

HONG KONG COLLEGE OF EMERGENCY MEDICINE 香港急症科醫學院 <u>Subject</u> <b>Guidelines for Handling of Requests of Specialist Trainees with Disability or Special Educational Needs</b>	Document No.	EC-TG-STA-002-V1
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	Approved by	Council / HKAM EC
	Page	1 of 5

# Hong Kong College of Emergency Medicine

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

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	HONG KONG COLLEGE OF EMERGENCY MEDICINE 香港急症科醫學院	Document No.	EC-TG-STA-002-V1
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	<b>Guidelines for Handling of Requests of Specialist Trainees with Disability or Special Educational Needs</b>	Approved by	Council / HKAM EC
		Page	2 of 5

## 1. Introduction

- (1) The Hong Kong College of Emergency Medicine is committed to promoting positive educational outcomes and meeting the objective of equal opportunities of specialist trainees with Disability or Special Educational Needs ("SEN"), while maintaining professional standards required for training of emergency medicine specialists in Hong Kong.
- (2) This guideline aligns with the Guidelines for Handling of Requests from Specialist Trainees with Disability or Special Educational Needs (SEN) of the Hong Kong Academy of Medicine.
- (3) This set of guidelines and respective mechanisms / procedures devised should ensure compliance with the Disability Discrimination Ordinance (Cap 487 of the Laws of Hong Kong) and comply with the guidelines for "Handling of Requests of Specialist Trainees with Disability or Special Educational Needs" of Hong Kong Academy of Medicine.
- (4) The professional standards and requirements expected in the training of emergency medicine 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 for taking care our patients in emergency department in Hong Kong.

## 2. Interpretation

### **For the purpose of this set of Guidelines:**

- (1) "Disability" has the same meaning as in the Disability Discrimination Ordinance (Cap 487 of Laws of Hong Kong).
- (2) "Special Accommodation" means measures or actions taken in order to fulfil 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.
- (3) "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"

HONG KONG COLLEGE OF EMERGENCY MEDICINE 香港急症科醫學院 <b>Subject</b> <b>Guidelines for Handling of Requests of Specialist Trainees with Disability or Special Educational Needs</b>	Document No.	EC-TG-STA-002-V1
	Issue Date	01 Sep 2025
	Review Date	Not applicable
	Approved by	Council / HKAM EC
	Page	3 of 5

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

### 3. When and How to apply for special accommodation

- (1) Trainees are advised to apply for special accommodation during enrolment as specialist trainee in HKCEM. They should hand in the medical assessment report and the special need for training assessments and examinations to their training supervisor of their training centre as supplementary information in their enrolment. Upon receiving the request, training supervisor should seek advice and recommendations from the Education Committee of HKCEM
- (2) For specialist trainees that need Special Accommodation for examination that has not been applied during trainee enrolment process, they should apply in the time of examination application with the document mentioned below.
- (3) If specialist trainees encounter new disability or Special Educational Needs during the training progress in HKCEM, they are advised to apply as the same procedure as stated in point (1) timely if necessary.

### 4. Assessment of Special Needs from Specialist Trainees

- (1) Specialist trainees submit a medical assessment report from a registered medical practitioner or qualified professional (e.g., psychiatrist, audiologist, speech therapist, psychologist, educational psychologist, or clinical psychologist) to the College. Based on this report, the College will evaluate the necessity and scope of Special Accommodation, if applicable.
- (2) The Education Committee of the HKCEM will form an Ad hoc Review Panel, chaired by Censor-in-Chief of Education Committee, or delegate, for special case(s) where such need arises. The membership of the panel will be appointed by the Education Committee of the HKCEM. This panel will consider and assess the extent of Special Accommodation required for the trainee, if any and where applicable. This panel will provide recommendations to the College Council for discussion and endorsement.

HONG KONG COLLEGE OF EMERGENCY MEDICINE 香港急症科醫學院 <u>Subject</u> <b>Guidelines for Handling of Requests of Specialist Trainees with Disability or Special Educational Needs</b>	Document No.	EC-TG-STA-002-V1
	Issue Date	01 Sep 2025
	Review Date	Not applicable
	Approved by	Council / HKAM EC
	Page	4 of 5

## 5. Endorsement and Review of Special Accommodation

- (1) Our college would need to submit our recommendation(s) on the Special Accommodation required for the concerned trainees to the Education Committee of the Hong Kong Academy of Medicine (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.
- (2) 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.
- (3) In considering the question of reasonableness<sup>1</sup>, “Guidelines for Handling of Requests of Specialist Trainees with Disability or Special Educational Needs” (Appendix I) of the Hong Kong Academy of Medicine 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.
- (4) 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.

<sup>1</sup> “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.

	HONG KONG COLLEGE OF EMERGENCY MEDICINE	Document No.	EC-TG-STA-002-V1
	香港急症科醫學院	Issue Date	01 Sep 2025
	<u>Subject</u>	Review Date	Not applicable
	<b>Guidelines for Handling of Requests of Specialist Trainees with Disability or Special Educational Needs</b>	Approved by	Council / HKAM EC
		Page	5 of 5

- (5) The decision / recommendation(s) endorsed or rejected (if applicable) by the Education Committee of Academy should be provided to the specialist trainee within 14 days from the date of decision, who should also be notified of:
- i. the fact that he/she has the right to appeal against the decision / recommendation(s) to the Academy Council; and
  - ii. the appeal procedures.
- (6) 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 5 above.

## **6. Appeal against the decision or Special Accommodation granted**

- (1) The concerned specialist trainee can lodge an appeal to the Academy Council against the decision or Special Accommodation granted under paragraph 5 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.
- (2) 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.
- (3) 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).
- (4) For the detail of the membership and proceedings of the Special Accommodation Appeal Committee, please refer to the Guidelines for Handling of Requests from Specialist Trainees with Disability or Special Educational Needs (SEN) of the Hong Kong Academy of Medicine.

HONG KONG COLLEGE OF EMERGENCY MEDICINE 香港急症科醫學院	Document No.	EC-TG-STA-002-V1
	Issue Date	01 Sep 2025
<u>Subject</u> Guidelines for Handling of Requests of Specialist Trainees with Disability or Special Educational Needs	Review Date	Not applicable
	Approved by	Council / HKAM EC
	Page	6 of 5

## 7. Workflow for Request of Specialist Trainees with Disability or Special Educational Needs



	HONG KONG COLLEGE OF EMERGENCY MEDICINE 香港急症科醫學院	Document No.	EC-TG-STA-002-V1
		Issue Date	01 Sep 2025
	<b>Subject</b>	Review Date	Not applicable
	<b>Guidelines for Handling of Requests of Specialist Trainees with Disability or Special Educational Needs</b>	Approved by	Council / HKAM EC
		Page	7 of 5

## 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

	HONG KONG COLLEGE OF EMERGENCY MEDICINE	Document No.	EC-TG-STA-002-V1
	香港急症科醫學院	Issue Date	01 Sep 2025
	<b>Subject</b>	Review Date	Not applicable
	<b>Guidelines for Handling of Requests of Specialist Trainees with Disability or Special Educational Needs</b>	Approved by	Council / HKAM EC
		Page	8 of 5

## 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.