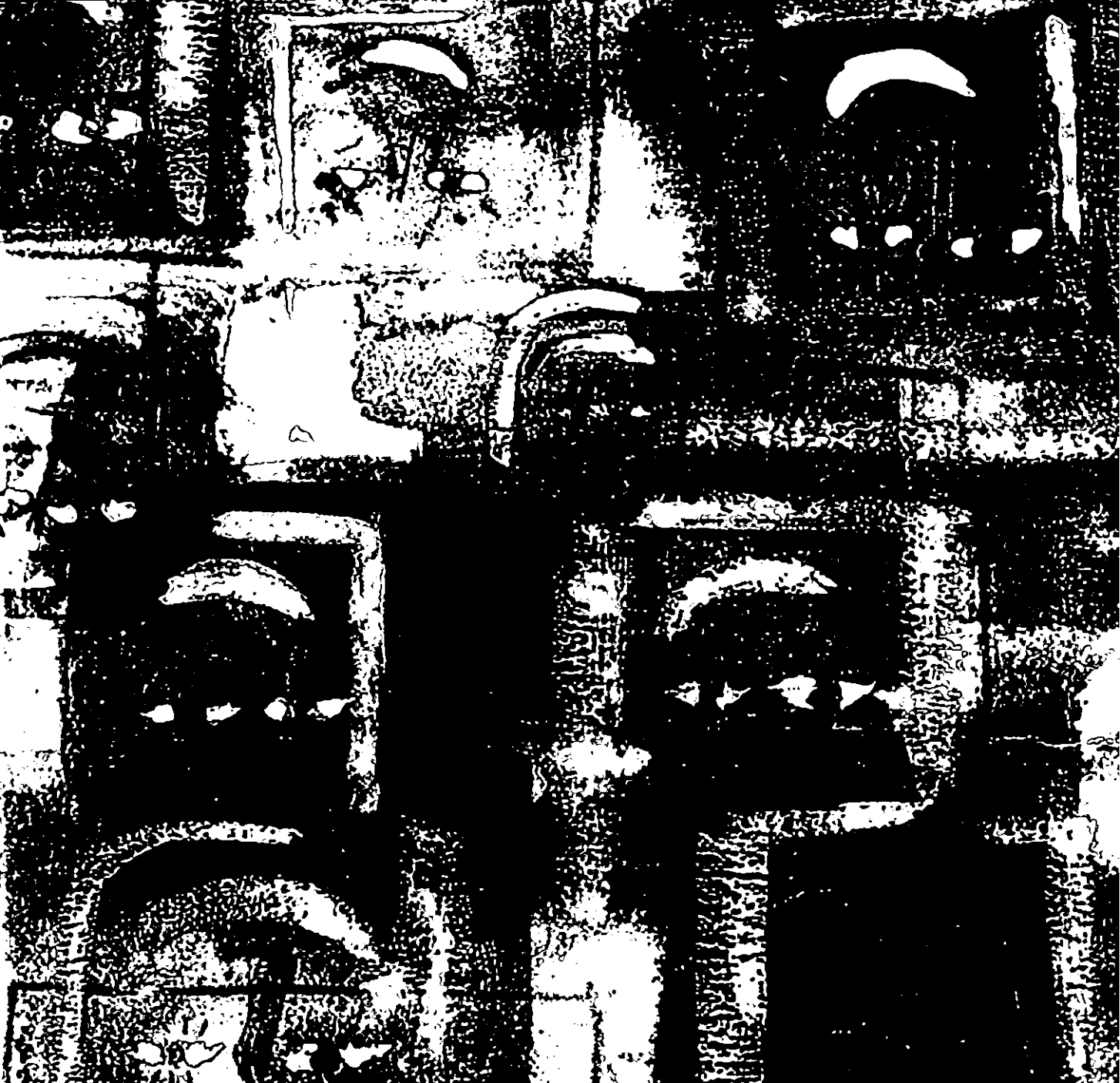


Guidelines on the
Development of a
Code of Practice for the
**Employment of People
with Disabilities in the
Health Service**



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1. Introduction

Background

Modern Human Resource Management demands the promotion of an equality agenda. An integral component of any equality agenda is the promotion of issues relevant to people with disabilities.

The Government established the Commission on the Status of People with Disabilities to ostensibly advise on practical measures to ensure that people with disability can exercise their rights to participate in economic, social and cultural life. Employment was identified as a major factor in the lives of people with disability in achieving economic and social independence.

National agreements since the early 1990's include commitments to address disability issues including employment. More recently Partnership 2000 and the Programme for Prosperity and Fairness give commitments to address issues relevant to the employment of people with disabilities including a target of 3% employment levels in the public service. Measures to achieve the target include the preparation and active promotion of Codes of Practice on the Employment of People with Disabilities and the identification of suitable employment opportunities within the public service.

A Committee representative of Government Departments, the Social Partners and relevant interest groups dealing with people with disability was set up to monitor the commitment in Partnership 2000 to a 3% target level of employment in the public service. The Committee in its deliberations found that the active promotion of codes of practice in relation to the employment of people with disability is a major factor in guiding and informing public service employers in relation to the issues involved in employing people with disability.



Accordingly, the Department of Health & Children asked the Health Service Employers Agency to prepare guidelines which will:

- ✓ raise awareness of the issues involved among health service employers'.
- ✓ identify the issues which each individual health service employer needs to address when developing/reviewing their own policies and Codes of Practice.
- ✓ reaffirm the Government's commitment to the employment of people with disabilities in the health services.
- ✓ assist in progressing the achievement of the 3% target in the health services.

A working group representative of the HSEA, IBEC and health service employers was thus established to develop these guidelines.

Purpose of the Guidelines

The purpose of these guidelines is to set out a framework that should outline the development of Codes of Practice by individual health service employers covering the Employment of People with Disabilities. It sets out policy and best practice to ensure that people with disabilities are enabled to access employment in the health service and are assisted to achieve their full potential in their working life.

The guidelines aim to do more than meet the requirements set down under the Employment Equality Act 1998. They are aimed towards increasing the pool of applicants for health service job opportunities by specifically targeting the employment of people with disabilities and increasing access for all people with disabilities to the full range of career opportunities within the health service.



Employment Equality Act, 1998

The Employment Equality Act, 1998 imposes obligations on an employer with regard to the employment of people with disabilities. Section 16(3) of the Act states that:

- (a) *A person who has a disability shall not be regarded as other than fully competent to undertake, and fully capable of undertaking, any duties if, with the assistance of special treatment or facilities, such a person would be fully competent to undertake, and be fully capable of undertaking, those duties.*
- (b) *An employer shall do all that is reasonable to accommodate the needs of a person who has a disability by providing special treatment or facilities to which paragraph (a) relates.*
- (c) *A refusal or failure to provide for special treatment or facilities to which paragraph (a) relates shall not be deemed reasonable unless such provision would give rise to a cost, other than a nominal cost, to the employer.*

The employer is obliged to do all that is reasonable to accommodate the needs of a person who has a disability, including bearing the cost of special treatment or facilities, arising from the employment of a person with a disability (e.g. in order to take part in a selection process or to undertake employment), only insofar as these costs are of 'a nominal nature'.

The Act does not oblige an employer to recruit, retain, train or promote an individual who will not or is unavailable to carry out the duties of a position, or who will not accept the conditions under which the duties attached to a post are to be performed, or who is not fully competent to carry out the duties concerned. For the purposes of this section, a person with a disability is to be considered fully competent and capable to undertake the duties attached to a job, if the



person could do the duties with the assistance of special treatment and facilities. Employers may avail of state grants or other forms of assistance to provide such special treatment or facilities.

Definition of Disability ¹

There are various definitions of disability, three of which are helpful for the purpose of this exercise:

(1) The **Employment Equality Act, 1998** defines disability as:

- *the total or partial absence of mental or bodily functions, including the absence of a part of a person's body,*
- *the presence in the body of organisms causing, or likely to cause, chronic disease or illness,*
- *the malfunction, malformation or disfigurement of part of a person's body*
- *a condition or malfunction which results in a person learning differently from a person without the condition or malfunction, or*
- *a condition, illness or disease which affects a person's thought processes, perception of reality, emotions or judgment or which results in disturbed behaviour.*

It includes a disability which exists at present, or which previously existed but no longer exists, or which may exist in the future or which is imputed to a person."

¹ Other definitions of disability exist internationally and under EU legislation.



(2) The **Commission for the Status of People with a Disability** states that:

“For the purpose of its work, the Commission understood the term “people with disabilities” to include children and adults who experience any restriction in their capacity to participate in economic, social or cultural life on account of a physical, sensory, learning, mental health or emotional impairment.

The three guiding principles adopted by the Commission to inform its work were:

- *Equality*
- *Maximising Participation*
- *Enabling Independence and Choice*

The key principle, the principle which underlies all the recommendations in the report, is the principle of equality. People with disabilities must be recognised and treated as having equal status with all other citizens. The state should provide for programmes of affirmative action and positive discrimination to address the past inequalities experienced by people with disabilities. Equal status can only be achieved if the rights of people with disabilities are upheld.”

(3) The **Civil Service** defines the term “*people with disabilities*” as people with physical, sensory or psychological impairments which may:

- have a tangible impact on their functional capability to do a particular job, or



- have an impact on their ability to function in a particular physical environment, or
- lead to discrimination in obtaining or keeping employment of a kind for which they would otherwise be suited.

Positive to Disability Symbol

Under a scheme originally devised by the NRB, employers can earn accreditation as a Positive to Disability employer when they develop appropriate equal opportunities policy and practices that encompass people with disabilities.

Information is available from:

**FAS – Training & Employment Authority
27 Upper Baggot Street
Dublin 4**



Each health service employer should use the framework outlined in these guidelines to form the basis for the development of their own policies/codes of practice.

Responsibility for the development and implementation of the policy and a Code of Practice should be delegated to the **Personnel Manager** or another appropriate individual from the senior management team. A **Disability Action Team** should be established whose main objective is to develop and ensure the implementation of a policy/Code of Practice. The team should include nominees of management and staff and particularly people with disabilities.

Disability awareness training programmes should be an integral part of the organisation's staff training programmes.

Health service employers should make every effort to obtain the **Positive to Disability** symbol. The **Positive to Disability** symbol should be seen as an opportunity for health service employers to demonstrate their commitment to equal opportunities for people with disabilities.



3. Establishing a Disability Code of Practice - Framework for the Action Team

The Action Team should prepare the Code of Practice/Policy based on the framework outlined below:

- **Policy Statement**
- **Recruitment Process**
- **Orientation**
- **Training & Career Development**
- **Workplace Accommodation & Equipment**
- **Health & Safety at Work**
- **Maintenance of Records**
- **Monitoring**

Policy Statement

Each individual health service employer's policy should commence with a statement of senior management and organisational commitment to the employment of people with disabilities. Integral to the success is a positive commitment to its active implementation from senior management and ongoing support in terms of the provision of resources to ensure that positive results are obtained.

In addition the policy statement should indicate that health service employer's support and encourage all measures which enable people with disabilities to achieve their full potential at work. The organisation is therefore committed to ensuring that people with disabilities are



encouraged and facilitated to take advantage of suitable employment opportunities available in the service. The organisation will also endeavour to assist those staff members who become disabled during the course of their employment to remain in their job insofar as is reasonably practicable. It is important to recognise the fact that many people with disabilities have skills and attributes which can make a very positive contribution in the workplace and to high quality service delivery.

Recruitment Process

People with disabilities will have their applications considered on the basis of their abilities, qualifications and suitability for the work in question.

Review of Recruitment Process

- As vacancies arise, review job descriptions and application forms with a view to identifying and eliminating requirements which might discriminate against people with disabilities.
- Job requirements and person specification will relate strictly to the needs of the job.

Encouraging & Attracting Applications

- Advertisements for all posts will clearly state that people with disabilities are welcome to apply.
- *Positive to Disability* symbol may be placed on recruitment advertisement. Any information supplied to potential candidates will include a statement that all applications will be based on ability to do the job and personal qualities and people with disabilities will be treated the same as every other applicant.



- Agencies who are involved with the training and placement of people with disabilities will be advised when vacancies are being advertised.
- Where practicable, alternative methods of providing information and making a job application may be accepted e.g. by telephone, audiotape, etc.

Review of Selection/Interview Process

- Interview boards will be briefed on the employer's disability policy which includes their obligations under the Employment Equality Act, 1998 and encompasses conducting interviews in a manner that emphasises abilities, achievements and individual qualities. Interview boards should be encouraged only to ask those questions regarding a candidates' disability which would be pertinent to the work situation, so that no assumptions will be made about an individual's ability to perform certain tasks, or otherwise.
- Any particular facility which may be required by a candidate when undergoing any element of the selection process will be provided, where practicable. For example, where practicable, interviews will be held in accessible areas and an interpreter, a facilitator or other appropriate assistance will be provided if required.

Medical Assessment

A standard requirement for recruitment to health service positions is that persons must be free from any disability which would render them unsuitable to hold the position and be in a state of health such as would indicate a reasonable prospect of ability to render regular and efficient service. In deciding whether candidates can comply with this requirement, health service employers will ensure that decisions in relation to all personnel are based on



objective considerations related only to the core functional needs of the post concerned, rather than on assumptions concerning the limitations imposed by a particular disability. In the event of the medical practitioner conducting the pre-employment medical being doubtful as to the person's ability to carry out certain aspects of the job in light of their medical condition, the medical examiner should be encouraged to discuss their concerns with the candidate. In the event of such a discussion, the medical examiners' recommendation on the issue should be final.

Orientation

Induction

It should be recognised that some people with disabilities may encounter a wider range of issues than other employees in adjusting to a new workplace. It is important to discuss such needs with the worker concerned and the appropriate manager/supervisor prior to the commencement of the induction programme. Accordingly, particular attention is required when placing staff with disabilities and when monitoring their performance in the initial stages of employment.

Practical initiatives a line manager could take at the induction stage (*or at an earlier stage*) of employment:

- Specific needs or facilities they may require
- Provision of a private place to take medication



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- Health & Safety – appropriate consultation with the disabled employee on evacuation procedures from the building in the case of an emergency
- Accessibility of premises, i.e. car parking, toilets etc.
- Good communication and support from the line manager
- Disability awareness will be part of the induction process for all staff.

Line Managers should be made aware of the importance of integrating a person with a disability and of being aware of their needs on an on-going basis.

Training & Career Development

Employees with disabilities should have the same opportunities as other employees to develop full and rewarding careers in the health service. The health service will aim to ensure that all barriers to the career development of people with disabilities are removed. The following guidelines can be applied in respect of training and career development for people with disabilities:

- People with disabilities will be provided with every opportunity to acquire the range of training skills and experience necessary for the future career development.
- Any impediments which inhibit the availability of training such as physical/sensory access to training centres should be identified and addressed.
- People with disabilities will be actively encouraged by supervisors/line managers to apply for promotion where appropriate.



- Supervisors' and line managers' training will encompass their responsibilities under the disability policy.
- Disability awareness will be part of on-going training for all staff.

Workplace Accommodation & Equipment

The Action Team may undertake an access audit of the employing authority. Many people with disabilities will not require equipment but in some cases, technology and/or technical aids can greatly enhance the comfort and efficiency of the employee concerned. There are practical steps that the employer can take in order to make their workplace more accessible for people with disabilities, such as:

- Ramps for wheelchair users
- Modification of toilets
- Facilitate extra time required for personal needs e.g. eating / toileting, etc.
- Car Parking located near entrance
- Alarm systems with flashing lights to assist people with hearing impairments
- Enhanced computer screens
- Voice activated computer programmes

Employers will consult staff with disabilities about assistive devices which may enhance their efficiency and effectiveness in performing their duties and adopt a positive approach to



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Employers will consult staff with disabilities about assistive devices which may enhance their efficiency and effectiveness in performing their duties and adopt a positive approach to



reasonable requests for such equipment. Grants may be available towards the cost of making the necessary adaptations if an employer is about to employ a person with a disability or if an employee becomes disabled and is continued to be employed.

Free practical advice is available from:

The National Disability Resource Centre
44 North Great Georges Street
Dublin 1
Tel: 01 874 7503
Fax: 01 874 7490

Health & Safety at Work

All workplaces are obliged to have a statement which is designed to protect the safety, health and welfare of employees. The safety statement sets out the arrangements and resources which are in place to eliminate or control the hazards to which employees may be exposed (*e.g. needlestick injuries*).

Safety statements will be checked to ensure that protective measures are sufficient to cater for the needs of persons with disabilities in employment.

Line managers and Safety Officers will identify any hazards for which special protective measures will need to be put in place in light of the nature of a staff members disability e.g. people with hearing difficulties may require a special arrangement whereby they would be aware if the alarm has been triggered.



Staff with disabilities **must** be included in all evacuation drills and procedures and should be a primary concern of supervisors and line managers.

Maintenance of Records

Having regard to the question of confidentiality and privacy each health service employer should ensure the maintenance of appropriate records on the employment of people with disability to enable effective monitoring of the individual employer's position.

Monitoring

The effective implementation of a policy on the employment of people with disabilities requires that the policy is monitored regularly and closely. The action team should take account of current practices and the employer's position in relation to the issues identified above when setting targets against which developments can be measured.



List of Relevant Organisations

Organisation	Address	Phone No. & Contact
ACLD <i>(Association for Children and Adults with Learning Disabilities)</i>	Suffolk Chambers 1 Suffolk Street Dublin 2	01 679 0276 Ann
Hughes Action for Mobility	8 Elizabeth Street Dublin 3	01 475 2386
AHEAD <i>(Association for Higher Education Access and Disability)</i> <i>Newman House</i>	86 St Stephens Green Dublin 2	01 475 2386 Caroline McGrath
AIDS Help	North West Mount Southwell Letterkenny Co Donegal	074 25500 Mary Bryson
AIDS Help West	Ozanam House St Augustine Street Galway	091 566 266 Nicholas Finlan
Alzheimer Society of Ireland	43 Northumberland Avenue Dun Laoghaire Co Dublin	01 288 1282 Maurice O'Connell
Arthritis Foundation of Ireland	1 Clanwilliam Square Grand Canal Quay Dublin 2	01 661 8188 Shirley Delaney

Organisation	Address	Phone No. & Contact
Asperger Syndrome Association of Ireland	85 Woodley Park Kilmacud Dublin 14	01 2951389 Des McKernan
Asthma Society of Ireland	15-17 Eden Quay Dublin 1	01 878 8511 1850 445 464 Oran O Muire
AWARE <i>Helping to Defeat Depression</i>	147 Phibsboro Road Dublin 7	01 830 8449 01 679 1711 Julie Healy
BRAINWAVE <i>(The Irish Epilepsy Association)</i>	249 Crumlin Road Dublin 12	01 455 7500 Mike Glynn
CASA <i>Caring and Sharing Association</i>	Carmichael Centre North Brunswick Street Dublin 7	01 872 5370 01 872 5300 Marie O'Brien
Central Remedial Clinic	Penny Ansley Building Vernon Avenue Clontarf Dublin 3	01 833 2206 Gerard Craddock
Centre for Sexual Health	16 Peter's Street Cork	021 275 837 Margaret Allen



Organisation	Address	Phone No. & Contact
Deirdre Seery Centres for Independent Living Carmichael Centre	North Brunswick Street Dublin 7	01 873 0986 Celina Bonnie
Cerebral Palsy Ireland	Sandymount Avenue Dublin 4	01 667 0323 Rory O'Connor
Cheshire Foundation Bonnington	Montenotte Cork	021 507 131 Gerry Buttimer
Cystic Fibrosis Association of Ireland	CF House Lane 24 Lower Rathmines Road Dublin 6	01 496 2433 Larry Warren
Diabetes Federation of Ireland	76 Gardiner Street Dublin 1	01 836 3022 Ciaran O'Leary
Disability Federation of Ireland (DFI)	2 Sandyford Office Park Dublin 18	01 295 9344 Roger Acton
Dublin AIDS Alliance	53 Parnell Square West Dublin 1	01 873 3799 Terry Taylor



Organisation	Address	Phone No. & Contact
Dyspraxia Association	5 Blackglen Court Dublin 18	01 295 7125 Aileen Tierney Sorcha Regan
Forum of People with Disabilities	21 Hill Street Dublin 1	01 878 6077 Theresa McAteer
Friedrich's Ataxia Society 'San Martino'	Mart Lane Foxrock Dublin 18	01 289 4788 Claire Creedon
GROW	11 Liberty Street Cork	021 277 520 Mary O'Shaughnessy
GROW	167A Capel Street Dublin 1	01 873 4029 Denis Fitzpatrick Eileen Massey Robert Vance Phyllis Fitzgerald
HEADWAY	18 Upper Baggot Street Baggot Street Hospital Dublin 4	01 668 9893 Bernie Murphy Disease Huntington
Association The Gatelodge	Carmichael House North Brunswick Street Dublin 7	1800 393 939 Bernadette Moran



Organisation	Address	Phone No. & Contact
Irish Association for Spina Bifida and Hydrocephalus	National Office Old Nangor Road Dublin 22	01 457 2329
Irish Cancer Society	5 Northumberland Road Dublin 4	01 668 1855 Avril Gillatt
Irish Council of People with Disabilities (ICPD)	4th Floor, Park House North Circular Road Dublin 7	01 868 3502 Anne Kennedy
Irish Deaf Society	30 Blessington Street Dublin 7	01 860 1878 Mary Butler
Irish Epilepsy Association	249 Crumlin Road Dublin 12	01 455 7500 Mike Glynn
Irish Heart Foundation	4 Clyde Road Dublin 4	01 668 5001 Kathleen Kirwan Maureen Mulvihill
Irish Haemophilia Society	Block C Iceland House, Arran Court Arran Quay Dublin 7	01 872 4466 Margaret Dunne



Organisation	Address	Phone No. & Contact
Irish Kidney Association Donor House	156 Pembroke Road Ballsbridge Dublin 4	01 668 9788 Gerard Sweeney
Irish Lupus Support Group	40 Killester Park Dublin 5	01 831 8524 Barbara O'Neill
Irish ME Support Group	PO Box 3075 Dublin 2	01 235 0965 Vera Kindlon
Irish Motor Neurone Disease Association Carmichael Centre	North Brunswick Street Dublin 7	01 873 0422 Eithne Frost
Irish Society for Autism	16 Lower O'Connell Street Dublin 1	01 874 4684 Pat Matthews
Irish Society for Crohns Disease & Colitis Carmichael Centre	North Brunswick Street Dublin 7	01 872 1416 Ronagh O'Brien
Irish Stammering Association Carmichael Centre	North Brunswick Street Dublin 7	01 872 4405 Patrick Kelly



Organisation	Address	Phone No. & Contact
Irish Wheelchair Association	Blackheath Drive Clontarf Dublin 3	Seamus Thompson
KARE	Lower Eyre Street Newbridge Co Kildare	Christy Lynch
Migraine Association of Ireland Carmichael Centre	North Brunswick Street Dublin 7	01 872 4137 Audrey Craven
Multiple Sclerosis Society	2 Sandymount Green Dublin 4	01 269 4599 Michael Dineen
MS Care Foundation	65 Bushy Park Road Rathgar Dublin 6	01 490 6234 Patricia McLarty
Muscular Dystrophy Ireland Carmichael Centre	North Brunswick Street Dublin 7	01 872 1501 1800 245 300 Catherine Hickey
National Association for Deaf People (Deaftech)	NAD House 35 North Frederick Street Dublin 1	01 872 3800 Barry Dunne



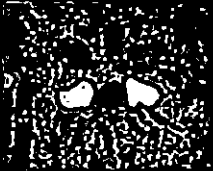
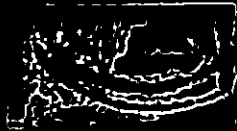
Organisation	Address	Phone No. & Contact
National Council for the Blind of Ireland	PV Doyle House Whitworth Road Drumcondra Dublin 9	01 830 7033 Geraldine Neill Belinda Davis
National Disability Authority Department of Justice, Equality & Law Reform	43-49 Mespil Road Dublin 4	01 667 0344 Moira O'Mara
NRB National Rehabilitation Board	25 Clyde Road Ballsbridge Dublin 4	01 608 0400 Frank Tracy Maureen Gilbert
Polio Fellowship of Ireland	Park House Stillorgan Grove Stillorgan Co Dublin	01 288 8366 Tom Stevens
Preparation for University and College Course	Roslyn Park House Sandymount Dublin 4	01 205 7205 Jennifer Marsden
Red Ribbon Project	9 Cecil Street Limerick	061 314 354 Ann Mason
RP Ireland – Fighting Blindness	6 Belvedere Place Dublin 1	01 855 9330 Michael Griffith



Organisation	Address	Phone No. & Contact
Schizophrenia Association of Ireland	38 Blessington Street Dublin 7	01 860 1620 Orla O'Neill
The Irish Association of Teachers in Special Education Education Centre	St Patrick's College Drumcondra Dublin 9	01 837 9799 Josephine Doncel
The Mental Health Association of Ireland	6 Adelaide Street Dun Laoghaire Co Dublin	01 284 1166 Martin Rogan
SIPTU Disability Unit Irish Trade Unit Trust	Liberty Hall Dublin 1	01 874 9731 Ann-Marie Kennedy
Vantastic Accessible Transport Service Harbour House	6 Western Way Broadstone Dublin 7	01 830 4926 Audrey Brodigan
VICS – Visually Impaired Computer Society C/o National League of the Blind in Ireland	21 Hill Street Dublin 1	01 874 2792 Ronan McGuirk Michael Lavin
Volunteer Stroke Scheme	249 Crumlin Road Dublin 12	01 455 7455 01 455 9036 Theo Davis
Western Care Association Headquarters	Swimming Pool Road Castlebar Co Mayo	094 25133 John O'Dea



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