

In the County Court Money Claims Centre

EQUALITY ACT 2010

You

Claimant

V.

Service Provider legal name

Defendant

Particulars of Claim

The Parties

1. I am a person with a protected characteristic, i.e. a disability as per section 6 of the Equality Act 2010 ("EA 2010"). I suffer from XXXX.

The Facts

2. I have a reasonable excuse for not wearing a face covering because
XXXXXXXXXXXXXXXX
3. Upon entering XXXXX [service provider premises] on YYYYYY [date] the following happened:
4. Describe what happened and how it affected you.

Basis of Claim

5. The Defendant is a service provider, so it is contended to be covered by section 29 of the Equality Act 2010:

Section 29 Provision of services, etc.

(1) A person (a “service-provider”) concerned with the provision of a service to the public or a section of the public (for payment or not) must not discriminate against a person requiring the service by not providing the person with the service.

(2) A service-provider (*A*) must not, in providing the service, discriminate against a person (*B*)—

(a) as to the terms on which *A* provides the service to *B*;

(b) by terminating the provision of the service to *B*;

(c) by subjecting *B* to any other detriment...

(7) A duty to make reasonable adjustments applies to—

(a) a service-provider...

6. Section 15 of the Equality Act also protects me from disability discrimination. My inability to safely wear a face covering arises from my disability. The Defendant has the opportunity to argue its treatment of me was a proportionate means of achieving a legitimate aim.
7. It is contended such an argument would lack merit because Parliament provided me with an exemption from wearing a face covering and Her Majesty’s Government (HMG) provided Guidance to the Claimant telling it it must allow those exempt from wearing a face covering to access its services without being subjected to discrimination and harassment. It is contended HMG provided this guidance to keep the Defendant within the law. So, by not following HMG guidance to respect face coverings exemptions, the Defendant has inevitably breached the Equality Act 2010.
8. The Defendant also breached Section 26 of the Equality Act 2010 by creating a hostile, intimidating, degrading and offensive environment in its treatment of me. It did not allow me to access its service on the same basis as non-disabled persons. Instead it deployed staff to single me out breaching Section 26, which has a broad definition of harassment as follows:

Section 26: Harassment

(1) A person (A) harasses another (B) if—

(a) A engages in unwanted conduct related to a relevant protected characteristic, and

(b) the conduct has the purpose or effect of—

(i) violating B's dignity, or

(ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

...

(4) In deciding whether conduct has the effect referred to in subsection (1)(b), each of the following must be taken into account—

(a) the perception of B;

(b) the other circumstances of the case;

(c) whether it is reasonable for the conduct to have that effect.

(5) The relevant protected characteristics are—

....disability...

What is being claimed

9. I claim compensation under the Equality Act 2010. As a litigant in person I cannot quantify my claim precisely but contend it is up to £10,000.

10. I also claim a declaration the Defendant breached the Equality Act 2010 in its treatment of me.

11. I also claim an injunction requiring the Defendant to end its discriminatory practices to protect me and other disabled people from further discrimination and harassment.

12. I complied with the Practice Direction (Pre action Conduct and Protocols) by notifying the Defendant of my claim but it did not wish to acknowledge that it had discriminated against me or provide any remedy.

My needs as a disabled litigant in person

13. Article 13(1) of the United Nations Convention on the Rights of Persons with Disabilities, provides,

“1. States parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages”.

14. Please note I am not legally represented and my case is against an organisation likely to have access to substantial legal resources. My case is about my most basic civil rights to access a service on the same basis as persons who are not disabled.

15. I am therefore asking for my case to be allocated to the small claims track which is more likely to result in a fair trial than a more formal and legalistic arena. I am not seeking anything outside of the small claims jurisdiction. I am not seeking an interim injunction.

Statement of Truth

I believe the facts stated in these Particulars of Claim are true. I also understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:

Date:

Your name and address