

LAWYERS OF LIGHT

On 13th January 2021, Disability Rights UK and several other campaign groups wrote to the National Police Chiefs Council (NPCC) to remind their officers across the country that disabled people do not need to provide written proof if they are exempt from wearing face coverings.

The NPCC have thus far refused to act, and we continue to see the bizarre results of this, as police officers across the UK continue to illegally discriminate against disabled people.

Government guidance states that those who are exempt from wearing a face covering because of their impairment do not need to offer written proof.

Further, the Department of Health and Social Care has made clear that carrying an exemption card or badge is a personal choice and is not required by law.

Despite this we continue to see flagrant breaches of Equality Law by businesses, with a no mask no entry policy as they no doubt feel supported by the ineptitude of the UK police force, who clearly do not know the law themselves.

How on earth have we ended up in a situation where those enforcing the law, do not even know what the law is?

Discriminating against someone not wearing a face covering because of a valid exemption falls within the Equality Act 2010 and carries a personal liability for the discriminator. In December 2020 a disabled woman, assisted by Kester Disability Rights received £7,000 for such discrimination. See [here](#)

Despite this, the woeful treatment of those with a disability preventing them from wearing a face covering, continues to gather pace, and is seemingly supported by the police, the very people we trust to uphold the law.

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There is enough information in the public domain to clarify the position, even for the biggest idiot. In fact, The Department for Health and Social Care ran a publicity campaign stating “Remember, you should never challenge anyone for not wearing a face covering. Not all disabilities are visible.” In addition, the College of Policing’s guidance on the Regulations reminds officers that “they should be sensitive to an individual’s confidentiality” when engaging with an individual.

Notwithstanding the plethora of available information on what the law is, we continue to see reprehensible behaviour and actions, not only from businesses, but from police forces and their officers, on this topic.

West Midlands Police Force in particular has proved itself to be staffed by obvious illiterate disability discriminators, supervised by equally obnoxious seniors.

The force has already had to apologise twice for its officers, after an asthmatic man was handcuffed and issued with a Fixed Penalty Notice for failing to supply evidence of his condition, and another man was escorted out of a supermarket for having no proof of his exemption.

Both instances are in breach of Equality Law and I personally hope the individuals who have been discriminated against sue each officer concerned.

Even more worrying than this is that a police officer was recently recorded telling an individual that even supplying evidence of a disability would not prevent the issue of a Fixed Penalty Notice and instead the individual concerned would have to prove their exemption in court.

Not only have we got police officers on the ground getting it very very wrong, the Chair of the Metropolitan Police Federation, Ken Marsh failed to cover himself in glory when he stated on national radio that if someone explained they were medically exempt from wearing a face covering but lacked paperwork, police should “carry on the enforcement and it’s for them to prove. Mr. Marsh repeated these comments to the Daily Mail, saying 'If you have a medical reason for not wearing a mask, you now have to print an exemption'.

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Not only is Mr. Marsh clearly an idiot, (in our opinion) as he has proved he does not know the law, but he has also shown himself to be one of the biggest disability discriminators in the country, something for which we believe he should lose his job.

There is no place in our society for discrimination, which sadly seems as if it is moving towards hatred of an already marginalised section of society. That is why we plan to write an open letter to Boris Johnson asking him to issue further primary legislation increasing the penalties for disability discrimination and making the penalty for those in the police higher, to reflect they have a duty on them to know what the law is.

The Disability Rights UK letter can be found [here](#)