

Reasonable Adjustment (Disability) Policy

April 2020

This policy was developed in April 2020 and undergoes an annual review. The policy is approved by the RCPI Executive.

Policy Title	Referral Policy (Health & Wellbeing Office)
Approvers	Executive Board
Author(s)	Health and Wellbeing Department
Applies to	RCPI Postgraduate Trainees and Trainers
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1. Purpose

- a. The purpose of this document is to outline the process RCPI follows when a trainee indicates a potential disability at time of application for training or during the course of training in one of its postgraduate training programme.
- b. 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.

2. 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 term “Disability” which is covered under the equality legislation (Employment Equality Act 1998-2015).
- c. This policy applies to all doctors who at the time of application to RCPIs training programmes, disclose potential disability.
- d. This policy may also apply to trainees who are already on a training programme who disclose potential disability whilst in training.

3. Policy Overview

- a. This procedure aims, as far as possible, to:
 - i. eliminate Disability Discrimination
 - ii. ensure that trainees with disabilities have the same rights as other trainees
 - iii. promote recognition and acceptance of these rights within the RCPI community
 - iv. identify and support the Reasonable Adjustment needs of trainees with a disability through effective, open communication with all stakeholders

4. Commitment

- a. RCPI is committed to the principles of equality of opportunity for trainees.
- b. RCPI acknowledges that it has a responsibility to conduct its operations in ways that do not disadvantage people with a disability as described under the Employment Equality Acts 1998-2015. To achieve this commitment, RCPI will:
 - i. promote and foster an environment which encourages positive, informed and unprejudiced attitudes towards trainees with disabilities
 - ii. ensure that requests for Reasonable Adjustments for trainees with disabilities are considered fairly, completed as soon as practicable and are appropriately monitored and reviewed
 - iii. enable all trainees to have equal opportunity when being considered for training
 - iv. liaise with local sites to ensure that the needs of trainees with disability are met in relation to the physical environment of each training sites

5. Disclosure of a Disability

- a. RCPI acknowledges that information provided about a Trainee's disability or health status is personal and private and will respect the confidentiality of all such information in accordance with the Data Protection Act 2018.
- b. At registration and annual declaration with the Medical Council, all doctors must disclose any a physical or mental disability (including addiction to drugs or alcohol) which may impair ability to practice medicine or a particular aspect thereof. RCPI Trainees are required to fulfil their obligation as set out by the Medical Council disclosure protocol.
- c. If a Trainee chooses to not disclose a disability, RCPI Health and Wellbeing will not be able to provide additional support as per policy.
- d. If an applicant discloses disability at time of application, this information is generally not shared with the interviewing panel, unless appropriate to do so. This will be judges on a case-by-case basis and with applicant's consent.

6. Reasonable Adjustment

- a. The principle of Reasonable Adjustment allows that wherever it is possible, and necessary and reasonable to do so, RCPI must consider a Trainee's 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.
- b. Reasonable Adjustments for trainees are measures recommended by the RCPI to ensure that all trainees have equal opportunity to participate in all aspects of training, including the following:
 - i. recruitment processes
 - ii. performance of duties
 - iii. training evaluation
 - iv. access to professional and career development
 - v. physical access to building and facilities on RCPI campus
 - vi. access to information
- c. As training takes place at clinical sites (i.e. hospitals, industry facility), workplace adjustments will be discussed with the HSE HR or the workplace HR department at the clinical training placement. Changes may be, where possible, introduced into the workplace that take account of a trainee's disability so that they can use their skills effectively and access the same benefits, terms or conditions of employment as other trainees.
- d. Adjustments may include but are not limited to:
 - i. provision of appropriate considerations or assistance to ensure there is no barrier in the selection process
 - ii. adjustment to training practices
 - iii. provision of training or retraining
 - iv. providing essential information in suitable formats
 - v. flexible training arrangements
 - vi. changes in training rotation
 - vii. the length of time it would take to complete the training
- e. 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. Before claiming that adjustments are unjustified, RCPI must:
 - i. thoroughly consider how an adjustment might be made
 - ii. discuss this directly with the trainee involved
 - iii. consult relevant sources of advice

7. Exemptions Under the Legislation

- a. 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:
 - i. where provision of adjustments or measures would place a disproportionate burden
 - ii. where, even with the provision of all appropriate adjustments, the trainee is unable to fulfil the inherent requirements of the training programme
 - iii. 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 RCPI 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
 - iv. where, even with the provision of all appropriate adjustments, it is not possible to meet occupational health and safety requirements

8. Accessing Assistance

- a. A Trainee who believes that they may require assistance should in the first instance (as soon as reasonably possible) contact the RCPI Health and Wellbeing Department representative or the local HR department, where appropriate (if already in a training post).
- b. A Trainee must provide reasonable notice of the need for adjustment and the necessary documentary evidence to support this request.
- c. Evidence may be provided by appropriately qualified health professionals. Any expenses related to seeking relevant assessment and documentation will be paid by the Trainee
- d. If necessary, RCPI will arrange for professional advice to assist in assessing the Trainee's needs. This advice will specify:
 - i. the nature of the disability or disabilities
 - ii. the functional limitations placed on the Trainee by this Disability
 - iii. whether the disability is likely to improve or worsen in time and may require review
- e. In assessing the assistance required, the Inherent Requirements of the training and the specialty of training are considered.
- f. Consultation will occur between the Trainee, the Training Body and the training site's Human Resources department (for advice and where appropriate).
- g. The Trainee will be advised by RCPI of the outcomes of their request for assistance and adjustment.

9. Processing a Request

Informing the RCPI

If a Trainee or an applicant wishes to inform the RCPI of a disability requiring reasonable adjustment, he/she are required to submit all relevant and recent supporting documentation written by the appropriate health professional (e.g., treating physician, Occupational Medicine physician, psychiatrist, education psychologist). The supporting documentation should include the nature of the adjustment requested i.e. avoiding prolong standing.

The information must be submitted to the RCPI disability officer either by post or email wellbeing@rcpi.ie

Stage One - Initial verification

1. Once all information is received, the request will be reviewed by RCPI Health and Wellbeing Department representative and will be validated.
2. The disability officer will consider if further independent assessment is required and will inform the person in writing

Stage Two – Establish a review panel

The disability officer will establish a panel to consider the request for reasonable adjustment in detail and produce recommendations. This panel will consist of:

- (i) The Regional Programme Director (RPD) or the National Specialty Director (NSD)
- (ii) Director of Training or a nominee
- (iii) The disability officer or an RCPI staff member from the Senior Management Group

The panel will review the request, consider recommendation and will forward to the relevant Training Board which will then make their final decision regarding reasonable adjustments.

Stage Three - Outcome

Once a decision regarding the reasonable adjustment is made, the Panel will inform the individual of their decision.

The Panel will inform the training body who will liaise with the appropriate RCPI personnel to implement the Panel's recommendations.

Stage Four - Appeal [If Invoked]

If the decision regarding reasonable adjustment is not satisfactory to the individual, they can refer to the Appeals Policy of RCPI:

- a) The person making the complaint, or the respondent has a right to appeal the Panel's decision. Please refer to the RCPI Postgraduate Training Appeal Policy (PTE007).
- b) Once the RCPI Postgraduate Training Appeal Policy (PTE007) is exhausted, there is no further right of internal appeal.

10. Review

This Policy shall be subject to review every three years from the date of approval of this document by the Executive Board

Approved By:	Date
Executive Board	
Review	
Review by Executive Board	

RCPI is GDPR compliant. Should you have any queries on GDPR please contact dataprotectionofficer@rcpi.ie.