

COMPLAINT LETTER TEMPLATE FOR MOBILITY

Customer Service Dept
[Supermarket Address]

Date:

Urgent Complaint

Dear Sir/Madam

Re: [your name]
Claim for Reasonable Adjustments
Disability Discrimination

I am writing this letter because I am disabled, and cannot access your online service. This is causing a real and significant risk of harm to me.
I have mobility impairments from [Details of disability]. I am therefore disabled within the meaning of s.6 of the Equality Act 2010 ("the Act").

I have been a customer of xxx online shopping facility since [date]. I have never been asked to provide details of my disabilities, but the delivery driver is aware.
Your service is ideally suited to people with mobility impairments. When working effectively it is a very convenient service which allows me to lead an independent life. However, as the Coronavirus pandemic has taken hold in the UK, I have been unable to access your service at all.

What has Happened.

[Give Details as to how you have attempted to gain access]

Example:

On Monday 23rd March 2020 I called the 0800 328 1700 number to register as a disabled person but I was unable to get through.

On Wednesday 25th March 2020 I got through to the xxx helpline listed above, after 3 days of persistent attempts.

I was disappointed to hear only a recorded message informing me that you are working with the government to assist the most vulnerable and that I would have to register with <http://gov.uk> as vulnerable to qualify for priority assistance.

I went to register online at <http://gov.uk> online but as I had not received a letter from the Government and did not have the conditions listed as being extremely vulnerable I was unable to register.
I became very distressed and sent 5 messages informing you of this and asking how I could obtain an online food delivery service from you. I had to publicly give details of my disabilities.

As a consequence, I have not been able to access your service to arrange for an online delivery.

My Legal Rights

In providing facilities for people to buy groceries from your stores, you are providing a service within the meaning of Section 29 of the Equality Act 2010 ("the Act"). You are therefore, obliged to comply with the provisions of Section 29, including the obligation to make reasonable adjustments in accordance with Section 20 of the Act.

By refusing to allow me to buy my shopping online, and in any event to deliver my shopping within a reasonable time frame, you have discriminated against me in the following ways:

I have been treated unfavourably because of something arising directly in relation to my disabilities. In the alternative, I am treated less favourably as a consequence of my disability – my reliance upon a delivery service. I am therefore subjected to discrimination within the meaning of sections 13 of the Act and section 15 in not providing me with a service contrary to section 29(1) of the Act.

Further, in applying a provision, criterion or practice of not accepting bookings, I have faced a substantial disadvantage in using your service in comparison with persons who are not disabled who are able to access supermarket stores in person. I am unable to attend the supermarket store during the adjusted working hours set aside for disabled people because I am required to self-isolate for 12 weeks in accordance with Government instruction. This breaches s19 of the Equality Act.

In any event, by failure to make reasonable adjustments to your service, I am experiencing a detriment in that I am unable to use your service contrary to section 20(3) of the Equality Act 2010. You should take reasonable steps to avoid that disadvantage.

Such steps might include:

- Providing a space on my online account profile to allow me to notify you of my disability.
- Providing me with priority access to the online shopping space.
- Providing me with a priority delivery service.

I anticipate that you will say the extreme demand on your online shopping facility justifies your failure to deliver a priority service at this time. However, I should like to remind you that the duty to make reasonable adjustments is anticipatory in that it requires consideration of, and action in relation to, barriers disabled people face in accessing services before an individual disabled person makes use of a particular service. What is “reasonable” depends on the circumstances but it also depends on resources; this is a time of unprecedented demand and income for supermarkets, and you should be putting resources in place. Presumably there are those who already have online slots who are not disabled. You have no obligation to meet those commitments and should consider re-allocating them in line with your legal duties.

As the Equality Act 2010 Statutory Code of Practice on services, public functions and associations states at para. 7.21:-

“Service providers should therefore not wait until a disabled person wants to use a service that they provide before they give consideration to their duty to make reasonable adjustments. They should anticipate the requirements of disabled people and the adjustments that may have to be made for them. Failure to anticipate the need for an adjustment may create additional expense, or render it too late to comply with the duty to make the adjustment. Furthermore, it may not in itself provide a defence to a claim of a failure to make a reasonable adjustment”

Your failure to comply with your obligations under sections 15, 19 and 20 has resulted in me experiencing a detriment, contrary to section 29. This list is not exhaustive.

What I would like you to do

I would like you to give me an undertaking that you will implement the process reforms as set out above within a reasonable time frame; which should be within the next 7 days given my nutrition and health needs.

I look forward to hearing back from you by return. If I do not hear from you within that time frame I may commence legal proceedings.

Yours sincerely