

ASSISTANCE DOGS



Understanding the Equality Act 2010

by PAWtected CIC

Introduction

Who are we?

PAWtected CIC is a non-profit organisation in the UK supporting owners to train and work their own assistance dogs. We were founded in 2017 and have worked with many teams during this time. More information about our services can be found on our website at www.pawtected.co.uk

About this booklet

This information booklet refers to British law. Please be aware that information relating to the handler's rights and responsibilities will differ in other countries.

We have designed this booklet to be accessible and easily understood. For further information, please consider our "Assistance Dog Awareness" course which goes into more detail.

Disability

A physical or mental impairment that is substantial and has long-term effects on the person's ability to carry out day-to-day activities.

In order for the information on the following pages to apply, the person must have a disability as defined above. Not all disabilities are visible and some disabilities may vary from day to day.

Discrimination

Disabled people must have the same opportunities as everyone else. If someone is treated differently (e.g. refused service) then they are being discriminated against. Discrimination is illegal.

Adjustments

Reasonable adjustments

Service providers must make reasonable adjustments so that disabled people have equal opportunities as people without disabilities. There are three types of adjustments required by law. Adjustments 1 and 3 relate to assistance dogs.

Reasonable?

There may be some situations where an adjustment is unreasonable.

Discrimination

Failing to provide reasonable adjustments is discrimination.

Costs

The costs must be covered by the service provider. However, the costs involved must be reasonable.

Adjustments

There are three possible adjustments identified in the Equality Act 2010. Adjustments 1 and 3 relate to assistance dogs.

The first adjustment refers to changes of policy/practice to accommodate a disabled person.

The third adjustment refers to provision of auxiliary aids and services. An assistance dog is an auxiliary aid.

Reasonable refusal

Service providers that can demonstrate that the presence of an assistance dog is unreasonable are allowed to refuse to make that adjustment, however alternative adjustments must be made.

Examples of this may include:

- Food preparation areas
- Sterile wards
- Zoos (where the welfare of the other animals must be considered)

It is not reasonable to refuse on grounds of allergy, religion, or fear.

Failure to make adjustments

Failing to make reasonable adjustments is discrimination. Refusing you access with your assistance dog is usually discrimination. The following steps are advised:

1. Speak with a manager.
2. Make a formal complaint.
3. Mediation.
4. Make a claim in court.

Concerns

If any service provider has concerns about the behaviour of a dog, such as if they are acting aggressively or are posing a risk to health, then it is reasonable to request that the dog is removed. This should not affect the individual's access next time.

For repeat incidents, discussions with the disabled person should be had.

Employment

Employers must make reasonable adjustments for their employees. This may include allowing an assistance dog.

The employer is responsible for any costs relating to the reasonable adjustment.

Asking for adjustments

It is good practice to be open with your employer.

1. Meet to discuss your needs and adjustments.
2. Send a written request for adjustments.
3. Receive a written response back.

If your request is unreasonably refused, then you need to follow the companies complaints procedure.

Further steps may involve mediation or an employment tribunal.

Education

Schools are required to provide reasonable adjustments. The adjustments will depend on the age, type of school, and other provisions.

Parental access

Inform the school about your assistance dog. They must take steps to reasonably accommodate you and your assistance dog.

Assistance dogs for children

The school must make reasonable adjustments. As children under 12 cannot legally take responsibility for a dog, it may be unreasonable to allow an assistance dog into a primary school setting. Discussions with the school and supporting workers will help arrange suitable reasonable adjustments for the specific circumstances.

Education

Assistance dogs for teens

There may be circumstances where assistance dogs are reasonable within a secondary school setting. Discussions with the school and supporting workers will help arrange suitable reasonable adjustments for the specific circumstances.

Assistance dogs for college/university

It is usually reasonable to allow a disabled person to bring their assistance dog into a college or university setting. Risk assessments, including information about student responsibilities, must be completed.

Housing

All landlords must make reasonable adjustments for people with disabilities, including allowing an assistance dog.

Additional fees should not be placed on the disabled person as a result of their assistance dog.

Assistance dogs are expected to behave appropriately while in the housing, e.g. no excessive barking, however whilst at home they should not be expected to behave as they would whilst working.

Travel

Travel companies such as buses, coaches, and trains must make reasonable adjustments to accommodate people with assistance dogs. Some companies may restrict how many assistance dogs can be carried per journey. It is good practice to inform the company first.

When traveling outside of the U.K., please ensure that you check the laws for any countries that you will be entering as they may have different requirements.

This publication and more are available for
download at:
www.pawtected.co.uk

© 2022 PAWtected CIC