

HONG KONG ACADEMY OF MEDICINE

Guidelines for Handling of Requests of Specialist Trainees with Disability or Special Educational Needs

Introduction

1. The Hong Kong Academy of Medicine ("**HKAM**") and its 15 constituent Colleges are committed to promoting positive educational outcomes and meeting the objective of equal opportunities of specialist trainees with Disability and Special Educational Needs ("**SEN**"), while maintaining professional standards required for training of medical / dental specialists in Hong Kong. This set of Guidelines is for Colleges' reference only, which aims to provide Colleges with the relevant principles and guidance in handling requests for Special Accommodation from specialist trainees with Disability or SEN. Each College is responsible for the establishment of respective mechanisms / procedures for handling relevant cases within its purview.
2. This set of guidelines and respective mechanisms / procedures devised by Colleges should ensure compliance with the Disability Discrimination Ordinance (Cap 487 of the Laws of Hong Kong).
3. The professional standards and requirements expected in the training of medical / dental specialists should not be compromised, as specialist trainees have duties and responsibilities unique to their profession and are obliged to attain and maintain adequate standards.

Interpretation

4. For the purpose of this set of Guidelines:

"Disability" has the same meaning as in the Disability Discrimination Ordinance (Cap 487 of Laws of Hong Kong).

"Special Accommodation" means measures or actions taken in order to fulfill the educational and training needs of the specialist trainees with disabilities or SEN, such as the provision of aids, facilities or services to meet his or her individual needs.

"Special Educational Needs (SEN)" applies to specialist trainees who have significantly greater difficulty in learning or receiving training than most others undergoing specialist training and who are not able to benefit from the ordinary provision of specialist training made generally available for their counterparts without additional support or adaptations in the training. SEN can cover a wide range of needs including physical or mental disabilities and cognition or educational impairments, including but not limited to:

Type of SEN	Example
Physical and Sensory Disabilities	Visual Impairment
	Hearing Impairment
	Physical Impairment
Learning and Developmental Disabilities	Specific Learning Difficulties
	Attention Deficit/ Hyperactivity Disorder
	Autism Spectrum Disorder
	Developmental Coordination Disorder
Mental Illness	Chronic depression Anxiety disorders Obsessive compulsory disorders
Others	Chronic medical illness, acquired brain injury, and more than one type of disabilities

Assessment of Special Needs from Specialist Trainees

5. A medical/assessment report issued by a registered medical practitioner or a qualified professional (e.g. audiologist, speech therapist, psychologist, educational psychologist or clinical psychologist) is required for submission by the concerned trainee to his / her respective College. College would then consider and assess the extent of Special Accommodation required for the trainee, if any and where applicable. The respective College is required to handle the request according to its prevailing mechanism to arrive at a decision and to implement respective recommendation(s), if any, for the concerned case.

Endorsement and Review of Special Accommodation

6. The relevant College would need to submit its recommendation(s) on the Special Accommodation required for the concerned trainees to the Education Committee of the Academy for its endorsement, which has the power to review, endorse and/or reject the recommendations from the College, with the aim to determine and countercheck whether the College's recommendation(s) are aligned with the context of professional education and training of the cognate medical / dental specialists in Hong Kong. The Education Committee of the Academy may form an ad hoc review panel for specific case(s) when such need arises, and determine the procedure of its meetings as appropriate. Recommendations and views on specific cases would be reported to the Academy Council for deliberation as needed.
7. It is important to note that all trainees pursuing specialist training, regardless of whether they have a Disability or SEN, need to meet and possess the competencies set out for different stages of their training in order to ensure patient safety. Any Special Accommodation shall be reasonable and shall not compromise the standard and level of the professional education and training, including any assessment that a specialist trainee shall receive and undergo.

8. In considering the question of reasonableness¹, Appendix I might be referred to. With regard to Special Accommodation requests for extra time in assessment, the guiding principles are set out in Appendix II for reference.
9. When reviewing the Special Accommodation(s) recommended by the College, consideration should also be given to the needs and expectations of the public towards specialist trainees who are expected to be a specialist practicing in Hong Kong after completion of the training. Of note, according to the “Introduction” of the Medical Council of Hong Kong’s Code of Professional Conduct for the Guidance of Registered Medical Practitioners (October 2022), *“Medicine as a profession is distinguished from other professions by a special moral duty of care to save life and to relieve suffering. Medical ethics emphasizes the priority of this moral ideal over and above considerations of personal interests and private gains”*. In this respect, the threshold for granting Special Accommodation to specialist trainees with a similar Disability or SEN could vary across different professional degrees. All SEN requests shall be considered on a case-by-case basis by taking into consideration the unique circumstances as presented.
10. The decision / recommendation(s) endorsed or rejected (if applicable) by the Education Committee should be provided to the specialist trainee within 14 days from the date of decision, who should also be notified of:
 - (a) the fact that he/she has the right to appeal against the decision / recommendation(s) to the Academy Council; and
 - (b) the appeal procedures.
11. All aspects of the review, deliberations, determinations, and decisions should be handled under strict confidentiality, save that any such case information and the decision may be communicated between the Education Committee and the concerned College pursuant to paragraph 10 above.

Appeal against the decision or Special Accommodation granted

12. The concerned specialist trainee can lodge an appeal to the Academy Council against the decision or Special Accommodation granted under paragraph 10 above, by sending to the Chief Executive Officer of the Academy a notice of appeal in writing within 14 days after the date of notification stating the grounds of the appeal, and, if it is proposed to present any additional information, such additional information and any other supporting materials within 14 days after the appeal is lodged. If an appeal is commenced, the decision of the Education Committee with respect to the concerned specialist trainee shall be suspended pending the outcome of the appeal.

¹ “Reasonable accommodation” is defined in Article 5 of the United Nations Convention on the Rights of Persons with Disabilities as meaning “necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms”. Section 12.2 of the Code of Practice on Education under Disability Discrimination Ordinance (Cap. 487) also sets out the relevant considerations in determining what accommodations are to be made.

Membership of the Special Accommodation Appeal Committee

13. The membership of the Special Accommodation Appeal Committee should be appointed by the Academy Council.
14. For the avoidance of doubt, members of the Education Committee should not serve on the Special Accommodation Appeal Committee.

Proceedings of the Special Accommodation Appeal Committee

15. The Special Accommodation Appeal Committee is set up to assist the Academy Council to review and revisit the case concerned and is formed on a case-by-case basis.
16. Upon careful review, the Special Accommodation Appeal Committee may:
 - (a) dismiss the appeal; or
 - (b) substitute the original decision / recommendation(s) with its own decision.
17. The Special Accommodation Appeal Committee has the authority to determine the procedure of its meetings, including (but not limited to) waiving any breach of any of the aforesaid procedures and arranging for any part of its meetings to be conducted virtually.
18. The Special Accommodation Appeal Committee should make a decision within 30 days after the appeal is lodged, or upon receipt of any additional information and other supporting material (whichever is later).

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Appendix I

The following is extracted from the booklet “*Welcomed and valued: Supporting disabled learners in medical education and training: Chapter 3 - What is expected of medical education organisations and employers?*” published by the General Medical Council of the United Kingdom (GMC).

<https://www.gmc-uk.org/education/standards-guidance-and-curricula/guidance/welcomed-and-valued>

What does reasonable mean?

There is no set definition of what ‘reasonable’ means.

What is ‘reasonable’ can only be decided on a case-by-case basis, and will always depend on the individual person and their circumstances.

The Equality and Human Rights Commission (the “Commission”) advises that whether an adjustment is reasonable depends upon all the circumstances including:

- if and how effective the change will be in overcoming the disadvantage the disabled person would otherwise experience
- how practicable the changes are
- the cost of making the changes
- the organisation’s size and resources
- the availability of financial support

The Commission has published guidance setting out factors for organisations to consider in assessing whether an adjustment is reasonable. It suggests the following:

- You can treat disabled people better or ‘more favourably’ than non-disabled people and sometimes this may be part of the solution
- The adjustment must be effective in helping to remove or reduce any disadvantage the disabled student is facing. If it doesn’t have any impact then there is no point
- It may take several different adjustments to deal with that disadvantage but each change must contribute towards this
- You can consider whether an adjustment is practical. The easier an adjustment is, the more likely it is to be reasonable. However, just because something is difficult doesn’t mean it can’t also be reasonable
- If an adjustment costs little or nothing and is not disruptive, it would be reasonable unless some other factor (such as impracticality or lack of effectiveness) made it unreasonable
- What is reasonable in one situation may be different from what is reasonable in another situation
- If advice or support is available then this is more likely to make the adjustment reasonable
- If you think that making a particular adjustment would increase the risks to the health and safety of anybody then you can consider this when making a decision about whether that particular adjustment or solution is reasonable. But your decision must be based on a proper, documented assessment of the potential risks, rather than any assumptions

An adjustment will not be reasonable if:

- It is not effective in removing or reducing any disadvantage
- If the adjustment alters or reduces the competency required of the learner at the specific stage of training
- If the adjustment poses an unacceptable risk to the safety of the learner or others. This has to be based on an objective assessment of the risk

Appendix II

The following is extracted from the booklet “*Welcomed and valued: Supporting disabled learners in medical education and training: Panel 13 - Can schools provide an adjustment that is not considered as realistic in the clinical environment, such as extra time?*” published by the General Medical Council of the United Kingdom (GMC).

<https://www.gmc-uk.org/education/standards-guidance-and-curricula/guidance/welcomed-and-valued>

The assessment is designed to test specific competence standards. A reasonable adjustment can be made to enable a disabled student to meet the same standard expected of all students – it cannot change or lower that standard. The key factor is whether the element adjusted is part of the competence standards tested in that assessment.

Extra time is a possible reasonable adjustment. It depends on whether the medical school decides that the time component is part of the competence standards tested in that particular assessment. This also applies to other components, for example whether a competence you want to test is spelling, punctuation and grammar, or the language used in the questions. Medical schools can consider adjustments like the following examples. These examples are illustrative and decisions always need to be made on an individual basis.

- additional time for an assessment or specific components of an assessment
- not marking down on spelling, punctuation and grammar
- allowing students to use pen and paper
- allowing students to take the assessment in a quiet environment – for example, a person with dyslexia may find it very difficult to concentrate in busy overcrowded environments

When arranging support for assessments that simulate the clinical environment, medical schools may wish to consider that:

- it is natural for medical students to be more stressed than usual for an assessment. Stress can exacerbate a number of conditions – e.g. making a stammer worse than usual
- medical students and doctors are individuals of high ability and can develop successful coping strategies in clinical practice. For example, using templates to help structure written work; spellcheckers, dictation of notes, visual/audio methods, checklists, medical apps, and speech recognition software

Requests for adjustments need to be substantiated by the student, for example through a report by an educational psychologist. Similarly, schools have to substantiate declining requests for adjustments. A blanket policy is unlikely to be reasonable.

What is considered reasonable, and whether a particular adjustment would prevent the competence standard from being demonstrated, is a decision for each medical school to be taken based on the facts of each particular case.