England do not recommended face coverings for children under the age of 3 for health and safety reasons)
- people who cannot put on, wear or remove a face covering because of a physical or mental illness or impairment, or disability
- employees of indoor settings (or people acting on their behalf, such as someone leading part of a prayer service) or [transport workers](#) - although employers may consider their use where appropriate and where other mitigations are not in place, in line with COVID-19 Secure guidelines
- police officers and other emergency workers, given that this may interfere with their ability to serve the public
- where putting on, wearing or removing a face covering will cause you severe distress
- if you are speaking to or providing assistance to someone who relies on lip reading, clear sound or facial expressions to communicate
- to avoid harm or injury, or the risk of harm or injury, to yourself or others - including if it would negatively impact on your ability to exercise or participate in a strenuous activity

## Exemption cards

Those who have an age, health or disability reason for not wearing a face covering should not be routinely asked to give any written evidence of this, this includes exemption cards. No person needs to seek advice or request a letter from a medical professional about their reason for not wearing a face covering.

Some people may feel more comfortable showing something that says they do not have to wear a face covering. This could be in the form of an exemption card, badge or even a home-made sign.

This is a personal choice and is not necessary in law.

<https://www.legislation.gov.uk/ukpga/1995/50/section/19>

Discrimination in relation to goods, facilities and services.

[F1(1) It is unlawful for a provider of services to discriminate against a disabled person—

(a) in refusing to provide, or deliberately not providing, to the disabled person any service which he provides, or is prepared to provide, to members of the public;

Meaning of “discrimination”

[F1(1) For the purposes of section 19, a provider of services discriminates against a disabled person if —

(a) for a reason which relates to the disabled person's disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply; and

(b) he cannot show that the treatment in question is justified.

You acted discriminatory toward my partner who clearly told you that he had an exemption, and you should have left it at that matter. He does not have to prove that he has an exemption, according to the UK Government website, <https://www.gov.uk/government/publications/face-coverings-when-to-wear-one-and-how-to-make-your-own/face-coverings-when-to-wear-one-and-how-to-make-your-own>, but your staff would not take his word for it, and forcefully told him to cover his face “even with a tissue”, to which he felt uncomfortable and harassed and walked out. Using such advice as this you are putting a mentally disabled person under even more anxiety and it is so very wrong to discriminate in such a way. I will not stand for such bullying and intimidation, especially when you have no idea of what anxiety I experience day to day, and many others do too.

When someone explains that they are exempt, you must take their word for it. They do not have to prove that exemption because Governmental guidelines state so. Staff members should not bully or harass that person into wearing a face covering, as face coverings provide absolutely no protection from viruses. They in fact cause infection like legionnaires disease and mask acne, not to mention hypoxia and hypercapnia. A person with anxiety and panic attack clearly requires oxygen to breathe, which is why I cannot wear a mask. My partner has an exemption card, which he stores in his wallet, yet he was forcefully told that he must cover his face in your shop.

I hope that this letter will educate you in how you treat the mentally ill and the current UK Governmental rules relating to persons with exemptions against a face covering

during these extraordinarily difficult circumstances where human beings are being turned against one another. You say that Trinity Hospice deals in care and compassion, so please consider your ethics going forward and do not make judgments just because someone is not physically disabled.

Mental illness is a horrible illness, which I would not wish upon anyone, but I do believe that, due to these severe restrictions and lockdowns and lack of human intimacy for most human beings, mental illness will certainly increase and lead to suicides, and statistics show that 1 in every 4 people, will experience mental illness in his or her lifetime.

Yours sincerely,

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