Assistance Dogs UK

Quick Guide

Welcoming Students with Assistance Dogs

www.assistancedogs.org.uk

Assistance Dogs UK

Assistance Dogs UK (ADUK) is a coalition of assistance dog charities that have been accredited by one of the two leading global authorities in the assistance dog industry, namely Assistance Dogs International and the International Guide Dog Federation. We also work with a range of organisations that are working towards the same accreditation that our members have achieved.

What is an assistance dog?

An assistance dog is a dog that has been highly trained to carry out a range of tasks and alerts that support a disabled person or person with a long-term medical or health condition.

Examples include a guide dog that guides a visually impaired person, a medical alert dog that alerts a person to an oncoming medical episode, or an assistance dog that alerts someone with a mental health condition to take medication.

Photo credit: Medical Detection Dogs

Students with Assistance Dogs

Some disabled students may be supported by highly trained assistance dogs in order to access further and higher education and to live full and independent lives.

Colleges and universities should ensure that disabled students with assistance dogs are not discriminated against and that reasonable adjustments are made to support access to all services.

There is no official route to getting or training an assistance dog. Some students may have an assistant dog trained by an internationally accredited charity, some may have used a non-accredited charity and others may have trained the dog independently. All of these options are valid

It is important to remember that not every person with an assistance dog has a visible disability and not all assistance dogs will look the same.

The Law

In the UK, disabled people have important rights under the Equality Act 2010 and the Disability Discrimination Act 1995 (Northern Ireland). It is unlawful for public services, service providers and local authorities, regardless of their size, to treat disabled people less favourably, e.g. refusing a service or offering a lesser service because a disabled person has an assistance dog.

In the context of the law, when it comes to providing access, a highly trained assistance dog should be treated as an auxiliary aid e.g. wheelchair or white cane, rather than as a pet dog.

The law states that anyone offering a service, including an educational establishment, must make reasonable adjustments for disabled people so that they can access their venues, goods, and services. Except in the most exceptional circumstances (for example, a surgical or disease-control hospital ward), this would mean allowing access to a disabled person and their assistance dog, even where pet dogs are not normally permitted.

In requesting a reasonable adjustment a disabled person may choose to share information with you about their impairment or health condition. However, this information is shared at the individual's discretion, and it is not appropriate to question or challenge someone about their disability.

Reasonable Adjustments

Reasonable adjustments for a disabled student with an assistance dog could include:

- Giving full access to buildings, classrooms, campuses, and accommodation even if there is a 'no dogs' policy.
- Allocating a dedicated outside space or 'spending area' where the dog can relieve itself (ADUK has additional resources on this).
- Educating staff and students as to the needs and rights of disabled students with assistance dogs and addressing concerns directly.
- Allowing a student appropriate breaks to allow an assistance dog's needs to be met.

Policies and Risk

Alongside meeting the needs of an individual student, colleges and universities also have a duty of care to all students, staff and visitors and it is good practice to carry out a risk assessment to meet that duty.

Many colleges and universities have a policy that states that a disabled person accompanied by an assistance dog that has been trained by an ADUK member will be given access. Colleges and universities can be confident that these dogs will have been trained to a high standard and will not pose a risk or public nuisance.

Photo credit: Medical Detection Dogs

However, it may be unlawful to refuse access to a disabled person with a trained assistance dog because it has not been trained by an ADUK member.

It might be considered reasonable, as part of meeting their duty of care, for educational establishments and university accommodation providers to seek reassurance that the assistance dog is highly trained and that it has been appropriately insured. There is no legal requirement for assistance dogs to have insurance however.

Student and Staff Allergies and Concerns

Allergy to dogs is sometimes given as a reason to not admit assistance dogs.

Where a clear allergy risk to a specific individual is identified, steps should be taken to reduce it, with cleaning being the most effective method.

A refusal of access for assistance dogs based on the possibility that other students ‘may’ be allergic is unlikely to be classed as a justifiable response.

Disabled people should not bear the cost of any additional cleaning or staffing that would result in reducing risk.

Refusing access to an assistance dog user in the workplace or on campus due to fear of dogs amongst other students or staff is unlikely to be considered a justifiable response.

What to Expect

Assistance dogs are trained to wait quietly until they are needed. On average, dogs sleep/rest between 12 – 14 hours per day so once a dog has settled into its routine then you will most likely find that it will be in its bed resting or sleeping until it is called upon to respond.

Not all assistance dogs are trained by an ADUK member charity, but all assistance dogs should be highly trained by whoever does train them, whether that be a non-accredited charity, a professional trainer or an individual.

The Equality and Human Rights Commission states that assistance dogs should be highly trained and will

- be trained to behave well in public
- have safe and reliable temperaments
- be healthy and do not constitute a hygiene risk
- be fully toilet-trained
- be recognisable by the harness, organisation-specific coat, lead slip or ID

(though this is not a legal requirement)

Photo credit: Support Dogs

Unexpected Behaviour

No assistance dog, no matter how highly trained and experienced is going to be perfect 100% of the time. Whilst they are trained to focus on their partner, from time to time they may be distracted. However, there are some behaviours that you would not expect to see such as

- dogs that have been not trained to behave well in public e.g. barking, lunging, or jumping up or pulling strongly on a lead (please note though that these may sometimes be alert behaviours)
- dogs with aggressive or very fearful temperaments e.g. cowering or showing aggression
- poorly cared for dogs that constitute a hygiene risk or dogs that are not toilet trained

Identifying Assistance Dogs

Although most assistance dogs are recognisable by their jacket, harness, lead slip or bandana there is no legal requirement for them to wear these. Some people may choose not to use these visual cues for their assistance dog and legally, they are within their rights.

This lack of visible identification can create challenges for service providers in easily distinguishing assistance dogs from pet dogs.

All assistance dogs trained by an ADUK member organisation are issued with an ADUK booklet or card containing details about the dog and the charity that trained it. Some owners may also have the Assistance Dogs International App on their phone.

Photo credit: Hearing Dogs for Deaf People

Not all assistance dog owners have trained their dog through a charity or carry specific ID, nor are they required to by law. There is no official register or certification process for assistance dogs in the UK so there is no legal 'proof' that you can ask for.

Refusing Access

It may be unlawful to refuse access to a disabled person with an assistance dog because it has not been trained by an ADUK member.

However, it might be considered reasonable, as part of meeting their duty of care to students and staff, for a provider to seek reassurance that the assistance dog is highly trained and appropriately insured (insurance is not a legal requirement).

If an individual asserts that they are disabled and that their dog is a highly trained assistance dog, and the dog behaves as expected, it may be unlawful to deny them access. If it becomes evident that the dog is not behaving in line with the list of expected behaviours outlined by the Equality and Human Rights Commission, refusing, or revoking access may be justifiable.

Assistance Dogs in Training

In order to prepare a dog for life working as a happy and healthy assistance dog, it's vital that they are exposed to a wide range of different environments and situations.

Assistance Dogs in training are not referenced in either the Equality Act 2010 or the Disability Discrimination Act 1995 (Northern Ireland). As such it is ADUK's understanding that service providers are not legally obliged to give access to someone with an assistance dog in training in the same way that they would be a disabled person with a highly trained assistance dog.

Photo credit: Support Dogs

ADUK members can take up to two years to prepare and train an assistance dog. Whilst there is nothing in law about the age a highly trained assistance dog must be, it would be unlikely that a dog under a year old would be adequately prepared for the role.

Emotional Support Dogs

An assistance dog is a highly trained dog that is prepared and trained to carry out tasks and alerts to mitigate for an impairment or health condition. An emotional support dog is a dog that offers comfort and companionship by being present, which requires no specialist training.

Emotional support dogs are not referenced in law, so it is ADUK's understanding that service providers are not legally obliged to allow access to someone with an emotional support dog.

Emotional support dogs and highly trained psychiatric assistance dogs are not the same thing. A disabled person with a highly trained assistance dog that mitigates a mental health condition should be given access to venues, goods and services.

Additional Sources of Information

For further details about welcoming disabled people who rely on assistance dogs see the Equality and Human Rights Commission's Assistance dogs: A guide for businesses and service providers

Other ADUK Quick Guides and Resources

ADUK has produced a range of Quick Guides and resources which provide information about the legal obligations anyone who provides a service has towards assistance dog partnerships.

Although many of the resources are aimed at service providers, venues and businesses they all contain information about the rights of disabled people and are designed to be of use to many different audiences.

All of our guides and resources can be found at our Information Hub.

ADUK Quick Guides provide general information and best practice regarding assistance dogs and, where relevant, ADUK's interpretation of applicable legislation. The content is intended for information sharing purposes only and does not constitute legal advice. If you require advice on a specific legal matter, we recommend seeking independent legal advice.

Contact Assistance Dogs UK

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Find out more about ADUK, our work and our members

www.assistancedogs.org.uk

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