Addendum

This addendum contains additional material for the article appearing on pages 18-22 titled “A Sticky Process in the UK Assistance Dog Movement: Let’s Stick to Public Access and Not Get Stuck on Discrimination - via Stickers!”

1. Letter to Rebecca Hilsenrath, EHRC Chief Executive, from the Assistance Dogs Public Access Assessment Working Group dated March 27, 2018
2. Response / Follow-Up Letter to EHRC from the OTCC (Owner Trained Assistance/Service Dog Campaign for Change)
3. Resources used in the development of this article
4. Education, Resources and Outreach Opportunities for UK Citizens
6. UK Laws and Policies
7. Traveling with Assistance Dogs in the UK
8. OTCC Links

27 March 2018

Rebecca Hilsenrath
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Re your publications December 2017:

“Assistance Dogs: A Guide for All Businesses” and “Take the Lead: A guide to Welcoming Customers with Assistance Dogs”.

Dear Ms Hilsenrath and REDACTED S40(2)
We are members of a group of organizations and individual experts that are working together, through the facilitation of the Department of Work and Pensions (DWP), on the development of a robust and fair means of Public Access Assessment of Assistance Dog Partnerships. This group includes but is not limited to assistance dog organizations such as Assistance Dogs UK (AD (UK)), Veterans With Dogs, individual assistance dog users, Canine Generated Independence (owner trainer representative group), Dog A.I.D, health experts, and the Animal Behavior and Training Council.

We read with interest these recent publications from your office. We applaud the underlying aim of the document “to help businesses understand what they can do to comply with their legal duties under the Equality Act 2010” in respect of persons with an assistance dog. However, we do have some grave concerns regarding the content and the level of advice given regarding what is an assistance dog, its training and what should be considered as evidence of both. Where specific pages, paragraphs are indicated in this letter we are referring to the first document, Assistance Dogs: A guide for all businesses, but the points raised are relevant to both.

The overall impression from these documents is that anyone with a Disability under the Equality Act can present themselves to any business/service provider, with any dog and that the business/service provider must allow access without question. They do not have to verify that the dog is truly an Assistance Dog nor that it has been adequately trained and is capable of coping in the situation.

In essence our 8 areas of concern relate to dog, owner and public welfare. There is obviously much overlap and interconnectedness between these three. For example, a dog that is not trained to a standard which enables it to cope with a particular circumstance may become anxious / fearful and react inappropriately. This can have immediate and potential long-term negative consequences for the animal, owner and public, and thus by implication for the business. Such consequences include property damage, physical/psychological harm and injury, civil or criminal charges.

We detail our major concerns below, our conclusions and suggestions for forward steps. We would be very happy to enter into further dialogue with you regarding this.

1. Related Legislation

Where we are discussing an animal, in this case dog, then the Equality Act cannot be taken in isolation of other pertinent legislation; notably the Animal Welfare Act (2006), the Animals Act (1971), the Dogs Act (1871) and the Dangerous Dogs Act (1991 and amendments); and others, including the Health and Safety at Work Act 1974.

There is no reference made to these in the document nor how a business may or may not be potentially jointly culpable in relation to any of these should anything untoward occur.

2. Identifying an Assistance Dog

Nowhere in the document is there any Burden of Proof stated. In fact, for many assistance dogs there is a simple means of checking. Owners of dogs acquired from any member organization of the AD(UK) have proof of assistance dog status. Other organizations have identification that can be clarified also.

However, the way in which the document is worded, there is implication that doing such checks is out with, and even contrary to the Equality Act and that the person’s word should be sufficient.

By stating there is no requirement for the owner to provide any ID about the dog, or for the dog to wear a legitimately recognized jacket/harness, then there is no means for a business to identify an assistance dog from a dog that is simply a disabled person’s pet that they claim is there to ‘support their independence and confidence’. If the latter, a pet as described, then the dog may have had no particular training at all to enable it to cope with a variety of potential public places.
This has potential serious implications for all concerned, as indicated in the previous section regarding related legislation.

Indeed, the burden is being placed entirely on the businesses. This is unreasonable.

3. Recourse for Complaint:

Incidents may not be discovered / reported immediately. For example, a dog defecates but this is not noticed until after the person-dog partnership has left; or a dog growls/snaps at someone (say a young person) but they say nothing at the time, but tell their parents who then report it to the business/service provider or to the police.

There is no stated avenue for businesses/service providers to follow in case of complaint.

In cases where a dog is from a provider organization, then they could contact that organization. However, as there is no requirement for identification, they may not have that information.

Likewise, for a person whose has self-identified their dog as an assistance dog (generally known as an owner-trainer); where the person may not even be local and therefore may not be able to be traced.

4. “Assistance Dogs are highly trained”

This statement is repeated throughout the document and is extremely misleading, and inaccurate, potentially dangerously so, given the previously discussed concern of lack of identification.

a. Only providers of Assistance Dogs who are member organizations of the AD (UK) have by virtue of that membership have agreed to work to a set of minimum training standards that the dog must meet before being paired with a person. These standards have been internationally agreed.

b. Organizations outside of AD (UK) may work to such standards, but without any verification this cannot be assumed.

c. There is no recognized, or required, UK standard to which an Assistance dog must be trained

d. Individual owner trainers have no standard to work with, and they are not endorsed by any standard.

Indeed, these latter two points are fundamental aspects of the rationale for the Public Access Assessment working party initiative being facilitated by the DWP.

5. Expectation of an Assistance Dog

The expected standard of behavior considered appropriate in this document is that the dog;

i. “will not wander freely around the premises”
ii. “will sit or lie quietly on the floor next to its owner” and
iii. that it is “unlikely to foul the premises”.

These are simply not adequate to ensure health and safety. They certainly do not differentiate between an assistance dog and a reasonably well-trained pet dog. Indeed, the first standard, of not wandering around freely, does not even require training. It simply requires a lead attached to the dog and person.

Sitting or lying quietly by the owner again is not sufficient. If this is presumed to be an assistance dog it should also not be concerned by stimuli in the environment, especially people who may approach it.
Assistance dogs are perceived as ‘safe’ by the public and thus approachable (Walsh et al., 2007). This may not be the case... just because a dog is sitting quietly does not mean it is safe to be approached by a stranger, or even a stranger walking past if, for example, the dog is anxious, guarding or there is food around.

6. Assistance dogs do not present a health risk

The document states that dogs receive “regular veterinary treatment and are tested on a regular basis to ensure they don’t present a health risk” (pg 11, pt 4). This is inaccurate and misleading.

This only definitely required by AD(UK) organizations that provide assistance dogs. It may be true of organizations outside of the AD(UK), but this is not guaranteed. Likewise, there is no guarantee that this is case for any owner-trained dog.

In reference to the statement that the Chartered Institute of Environmental Health (CIEH) has determined that assistance dogs are unlikely to present a risk to hygiene is thus also misleading, as this implies all assistance dogs would be meeting the requirements of those supplied by AD(UK) organizations. It is our understanding that the CIEH statement was written when the sole supplier of Assistance dogs was AD (UK) organizations, whose dogs’ health is monitored closely throughout their working life. The supply chain of assistance dogs has changed radically, and not all require proof of health monitoring. Thus, the CIEH statement can now be considered presumptive and not an accurate reflection of the situation.

7. Disabled people - ensuring they can handle their dogs.

Page 12 states “Disabled people who are partnered with assistance dogs may also receive expert training to ensure that they can handle their dogs”. Whilst the careful use of the word ‘may’ here is accurate, this statement is also misleading.

What does a business/service provider understand by the word ‘partnered’? How would they know if the dog was specifically partnered to the person by an Assistance Dog provider, given no burden of proof is required?

Whilst all AD (UK) providers do provide expert training to persons, this may not be true for other providers.

Not all owner-trainers will have the skills / knowledge to be able to sufficiently handle their dogs.

Training for the dog-handler team to reach a set standard is only a guaranteed requirement from AD(UK) organizations. This includes other aspects beyond handling such as: understanding dog related legislation; having public liability insurance, routine checks and ongoing reviews and assessments of the partnership being conducted. Both the person’s and the dog’s ability to work to the required safe standard can change over time.

There are no such guarantees for dogs provided by other organizations, nor for owner-trained dogs.

8. Where can I find further advice?

Section 5 names five specific organizations who are not members of AD(UK).

Given the issues outlined above this raises some questions. Have these organizations been checked by the Equality and Human Rights Commission as meeting the standards of safety implied in the document? On what basis have these particular ones been named?
It would have been more appropriate to have simply referred to AD(UK) as a source of reliable advice on a range of topics related to assistance dog and dog–person partnership training, legal aspects of assistance dogs, access and disability rights in the UK.

Conclusions

It is clearly stated (pg 14) that: “It would be unlawful to refuse access to a disabled person accompanied by an assistance dog, except in the most exceptional circumstances.” Yet, these guidelines lack any clear means for a business to know what such a dog is, how it can be identified or how to ensure that it is safe!

As it stands, this publication has significant potential for serious detrimental consequences:

a. Abuse: as people present to businesses / service providers with this publication as evidence that they have right of access with their dog.

b. Right of access may thus be granted to dog-person partnerships where the dog is unable to cope and there is the potential for harm to occur to one or more parties.

c. Such events would have knock-on detrimental effects on the perception of the business, and on the public perception of Assistance dogs in general.

It is our considered conclusion that:

It is unreasonable for businesses and services to have to accept these guidelines without question.

It is unreasonable to expose the public to the significantly increased risk of harm from inadequately trained and assessed person-dog partnerships and it is unreasonable to expose those with genuine, highly trained Assistance Dogs to reputational risk.

Suggested Forward Steps

a. That these publications are withdrawn as soon as is possible and some interim statement of clarity for businesses/service providers and owners with a disability is issued.

b. The publication is rewritten with wider consultation and research, including with the DWP facilitated working group on Public Access Assessment for Assistance Dog Partnerships.

Once again, just to reiterate who we are. We are members of a group of non-governmental representatives who have come together to seek a solution to ensure that everyone can have access to a “registered” assistance dog, through the development of a Public Access Assessment process. Our aim in writing is one of constructive criticism and a wish to engage with E&HRC regarding awareness of developments and possible future combining of efforts to the common good.

The signatories below (in alphabetical order) represent the majority but not the totality of that working group for the Public Access Assessment for Assistance Dog Partnerships.

In the interests of clarity, 2 individuals chose not to sign this letter on the basis of timing. They considered it would be better sent once the Public Access Assessment development is finalized later this year. 1 individual considered the guidelines are there simply to reflect the law which they do; i.e. access to persons with a disability. One group, whilst acknowledging there were issues with the guidelines as they currently stand, did not wish to be associated with the letter.
We thank you for your consideration of this letter and we look forward to your response.

Yours sincerely,

REDACTED S40(2), Lecturer in Occupational Therapy, University of Southampton  
REDACTED S40(2), Head of Training, Veterans With Dogs; Trainer / Assessor Dog Assistance in Disability (Dog A.I.D.)  
REDACTED S40(2), Dog Assistance in Disability (Dog A.I.D.)  
REDACTED S40(2), Dogs for Good  
REDACTED S40(2), Mental Health Practitioner, Veterans With Dogs  
REDACTED S40(2), Veterans With Dogs  
REDACTED S40(2), Dog behavior expert and senior lecturer in Human-Animal Interactions (University of Southampton), Animal Behavior and Training Council (ABTC)  
REDACTED S40(2), Animal Behaviour and Training Council (ABTC)  
REDACTED S40(2), Independent Owner-Trainer (CGI)  
REDACTED S40(2), Independent Owner-Trainer

PP on behalf of the above  
REDACTED S40(2)

Reference


When OTCC posted the letter from the Assistance Dogs Public Access Assessment Working Group, a flood of strong emotional responses from the assistance dog community followed. Alison and Sharon wrote to the, modeling the outline format that the Assistance Dogs Public Access Assessment Working Group used to address their concerns. OTTCC compiled a list that demonstrates the requirement to include the independent / owner trained assistance dogs regarding the content of this letter and called attention to the purpose of the Assistance Dogs Public Access Assessment Working Group to bring about equality for all assistance dog teams.

Here a letter from OTCC sent to the Equality and Human Rights Commission (links in square brackets added by Editor):

1. Legislation

There already is an existing document and are in practice, which specifies how a business is held jointly culpable in the application of the following laws:

2. Assistance Dog Identification and Burden of Proof

All assistance dog teams have provision of acquiring documentation of any or all of the following:

Personally Identifying Information:


Certification of proof of successful completion of training standards that are expected for a dog who works in the role of an assistance dog; i.e. good citizen training, individual specific task training, public access training, and any other training as deemed necessary by the dog handler.

Membership ID; which may include assistance dog badges, leads, harness, or other gear that the dog’s handler requires. These items may be customized to include the specific function that the dog performs; i.e. Guide, Hearing, Alert, Seizure, Mobility, Psychiatric, etc. As well as the name of the membership organizations details.

Note: Membership ID needs to be accepted / approved from many training programs, dog associations, etc. Such as, but not limited to; Inclusive Paw, Sherlock Hound Dogs, Assistance Dogs of the UK, etc.

3. Complaint Process for Business Owners as Assistance Dog Teams

Incidents are not always discovered / reported immediately and are often handled poorly by all involved. There is a desperate need for this gap in the care of interests of the assistant dog team, the business / agency / service provider, and society as a whole.

4. Definition of Highly Trained

Most often the term “highly trained” is followed by an elite few large training program(s). We declare that ‘Highly Trained’ describes the behavior and the performance of the assistance dog team without exception to the source of the training.

5. Expectations or Requirements of the Assistance Dog

Our concern in this area are coming from the suggested expectations of things like; regular and documented veterinary care, having a regular training recertification, etc.

While formalizing the details of how these expectations would be evaluated, it is imperative that moving forward with what the expectations will be, must be approached with great care. For the success of improving the awareness and acceptance of assistance dog teams to become a reality the varying demographics of these teams must be considered.

Note: There has been an assertion that these “expectations” will “guarantee” assistance dogs will not present a health risk. This is unrealistic and has more potential for harm than good.

6. Presumption That Assistance Dogs Present a Health Risk

We firmly believe that it does not serve society at large or the care of assistance dog teams for businesses, governing agencies, service providers and other entities to restrict the rights to public access under the guise that assistance dogs present a higher risk within public settings.
7. The implication of “ensuring” disabled people can handle their dogs.

The discussions around the implications of creating law or policy that empowers business personal or service providers to judge the capacity of a disabled person is improper. Beyond reasonable behavior guidelines such as; the dog must be under the control of the handler, the dog must be potty trained, the dog must be comfortable being in crowds, etc.

8. Availability of Advice or Guidance Being Controlled by Law

There is substantial knowledge, support, camaraderie, insight, and wisdom throughout the entire assistance dog community. To presume that placing regulations or impede businesses and service providers freedom of accessing the source of their choosing to learn about how to honor the laws that govern public access rights of assistance dog teams is counterproductive.

Resources used in the development of this article include:

UK Equality Act of 2010

Assistance Dogs: Issues
Briefing Paper Number CBP 7668 27 July 2016
By Oliver Bennett & Previn Desai
House of Commons Library
You can download this publication (PDF format) at:

ADUK Booklet for service providers such as restaurants, retail stores, rideshare / taxi drivers, public transportation providers, etc. (PDF Format)

The link to the ADUK Booklet came from Guide Dogs website:
(The working name for The Guide Dogs for the Blind Association)
http://www.guidedogs.org.uk

ADUK Submitted Written Evidence (EQD0081) Submitted to the Parliament
4 September 2015 for the Equality Act and Disability Committee. (PDF Format, pages 75-81)

Assistance Dogs: A Guide For All Businesses
Revised edition published December 2017
by Equality and Human Rights Commission
[Note: Alison Skillet & Sharon Lawrence contributed to the creation of this document.]
You can download this publication (PDF format) at:
Take The Lead: A Guide to Welcoming Customers With Assistance Dogs.
Revised edition published August 2018 by Equality and Human Rights Commission
ISBN 978-1-84206-752-9. You can download this publication (PDF format) at:

Letter To: Rebecca Hilsenrath, Chief Executive, Equality and Human Rights Commission
From: The Department of Work and Pensions Facilitated Assistance Dogs Public Access Assessment Working Group
https://www.change.org/p/speak-out-for-uk-assistance-dogs/u/23409128

Education, Resources and Outreach Opportunities for UK Citizens

Equal Rights Trust
Established projects and partnerships in more than 45 countries supporting civil society movements to combat discrimination through reform and implementation of equality law.

Join the Equality Volunteers Network!
https://www.equalrightstrust.org/

Or Contact Us:
244-254 Cambridge Heath Road
London, E2 9DA
UK
Tel: +44 (0)207 6102786
info@equalrightstrust.org

Citizens Advice
Provides information, guidance and advice on legislation and legal matters.

- England - Link: https://www.citizensadvice.org.uk/
- Northern Ireland - Link: https://www.citizensadvice.org.uk/about-us/northern-ireland/
- Scotland - Link: https://www.citizensadvice.org.uk/scotland/
- Wales - Link: https://www.citizensadvice.org.uk/wales/

Sherlock Hounds Assistance Dogs
We are a place for like minded individuals who have owner trained their dog to be their assistance dog.
http://www.sherlockhounds.org.uk/

Institute of Modern Dog Trainers
Accredited Education and Qualifications for Dog Trainers & Behaviourists
https://www.imdt.uk.com/

Ruby Welsford, Advocate for Owner Trained Assistance Dogs
UK Owner Trained Assistance Dog FAQ (YouTube Video)
https://youtu.be/VdE-2_m4kto

Nilufa, Atik. (2019 Jan 25). Uber drivers refused to allow me into their cars because of my assistance dog: Disabled woman says drivers broke the law by refusing to take her. [Article about Ruby and her assistance dog Betsy]. London, UK: iNews. Last viewed online at: https://inews.co.uk/news/real-life/uber-drivers-refused-to-take-disabled-woman-with-assistance-dog/
Sampling of Articles on Acts of Discrimination In The UK: Assistance Dog Public Access


Excerpt(s):
“The Access All Areas campaign by Guide Dogs UK found 52% of Guide Dog owners have been refused entry to a service in the last 5 years - and that's only Guide Dogs, that doesn't include the other thousands of Assistance Dog Partnerships in the UK. Also, 12% of business owners surveyed said they did not understand their legal obligations.”


Excerpt(s):
Lawrence, a member of a government working group that is looking at improving access for disabled people and their assistance dogs to all services, says she and her assistance dog Ottie are “prisoners within the UK” because of the refusal of airlines to accept dogs that are not registered by ADI and IGDF member organizations, such as Guide Dogs, Canine Partners and Dogs for Good. She said: “I can fly from mainland Europe with my assistance dog, but I cannot do it from the UK or fly within the UK. “The carriers just do not want us on their flights. Even dogs with a history of flying are not allowed.” There are similar problems with Eurostar, so the only option is to cross the Channel by ferry and leave the assistance dog in the car during the journey, she said. Lawrence said the only way to address the problem was for the government to introduce national regulations, based on the Equality Act concept of reasonable adjustments – with safety restrictions agreed with airlines – that would allow all assistance dogs on flights within the UK and those that leave the UK.

McMullin, Kate. (2019 Jan 09). Woman with guide dog told to 'get her f****** dog off bus'
Megan Taylor was told her dog couldn't be a guide dog 'because it was black not yellow'. Liverpool, UK: Liverpool Echo. Last viewed online at: https://www.liverpoolecho.co.uk/news/liverpool-news/blind-woman-told-get-f-15653499


UK Laws and Policies

UK Equality Act of 2010
[England, Scotland and Wales]

Disability Discrimination Act 2005

Disability Discrimination Act 1995
[Repealed and replaced with the Equality Act of 2010 except in Northern Ireland where it is still active]
http://www.opsi.gov.uk/acts/acts1995/ukpga_19950050_en_1


You can download this publication (PDF format) at:

ADI Commentary on UK Assistance Dogs Laws

Traveling with Assistance Dogs in the UK

Euro Star (Train)

Heathrow Airport

“Air Travel on United Kingdom Carriers - A Brief Update”
http://www.iaadp.org/newsletters/iaadp-partnersforum-v22-n1-n2-web.pdf

Peter Gorbng’s Response to “Air Travel on United Kingdom Carriers . . .”
Partners Forum. Vol. 23, No. 1. p. 28
Owner-Trained Assistance/Service Dogs Campaign for Change (OTCC) Links

OTCC Petition on Change.org “Speak out for UK Assistance Dogs”:
https://www.change.org/p/speak-out-for-uk-assistance-dogs

OTCC Facebook Community
https://www.facebook.com/pg/UK.OT.ASSISTANCE.DOGS/posts/

OTCC Twitter
https://twitter.com/ukdoglaw

OTCC Assistance Dog Law Website
https://www.assistancedoglaw.co.uk

OTCC eBay Page for Stickers, Patches, Pins, etc.
https://www.ebay.co.uk/usr/uk_ownertrainedassisteddogs

NOTE: Due to costs involved only order a small supply at a time, turnaround may be 20 days or so, not including shipping and handling. Patience appreciated with this new adventure.