

# Policy and Procedure on reasonable adjustments (Trainees with a disability)

## **PURPOSE:**

This policy aims to support the rights of a trainee with a disability to participate in training in a work environment that is accessible, inclusive and free from discrimination and harassment, and outline the processes involved in seeking reasonable adjustments where appropriate.

This document also outlines the procedure CPsychI follows when a trainee reports a disability at time of application for training or during the course of training in one of its postgraduate training programmes.

## **SCOPE:**

- a. This policy applies to all areas of disability including physical and psychological such as learning disability or a mental health condition.
- b. This policy is in line with the definition of the term “disability” in the Employment Equality Act (1998-2015).
- c. This policy applies to all doctors who at the time of application to CPsychI training programmes, disclose potential disability.
- d. This policy also applies to trainees who are already on a training programme who disclose potential disability whilst in training.

## **OVERVIEW:**

This policy aims, as far as possible, to:

- a. Eliminate Disability Discrimination
- b. Ensure that trainees with disabilities have the same rights as other trainees
- c. Promote recognition and acceptance of these rights within all CPsychI members.
- d. Foster an environment of inclusiveness towards trainees with disabilities.
- e. Identify and support the reasonable adjustment needs of trainees with a disability through effective, open communication with all stakeholders

## **REASONABLE ADJUSTMENTS:**

The principle of Reasonable Adjustment allows that wherever it is possible, and necessary and reasonable to do so, CPsychI should consider the trainees disability and advocate for the appropriate adjustments to training to enable a trainee to perform effectively and to the required standard. An adjustment is reasonable if it successfully balances the interests of all parties affected.

Workplace adjustments must be discussed by the trainee with HSE HR, the trainees line manager and/or the clinical site HR.

The Employment Equality Acts 1998-2015, does not require that organisational changes be made if this will cause major difficulties or unreasonable costs to a person or to the organisation.

Additional relevant policies and legislation:

Equality Act 1998 <https://www.irishstatutebook.ie/eli/1998/act/21/enacted/en/print.html>

Equal Status Act 2000 <https://www.irishstatutebook.ie/eli/2000/act/8/enacted/en/html>

Health strategy-Quality and Fairness 2002 <https://www.gov.ie/en/publication/7c86d7-quality-and-fairness-a-health-system-for-you/>

Ethical guide for Psychiatrists <https://www.irishpsychiatry.ie/external-affairs-policy/college-papers-submissions-publications/positions-policies-perspective-papers/professional-ethics-for-psychiatrists/>  
HSE Employee Assistance Programme. <https://healthservice.hse.ie/staff/benefits-and-services/employee-assistance-programme-staff-counselling/>

### **IRISH MEDICAL COUNCIL DISCLOSURE POLICY**

All doctors must, at registration and annual declaration with the Irish Medical Council, disclose any 'Relevant Medical disability' which is defined by Section 2 of the Medical Practitioners Act 2007 as "a physical or mental disability (including addiction to alcohol or drugs) which may impair the practitioner's ability to practice medicine or a particular aspect thereof".

All trainees are required to fulfil this obligation as set out in the Irish Medical Council Disclosure protocol and Medical Practitioners Act 2007.

### **EXEMPTIONS UNDER THE LEGISLATION**

The following are identified under the Employment Equality Acts 1998-2015 as exemptions to the requirement for the provision of all necessary measures and Reasonable Adjustments for persons with a disability:

- Where provision of adjustments or measures would place a disproportionate burden
- Where, even with the provision of all appropriate adjustments, the trainee is unable to fulfil the inherent requirements of the training programme
- Where a trainee with a disability has an infectious disease or other condition that requires isolation in order to protect their health and welfare or the health and welfare of others, and where CPsychI is unable to provide Reasonable Adjustments that will enable the trainee to receive relevant services and facilities so that they may continue with their training
- Where, even with the provision of all appropriate adjustments, it is not possible to meet occupational health and safety requirements

## **DISCLOSURE AND REVIEW PROCEDURE**

### **Stage 1**

Where a trainee wishes to inform CPsychI of a disability requiring reasonable adjustment, they are required to submit all relevant and recent supporting documentation from appropriately qualified health professionals (e.g. occupational health, educational psychologist). This should be submitted to the Vice dean or HST mentor and to the postgraduate training department if the trainee is already in training. The documentation should be submitted either post or by email directly to the Operations Manager in the Postgraduate Training department if relevant at the time of application. The supporting documentation should outline the nature of reasonable adjustment that is required and must include a report from HSE occupational health or the relevant training centre occupational health. Any expenses related to providing this documentation is the responsibility of the trainee. The trainee may choose to be accompanied, for example, by a friend, colleague or a representative of their professional body but this should not normally be a legal representative or family member.

If a doctor discloses a disability at time of application, this information will not be shared with the interview panel, unless appropriate to do so. This will be judged on a case-by-case basis and with the applicants consent.

Information provided about a trainee's disability is personal and CPsychI will respect the confidentiality of all such information in accordance with the Data Protection Act 2018. If a trainee chooses not to disclose a disability, CPsychI will not be able to provide additional supports

### **Stage 2**

The review panel will be established by the Head of Continuous Assessment.

The review panel consists of

- Head of Continuous Assessment
- Chief Examiner
- Vice dean or HST mentor (One Vice dean or HST mentor from any deanery, selected by the Dean of Education, in the case of a review at the time of application to training)
- Manager of Examinations and BST recruitment
- Manager of Accreditation and Continuous Assessment

A college representative will document and record the outcome of the meeting.

The review panel will assess the submitted documentation. The panel will consider if further documentation is required and consider, on a case by case basis, what recommendations should be made with regard to reasonable accommodations.

The panel will consider how these reasonable adjustments can be implemented.

The review panel will meet with the trainee as part of their decision making to explore options for adjustments that should be considered.

Assessment of the nature of additional supports required must allow for consideration of the requirements of training.

Supports for a person with a disability may include but are not limited to

- Altered hours of working/ Flexible training arrangements
- Physical adaptations
- Mental health supports

- Assistive technology.

If extension of training is required, the trainees training pathway will be reviewed by the Dean of Education in conjunction with the Vice dean or HST mentor.

Changes may include variations to out of hours work but adequate exposure to OOH work as defined in the regulations will be required.

The review panel reserve the right to seek further professional assistance if required in assessing the trainee's needs.

### **Stage 3**

The decision of the review panel will be communicated to the relevant trainee in writing and forwarded to appropriate personnel within the training body for implementation with the trainees consent. The reasonable adjustments are those that are relevant to the training body and training processes. A range of individuals may need to be involved in implementing adjustments. When accommodations are agreed, the trainee is expected to perform at the same level as other trainees.

### **Stage 4**

If the applicant for reasonable adjustments is not satisfied with the outcome of the Review panel they may appeal in writing to the Dean of Education. The appeal must be received within 10 working days of the trainee being notified of the decision of the review panel. Additional documentation may be submitted to the appeal panel but must be received by the college at least 3 days before the date of the appeal meeting. On receipt of the appeal request the Dean of Education will establish an appeal panel. A College representative may also be in attendance to document and record the outcomes of the meeting.

The Appeal Panel consists of;

- Dean of Education
- Vice Dean or HST mentor (different to those who were appointed to Review panel)
- Operations Manager
- May include a designated extern

They may choose to be accompanied, for example, by a friend, colleague or a representative of their professional body but this should not normally be a legal representative or family member. However, if a Trainee wishes to be accompanied by a Lawyer, the Appeal Panel Chair should normally agree to the request in advance. Legal representatives should be reminded that appeal hearings are not courts of law and that the panel governs its own procedure, including the questioning to be allowed of others by the legal representatives.

The conclusion of the appeal panel is final. In the event that a trainee remains dissatisfied with the conclusion a final appeal can be made in writing to the President of CPsychI. This is the final avenue of appeal available within the structures of CPsychI.

This policy will be reviewed every three years by the Postgraduate Training Committee and approved by Council.

Documentation submitted to CPsychI.  
Documentation validated.



Review panel consider request for reasonable adjustments. Additional professional support for decision sought if required.



Recommendations of the review panel communicated in writing to the trainee and to the Dean of Education.



The trainee may appeal the decision to the Appeals Panel.



The decision of the Appeal panel will be communicated to the trainee.



If the trainee is dissatisfied with the decision of the Appeal Panel they may make a final written appeal to the President



Once the appeal has come to a conclusion there are no further right to appeal within the structures of CPsychI.