

Disability Rights Commission



Disabled People

Know your
Rights 

Assistance Dog Owners



In association with Guide Dogs

Change by • advice • conciliation • legal enforcement

The Disability Rights Commission

The Disability Rights Commission (DRC) is an independent body, established by Act of Parliament to eliminate the discrimination faced by disabled people and promote equality of opportunity. When disabled people participate – as citizens, customers and employees – everyone benefits. So we have set ourselves the goal of “a society where all disabled people can participate fully as equal citizens”.

The DRC has offices in England, Scotland and Wales. For further details of how we can help you, please contact our Helpline – contact details are featured on the back cover of this publication.

The DRC wishes to thank the Guide Dogs for the Blind Association for their assistance with this guide.

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Discrimination against people who use assistance dogs

What is the problem?

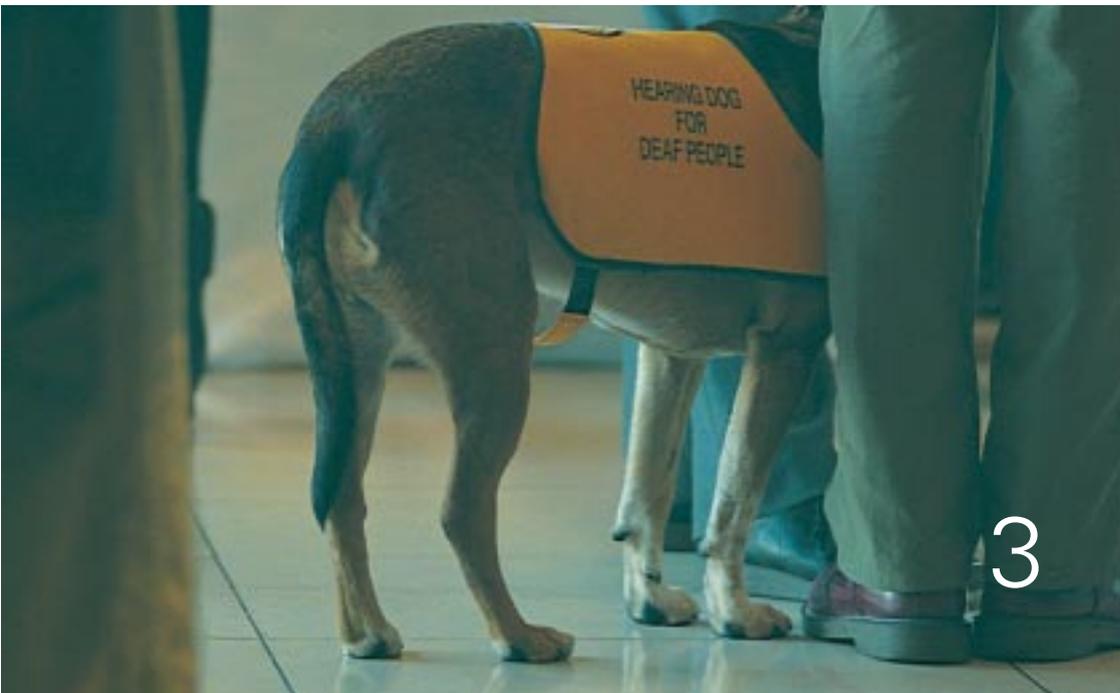
Disabled people who use assistance dogs quite often experience discrimination in doing everyday things other people take for granted. This is because shops, restaurants and other businesses sometimes object to assistance dogs being brought onto their premises.

Is it against the law to do this?

It will usually be against the law to discriminate in this way. The Disability Discrimination Act 1995 (DDA) says that anyone who provides services, goods or facilities to the public cannot refuse to provide their service to a disabled person for a reason relating to that person's disability. Nor can service providers use a person's disability as a reason to provide them with a lower standard of service than

they offer to other people, or a service on worse terms. Doing any of these things is likely to give rise to a disability discrimination claim.

The Act also requires a service provider to make reasonable adjustments to any practice, policy or procedure which makes it impossible or unreasonably difficult for a disabled person to make use of the goods, facilities or services in question. This may mean not enforcing a “no dogs” policy with assistance dogs or amending a “no pets” policy to ensure that assistance dogs are exempt from it.



Why is it important not to discriminate in this way?

Many disabled people rely on an assistance dog as an aid to their mobility and would find it extremely difficult to get around without it. So, if a business owner refuses to allow an assistance dog onto his premises, the effect is to deny the disabled person the ability to buy goods from him or to use his services in the way other people do.

Who else can provide advice?

The Guide Dogs for the Blind Association

The Guide Dogs for the Blind Association (Guide Dogs) is the leading charity in the UK for the provision of assistance dogs.

In order to try and improve access to facilities for assistance dog users in September 2001 Guide Dogs launched an "Access for All" campaign. This aims to

inform service providers about assistance dogs and overcome common misconceptions.

Guide Dogs gives free advice to service providers on these matters.

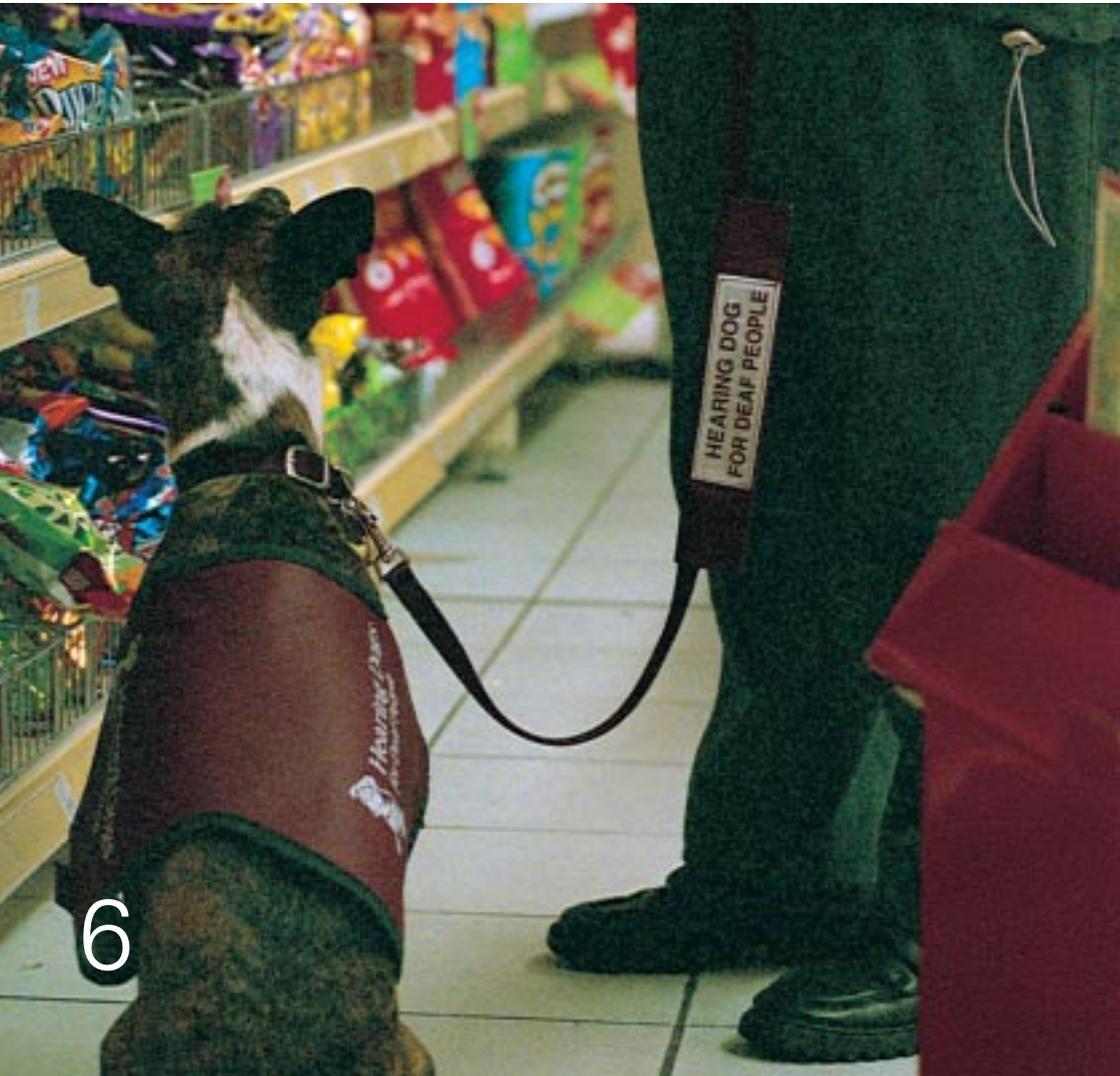
It also operates a “hotline” that service providers can contact for information about their access responsibilities on: **08000 13 17 17.**

The assistance dogs provided by Guide Dogs are trained to the highest level. Before a dog is placed with an owner it spends around one year with a puppy walker followed by around seven months of formal training.

After being matched with an owner the dog has a further four weeks of training to prepare it for the environment it will be working in. This training ensures a high level of obedience and good social behaviour so that the dog won't become a nuisance in any public place. The cost of

breeding, training and maintaining a guide dog during its lifetime is £35,000.

Further information is available from the Guide Dogs' website at:
www.guidedogs.org.uk



Why are assistance dogs refused access?

1. Hygiene and Health & Safety

It is entirely understandable that some businesses have a general policy of not allowing pets into their premises for health and safety reasons. However, even where hygiene is particularly important (in food shops and restaurants, for example) it should be possible to make exceptions for assistance dogs despite concerns over health and safety.

Because of their training and skills the Institute of Environmental Health Officers have stated that assistance dogs are exempt from the usual hygiene rules that apply to dogs **including** those that relate to areas where food is being served.

Assistance dog owners are given a card by the Institute which explains this and many of them carry this card as a matter of course.

The Institute's decision was based on a number of factors:

- assistance dogs are highly trained working dogs, not pets
- an assistance dog will not wander freely around premises
- an assistance dog will sit or lie quietly on the floor next to its owner
- assistance dogs are trained to go to the toilet on command and so are unlikely to foul in a public place.

So there is no reason why assistance dogs cannot enter shops and premises with their owners.

2. "No Dogs" Policies

Assistance dogs are also excluded as a result of "no dogs" policies. The DDA requires service providers to make reasonable adjustments to policies and one adjustment could be to waive "no dogs"

policies for assistance dogs or amend a “no pets” policy so that assistance dogs are not refused access. Because assistance dog owners rely on their dogs to get around safely, refusing to allow an assistance dog on to the premises means refusing to provide a service to the owner for a reason relating to their disability.

3. Religious or cultural grounds

Religious or cultural beliefs have often been cited as a reason for non-admittance of assistance dogs. However, it should be noted that there is a legal requirement to permit access to assistance dogs and such beliefs are not a defence against non-compliance. However, this is a sensitive issue and tact should be used by all concerned. The DRC has been successful in reaching agreement on this matter with a number of religious groups including the Muslim Shariat Council. The DRC has also worked with a number of businesses to successfully resolve problems that have arisen out of uncertainty about this issue.



Are assistance dogs easily recognisable?

Yes. It is easy to distinguish between an assistance dog and a pet. An assistance dog is instantly recognisable by the harness it wears and the special tag on its collar.

Can a provider of services justify their refusal to serve an assistance dog user or not to allow an assistance dog onto their premises?

Although it may sometimes be possible to justify a refusal to serve a person who uses an assistance dog, the law will only permit such justification in exceptional circumstances.

The DRC has helped lots of assistance dog users who have had this type of problem. Service providers invariably seek to justify their actions, but none of the reasons given has stood up to close scrutiny.

Here are some examples

- A blind person who was turned away from a restaurant got £800 compensation. He was excluded because he wanted to take his assistance dog into the restaurant. This was discrimination. The owner of the restaurant thought that it might be unhygienic to allow a dog into the restaurant, but this did not justify the discriminatory treatment.
- A bookshop refused to allow a disabled person to bring her assistance dog into the shop. The owner claimed the shop was too small. This is not a good reason to refuse to allow a disabled person into a shop.
- The owner of a food shop was concerned that customers would object to assistance dogs being allowed in. A disabled person was refused service because of this. But following conciliation the person received £300 compensation, and the shop agreed to change its “no dogs” policy to allow assistance dogs to be brought in.

You can contact the DRC Helpline by voice, text, fax, post or email. You can speak to an operator at any time between 08:00 and 20:00, Monday to Friday.

SP8

January 2003

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