

Assistance dogs in the dental practice



Sarah Ide, dento-legal adviser at the Dental Defence Union (DDU), discusses what dental professionals can do to accommodate patients with an assistance dog.

Over 7,000 people in the UK rely on an assistance dog according to figures published by Assistance Dogs UK.¹ Assistance dogs are most commonly guide or hearing dogs for blind or deaf people. They can also be service dogs for those with health conditions not related to vision or hearing. Additionally, these dogs often provide emotional support as well as performing a wide variety of practical tasks including attending a dental appointment with a patient.

Dental professionals have a legal duty to make reasonable adjustments to enable disabled users to access services. This would extend to changing any 'no dogs' policy to allow assistance dogs. This duty is owed to an individual regardless of who the dog was trained by.

The Equality and Human Rights Commission has also produced a guide for businesses on assistance dogs.² This advises that you can expect that assistance dogs will be highly trained, that they will not wander freely around the premises, they should sit or lie quietly on the floor next to their owner and are unlikely to foul in a public place. Most will wear a harness or collar identifying them as an assistance dog, though there is no requirement for this.

When considering reasonable adjustments, it is important to ask the patient what assistance they would need, providing these adjustments are reasonable. This is an objective test and one which the courts will apply to the facts of each specific case. For example, if a dog was poorly trained, the court would factor this in when deciding whether

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or not it was reasonable to allow the dog into the practice.

However, there may be areas within the dental practice where an assistance dog may not be permitted because of infection control or health and safety issues. Assistance Dogs UK has issued guidance on service providers' legal obligations,³ which states that it would be reasonable for service providers 'to allow assistance dogs to accompany their owners into most situations where pet dogs would not be permitted, or for service providers to make reasonable adjustments in providing safe and secure accommodation for a dog and support for its handler in the dog's absence, in, for example, an infection control clinical setting'.

If there are areas where a dog is unable to accompany the patient, then the practice will need to find a suitable location where the guide dog can be safely left.

If a staff member is allergic to dogs or has a phobia, then the practice should take reasonable steps to minimise that individual's exposure to assistance dogs. However, these

are not valid reasons for denying an assistance dog entry to the practice as refusing an assistance dog could result in a complaint or a claim of disability discrimination which could involve financial compensation.

References

1. Assistance Dogs UK. Life-changing life-saving. Available at: <https://www.assistedogs.org.uk/> (accessed August 2023).
2. Equality and Human Rights Commission. *Assistance dogs. A guide for all businesses*. 2017. Available at: <https://www.equalityhumanrights.com/sites/default/files/assistance-dogs-a-guide-for-all-businesses.pdf> (accessed August 2023).
3. Assistance Dogs UK. Information for Service Providers. Available at: <https://www.assistedogs.org.uk/the-law/> (accessed August 2023).

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