

Core Module 4: Ethics and Legal Issues

Learning outcomes:

- To understand and demonstrate the appropriate knowledge, skills and attitudes in the context of taking consent and confidentiality
- To have an understanding of the context, meaning and implementation of the legal framework for practice.
- To know and understand professional, legal and ethical codes of practice.

Knowledge criteria	GMP	Clinical competency	GMP	Professional skills and attitudes	GMP	Training support	Evidence/assessment
CONSENT							
<p>Understand the principles and legal issues surrounding informed consent</p> <p>Outline the guidance given by the GMC on consent, in particular:</p> <p>Understand that consent is a process that may culminate in, but is not limited to, the completion of a consent form</p> <p>Understand the particular importance of considering the patient's level of understanding and mental state (and also that of the relatives/carers where relevant) and how this may impair their capacity for informed consent</p> <p>Understand specific legal issues about consent in under 16 -yr olds, and vulnerable adults</p> <p>Understand the implications of the Sexual Offences Act 2003</p> <p>Be aware of diversity</p> <p>Be aware of the implications of the legal status of the unborn child</p> <p>Understand appropriateness of consent to post mortem examination</p> <p>Outline the procedures for seeking a patient's consent for disclosure of identifiable information</p>	1	<p>Use written material correctly and accurately</p> <p>Recognise the problems posed by disclosure in the public interest, without patient's consent</p> <p>Gain valid consent from patients, and know when to ask for a second opinion</p> <p>Discuss clinical risk</p> <p>Know when to involve social services/police, and how to do so</p> <p>Shows willingness to seek advance directives</p> <p>Show willing to obtain a second opinion, senior opinion, and legal advice in difficult situations of consent or capacity</p> <p>Inform a patient and seek alternative care where personal, moral or religious belief prevents usual professional action</p>	1 1,3,4 2,3,4 1,2,3	<p>Give appropriate information and conduct a consultation to obtain consent in a suitable setting and at a suitable time</p> <p>Obtain consent in a manner that patients and relatives understand and assess their comprehension</p> <p>Be aware of the patient's needs as an individual</p> <p>Demonstrate the ability to discuss issues surrounding female genital mutilation (FGM) with patients in a sensitive manner</p> <p>Respect diversity</p> <p>Adopt a patient-focused approach to decisions that acknowledge the rights, values and strengths of the public</p> <p>Respect a patient's rights of autonomy even in situations where their decision might put them at risk of harm</p> <p>Keep within the scope of authority given by a competent patient</p> <p>Provide all information relevant to proposed care or treatment in a competent patient</p> <p>Only obtain consent for procedures where competence has been attained</p>	1,3,4	<p>Department of Health Guidance on consent</p> <p>RCOG guidance on Obtaining Valid Consent. RCOG website.</p> <p>RCOG Consent Advice Series</p> <p>RCOG guideline. Law and Ethics in relation to Court-authorized Obstetric Intervention. RCOG website.</p> <p>StratOG.net: The Obstetrician and Gynaecologist as a professional. Ethical and legal issues e-tutorial</p> <p>GMC. Consent guidance on patients and doctors making decisions together. GMC website.</p>	<p>Mini CEX</p> <p>CbD</p> <p>Reflective learning</p> <p>MRCOG Part Two</p>

Knowledge criteria	GMP	Clinical competency	GMP	Professional skills and attitudes	GMP	Training support	Evidence/assessment
Understanding the ethical and legal issues surrounding female genital mutilation (FGM)				to perform the procedure, in accordance with the appropriate GMC standards		Access Female Genital Mutilation training video www.fgmnationalgroup.org (Password access detailed in e portfolio)	
Understanding the ethical and legal issues of organ donation						Access UK Transplant website at www.uktransplant.org.uk	
CONFIDENTIALITY							
<p>Be aware of relevant strategies to ensure confidentiality</p> <p>Outline and follow the guidance given by the GMC on confidentiality</p> <p>Be aware when confidentiality might be broken</p> <p>Understand the principles of data protection including electronic and administrative systems</p> <p>Understand that interpreters and patient advocates must be aware of confidentiality issues</p> <p>Recall the obligations for confidentiality following a patient's death</p>	1,2	Use and share information properly	3,4	<p>Respect the right to confidentiality</p> <p>Be aware of the requirements of children, adolescents and patients with special needs</p>	4	<p>Confidentiality and Disclosure of Health Information: RCOG Ethics Committee comments on BMA document. RCOG website.</p> <p>Caldicott Committee Report on the review of patient identifiable information (DH; 1997). Department of Health website.</p> <p>StratOG.net: The Obstetrician and Gynaecologist as a professional. Ethical and legal issues e-tutorial.</p> <p>Data Protection Act 1998.</p> <p>GMC. Confidentiality guidance handbook. GMC website.</p>	<p>Mini CEX</p> <p>Reflective Practice</p> <p>CbD</p> <p>Reflective learning</p>

Knowledge criteria	GMP	Clinical competency	GMP	Professional skills and attitudes	GMP	Training support	Evidence/assessment
LEGAL FRAMEWORK FOR PRACTICE							
<p>Know that all decisions and actions must be in the best interests of the patient</p> <p>Understand the legislative framework within which healthcare is provided in the UK and/or devolved administrations, in particular:</p> <ul style="list-style-type: none"> ▪ death certification and the role of the Coroner/Procurator Fiscal; ▪ child protection legislation; ▪ mental health legislation (including powers to detain a patient and giving emergency treatment against a patient's will under common law); ▪ withdrawing and withholding treatment; ▪ decisions regarding resuscitation of patients; ▪ surrogate decision making; ▪ organ donation and retention; ▪ communicable disease notification; ▪ medical risk and driving; ▪ Data Protection Act and Freedom of Information Act; ▪ provision of continuing care and community nursing care by a local authorities <p>Understand that there are differences between health related legislation in the four countries of the UK and know the legislation as it relates to the country in</p>	1	<p>Cooperate with other agencies with regard to legal requirements, including reporting to the Coroner's/Procurator Officer, the Police or the proper officer of the local authority in relevant circumstances</p> <p>Prepare appropriate medical legal statements for submission to the Coroner's Court, Procurator Fiscal, Fatal Accident Inquiry and other legal proceedings and be prepared to present such material in court</p> <p>Incorporate legal principles in to day-to-day practice</p> <p>Practice and promote accurate documentation within clinical practice for legal purposes</p>	1,3,4	<p>Show willingness to seek advice from the employer, appropriate legal bodies (including defence societies), and the GMC on medico-legal matters</p> <p>Promote informed reflection on legal issues by members of the team</p> <p>Demonstrates that all decisions and actions must be in the best interest of the patient</p> <p>Understand the role of the medical practitioner in relation to personal health, the health of colleagues, and concerns of substance misuse and substance abuse</p>	1,3,4	<p>GMC Ethical Guidance. End of life care: Certification, post-mortems and referral to a coroner or procurator fiscal. GMC website.</p> <p>GMC 0-18 years guidance. Child protection. GMC website.</p> <p>GMC guidance. Mental Health Act. GMC website.</p> <p>eLfH Child Protection theory modules. eLfH website.</p> <p>Data Protection Act 1998. Available online</p> <p>Freedom of Information Act 2000. Available online.</p> <p>GMC. Medical Defence Organisations. Available on the</p>	<p>CbD</p> <p>Reflective learning</p> <p>eLfH Child Protection theory modules</p>

Knowledge criteria	GMP	Clinical competency	GMP	Professional skills and attitudes	GMP	Training support	Evidence/assessment
<p>which you practice</p> <p>Understand sources of medical legal information</p> <p>Understand disciplinary processes in relation to medical malpractice</p> <p>Understand the procedure to be followed when personal health and substance abuse is suspected</p> <p>Value, ethics and the law</p> <p>Ensure that all decisions and actions are in the best interests of the patient and the public good</p> <p>Be familiar with and uphold the rights of children and vulnerable adults</p> <p>Be familiar with and uphold the rights of disabled people to participate in healthy and rewarding employment</p> <p>Practise in accordance with an appropriate knowledge of contemporary legislation</p> <p>Act with appropriate professional and ethical conduct in challenging situations.</p>						GMC website.	
LEGAL ISSUES RELATING TO MEDICAL CERTIFICATION							
<p>Know the legal responsibilities of completing maternity, birth, sickness and death certificates</p> <p>Understand abortion certificates HSA 1 and HSA 4, and be aware of exemptions for those who will not participate in abortion services for moral or religious reasons</p> <p>Know the types of deaths that should be referred to the Coroner/Procurator Fiscal</p>	1	<p>Complete relevant medical certification</p> <p>Use and share information with the highest regard for confidentiality, and encourages such behaviour in other members of the healthcare team</p>	1	<p>Have the ability to know how to obtain suitable evidence, and whom to consult</p> <p>Act with compassion at all times</p>	1,2,3 4	<p>Local courses</p> <p>RCOG guideline. Registration of Stillbirths and Certification for Pregnancy Loss before 24 weeks of Gestation. RCOG website.</p> <p>StratOG.net: The Obstetrician and</p>	<p>CbD</p> <p>Mini CEX</p> <p>Reflective learning</p>

Knowledge criteria	GMP	Clinical competency	GMP	Professional skills and attitudes	GMP	Training support	Evidence/assessment
<p>Understand the principles of advance directives and living wills</p> <p>Be aware of the indications for section under the Mental Health Act (1983)</p> <p>Outline the principles of the Mental Capacity Act</p>						Gynaecologist as a Professional. Ethical and legal issues e-tutorial	
INTEGRITY							
<p>Demonstrate knowledge of the professional, legal and ethical codes of the GMC, e.g. Fitness to Practice and any other codes pertaining to obstetrics and gynaecology</p> <p>Be aware of prejudice and preferences within self, others, society and cultures</p> <p>Be ware of the define the standards of practice defined by the GMC when deciding to withhold or withdraw life-prolonging treatment</p> <p>Outline the main methods of ethical reasoning: case based reasoning, the justification of decision and moral judgment</p> <p>Know the overall approach of value-based practice and how this relates to ethics, law and decision-making</p>	1,4	<p>Recognise, analyse and know how to deal with unprofessional behaviours in clinical practice, taking into account local and national regulations</p> <p>Create open and non-discriminatory professional working relationships with colleagues' awareness of the need to prevent bullying and harassment</p> <p>Recognise the factors influencing ethical decision making, including religion, personal and moral beliefs, cultural practices</p> <p>Use and promote strategies to ensure confidentiality is maintained e.g. anonymisation</p> <p>Counsel patients on the need for information distribution within members of the immediate healthcare team</p> <p>Counsel patients, relatives, carers and advocates (where relevant) tactfully and effectively when making decisions about resuscitation status, and withholding or withdrawing treatment</p>	1,4	<p>Accept professional regulation</p> <p>Promote professional attitudes and values</p> <p>Demonstrate probity and the willingness to be truthful and to admit to errors</p> <p>Encourage informed ethical reflection in others</p> <p>Show willingness to seek advice of peers, local clinical ethics committees, legal bodies, and the GMC in the event of ethical dilemmas over disclosure and confidentiality</p> <p>Respect patient's requests for information not to be shared, unless this puts the patient, or others, at risk of harm</p> <p>Show willingness to share information about the patients care with the patient, unless they have expressed a wish not to receive such information</p> <p>Show willingness to seek the opinion of others when making decisions about resuscitation status, and withholding or withdrawing treatment</p>	1,3,4	<p>StratOG.net: The Obstetrician and Gynaecologist as a Professional. Ethical and legal issues e-tutorial</p> <p>GMC fitness to practice panels online information. GMC website.</p> <p>GMC guidance on withholding and withdrawing treatment. GMC website.</p> <p>GMC guidance on patient confidentiality. GMC website.</p>	<p>TO1 and TO2</p> <p>CbD</p> <p>Reflective learning</p>

Core Module 4 Logbook	Competence level		Basic level		Intermediate level		Advanced level		Not required	
	Level 1		Level 2		Level 3					
	Date	Signature	Date	Signature	Date	Signature				
Consent:										
Obtain valid consent*										
Ability to discuss clinical risk										
Consent for neonatal post-mortem examination OM										
Ability to discuss issues surrounding female genital mutilation in a sensitive manner. OM										
Legal:										
Attend CNST meeting or equivalent for Scotland and Wales										

*Trainees may only obtain consent for those procedures with which they are familiar and performing either under direct supervision or independently.

While trainees may observe obtaining consent for a post-mortem examination after a maternal death or a death of a gynaecological patient, there is no expectation that they will start to obtain consent until after completion of core training.

Training Courses or sessions		
Title	Signature of educational supervisor	Date

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Authorisation of signatures (to be completed by the clinical trainers)

Name of clinical trainer (please print)	Signature of clinical trainer

COMPLETION OF MODULE 4

I confirm that all components of the module have been successfully completed:

Date	Name of educational supervisor	Signature of educational supervisor

Common competency framework competences

Medical leadership framework competences

Health inequality framework competences