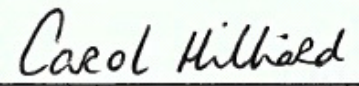
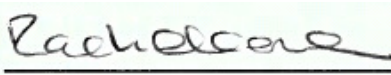



GUIDELINE ON USE OF VOICE RECORDING DEVICES AS A REASONABLE ACCOMMODATION IN THE CLINICAL AREA	
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Authorised By Name: Rachel Kenna Title: Deputy Director of Nursing	Signature _____ Date _____  18/3/14
Author/s	Naomi Bartley Clinical Placement Coordinator
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GUIDELINE ON USE OF VOICE RECORDING DEVICES AS A REASONABLE ACCOMMODATION IN THE CLINICAL AREA

1.0 Introduction

Our Lady's Children's Hospital Crumlin (OLCHC) is committed to promoting a clinical learning environment which supports staff and students with disabilities. Occasionally, individuals may require the use of recording devices as a reasonable accommodation to assist their performance in the clinical learning area. This guideline outlines the responsibilities for any individual that utilises a voice recording device as a reasonable accommodation within OLCHC.

2.0 Definition of Guidelines

This guideline represents the written instructions about how to ensure high quality care is provided. Guidelines must be accurate, up to date, evidence-based, easy to understand, non-ambiguous and emphasise safety. When followed they should lead to the required standards of performance.

3.0 Definitions / Terms

Disability is defined by:

- The Employment Equality Act 1998 as:
 - (a) the total or partial absence of a person's bodily or mental functions, including the absence of a part of a person's body,
 - (b) the presence in the body of organisms causing, or likely to cause, chronic disease or illness,
 - (c) the malfunction, malformation or disfigurement of a part of a person's body,
 - (d) a condition or malfunction which results in a person learning differently from a person without the condition or malfunction, or
 - (e) a condition, illness or disease which affects a person's thought processes, perception of reality, emotions or judgement or which results in disturbed behaviour

(Government of Ireland 1998: SECTION 2(1))
- The Disability Act 2005 as:


"A substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State, or to participate in social or cultural life in the State, by reason of an enduring physical, sensory, mental health or intellectual impairment".

(Government of Ireland 2005:6)

Voice recording device: any electronic device which can capture and/or record visual images or audible conversations. Devices include: tape recorders, dictaphones, smart/mobile phones, personal computers/ laptops, palmtop/netbook, assistive technology (e.g: LIVEscribe pen) (list is not exhaustive).

Reasonable accommodation: Appropriate measures or reasonable accommodations are effective and practical measures to adapt the workplace or training environment (Equality Authority 2010). Therefore, reasonable accommodation may relate to:

- altering the physical environment of the workplace
- using different methods to deliver the service or care
- providing assistive technology to facilitate the healthcare professional to carry out their role (Howlin & Halligan 2011).

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The Employment Equality Acts (Government of Ireland 1998, 2004) outline the responsibility of employers to take 'appropriate measures', in relation to a person with a disability and defines these measures as:

- (a) effective and practical measures, where needed in a particular case, to adapt the employer's place of business to the disability concerned,
- (b) without prejudice to the generality of paragraph (a), includes the adaptation of premises and equipment, patterns of working time, distribution of tasks or the provision of training or integration resources, but
- (c) does not include any treatment, facility or thing that the person might ordinarily or reasonably provide for himself or herself;

Under the Employment Equality Act a body that provides vocational training must take "appropriate measures" to enable a person who has a disability to undertake training unless the measures would impose a disproportionate burden on the body (Government of Ireland 2004: Section 16(3)(c)).

Under the Equality legislation there is the caveat that the provision of reasonable accommodations does not place a disproportionate burden on the employer.

Clinical contact person: This is a designated person in OLCHC, usually the Nursing Practice Development Coordinator, who coordinates communication between OLCHC, the University, the nursing student who is registered with a disability and others as required. The Clinical Contact Person will review the students' clinical needs assessment and consider the individual reasonable accommodations (UCD 2011). The Clinical Contact Person can discuss the reasonable accommodations with the Disability Liaison Team in the School of Nursing, Midwifery and Health Systems in the University as, and when, the need arises.

4.0 Applicable to:

These guidelines are applicable to:

- a) staff/students who use a voice recording device as a reasonable accommodation and/or
- b) those staff who work in a supportive/supervisory capacity for a person who uses a voice recorder as a reasonable accommodation.


This guideline will be implemented as part of the supportive measures for staff/students with a disability working within OLCHC.

Failure to adhere to the guidance contained herein may lead to disciplinary action being taken.

5.0 Objectives of the Guideline

The purpose of the guideline is to promote safe, effective and consistent practice in relation to when, why and how a voice recorder may be used as a reasonable accommodation in the clinical area. The guideline will:

- support staff/students with a disability to deliver high quality patient care
- ensure patient confidentiality
- outline/support good practice for OLCHC staff/students when using a recording device

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6.0 Guidelines on the use of voice recording devices in the clinical area

6.1 Indications for using a voice recording device


- While there is no legal obligation for an individual to disclose their disability, they are strongly advised to do so in order to avail of support and reasonable accommodations (AHEAD 2008, Howlin & Halligan 2011). It is important to note that if an individual chooses not to disclose their disability, they are unable to avail of any required reasonable accommodations.
- A clinical needs assessment is required to determine and approve the use of a recording device when appropriate as a reasonable accommodation.
- Nursing students with a disability will undergo a clinical needs assessment by the Higher Education Institution (HEI)
- Clinical Contact Person will link with the HEI in relation to nursing student's clinical needs assessment
- The Clinical Contact Person will link with the OLCHC HR Manager to advise on the specific reasonable accommodations as outlined in the Clinical Needs Assessment.
- Hospital employees with a disability will undergo an assessment of needs by the occupational health department. This includes rostered nursing students who have not previously undergone a clinical needs assessment by the HEI.

6.2 Approval to use a voice recording device in the clinical area

- Written approval must be obtained in advance from the relevant personnel (Clinical Contact Person/ Occupational Health/ Human Resources/ Departmental Manager) before the voice recording device can be used in the clinical area.
- For nursing students, the need to use a voice recording device will have been identified during their assessment of needs by the Disability Support Services of their university. Documentary evidence of this must be provided to the Clinical Contact Person in OLCHC prior to the student commencing clinical placement
- Any student/staff member who wishes to use a recording device must follow this guideline

6.3 Correct Use of Recording Devices

1. The individual is responsible for advising the Clinical Nurse Manager/Supervisor of the use of a recording device as a reasonable accommodation.
2. The individual must seek the approval of the CNM/Supervisor to use the device in the ward or department
3. This will be verified by the Clinical Contact Person if it involves a nursing student or by the HR Department if the individual is an employee
4. It is the individual's responsibility to ensure the device is operating correctly and to consult with the clinical engineering department if there is a concern that the device may interfere with clinical equipment.
5. Voice recording devices may only be used for nursing handovers/multidisciplinary discussions/team meetings within an office environment. Recording devices may not be used for any other purposes, specifically recording devices must not be used for the recording of patients/parents, or staff members outside of this context.
6. At the discretion of the Clinical Nurse Manager/Supervisor, the staff member may be asked to stop recording if an item is being discussed which is of particular sensitivity.
7. The individual must advise colleagues that he/she is using a voice recording device and obtain their verbal permission to do so.
8. If a colleague refuses to have their conversation recorded, they must give a clear reasonable rationale for this and consider alternative reasonable accommodation(s) to facilitate communication for the individual.
9. Recordings must be relevant and appropriate to patient care only.
10. Ear phones or ear plugs must be used to listen to the playback of the recording.
11. Recordings must be deleted upon completion of each shift. This may be checked by a Clinical Nurse Manager/Clinical Contact Person/Supervisor.

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12. The capturing of recording must not disrupt essential hospital routines or patient care.
13. Recordings shall not be given to or shared with any third party. This includes sharing of recordings through any electronic medium, including intranet, email, or mobile phones.
14. The individual is responsible for the maintenance/decontamination of their recording device
15. The individual is responsible to ensure the device is suitable for use in a clinical environment. Requirements include:
 - suitable for the individual's specific needs
 - ability to delete information
 - ability to clean and decontaminate the device appropriately

7.0 Special Considerations

Confidentiality

- All healthcare professionals have a duty of care to ensure best practice and patient confidentiality at all times. All care must be given in accordance with the Guidelines for Good Practice (OLCHC 2007).
- Conversations should only be recorded when clinically relevant and with agreement from all parties present. If a colleague refuses to have their conversation recorded, they must give a clear reasonable rationale for this and consider alternative reasonable accommodation(s) to facilitate communication for the individual.
- Within OLCHC, recordings are only permitted within the nurses' station /offices.
- The privacy of the child and family must be protected at all times.
- Recordings are **not permitted** at the bedside or during direct communication with the child/family/guardians/carers. It is **not permitted** to record the child/family/carers at any time. In these instances, other reasonable accommodations will be used to support the individual to communicate effectively, including turning towards the speaker, limiting unnecessary noise by, for example, turning televisions off.
- Any individual using a recording device must be cognisant of patient confidentiality, Data Protection and Freedom of Information legislation.
- Any breach of patient confidentiality or data protection requirements will be subject to disciplinary proceedings
- This guideline refers specifically to voice recording devices as a reasonable accommodation and does not permit the use of **video** recording as a reasonable accommodation

8.0 Companion Documents


ADEAD (2012) *National Guidelines for Working with Nursing and Midwifery Students with a Disability or Specific Learning Difficulty in Clinical Practice*, AHEAD, Dublin.

Howlin F. & Halligan P. (2011) *Supporting Nursing and Midwifery Students with a Disability in Clinical Practice: A Resource Guide for clinical and academic staff*, UCD, Dublin.

OLCHC (2007) *Prevention of abuse of children by a staff member while in the care of the hospital*. OLCHC, Dublin 12.

OLCHC (2012) *Guideline for Supporting Nursing Students with a Disclosed Disability on Clinical Placement*. OLCHC, Dublin 12.

OLCHC (2013) *Dyslexia and the Clinical Learning Environment*. OLCHC, Dublin 12.

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9.0 Implementation Plan

Communication and Dissemination

- Guidelines will be posted on hospital Intranet
- Hard copies of the guidelines will be included in the Nurse Practice Guideline Folder/Nursing Student Information Folder in each clinical area
- Email will be circulated to all staff informing them of issue of guideline
- Information will be circulated in NPDU Newsletter

Training

- Education and training will be delivered at departmental level using existing educational resources, e.g. Clinical Placement Coordinators, Clinical Nurse Facilitators
- Education is included in induction packages for relevant clinical areas / staff

10.0 Monitoring and / or Audit

Evaluation and Audit includes:

- Information in relation to use of recording devices in the clinical area, including feedback from the users and those staff who are supporting users in the areas in which a recording device is used
- Feedback from staff on the guidelines to contribute to ongoing guideline development and support for individuals with disabilities.
- Periodic audits of deletion of data from recording devices.

11.0 References

AHEAD (2008) *Good Practice Guidelines for the Providers of Supports and Services for Students with Disabilities in Higher Education*, AHEAD, Dublin.

Equality Forward (2007) *Exploring Disability Disclosure Amongst College and University Staff in Scotland*. Available:
www.equalityforwardscotland.ac.uk/assets/0000/0082/Disability_disclosure_full.pdf.

Government of Ireland (2003). *Data Protection Act 2003*.
 Available: <http://www.dataprotection.ie/viewdoc.asp?DocID=796&ad=1> .

Government of Ireland (1998) *Employment Equality Act 1998*.
 Available: <http://www.irishstatutebook.ie/1998/en/act/pub/0021/index.html> .

Government of Ireland (2000) *Equal Status Act 2000*.
 Available: <http://www.irishstatutebook.ie/2000/en/act/pub/0008/print.html> .

Government of Ireland (2004) *Equality Act 2004*.
 Available: <http://www.irishstatutebook.ie/2004/en/act/pub/0024/index.html> .

Government of Ireland (2005) *Disability Act 2005*.
 Available: <http://www.irishstatutebook.ie/2005/en/act/pub/0014/index.html> .

Howlin, F. & Halligan, P. (2011) *Supporting Nursing and Midwifery Students with a Disability in Clinical Practice: A Resource Guide for clinical and academic staff*, UCD, Dublin.

OLCHC (2007) *Prevention of abuse of children by a staff member while in the care of the hospital*. OLCHC, Dublin 12.