



Paws for Thought

Support Animals in Consumer Settings: What Venues Need to Know Under the Equality Act 2010

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Assistance animals play a vital role in enabling disabled people to access public spaces independently.

Relying on animals to help us with everyday life is nothing new. We've worked alongside animals for farming, transport, and protection throughout history. In terms of disability specifically, excavations at Pompeii uncovered a wall painting from AD 79 showing a blind man being led by his dog. A Chinese scroll dated AD 1200 — now held at the Metropolitan Museum in New York — depicts a similar scene, as does an Irish reference from AD 1290 attributed to Bartholomew. The modern formalised Guide Dog

movement gained real momentum after the First World War, as a practical response to veterans returning with sight loss.

So Guide Dogs have been with us long enough that they're rarely controversial. Most venues have a settled view: Guide Dogs Welcome.

But broaden the conversation — assistance cats, emotional support rabbits, therapy birds — and suddenly you've divided opinion. Plenty of pubs are happy to welcome a boisterous pet dog as a marketing point, but will draw the line at a well-trained assistance cat. That inconsistency isn't just a PR problem; it's a legal one.

There is currently no settled caselaw in this area. That makes it fertile ground for challenges — and it means that venues operating on assumptions rather than practical and accessible policies are carrying more risk than they realise.

First, Forget the Labels

The most important thing to understand is that the Equality Act 2010 does not turn on labels. Baroness Campbell of Surbiton always says 'Labels are for Jamjars' and she's right. The Equality Act does not make the distinction between whether an animal is a "guide dog", a "service animal", or an "emotional support animal". It asks three questions:

- Is the customer disabled?
- Are they placed at a substantial disadvantage by the venue's policy or practice?
- Is an adjustment to that policy reasonable and proportionate?

If the answer to all three is yes, a legal duty to adjust arises — regardless of what species the animal is.

Rather than debating labels, I'd suggest venues adopt the working term 'Working Animals'. It focuses attention where the law focuses it: on the animal's function as an auxiliary aid, not its species or any certification scheme.

The Legal Framework

The Equality Act 2010 (the Act) is built on the recognition that it is society — its systems, policies, and attitudes — that disables people, not medical conditions in isolation. The Act provides legal mechanisms to address those systemic disadvantages.

Section 20 sets out the reasonable adjustment duty. The "third requirement" covers auxiliary aids: where a disabled person would be at a substantial disadvantage without an auxiliary aid, the service provider must take reasonable steps to provide one.

The Act does not define "auxiliary aid" exhaustively. Whether any particular thing — including an animal — qualifies is a functional question: does it mitigate the disability-related disadvantage? Is providing access to it reasonable and proportionate in context?

The [Equality and Human Rights Commission guidance](#) states:

"Service providers must make reasonable adjustments to policies for disabled people. This includes amending 'no dogs' and 'no pets' policies to allow access for assistance dogs."

The reference to dogs is, I believe, clumsy rather than intentional — a product of drafting conventions rather than a deliberate limit on the duty. It does not resolve the question of other animals, and I hope that the guidance will be re-worded.

The Ian Fenn Case: Why This Matters

The practical consequences of these questions were brought into sharp focus by the case of Ian Fenn, an autistic man with anxiety, who trained his cat Chloe to help him manage the stress of everyday situations — crowded spaces, travel, unfamiliar environments.



The Ian Fenn case raised fundamental questions about how venues treat assistance animals that fall outside the "guide dog" template.

Ian was refused service at a Sainsbury's store in Holborn, London, because he brought Chloe with him. The case received wide coverage, including from the [BBC](#), [The Guardian](#), and [Sky News](#).

I was instructed to challenge the refusal. The case did not reach Trial, but the legal argument I developed remains, in my view, both compelling and sound.

Here is how I approached it:

A venue selling goods or services to the public is a service provider under Part 3 of the [Equality Act 2010](#).

A 'No Animals' or 'Guide Dogs only' policy puts some disabled people at a substantial disadvantage — in Ian's case, the inability to shop independently and browse on his own terms.

That disadvantage engages two distinct legal duties:

- Indirect discrimination: An apparently neutral policy such as 'No Animals' must be justified as a proportionate means of achieving a legitimate aim — or it is unlawful.
- Reasonable Adjustment Duty: The venue must take reasonable steps to avoid the substantial disadvantage. A policy amendment to permit Ian's assistance cat would have achieved that.

The core issue was not "cat versus dog." It was whether a blanket policy could be sustained in the face of a disabled customer's need to access services independently.

My view is that it could not.

Demonstrating That an Animal Qualifies

The next question would be whether a specific animal is in fact functioning as an auxiliary aid. I would address that by reference to objective behavioural standards — adapted from the Minimum Training Standards for Service Dogs — which focus on the handler's control and the animal's conduct in public:

Handler standards:

- Safely loading and unloading the animal from a vehicle
- Entering a public space without losing control of the animal
- Recovering control if a lead or restraint is lost
- Remaining calm if questioned about the animal by staff or other customers

Animal standards:

- Safely crossing a road, halting for traffic, and ignoring distractions
- Moving through narrow aisles without incident
- Maintaining a sit-stay when a shopping trolley passes or when someone stops to interact
- Maintaining a down-stay when a child approaches briefly
- Resisting unattended food at close range
- Remaining calm when held by someone else while the handler moves away
- Remaining calm when another animal passes within two metres

In other words: consistent responsiveness to user commands, in a public environment.

The final question would be whether there are any genuine welfare, hygiene, or safety restrictions that could legitimately limit access. If those do not apply — or can be addressed through proportionate alternatives — a claim should succeed.

Remedies available include a court order requiring the venue to change its policy, compensation under the Vento Guidelines (typically no less than £5,000), and an award of legal costs — including the claimant's costs.

Emotional Support Animals: The High-Risk Area

"Emotional Support Animal" (ESA) is widely used in everyday language, but it is not a defined category under the Equality Act 2010.

That does not mean there is no legal duty — or that a venue can safely apply a blanket refusal.

A legal risk arises specifically when a policy is written or applied as: "ESAs are not recognised in law, therefore we refuse them." That reasoning conflates the absence of a label with the absence of a legal duty — and the two are not the same thing.

If a disabled person says an animal is required because of a disability-related need, the venue should be ready to demonstrate that it has:

- Considered the request individually
- Assessed actual risks (not assumptions)
- Explored less restrictive alternatives
- Documented its decision-making

A decision to refuse access in a specific case can be lawful — but it needs a reasoned, balanced, and proportionate basis, not a blanket policy.

What Good Practice Looks Like: A Policy Framework

There is no single template that suits every venue — a food festival, a sports stadium, and a petting zoo all carry different risk profiles. But the following framework works as a starting point.

A. Establish a Clear Baseline

Open your policy with a simple, positive statement:

"We welcome working animals. We are not able to accommodate pets."

B. Ask the Right Questions — Simply

When access is requested with an animal, two questions are sufficient:

- "Is the animal needed because of a disability?"
- "What work or task has it been trained to carry out?"

Note: unlike a Blue Badge or disability access card, there is no reliable documentation scheme for working animals other than dogs. Your policy needs to be workable in the absence of formal proof. Focus on the animal's conduct, not its paperwork.

C. Set Objective Behavioural Standards

Base your assessment on observable, objective safety-relevant conduct:

- Does the animal show aggression?
- Is it toilet-trained?
- Is it under consistent control?

These standards should be published in advance — on your website, in booking confirmation communications, and at the venue itself — so that customers know what to expect and staff know what to assess.

D. Be Specific About Restricted Areas

If there are genuine operational restrictions (sterile food preparation areas, quarantine zones, close-contact animal experiences, sensitive species areas), your policy should:

- Name the specific areas affected
- Reference the documented risk assessment basis
- Set out what practical alternatives you offer (alternative routes, staff assistance, accessible viewing points)

Restrictions imposed without documented justification are the most legally exposed position a venue can occupy.

E. Log Decisions

If an animal is refused entry or asked to leave, record:

- The specific behaviour or safety risk observed
- The area and the reason
- What adjustment or alternative was offered

This is not bureaucracy for its own sake. It is how you demonstrate proportionality — it helps you with a dynamic disability risk assessment, and it is the evidence you will rely on if a challenge follows.

The Bottom Line

Assistance dogs: Service providers should generally allow access, with only narrow, evidence-based restrictions. The EHRC guidance (Assistance Dogs: A Guide for All Businesses) remains the baseline.

ESAs and other working animals: The Equality Act does not create an automatic right of entry in all circumstances, but blanket refusals — particularly where they prevent any case-by-case consideration — carry significant legal risk.

Best practice: A clear welcome, minimal intrusive questioning, objectively stated behavioural standards, documented restrictions with genuine justification, and practical alternatives where restrictions genuinely apply.

If your venue intends to exclude working animals from substantial parts of a site, legal review of your risk assessments and policy documentation is strongly advisable before you face a challenge rather than after.

This article is provided for information only and does not constitute legal advice. If you would like a venue-specific policy review and staff guidance tailored to your site, service model, and animal welfare controls, Strategic Access Advisory can help.

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