



## BRIEFING PAPER

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# Assistance dogs: issues

By Oliver Bennett &  
Previn Desai

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## Summary

Assistance dogs are dogs that have been trained in order to provide assistance to disabled people or those with certain medical conditions such as epilepsy.

### ***Discrimination concerns***

A recent study by the Guide Dogs charity claimed that three out of four guide dog owners had been turned away from a taxi, business, service or public place because they were told that their dog was not welcome. There have been numerous instances of this reported in the media across the UK.

The *Equality Act 2010* prohibits service providers, including taxis and restaurants, from discriminating against those who need an assistance dog with them. It also requires service providers to make reasonable adjustments for disabled customers.

On 25 May 2016, a large number of assistance dog owners lobbied Parliament. They called for stricter penalties for taxi and minicab drivers who refuse to take them and/or their assistance dogs in vehicles, or make additional charges to do so.

There have been calls for:

- disability equality training for all taxi and private hire vehicle (PHV) drivers as a condition of licence;
- an increase in the fine level from level 3 (£1,000) to level 4 (£2,500), to bring it into line with taxi touting;
- sentencing guidelines for the offence of refusing carriage to an assistance dog;
- a new condition of licence for both drivers and operators of taxis and PHV to comply with the provisions of the *Equality Act 2010*;
- more action by local authorities to use their powers to influence the behaviour of taxis and PHV through the licensing system.

The Government has noted that those that have been refused a service can take action in the County Court. It recognised that there needed to be greater communication with industry about their responsibilities, and that it would consider how to reduce the number of refusal incidents.

### ***Regulatory issues***

Assistance dogs are regulated under a voluntary scheme. There are concerns that some privately-trained assistance dogs are not meeting acceptable standards, with implications for the safety of the owner. In addition, there is no system in place to accredit privately-trained assistance dogs.

There have been calls for a new registration scheme and a new legal definition of assistance dog.

It is not clear what Government policy is on this issue. The Government said in June 2016 that it would hold a roundtable discussion with assistance dog organisations to discuss a range of issues.

Please consult our Research Briefings on [Disabled access to goods, services and facilities](#) and [Access to transport for disabled people](#) for full information on the law relating to equality.

# 1. Introduction

Assistance dogs are dogs that have been trained in order to provide assistance to disabled people and those with certain medical conditions such as epilepsy.

On 25 May 2016 a number of assistance dog owners lobbied Parliament. They called for stricter penalties for taxi and minicab drivers who illegally refuse to transport them and/or their assistance dogs, or make additional charges to do so.

A range of other issues have also been raised by assistance dog owners including:

- refusal of entry to restaurants and similar types of public venues. According to Guide Dogs, “75% of all assistance dog owners surveyed [in 2015] said they had been refused access to a service at some point because they had an assistance dog with them”;
- the regulation of assistance dogs and the degree to which they must be trained.

Please consult our Research Briefings on [Disabled access to goods, services and facilities](#) and [Access to transport for disabled people](#) for full information on the law relating to equality.

75% of guide dog owners surveyed said they had been refused access to a service at some point because they had a guide dog with them.

## 2. Taxis and private hire vehicles (PHV)

Under the *Equality Act 2010*, taxis and PHV are required to carry assistance dogs and not charge more for this service. Taxi drivers with a medical condition that would prevent them from carrying a dog are required to obtain an exemption certificate from the licensing authority.<sup>1</sup>

A Guide Dogs survey of assistance dog owners published in 2015 said that 44% of those that had been refused access to a service in the last year had been refused access by a taxi.<sup>2</sup> The survey report noted common reasons for refusal:

The most commonly cited reasons were religious or cultural reasons, concerns the guide dog would shed hair, be dirty, or damage the car in some way, allergies, and simply stating 'I don't carry dogs'. The locations of individual taxi refusals for guide dog owners were reported from almost every corner of the UK too, from Glasgow to Yeovil. This is clearly a widespread issue which needs addressing on a UK wide scale.<sup>3</sup>

Guide Dogs said that they would like a number of changes to tackle the issue, including:

- Disability Equality Training for all taxi and PHV drivers as a condition of licence;
- An increase in the fine level from level 3 to level 4, to bring it into line with taxi touting;
- The Sentencing Council to issue a sentencing guideline for the offence of refusing carriage to an assistance dog, to help magistrates to understand the significant harm that refusals cause to assistance dog owners.<sup>4</sup>

The House of Lords Select Committee on the Equality Act 2010 and Disability noted that the Law Commission "strongly" recommended that the Secretary of State should exercise standard setting powers to make it a condition of licence for both drivers and operators that they comply with the provisions of the *Equality Act 2010*. The Committee quoted the Law Commission:

This would allow a licensing authority to take action against the licence where there was sufficient evidence to demonstrate that a driver or dispatcher had, for example, overcharged a customer on the basis of a disability. It would remove the difficulties the customer faces in seeking to take action against this behaviour, as the procedure would be activated simply by lodging a complaint with the licensing authority.<sup>5</sup>

A Private Members Bill is seeking to introduce mandatory disability equality training for all taxi and PHV drivers.

<sup>1</sup> [Equality Act 2010 – Taxis and Private Hire Vehicles Provisions coming into effect in October 2010](#), HM Government, accessed 12 August 2016

<sup>2</sup> [Access All Areas Executive Summary](#), Guide Dogs, accessed 12 August 2016

<sup>3</sup> *ibid*

<sup>4</sup> Guide Dogs, Pers. Comm., 9 August 2016

<sup>5</sup> Select Committee on the Equality Act 2010 and Disability, *The Equality Act 2010: the impact on disabled people*, HL Paper 117, 24 March 2016

The Committee endorsed the recommendation, and also recommended that “all local authorities should exercise their powers of persuasion and coercion so that no drivers are licensed unless they have had disability awareness training”. It went on that “where the driver or operator fails to comply with the Equality Act, local authorities should be prepared to take action against the licence”.<sup>6</sup>

Andrew Gwynne MP introduced a Private Members Bill to Parliament which would introduce mandatory disability equality training for all taxi and PHV drivers. First Reading was on 29th June 2016, and the full Bill will be introduced later this year.<sup>7</sup>

An Early Day Motion (EDM) was tabled on 25 May 2016 which stated that “discrimination against assistance dog owners is widespread,” and asked for more to be done by government. The EDM had 40 signatures on 9 August 2016.<sup>8</sup>

### **Government response**

The former Secretary of State for Transport, Patrick McLoughlin MP, noted the existing arrangements for addressing the issue on 28 April 2016:

...drivers are required to make reasonable adjustments for disabled passengers. It is also a criminal offence to refuse carriage to an assistance dog. Failure to comply with that requirement can result in prosecution and a fine on conviction of up to £1,000. A driver was recently fined £1,546 for refusing access to a guide dog; that figure included legal costs as well as the fine. That message needs to go out right across the industry, and we will draw it to the attention of the licensing authorities.<sup>9</sup>

Andrew Jones MP, Parliamentary Under-Secretary for Transport, responded to a written question concerning the awareness of taxi drivers of the requirements to take service dogs into their vehicles on 1 July 2016. Mr Jones replied that the Government was considering how it could help to reduce such incidents:

...details of individual taxi and PHV licensing regimes is a matter for the respective local authorities, however I urge them to consider how best to equip drivers with the skills and knowledge to provide all disabled customers with the assistance they need.

We are considering how Government could help to reduce incidents of assistance dog refusals by taxi and PHV drivers, but in the meantime I encourage authorities to take robust action against those who are unwilling to comply.<sup>10</sup>

Responding to the House of Lords Committee and the Law Commission recommendation that the Government should exercise standard setting powers to make compliance with the provisions of

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<sup>6</sup> Ibid

<sup>7</sup> Disability Equality Training (Taxi and Private Hire Vehicle Drivers) Bill 2016-17

<sup>8</sup> Early day motion 102, ACCESS ALL AREAS, Date tabled: 25 May 2016

<sup>9</sup> HC Deb 28 April 2016 c1537

<sup>10</sup> PQ40620 [on assistance dogs], 14 June 2016

the *Equality Act 2010* a condition of licence for drivers and operators, the Government said:

We already expect all taxi and private hire vehicle operators subject to the Equality Act 2010 to comply with the general duties on making reasonable adjustments and, where applicable, on accepting the carriage of assistance dogs.

...We are however considering the Law Commission's recommendations with regard to the licensing of taxis and private hire vehicles, which include recommendations relating to taxi accessibility, and will respond when this process has concluded.<sup>11</sup>

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<sup>11</sup> Government Response to the House of Lords Select Committee Report on The Equality Act 2010: The impact on disabled people, July 2016

### 3. Restaurants and other public venues

The Guide Dogs Access All Areas Report published in 2015 stated that in addition to taxis, “other frequent sites of access refusals included restaurants, newsagents or convenience store, cafés and high street shops”. It noted that “the most frequent reasons given were that food is being served and so a dog is not welcome (27 per cent of all those who experienced a refusal within the last year) and that the business or its customers did not like dogs (24 per cent)”.<sup>12</sup>

Guide Dogs noted that assistance dogs are permitted in an “overwhelming majority of situations”, including in restaurants. It went on that access could only be denied in a few exceptional circumstances:

For instance, if an assistance dog owner wanted to visit a friend or relative in an Intensive Care Unit of a hospital, infection control policies would be reasonable grounds for not allowing access to an assistance dog. However the hospital would still be obliged to accommodate the needs of an assistance dog owner. This could be by providing an area where the dog can be left safely under the care and supervision of hospital personnel and guiding you to and from the patient being visited. Similarly, if you are in a shop or building society that does not have customer toilets, the fact that you have an assistance dog would not give you the right to make use of the staff toilets.<sup>13</sup>

Daniel Zeichner MP (Labour) asked the former PUS for Justice, Caroline Dineage, “what steps the Government... is taking to ensure that people with guide dogs are not refused such entry”. The former PUS responded on 7 June 2016 that legal protections were already in place and that advice was available from the Equality and Human Rights Commission:

The Government provides legal protection to people with guide dogs. The Equality Act 2010 requires service providers, including restaurants, to make reasonable adjustments for disabled customers, including those with assistance dogs. The Act also prohibits discrimination arising from disability where, for instance, a blind person is denied access to a restaurant, not because they are blind, but because they have a guide dog with them. We do not collect figures on the number of times people with guide dogs are refused entry to restaurants.

The Equality and Human Rights Commission has published guidance for businesses on this matter ([https://www.equalityhumanrights.com/sites/default/files/what\\_equality\\_law\\_means\\_for\\_your\\_business.pdf](https://www.equalityhumanrights.com/sites/default/files/what_equality_law_means_for_your_business.pdf)). Also, people who use guide dogs can contact the Equality Advisory and Support Services for free advice if they have any concerns about being denied access to restaurants because they have a guide dog.<sup>14</sup>

<sup>12</sup> [Access All Areas Executive Summary](#), Guide Dogs, accessed 12 August 2016

<sup>13</sup> [Places where assistance dogs are not allowed](#), Guide Dogs, accessed 12 August 2016

<sup>14</sup> PQ 38643 [Restaurants: Guide Dogs], 7 June 2016

Caroline Dineage went on that “where a disabled person considers that they have been unjustifiably refused entry to a restaurant with their guide or assistance dog, they can complain to the owners of the restaurant and ultimately take action against the restaurant in the County Court”.<sup>15</sup>

Responding to the House of Lords Committee report, the Government said regarding access to restaurants for disabled people:

...the Minister for Disabled People hosted a roundtable with leaders of the hospitality industry, trade bodies and disabled people including Baroness Winchester who had highlighted her interest in the issue during the Minister’s oral evidence to the committee.

The Minister for Disabled People has written to ask each organisation who attended the roundtable to a formal commitment to the actions agreed as a result of it. He will be launching the “accessibility 10 top tips guide” which is being developed in partnership with the British Hospitality Association and Nimbus Disability, at the Annual Hospitality & Tourism Summit in London later this year.<sup>16</sup>

Further detail about the Government’s actions on tackling disability more widely can be found in its response to the Committee’s [report here](#).

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<sup>15</sup> *ibid*

<sup>16</sup> Government Response to the House of Lords Select Committee Report on The Equality Act 2010: The impact on disabled people, July 2016

## 4. Calls for a registration system for assistance dogs

Assistance Dogs UK (ADUK) believed that some assistance dog refusals were related to problems caused by a lack of “confidence among employees... in the legitimacy of assistance dogs, thereby causing genuine assistance dog users to face discrimination”. They said that this legitimacy problem had been caused by poorly behaved dogs as a result of:

- Non-disabled owners claiming that their dog is an assistance dog so that they can keep the dog with them (‘imposter dogs’);
- Assistance dogs trained by owners or private firms, which may not be trained to a high enough standard.<sup>17</sup> Assistance Dogs UK stated that there had been examples of disabled people buying privately trained assistance dogs for up to £8,000, but that the dogs were not “fit for purpose”, which in certain circumstances may lead to a death.<sup>18</sup>

There have been examples of disabled people buying privately trained assistance dogs for up to £8,000.

ADUK said that the *Equality Act 2010* should be amended to address the issue. It called for the introduction of a clearer definition of an assistance dog as well as a regulatory system to register assistance dogs that meet a certain standard:

The wording of the definition of assistance dogs in the Act and its position in section 173 (Chapter 12, Part 1) of the Act is jeopardising the rights of people with genuine disabilities or medical conditions who use assistance dogs.

The current definition of an assistance dog fails to specify a standard to which the dog must be trained...

The definition is in a section of the Act that refers only to the carriage of assistance dogs in taxis. There is no definition of assistance dogs that applies to the entire Act, and this omission causes significant confusion when disabled people try to interpret the legislation.

By amending the current legislation to better define assistance dogs and to include a common standard for training, we can ensure genuine assistance dog users are able to exercise their rights, and prevent suppliers of fake branding or substandard dogs from abusing current legal requirements.

It recommended that standards of training, behaviour and health that should be applied have been established by “Assistance Dogs International (ADI), or in the case of Guide Dogs, to the standards laid down by the International Guide Dogs Federation (IGDF)”. It said that “these standards are highly respected and involve regular independent assessments and physical visits”. It also noted that:

The ADI and IGDF programmes in the UK also have to demonstrate how they verify that the user has been taught to supervise the dog in a responsible way and that they are

<sup>17</sup> House of Lords Select Committee Report on The Equality Act 2010, Assistance Dogs UK – Written Evidence (EQD0081), 3 September 2016

<sup>18</sup> Ibid

genuinely disabled or have a genuine medical condition which requires the use of an assistance dog. We submit that this would be the logical standard to set down in legislation to ensure that users of assistance dogs are properly protected and receive the benefits provided under the Act.<sup>19</sup>

ADUK stated that all assistance dogs that pass these standards could be placed on a secure database and be issued with an ID certificate to prove their qualification. This registration scheme could be open to personally and privately-trained dogs, with the owners responsible for the costs of providing registration.<sup>20</sup>

The Government has not said whether it would support such a registration scheme. The former Parliamentary Under Secretary for the Department for Work and Pensions, Justin Tomlinson MP, said in June 2016 that he was going to be holding a roundtable with assistance dog charities to discuss a range of issues.<sup>21</sup>

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<sup>19</sup> Ibid

<sup>20</sup> Ibid

<sup>21</sup> PQ 40692 [Assistance dogs], 15 June 2016

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