

LETTER TO DOCTOR WHO REFUSED TO SEE MASK-EXEMPT PATIENT FOR SMEAR TEST

Dear [name],

I am writing to you regarding a deeply distressing incident that occurred on [date] when I attempted to visit the surgery to attend a smear test appointment, following abnormal results, two biopsies and laser treatment.

Although my results following treatment had been normal, this situation, as you can imagine, is a source of ongoing distress and disquiet for me, particularly in the context of the current global situation, which makes it significantly more difficult to access healthcare services. I was therefore very pleased and relieved to have secured a doctor's appointment.

When I arrived at the surgery, I was instructed by a notice outside the building that the new protocol was to ring the buzzer before entry. I did so, and the surgery receptionist answered. She took some details from me, and then asked if I had a face mask. I replied that I am exempt. She informed me that I could not enter the surgery without one.

This is in direct contravention of disabilities discrimination legislation and the Equality Act, 2010 (1), which is what I told the receptionist. There are a wide range of exemptions to wearing face coverings under the law, including for those with hidden disabilities such as severe anxiety. To be clear, it is against the law for an establishment to refuse service to someone because they have a hidden disability which prevents them from wearing a face covering.

Having explained this to the receptionist, she then came outside and offered me the "alternative" of wearing a face visor and what appeared to be a plastic bag to put over my mouth. Covering my face with these devices would have provoked just as much, if not more, distress and anxiety than wearing a "conventional" face covering, so I declined, again explaining my position to the receptionist. The receptionist was clearly deeply distressed herself, and it was evident she did not wish to be enforcing such measures. Her apprehension was entirely appropriate, given these measures represent a contravention of the law.

The law clearly states that those who are mask-exempt are required only to self-certify by stating that they are exempt (2); it is then legally incumbent on others to unreservedly accept this self-certification, and any attempt to probe for further details, including asking for an explanation of why the person is exempt, is a further violation of the Disabilities Discrimination Act and the Equality Act 2010, and can result in a personal fine of up to £5,000 and punitive damages of between £900 and £9,000.

Cognizant of the fact the receptionist had clearly not been instructed on these irrefutable legal facts by her manager - whose responsibility it is to ensure all staff are correctly instructed on the law - and mindful of her own increasing distress at having to enforce them, I asked to speak to the doctor I was appointed to see, Dr. _____. The receptionist repeated that I would have to wear a face covering to do so. I underlined for the third time that I could not do so; that I am legally exempt and that to wear one would cause me severe anxiety and distress.

The receptionist then went to consult the doctor, who agreed only to speak to me via the loud-speaker intercom. By this point, there was a sizable queue of patients behind me, and the doctor mentioned she also was with a patient, meaning numerous strangers were privy to my private and very personal medical information. There are few more humiliating experiences than having to discuss extremely intimate and confidential medical information in public, in front of strangers, whilst in a state of heightened anxiety and distress. I recorded our exchange on video, to clearly and unambiguously depict just how exposed and inappropriate this conversation was.

Dr. _____ reiterated her position that she was unwilling to fulfil her medical obligations to me if I did not wear a face-covering. At this point, deeply distressed and embarrassed, I had no choice but to leave the surgery, foregoing my imperative appointment.

I am stunned and appalled to have had this experience at your surgery, and expect an apology and comprehensive reassurance that you will welcome me back to fulfil my appointment at the earliest possible opportunity, and that I will not be expected to wear a face covering once I have stated that I am exempt from doing so.

If you cannot give me, and all mask-exempt patients, this reassurance, then you are in breach of the law and I will have no choice but to pursue further legal action.

This letter is being sent by recorded delivery to both Dr. _____, the doctor I was appointed to see, and Mrs. _____, practice manager.

I look forward to hearing from you.

Yours sincerely,

[Name]

[Email address]