



# **Guidelines for the Management of Risk for Students and Staff with Disabilities**

## **Background and Rationale for the Development of these Guidelines**

The Disability Service within Trinity College Dublin has produced this document with the aim of proposing guidelines for the interaction between the Disability Service, students whom are registered with the Disability Service, college services and academic departments, with the aim of facilitating the participation of students with disabilities within the practical elements of their chosen courses and college life.

These guidelines aim to provide a format for assessing a student with a disability's ability to engage in the occupational demands within a given course, which adheres to the dual responsibility that College holds to provide reasonable accommodations to students with disabilities and to provide a safe and healthy work environment for all its employees, contractors, students and visitors.

As outlined in the [Disability Service Code of Practice](#), a reasonable accommodation might be any action that helps alleviate a substantial disadvantage. Making a reasonable accommodation might involve changing procedures, modifying the delivery of the course taken, providing additional services (e.g. examination arrangements, materials in large print), or altering the physical environment. These duties are anticipatory requiring College to move away from ad-hoc provision in responding to the needs of students with disabilities to the creation of a learning and teaching environment where provision is seen as equal to and not different from provision for other students. The Labour Court has described the purpose of the reasonable accommodation duty as "The provision of special treatment or facilities...not being an end in itself. It is a means to an end and that end is achieved when the person with a disability is



placed in a position where they can have access to, or as the case may be, participate in, or advance in employment or undergo training... The scope of the duty is determined by what is reasonable....This is an objective test which must have regard to all the circumstances”.

An assessment of the student's needs shall be carried out by the College Disability Service which, in consultation with the student, and where appropriate the relevant school/discipline and work-based placement staff. The Disability Service shall produce a Learning and Educational Needs Summary (LENS) document detailing the student's needs and the manner in which such needs should be reasonably accommodated.

Based upon this needs assessment process and the student’s chosen course, an assessment of the occupational demands involved in the course may be required to ascertain any risks that may be involved with the student’s functioning within this environment and more importantly to ensure reasonable accommodations that can be put in place to enable the student to participate.

Trinity College Dublin has outlined a [risk management policy](#) in which it defines risk as “any threat to the achievement of objectives and recognises that risk is unavoidable and that the effective management rather than elimination of risk is its objective.” The idea of ‘risk’ is often perceived as a wholly negative process, whereas risk management is defined as “the culture, processes and structures that are directed towards realising potential opportunities whilst managing adverse effects”<sup>1</sup>.

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<sup>1</sup> Australian /New Zealand Standard Risk Management (AS /NZS4 360:2004), 3rd Edition, Standards Australia International Ltd, Sydney and Standards New Zealand, Wellington, ISBN 0 7337 5904.



**The guidelines within this document have been adapted from the following;**

1. [Health and Safety Authority Guidelines on Risk Assessments and Safety Statements](#)
2. [Health Service Executive Risk Management in Mental Health Services](#)
3. [Trinity College Dublin Risk Management Policy](#)
4. [Trinity College Dublin Fitness to Practice Policy](#)



## Procedure for Assessing Occupational Demands within a Course



Figure 1: Six step approach to assessing the occupational demands within a given course



## **1. Establish the Context**

Prior to engaging in the process, it is important to establish the relevant national legislation, international standards of practice, as well as the policies and procedures, within the college and in individual faculty and course. (Please see appendix 1) The guidelines within this document are intended to accompany the existing college policies as outlined in appendix 1.

## **2. Identifying a potential risk related to the occupational demands of the course**

### **2.1 A potential risk may be identified;**

- 2.1.1 As part of the needs assessment process between the student and the Disability Officer.
- 2.1.2 By a School /Department in which the student is studying.
- 2.1.3 By Occupational Health / College Safety Office within the college.

(Please see appendix 4 for a sample of disability related risks and for possible associated reasonable accommodations. This list is purely for illustrative purposes.)

### **2.1.1 A potential risk is identified as part of the needs assessment process between the student and the Disability Officer.**

- Where a potential risk is identified in the student's engagement in the occupational demands of the course, as part of the needs assessment process, the Disability Service may, with the student's consent, request that a meeting be arranged between the student, the Disability Officer and the relevant course / placement staff members. As appropriate staff from the College Safety Office and occupational health may be invited to this meeting. It is important that the outline and reason for this meeting is clearly communicated to the student in advance of its taking place.



- Within this meeting there is an opportunity to discuss the student's needs, the occupational demands of the course and how these demands can possibly be accommodated and supported to enable the student's participation.
- The provision of any reasonable accommodations that arise out of this meeting should be recorded in the student's Learning Education Needs Summary (LENS) by the student's Disability Officer, and forwarded to the relevant school / department.
- If a student chooses not engage in this process of making reasonable accommodation, and serious concerns about an aspect his/her engagement in the occupational demands of the course remain, then in the first instance, the student will be invited again to participate. If this is unsuccessful, the Disability Service has a duty of care to others and in this case shall be dealt with in accordance with the procedures outlined in College statutes/Fitness to Practice Policy.

### **2.1.2 A potential risk is identified by a School /Department in which the student is studying.**

- If the student is registered with the Disability Service, the Head of School/ Academic Liaison Officer or nominee can contact the Disability Service to initiate the process outlined within section 2.1.1. As described within section 2.1.1, this Disability Officer may only request this meeting with the student's consent.
- If the student has disclosed a disability to a staff member but is not registered with the Disability Service, the Head of School or nominee should recommend to the student that he / she contacts the Disability Service to register and engage in the needs assessment process.



### **2.1.3 A potential risk is identified by Occupational Health / College Safety Office within College.**

- If the student is registered with the Disability Service, the Occupational Health Officer or College Safety Officer may contact the Disability Service to initiate the process outlined within section 2.1.1. As described within section 2.1.1, this Disability Officer may only request this meeting with the student's consent.

### **3. Assess the risk factors**

- Following the meeting outlined in section 2.1.1, a practical assessment of the effectiveness of these reasonable accommodations, in facilitating the student's engagement in the demands of the course can be requested.
- Responsibility for the development of this assessment procedure lies primarily within the school or department where the student is studying as this is where the specific knowledge of the occupational demands lies. This assessment procedure should be in line with the departmental safety statement and college safety policies. The assessment procedure may be developed in consultation with the College Safety Officer or other relevant expert.
- The assessment should aim to be a careful and systematic account of what can cause harm and how this can be prevented. The aim is to decide on what control measures can reasonably be implemented so that the student with a disability is treated fairly, while also minimizing risk.



- During the assessment it is important to objectively examine the specific areas where a possible risk exists and to avoid making stereotypical assumptions about the student's ability to engage in the occupational demands required.

#### **4. Provision of Reasonable Accommodations**

- An outline of the assessment procedure and of the provision of accommodations should be provided to the student and the Disability Service prior to the assessment taking place.
- As required, the student should have an opportunity to develop his / her ability to fully avail of the reasonable accommodation provided.
- With the consent of the student, the Disability Officer may request recommendations from relevant experts or support staff in making and establishing appropriate reasonable accommodations for the student.
- If following the practical assessment, there are concerns that the reasonable accommodations provided are not appropriate or working well, the Disability Service, in conjunction with the student, the relevant school/discipline should review the provision of reasonable accommodation to evaluate if it can be improved or amended.
- If following this amendment to any reasonable accommodations, serious concerns about an aspect his/her engagement in the occupational demands of the course remain, the case shall be dealt with in accordance with the procedures outlined in College statutes/Fitness to Practice Policy.





## 5. Record the Findings

- The provision or amendment of any reasonable accommodations that arise out of the initial meeting or following the practical assessment should be recorded in the student's Learning Education Needs Summary (LENS) by the student's Disability Officer, and forwarded to the relevant school / department.
- The outcomes of the practical assessment should be recorded within the Department or School and a copy should be provided to the student and the student's Disability Officer.
- Above all, the findings of the practical assessment need to be workable and clearly communicated solutions that specify what reasonable accommodations need to be implemented and who is responsible for them.

## 6. Monitoring and Reviewing

- The practical assessment and the reasonable accommodations that follow need to be reviewed any time there is a significant change to the risk factors. These are most likely to occur when a new academic term starts, where there may be many changes of venue and tasks to complete. Where there is little perceived change of risk, the assessment should be reviewed at least once per annum.
- Any changes resulting from a review must be reflected in updated documentation and communicated to all the relevant personnel (i.e. LENS, recorded risk assessment etc



## Appendix 1: Relevant Legislation

### 1.1 Risk Management Standards;

- Irish Standard - ISO 31000:2009 Risk management – Principles and guidelines (ISO 31000:2009)
- Australian New Zealand Standard AS/NZS ISO 31000:2009

### 1.2 Relevant Legislation

- **Employment Equality Acts 1998-2011**
- **Equal Status Acts 2000-2011:** Key Features: Statutory Prohibition on Discrimination on nine grounds, one of which is DISABILITY, the hallmarks of which are an inclusive definition of disability and a requirement for reasonable accommodation provision.
- **Disability Act 2005:** Statutory provision to support and protect the participation of disabled persons in everyday living, including education and employment.
- **Safety, Health and Welfare at Work Act 2005 & attendant Regulations:** S. 8 General duty of care owed to employees S. 22 Health Surveillance, S. 23 Medical Fitness for Work.
- **Data Protection Acts 1988-2003:** Statutory provision to protect individual's personal data which is processed.

### 1.3 Relevant Trinity College Policies

- [Risk Management Policy](#)
- [Equality Policy](#)
- [College Safety Statement](#)



- [Departmental Safety Statements](#)
- [Mental Health Policy](#)
- [College Statutes on Student Conduct](#)
- [Fitness to Practice Policy](#) (Section 4 offers guidelines to be followed for students with disabilities).



## Appendix 2: Reasonable Accommodations

Each student is viewed as unique and that accommodations (adjustments and supports) are determined on a case-by-case basis. Accommodations are discussed and provided from the perspective that a student's college years are a **pre curser to his / her working years** and any supports that are put in place for college years might then need to be translated into supports that are possible in the workplace

**Reasonable accommodation may include, but is not limited to, the provision of:**

- Assistive technology
- Human / personal supports (such as Occupational Therapy, note-takers, readers, Irish Sign Language interpreters, etc.)
- For health professions, personal assistance is considered appropriate provided that the individual's knowledge and skill are assessed, rather than that of the assistant.
- Additional time, e.g. in exams or additional time to learn specific skills.
- Information in alternate formats.
- Physical access to required areas and / or timetabling of course elements into accessible locations.
- Alternate forms of assessment.
- Alternate or specifically selected practice education experiences that enable the student to demonstrate core competences in an environment with fewer barriers.



### Appendix 3: Reference to Reasonable Accommodation within Legislation

- **Section 16(3) (b)** of the Employment Equality Acts, **the** employer shall take appropriate measures, where needed in a particular case, to enable a person who has a disability –
  - I. To have access to employment
  - II. To participate or advance in employment
  - III. To undergo training.
- **‘Appropriate measures’**: this may include adapting premises or equipment, patterns of working time, distribution of tasks or providing training or integration resources, but do not include any treatment, facility or thing that the person might ordinarily provide for themselves.
- Unless the measures would impose a **disproportionate burden** on the employer as outlined in **Section 16 (3) (c)** of the Employment Equality Act– this is determined by regard to:
  - (i) The financial and other costs,
  - (ii) The scale and financial resources of the employer
  - (iii) Access to public funding.
- The Employer must have **knowledge** of the Disability to trigger the reasonable accommodation. Knowledge may be Actual or Constructive (employer ought reasonably to have known of existence of disability).



## **Appendix 4: Sample of disability related occupational issues and their associated reasonable accommodations.**

The examples below are illustrative only and should not be used as a template or reference in carrying out a risk assessment. It is important to remember that each student is unique and that their occupational needs and required reasonable accommodations will be distinctive for each student.

Example 1: Individual with photo sensitive epilepsy.

Environment: Any area in College with strobe lighting.

Possible Occupational Issue: Epileptic seizure.

Reasonable Accommodation: Avoid or reduce exposure to sources of strobe lighting.

Example 2: Individual experiencing side effects from medication.

Environment: Placement in social care setting.

Possible Occupational Issue: Student may not be able to attend early mornings.

Reasonable Accommodation: Move placement times to afternoon and evening.

Example 3: Individual with a physical difficulty leading to reduced mobility.

Environment: Chemistry Lab.

Possible Occupational Issue: Carrying chemicals in lab.

Reasonable Accommodation: Assign a lab partner to assist.

Example 4: Individual with a hearing impairment.

Environment: Placement in hospital.

Possible Occupational Issue: Unable to hear alarms.

Reasonable Accommodation: Set up pager system.