

Recognised assistance dogs: Call for evidence

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Recognised assistance dogs: Call for evidence

1. The CAA is calling for evidence regarding the carriage of assistance dogs by air. The CAA is seeking evidence to assist its understanding of the issues faced by assistance dog users in relation to the carriage of their assistance dogs by air, as well as those faced by the organisations required by law to facilitate their carriage, namely airlines and airports. The CAA is also seeking evidence on the principles for a framework that could be designed to recognise assistance dogs.

Background

2. The CAA is the National Enforcement Body for Regulation EC1107/2006¹ (the Regulation), concerning the rights of disabled persons and persons with reduced mobility when travelling by air. Under the Regulation, it is the responsibility of airports to facilitate the handling of 'recognised assistance dogs' through the airport. Further, it is the responsibility of airlines to carry 'recognised assistance dogs' in the cabin (subject to national regulations). Neither of the terms 'recognised assistance dog' or 'assistance dog' are defined in the Regulation.

The definition of a disabled person

3. Under the Equality Act 2010 (the Equality Act), a person is disabled if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to carry out normal daily activities.
4. Article 2(a) of the Regulation defines a disabled person or a person with reduced mobility as any person whose mobility when using transport is reduced due to any physical disability (sensory or locomotor, permanent or temporary), intellectual disability or impairment, or any other cause of disability, or age, and whose situation needs appropriate attention and the adaptation to his or her particular needs of the service made available to all passengers.
5. In the CAA's view, both of these definitions cover a broad range of conditions. Under the Regulation, disabled people and those with reduced mobility 'self-identify' as needing assistance. There is no requirement for people that require assistance to prove that they have a disability.

The definition of an assistance dog

6. In the context of accessing taxis and private hire vehicles, the term 'assistance dog' is defined in the Equality Act as a dog trained to guide a blind person or to

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32006R1107&from=EN>.

assist a deaf person, or a dog which has been trained by a prescribed charity² to assist a disabled person with a particular type of disability³ or a dog of a prescribed category⁴ which has been trained to assist a disabled person who has another type of disability.

7. Although this definition is provided in the context of accessing taxis and private hire vehicles, in the CAA's view it is a useful guide for the types of dog that should be considered to be an 'assistance dog'.
8. The Equality and Human Rights Commission (EHRC) provides a guide for businesses⁵ on assistance dogs to assist businesses to understand what they can do to comply with their legal duties under the Equality Act. The guide states that "thousands of disabled people rely on an assistance dog to help them with day to day activities that many people take for granted". It goes on to state that assistance dogs help not only blind people, but that they are "trained to help people with hearing difficulties, epilepsy, diabetes, physical mobility problems and more". Further, the guide states that assistance dogs "carry out a variety of practical tasks for people as well as supporting their independence and confidence". Finally, the guide makes clear that assistance dogs "are not pets and are treated as 'auxiliary aids'".
9. In the CAA's view, it is clear that the Equality Act meaning of an assistance dog is not intended to cover pet dogs, whether the owner of the dog has a disability or not. Neither is it intended to cover 'emotional support dogs'⁶ for people that do not have a disability. In the CAA's view, an assistance dog is defined by its role, which is to assist a disabled person so that they can carry out normal daily activities.

Assistance dogs and air travel

10. As set out above, the Regulation makes it the responsibility of airports to facilitate the handling of 'recognised assistance dogs' through the airport. Further, it makes it the responsibility of airlines to carry 'recognised assistance dogs' in the cabin (subject to national regulations).

² To the CAA's knowledge, no specific charities have been so prescribed by the Secretary of State.

³ The Equality Act sets out the type of disability as one that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects.

⁴ To the CAA's knowledge, no categories of dog have been so prescribed by the Secretary of State.

⁵ <https://www.equalityhumanrights.com/sites/default/files/assistance-dogs-a-guide-for-all-businesses.pdf>.

⁶ That is, dogs that are not specifically trained to assist their owner, but rather whose general role is to provide comfort for their owner and promote emotional wellbeing.