

# Take the lead

A guide to

welcoming customers

with assistance dogs



# The Equality and Human Rights Commission and VisitEngland

The Equality and Human Rights Commission ('the Commission') and VisitEngland have produced this guide to help tourism businesses welcome people with access requirements.

The Commission has a statutory remit to promote and monitor human rights; and to protect, enforce and promote equality. We are committed to the vision of a modern Britain where everyone is treated with dignity and respect and we all have an equal chance to succeed.

VisitEngland is the national tourism agency for England and is responsible for developing world-class English tourism products.

## Who should read this guide?

If you offer a service to members of the public whether for payment or not, whether you are a one bedroom B&B or a large visitor attraction, this guide is for you. It explains what your legal duties are to assistance dog owners under the Equality Act 2010 and how you can meet them, often at no additional cost.

# Contents

1. What is an assistance dog?	4
2. Why should assistance dogs be welcomed by tourism businesses?	5
3. What are my legal obligations?	7
4. Frequently asked questions	11
5. Where can I find further advice?	17

# 1. What is an assistance dog?

Thousands of disabled people rely on an assistance dog to help them with day-to-day activities that many people take for granted. You may be surprised to learn that it's not only blind people that are helped by assistance dogs. Assistance dogs are also trained to help people with hearing loss, epilepsy, diabetes, physical mobility conditions and more.

Assistance dogs carry out a variety of practical tasks for people as well as support their independence and confidence. Many users would find it hard to manage without their assistance dog.

## Assistance dogs are not pets

Assistance dogs:

- are highly trained
- will not wander freely around the premises
- will sit or lie quietly on the floor next to their owner
- are trained to go to the toilet on command and so are unlikely to foul in a public place.

Most are instantly recognisable by the harness or identifying coat they wear.

Most, but not all, assistance dog users will carry an ID book giving information about the assistance dog and training organisation together with other useful information.

## 2. Why should assistance dogs be welcomed by tourism businesses?

Disabled people who use assistance dogs quite often experience discrimination that prevents them from doing everyday things other people take for granted. This is because B&Bs, tourist attractions, restaurants and other businesses sometimes object to assistance dogs being brought onto their premises. If this happens, the effect is to deny the disabled person the opportunity to buy goods or use services in the way other people do.

Potential consequences for your business include: losing valuable business and risking claims of disability discrimination, which could result in financial compensation.



‘It would be **unlawful** to refuse access to a disabled person accompanied by an assistance dog except in the most exceptional circumstances’



### 3. What are my legal obligations?

As service providers to the public, tourism businesses have a legal duty to make reasonable adjustments to enable disabled people, including assistance dog users, to use their services.

It would be unlawful to refuse access to a disabled person accompanied by an assistance dog except in the most exceptional circumstances.

Ultimately, only a court could determine whether refusing service to an assistance dog user was unlawful or not. It would depend on the specific facts and circumstances of each case.

The Equality Act 2010 says it is unlawful for a service provider to discriminate against a disabled person in the following ways:

**Direct discrimination:** treating a person less favourably than others because of their disability, or because of a perceived disability. For example, refusing to serve a customer with learning disabilities.

**Indirect discrimination:** where a neutral policy or rule is applied to everyone but puts those with a disability at a disadvantage. For example, having a 'no dogs' policy.

**Discrimination arising from disability:** discrimination for any reason connected to the person's disability that is not covered by other forms of discrimination. For example, refusing a disabled person who is accompanied by an assistance dog access to a bar area because other customers may not like dogs.

**Failure to make reasonable adjustments:** where a physical feature, provision, criterion or practice puts a disabled person at a substantial disadvantage the service provider has a duty to take reasonable steps to alter, remove or avoid that disadvantage.

This includes providing auxiliary aids and services and amending 'no dogs' and 'no pets' policies to allow access for assistance dogs.

**Harassment:** creating an intimidating, degrading, hostile or offensive environment for a person because of their disability.

**Discrimination by association:** this is when a person who may or may not be disabled is treated less favourably because of their association or connection with a disabled person.

**Victimisation:** when a person, whether disabled or not, is treated less favourably because they have made a complaint about discrimination, or assisted someone else to make a complaint about discrimination; this includes being a witness.

**Discriminatory advertisements:** if a service provider advertises that in offering a service they will treat disabled people less favourably, this will amount to direct discrimination. For example, stating that assistance dogs are not welcome on literature or a booking form.

**Positive discrimination:** the law recognises the particular disadvantages that disabled people face and so treating disabled people more favourably than others is permitted.

‘It is **unlawful**, for example, if a tourism provider states that “assistance dogs are not welcome” in their literature’



## 4. Frequently asked questions

### **How can I tell if a dog is an assistance dog and not just a pet? Can I ask to see ID?**

Most, but not all, are instantly recognisable by the harness or identifying coat they wear.

Most, but not all assistance dog users will carry an ID book giving information about the assistance dog and training organisation together with other useful information.

#### **Assistance dogs:**

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

### **Can I charge extra for an assistance dog, to cover extra cleaning costs?**

No, it is unlawful for service providers to pass on the cost of making reasonable adjustments to the disabled customer.

### **Can I charge a guest if their assistance dog causes damage to the property, for example, if the dog breaks something or scratches the woodwork?**

It is highly unlikely that an assistance dog would cause damage to the property. It is unlikely to be reasonable to charge a disabled guest for any minor damage or wear and tear caused by an assistance dog.

### **If an assistance dog fouls on my premises, can I charge the owner for cleaning costs?**

It is highly unlikely that an assistance dog would foul on the premises as they are trained to go to the toilet on command. It is unlikely to be reasonable to pass on the costs of any additional cleaning to the disabled customer or anyone accompanying them.

### **What if the assistance dog is a danger or nuisance to other customers or staff?**

Assistance dogs are specially selected for their temperament and trained by expert dog trainers over a long period of time. Their owners also receive a lot of training to ensure they can control their dogs. Assistance dogs are highly unlikely to be a danger or nuisance to other customers or staff and will quietly accompany their owner. In the unlikely event that an assistance dog jumped up or was barking at other customers or staff, it would be reasonable to ask the owner to control their dog.

### **Is it appropriate to have assistance dogs in the dining room/restaurant?**

Disabled people accompanied by assistance dogs should be given access to the dining room, restaurant or café in the same way as any other customer. Assistance dogs will lie quietly at their owner's feet when they sit down to eat. The Chartered Institute of Environmental Health has determined that assistance dogs are unlikely to present a risk to hygiene.

**I cook, prepare and serve my guests breakfast in our farmhouse kitchen, should assistance dogs be allowed?**

European Regulation (EC) No 853/2004 on the hygiene of foodstuffs states that a food business operator must ensure adequate procedures are in place to prevent domestic animals from having access to places where food is prepared, handled or stored. However, in special cases access may be provided, for example to assistance dogs. Procedures should be in place to prevent such access from resulting in contamination.

**Am I allowed to refuse a booking from someone with an assistance dog, if I already have a booking for that date from an individual with a dog allergy?**

Refusing service to an assistance dog owner is likely to constitute unlawful disability discrimination. If there is an identifiable person with an allergy to dogs then service providers should take reasonable steps to ensure that person has minimal or no contact with dogs; reasonable steps are unlikely to include refusing assistance dogs. It is important to remember that service providers owe a legal duty to disabled people to make reasonable adjustments to enable them to access the service.

**We run a pet-free property, and I have an existing booking from a guest who is highly allergic to dogs. Who bears the cost if they cancel their booking because the assistance dog will be there?**

Assistance dogs are not pets and service providers would be expected to make an exception to a 'no pets' policy for them. It is unlawful for service providers to pass on the cost of a reasonable adjustment to the disabled person. If another guest cancelled their booking because an assistance dog would be on the premises, you could not lawfully pass any resulting cost onto the disabled person, or anyone else accompanying them.

**My husband and I run a two-bedroom B&B and I have an allergy to dogs, meaning we don't accept any dogs. Is this OK?**

There is no exception in the Equality Act 2010 to cover this situation. In these circumstances a service provider should carefully assess all possible means of accommodating a disabled person. This would include adjusting the duties of the allergic member of staff to minimise or avoid contact with the assistance dog. Any additional costs of the adjustment, such as hiring extra staff or additional cleaning, should not be passed on to the disabled person.

**I have a pet dog/cat on the premises and do not, therefore, think our B&B is suitable for guests to bring their own dog, even an assistance one. Is this OK?**

Refusing service to an assistance dog owner in these circumstances is likely to constitute unlawful disability discrimination. It is unlikely to be reasonable or justifiable to refuse access to a disabled person because of inconvenience caused to the service providers or their own animals.

**If I get a booking enquiry from somebody who trains assistance dogs, but is not a disabled person themselves, am I allowed to refuse them?**

There is no legal requirement to accommodate the trainer's dog if it is not being used as an assistance dog by a disabled person. Refusing service to someone because of their association or connection with a disabled person and their assistance dog, however, is likely to constitute unlawful discrimination by association. The trainer should, therefore, not be refused service themselves.

## How do I tell people I am open for assistance dogs?

It is good practice to make it known that assistance dogs are welcome in your access statement but it is not a legal requirement to do so. A short statement such as 'we have a no pets policy except for assistance dogs' or 'assistance dogs welcome' would be sufficient. Make sure all relevant staff are made aware that they must allow access to assistance dogs. Most customers will assume that this is the case. Consider displaying a small sign or sticker on the door or wall at entrances showing that assistance dogs are accepted. Stickers are available from Assistance Dogs (UK) – contact details can be found on the next page.

**Ultimately only a court could determine whether it would be lawful to refuse service to a disabled person accompanied by an assistance dog. Such a determination would be highly dependent on the specific facts and circumstances of each case.**



## 5. Where can I find further advice?

### Equality Advisory and Support Service

For advice, information or guidance on equality, discrimination or human rights issues, please contact the Equality Advisory and Support Service, a free and independent service.

Website	<a href="http://www.equalityadvisoryservice.com">www.equalityadvisoryservice.com</a>
Telephone	0808 800 0082
Textphone	0808 800 0084
Hours	09:00 to 19:00 (Monday to Friday) 10:00 to 14:00 (Saturday)
Post	FREEPOST Equality Advisory Support Service FPN4431

### VisitEngland

Tel: 0207 578 1400

Website: [www.visitengland.org](http://www.visitengland.org)

### VisitScotland

Tel: 0131 472 2222

Website: [www.visitscotland.org](http://www.visitscotland.org)

### Visit Wales

Tel: 0845 010 8020

Website: <https://businesswales.gov.wales/zones/tourism>

### Assistance Dogs (UK)

(a coalition of assistance dog organisations)

Tel: 01844 348100

Website: [www.assistancedogs.org.uk](http://www.assistancedogs.org.uk)

This publication and related equality and human rights resources are available from the Commission's website: **[www.equalityhumanrights.com](http://www.equalityhumanrights.com)**.

Questions and comments regarding this publication may be addressed to: **[correspondence@equalityhumanrights.com](mailto:correspondence@equalityhumanrights.com)**. The Commission welcomes your feedback.

## Alternative formats

This publication is also available as a Microsoft Word file from **[www.equalityhumanrights.com](http://www.equalityhumanrights.com)**. For information on accessing a Commission publication in an alternative format, please contact: **[correspondence@equalityhumanrights.com](mailto:correspondence@equalityhumanrights.com)**.

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