

LETTER TO A SHOPPING CENTRE WHO FORCED A MASK-EXEMPT FAMILY TO LEAVE

[Address]

[Date]

Dear Sirs,

I am writing to you regarding a visit to [Name] Shopping Centre on [date].

As a local resident, my family and I have visited this establishment many times in the past, and we have always enjoyed a positive and respectful reception from the retail and security staff. Regrettably, this was not the experience we had on this occasion.

In regards to the new coronavirus legislation pertaining to masks, I am exempt for medical reasons, and have never previously experienced any discrimination as a result of this - as I would expect not to, as I believed I resided in a tolerant and inclusive society that did not promote bigotry towards the disabled or unwell. Sadly, my recent visit to the [Name] Shopping Centre has caused me to reevaluate this position.

As I am sure you are aware, there are a wide range of exemptions to mask-wearing in law, and these include hidden disabilities. Hidden disabilities refer to a range of physical and mental health conditions, including but not limited to autism, respiratory illness, and post-traumatic stress disorder (PTSD). Some survivors of severe abuse experienced having their face covered as part of their abuse, and are therefore unable to wear a face covering now, as to do so could trigger flashbacks and panic attacks, attacks which may be so paralysing in their severity that they require immediate medical attention.

Given these facts, and that the nature of a person's exemption from mask-wearing can be so personal and so traumatic, the law rightly protects the mask-exempt from having to disclose any details of their exemption, or having to produce any "proof", to strangers in shopping centres. The government's guidelines clearly state that those who are mask exempt are only required to state, if challenged, that they are exempt; it is not incumbent on them to produce any evidence of their exemption, and, should they be pressed to do so, this represents a breach of the Disabilities Discrimination Act and the Equality Act 2010. Breaching these acts can result in a personal fine of up to £5,000 and punitive damages of between £900 and £9,000.

I would expect staff at a major retail facility such as the [Name] Shopping Centre to be well briefed on these facts, but it appears they are not. When I visited the centre with my children on the [date], I was accosted by a member of staff, whose badge identified him as "[first name]". I assume he was a security guard, although I cannot verify this for certain, as at no point in our fairly lengthy exchange, did he ever formally introduce himself.

"[name]" approached me and my children as we walked through the shopping centre, and asked us to put on masks. I replied that I am exempt, and continued to walk. [The security guard] asked me to produce an exemption card, and said if I did not, we would be asked to leave.

I informed him this was not a legal requirement, and the government's own guidelines clearly state the mask-exempt are not required to provide any "proof" of their exemption. Furthermore, an exemption card is not "proof" of anything, as anyone can order one online for any or no reason. In

fact, there is no way of procuring proof of one's mask exemption at all, given doctors have stated formally and publicly they will not be issuing any medical certification for the mask-exempt:

<https://www.burtondocs.co.uk/2020/07/21/face-mask-exemption-letters-no-gp-medical-letter-needed/>

Therefore, the only evidence of mask exemption that is required, in practice and in law, is the word of the individual who is exempt.

Despite these irrefutable and legally-binding facts, "[name]" continued to harass me and my family, and told us we would either have to buy masks or he would ask us to leave the shopping centre. I repeated to him that I am exempt and am not required to show any evidence of this beyond my word. [Name] said that I am, that this was the law, and that if I didn't provide the proof he was requesting, I would be asked to leave.

I explained to him once again that this was not the law, and why it wasn't. [Name] replied that the shopping centre was private property and this was the law there. Clearly, this is patently ridiculous, as shopping centres are fully accountable to the laws of the land they reside in, and cannot invent and implement their own laws at will! I explained to [name] that by his behaviour, it was in fact he who was breaking the law, and he was putting himself and his employers at risk of hefty fines.

[Name] laughed, and said, "you can't fine me". I explained to him once again what the legal situation is in regards to the Disabilities Discrimination Act and the Equality Act 2010, and that breaching these Acts, as he was doing, could indeed result in a sizeable fine, for both him personally and the shopping centre. [Name] dismissed this and asked us again to leave. I requested on several occasions the opportunity to speak to [name]'s manager, but he dismissed these requests.

Given I had young children with me who were by this point becoming agitated and distressed, I decided I would leave, and ushered my family towards the exit. However, instead of leaving us to leave on our own, [name] escorted us out of the building, and followed us until we had walked out of the doors. We found this to be extremely intimidating; we are not dangerous criminals, but a peaceful family simply trying to do some shopping, and to treat us as if we were a malevolent threat to the shopping centre or its staff or customers was menacing and unnecessary. Please note we behaved entirely appropriately whilst in the shopping centre, including abiding by social distancing. We did not harass anyone or steal anything or behave in any inappropriate way, yet we were treated without dignity or respect, and frankly, as if we were common criminals - despite the fact it was the shopping centre employee, [name], who was breaking the law, and not us.

As we walked away from the shopping centre, I asked [name] for his full name, but he refused to give it. He asked why I wanted it. I informed him it was because I would be putting in a complaint. At that point, he said he would get his manager to come out to speak to me, but I was not prepared to speak to his manager outside the building, having already been escorted out. It was within the shopping centre I had asked to speak to his manager in order that I could continue to shop there, and I was not willing to speak to the manager having already been forced to leave - not least because I wanted to ensure there were witnesses to my exchange with the manager. Therefore, I made the decision at this point to leave and told [name] to expect my complaint in writing.

I left the shopping centre thoroughly shaken and distressed to have had such a confrontational and traumatic experience whilst trying to enjoy a peaceful family day out. My reasons for being unable to wear a mask are extremely personal, and I do not expect to be accosted by strangers in public places and asked to produce "evidence" of my private medical history - as the law rightly states I am not required to do.

I expect from you a full apology regarding this incident, and an assurance that "[name]", and all of [Name] Shopping Centre staff, will be subject to thorough and appropriate training on exactly what the law regarding mask exemptions is, with a particular emphasis on disabilities discrimination. If you cannot provide such an assurance, then, regrettably, I will be obliged to pursue further legal action, which may result in a fine of up to £5,000 and punitive damages of between £900 and £9,000, as per section 19 (Remedies) of the Equality Act 2010.

Please reply to this letter within 14 days of today's date. Please note this letter is being sent by recorded delivery to the [Name] Shopping Centre, and their managers, [name].

Yours sincerely,

[Name]

[Email address]