



Fermanagh & Omagh
District Council
Comhairle Ceantair
Fhear Manach agus na hÓmaí

Assistance Dog Policy

December 2023

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1. Background

Fermanagh and Omagh District Council is committed to providing an inclusive and welcoming environment to all our residents and visitors to the District.

Section 49A of the Disability Discrimination Act 1995 (DDA) (as amended by Article 5 of the Disability Discrimination (Northern Ireland) Order 2006) requires Fermanagh and Omagh District Council, in carrying out its functions, to have due regard for the need to:

- Promote positive attitudes towards people with disabilities, and
- Encourage participation by people with disabilities in public life.

These are collectively referred to as the 'Disability Duties'.

The Council recognises the duties placed on it under the DDA and is dedicated to ensuring that the services we provide are as accessible as possible for people with disabilities.

In the past, the Council would have experienced visitors using trained 'Assistance Dogs', such as Guide Dogs, to travel to and access services within venues.¹ At present, officers have experienced more customers bringing a wider variety of 'Assistance Dogs', from Guide Dogs to Comfort Dogs². Some of these dogs are trained by professional organisations and have different coloured harnesses to help identify them, while others are solely trained by their owners.

Over the past few years the number of people bringing untrained 'Assistance Dogs' into venues has increased and, on some occasions, it has turned out that the dogs have been pets and not actually used for assistance.

Considering the duty the DDA places on Local Authorities to implement 'reasonable adjustments', the Council must balance the rights of people with disabilities who use trained and untrained 'Assistance Dogs' with safeguards to minimise the risks to other 'Assistance Dogs', people using 'Assistance Dogs', visitors and employees.

This Policy has been developed to:

- ensure a consistent approach is taken across Council services for people who use 'Assistance Dogs'
- confirm that the Council does not allow anyone to bring their pets into venues³
- remove any ambiguity of what constitutes an 'Assistance Dog'
- raise awareness of people who use 'Assistance Dogs' and the dogs themselves among staff members

¹ Please note that some Council outdoor areas may allow access to pets but the same responsibilities in Section 7 of the Policy are expected of the owner.

² These may also be referred to as Support dogs/animals or Emotional Support dogs/animals

³ Venue is defined as any building, facility or site owned, occupied or operated by the Council.

- protect the rights of trained and untrained ‘Assistance Dogs’ and the person with the disability who requires their support.

The Council recognises that on rare occasions other types of domesticated animals may offer support and, in these circumstances, they will be dealt with using the same procedures/ guidance. For the purpose of this policy, all animals will be covered under the term ‘Assistance Dogs’.

The procedures contained within the policy may be used to help consider relevant reasonable adjustments by an employee who may require an ‘Assistance Dog’ due to their disability.

2. Definitions

The Equality Commission NI has created a non-statutory definition of an ‘Assistance Dog’:

‘Assistance dogs are dogs that have been trained to work in partnership with disabled people to assist them in accessing services and to help them to improve their mobility, independence and quality of life.

Assistance dogs support people with a wide range of disabilities; including visual impairments, deafness, physical disabilities and hidden disabilities. Assistance dogs are highly trained working dogs: they are not pets!

Assistance dogs can be recognised by the harnesses and coloured jackets that they wear. A jacket will usually display the name of the organisation that trained the dog in question.’⁴

As ‘Assistance Dogs’ are highly trained they:

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



⁴ Equality Commission for Northern Ireland

3. Types of Assistance Dogs

The table below outlines some of the different types of 'Assistance Dogs':

Type:	Description:	Identification:
Guide Dogs	Trained to assist people who are blind or visually impaired.	White harness with a yellow fluorescent handle.
Hearing Dogs for the Deaf	These dogs are trained to alert people who are deaf to important sounds and signals of danger.	A burgundy jacket.
Seizure Assistance Dogs & Medical Alert Dogs	Assist people with certain medical conditions, such as epilepsy and diabetes. These dogs assist people by alerting them that a medical crisis is coming on.	A blue jacket.
Canine Partners	These dogs support adults with physical disabilities. They are trained to do many tasks which their owner may find difficult or can't complete on their own.	A purple jacket.
Medical Detection Dogs	These specialist dogs help to detect the smell of human disease.	A red jacket.
Autism Assistance Dogs	Trained to assist a person who is Autistic. They help provide practical and emotional support.	Autism Assistance Dogs wear a blue harness.
Service Dogs	These dogs are trained to assist a person who has a disability.	No official identification, unless trained by a particular organisation.
Companion Dogs Emotional Support Dogs	These dogs provide practical or therapeutic benefits to individuals. They help individuals gain confidence to engage in social situations and activities.	No official identification, unless trained by a particular organisation, then may have an Identification Booklet

4. Policy Responsibilities

To ensure the successful implementation of the Assistance Dog Policy, clear roles and responsibilities have been established and are outlined below:

Group or Individual	Role and Responsibilities
Councillors	<ul style="list-style-type: none"> • Approve the policy and subsequent amendments. • Attend any relevant training or awareness raising sessions.
Chief Executive	<ul style="list-style-type: none"> • The Chief Executive has ultimate officer responsibility for implementing the policy throughout the Council.
Senior Management Team	<ul style="list-style-type: none"> • Allocate resources to enable the Council to meet its responsibilities in relation to the policy. • Promote the effective implementation of the policy within their areas of responsibility. • Raise the profile of Assistance Dogs (and other animals) within the Council.
Heads of Service	<ul style="list-style-type: none"> • Ensure employees are aware of this policy and adhere to it. • Ensure that relevant employees attend the relevant training sessions. • Provide advice and support as required.
Line Managers	<ul style="list-style-type: none"> • Provide advice and support as required • Ensure adherence to the procedures outlined within the policy.
All Employees/Volunteers	<ul style="list-style-type: none"> • Take due care to ensure compliance with and to promote the policy.

5. Procedures for Staff

The policy outlines two different procedures that staff should adhere to depending on whether the dog is a trained or untrained dog.

a) Trained 'Assistance Dog'

If an 'Assistance Dog' is trained, for example a Guide Dog, staff will follow the procedure below:

- Allow the owner and dog access to the venue and services (**no checks or guidance needed, and there is no requirement for the owner to read and sign any disclaimer**).
- Introduce yourself to the person and provide any assistance the person has indicated they may need.
- Do not pet or feed the dog.

b) Untrained 'Assistance Dog'

If the 'Assistance Dog' is untrained, for example a Comfort Dog, staff will follow the procedure below:

- Allow the 'Assistance Dog' entry and;
- Ask the person to review and sign that they have read the disclaimer (Appendix 1) and provide them with the guidance sheet outlining the Council's approach to 'Assistance Dogs' (Appendix 2)
 - Where the person does not have capacity to sign the disclaimer, then ask their guardian to sign on their behalf.
- Do not feed or pet the dog.
- Where a member of staff genuinely believes that the 'Assistance Dog' is a risk to the health and safety of visitors and/or staff, they can ask the owner to remove the dog from the venue.
 - There must be clear evidence why the member of staff has taken this decision (this must be documented and reported to their Line Manager).
Reasons could include:
 - Dog became aggressive
 - Owner failed to control the dog which could result in harm to themselves, others or the dog itself
 - Damage to property
 - Owner was mistreating the dog
- Where an 'Assistance Dog' defecates in a venue, the owner will be responsible for clearing and disposing of the mess, however venues must ensure they follow their cleaning protocol to ensure any risks are minimised. Where a person cannot clean up the mess due to their disability, staff will support them to do so.

6. Scenarios

Below are a few scenarios to help staff understand the most appropriate way to deal with requests to bring 'Assistance Dogs' into venues or to use other services:

Scenario 1: A customer brings a Guide Dog into a venue. The Dog is wearing a white harness with a yellow fluorescent handle.

The member of staff does not need to ask the person for any ID, rationale for using the dog or any other information. They must let the person and dog into the venue and to access the services available. The dog will be highly trained, so staff should have no concerns regarding its behaviour, safety or toileting needs.

For good customer service, the member of staff should introduce themselves to the person and explain that they can help with any queries.

The member of staff must not pet or feed the Guide Dog.

Scenario 2: A customer requests that four untrained 'Assistance Dogs' accompany them to a wedding within a Council venue.

The member of staff will approach the person and explain the 'Assistance Dogs' Policy. A copy can be provided if the person wants any clarification. The member of staff will ask the person to review and sign that they have read the disclaimer and provide them with a copy of the guidance document.

As it is legitimate to question how one person can control four 'Assistance Dogs' at one time, the member of staff could ask the person to just bring one dog with them if it was more appropriate. This decision should be documented by the member of staff and their Line Manager should be informed of the situation.

Scenario 3: A member of staff or public has a severe allergy to dogs and a person brings an untrained 'Assistance Dog' to a workshop in a Community Centre.

When it is known in advance that an Assistance Dog (or other animal) is attending the venue, the manager will make all the staff working that day aware of the situation and put adjustments in place to limit the potential of the person coming into contact with the dog. For example, rearranging tables and chairs to keep the individual and dog separated. However, the reasonable adjustments that venues can implement will depend on the circumstances surrounding the nature of the visit or activity, as well as the physical layout of the venue. Staff will also make customers aware at the point of booking or when they arrive at the event (no personal details belonging to any party should be shared).

If a person brings an 'Assistance Dog' with them just before an event the manager will make other attendees and any other members of staff on site aware of the situation as soon as possible and put in place any reasonable steps to limit contact.

If someone with an allergy or phobia complains about the presence of an 'Assistance Dog' on the premises, staff should explain that trained assistance dogs are allowed

in the venue. Where the dog is untrained (e.g. a comfort dog for someone with autism), then staff should explain why the dog is permitted in the venue and what adjustments have been put in place.

If the customers are still unsatisfied then it will be left to the individuals to choose if they wish to stay or leave.

Scenario 4: A customer attends a show with an 'Assistance Cat' and explains that the cat is to bring them comfort and confidence to attend a show due to a disability.

The member of staff will approach the person and explain the 'Assistance Dogs' Policy and that it also applies to any other animal. A copy can be provided if the person wants any clarification.

The member of staff must keep an open mind as a cat can provide needed support for people with a disability to access services. Staff will ask the person to review and sign that they have read the disclaimer and provide them with a copy of the guidance document. This will include the expectation that the owner will keep the cat at their side and can ensure that it does not present a harm to others in Council premises.

The member of staff will monitor the situation and if the owner fails to control the cat and it becomes a health and safety risk then the member of staff can ask the person to leave with the cat. The member of staff must be sure that there is a clear risk and be able to document it and inform their Line Manager.

7. Responsibilities of the Dog Owner

The dog owner must have regard for and ensure the following:

- The owner is able to control and handle the dog at all times.
- The dog is secured on a lead/ harness and by their sides at all times.
- The dog has a safe temperament.
- They are responsible for the toileting and feeding of the dog.
- The dog has been trained to behave well in public.
- The dog is healthy and does not create a hygiene risk.

8. Staff Awareness

The policy and corporate risk assessment for 'Assistance Dogs' will be available online to staff through the Staffhub. The documents will also be discussed at team meetings. This approach will ensure that staff are aware of the rights of Assistance Dog Owners and how to appropriately provide access to trained and untrained 'Assistance Dogs'.

Additional short training sessions and advice will be provided by the Access and Inclusion Officer in Corporate and Strategic Services.

9. Monitoring & Review of Policy

The Assistance Dog Policy will, under normal circumstances, be reviewed every three years. This policy will be subject to scrutiny and, from time to time, updates and re-issues will be circulated.

However, the Policy will be reviewed sooner in the event of any one or more of the following:

1. Failure or weakness in the policy is highlighted.
2. Changes in legislative requirements.
3. Changes in Government/Council or other directives and requirements.

Appendix 1

Untrained 'Assistance Dog' Form

Fermanagh & Omagh District Council recognises that people with various disabilities require dogs (or other animals) to support them to access buildings. While many of these dogs (or other animals) are specially trained to allow them to be called an 'Assistance Dog', the Council recognises that there may be instances where some dogs (or other animals) are not trained.

To ensure the safety of other Assistance Dogs, their owners and other service users, we require the owners of untrained Assistance Dogs (or other animals) to read the following and to sign that they have read and understand the Council's approach:

I confirm that the dog (or other animal) I wish to take into Council premises is not a pet and is to provide me with assistance to access the services within the building or grounds. I also confirm that the dog (or other animal) is trained and presents no harm to staff or other visitors and that it will always be on a lead, and under my control and supervision at all times.

In the event that the dog (or other animal) is disruptive, behaves in such a manner so as to cause a person apprehension of being attacked or inflicts injury on a person or another Assistance Dog, I will take full responsibility for its actions.

In the event of the dog (or other animal) presenting a risk to others and a member of staff asks me to leave the venue with the dog, I will do so.

I confirm that I have read the form, understand the content and have had an opportunity to seek clarifications on any issue:

Venue:

Print Name:

Sign:

Date:

Please note: the information you give on this form will be used to show that you have declared that you will take responsibility for the dog in a Council venue.

In accordance with the Data Protection Act 2018, Fermanagh and Omagh District Council has a duty to protect any information we hold on you. The personal information you provide on this form will only be used for the purpose of showing responsibility for a dog providing assistance and will not be shared with any third party unless law or regulation compels such a disclosure and will be shared with other relevant internal services for the purpose of supporting access to venues/ services. For further guidance on how we hold your information please visit the Privacy section at www.fermanaghomagh.com/your-council/privacy-statement/

Appendix 2

Untrained 'Assistance Dog' Guidance

Dogs (NI) Order 1983

The Dogs (NI) Order 1983 requires all dog owners to possess a valid dog licence and to renew it on an annual basis. It is also a legal requirement to microchip your dog, a dog must be microchipped before a dog licence can be obtained.

It is an offence to keep a dog without having a valid dog licence and a fixed penalty for £100 can be issued.

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To ensure the safety of other Assistance Dogs, their owners and other service users, we require the owners of untrained Assistance Dogs (or other animal) to adhere to following guidance:

- The Council does not allow animals that are solely pets into venues while using services.
- The Assistance Dog (or other animal) allowed into the venue or grounds must be trained to provide the owner with assistance to access the services.
- The Assistance Dog (or other animal) must present no harm to staff or other visitors.
- The owner of the dog (or other animal) will be responsible for its welfare and hygiene.
- The Assistance Dog (or other animal) will be under the person's control and supervision at all times.
- The Assistance Dog (or other animal) must always be on a lead/ harness.
- The owner of the dog (or other animal) must ensure that it has a safe temperament and does not pose a risk to other animals.
- Owners are asked to be sensitive to the effect of their dogs on others, especially those with phobias or allergies.
- In the event that the dog is disruptive, behaves in such a manner so as to cause a person apprehension of being attacked or inflicts injury on a person or another Assistance Dog, the owner will take full responsibility for its actions.

Appendix 3

Links to Advice & Information

1. Guide Dogs NI

<https://www.guidedogs.org.uk/how-you-can-help/campaigning/our-current-campaigns/open-doors/>

2. Assistance Dogs UK

<https://www.assistancedogs.org.uk/the-law/>

3. Equality Commission NI

<https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/AssistanceDogsDDAGuidance2009.pdf>