

The legal and ethical framework associated with health care must be a vital part of the practitioner's competences if safe practice is to be sustained. Within this the ethical aspects of research must be considered. The competences associated with these areas of practice are defined in the following section.

CC17 Principles of medical ethics and confidentiality

To know, understand and apply appropriately the principles, guidance and laws regarding medical ethics and confidentiality		
Knowledge	Assessment Methods	GMP Domains
Demonstrate knowledge of the principles of medical ethics	E, ACAT, C, Mi	1
Outline and follow the guidance given by the GMC on confidentiality	E, ACAT, C, Mi	1
Define the provisions of the Data Protection Act and Freedom of Information Act	E, ACAT, C, Mi	1
Define the role of the Caldicott Guardian within an institution, and outline the process of attaining Caldicott approval for audit or research	E, ACAT, C, Mi	1, 4
Outline situations where patient consent, while desirable, is not required for disclosure e.g. communicable diseases, public interest	E, ACAT, C, Mi	1, 4
Outline the procedures for seeking a patient's consent for disclosure of identifiable information	E, ACAT, C, Mi	1
Recall the obligations for confidentiality following a patient's death	E, ACAT, C, Mi	1, 4
Recognise the problems posed by disclosure in the public interest, without patient's consent	E, ACAT, C, Mi	1, 4
Recognise the factors influencing ethical decision making: religion, moral beliefs, cultural practices	ACAT, C, Mi	1
Do not resuscitate: Define the standards of practice defined by the GMC when deciding to withhold or withdraw life-prolonging treatment	ACAT, C, Mi	1
Outline the principles of the Mental Capacity Act	ACAT, C, Mi	1

Skills		
Use and share information with the highest regard for confidentiality, and encourage such behaviour in other members of the team	ACAT, C, Mi, M	1, 2,3
Use and promote strategies to ensure confidentiality is maintained e.g. anonymisation	C	1
Counsel patients on the need for information distribution within members of the immediate healthcare team	E, ACAT, C, M	1, 3
Counsel patients, family, carers and advocates tactfully and effectively when making decisions about resuscitation status, and withholding or withdrawing treatment	E, ACAT, C, M PS	1, 3
Behaviours		
Encourage ethical reflection in others	ACAT, C, M	1
Show willingness to seek advice of peers, legal bodies, and the GMC in the event of ethical dilemmas over disclosure and confidentiality	E, ACAT, C, M	1
Respect patient's requests for information not to be shared, unless this puts the patient, or others, at risk of harm	E, ACAT, C, M, PS	1, 4
Show willingness to share information about their care with patients, unless they have expressed a wish not to receive such information	ACAT, C, M	1, 3
Show willingness to seek the opinion of others when making decisions about resuscitation status, and withholding or withdrawing treatment	ACAT, C, M, MSF	1, 3
Level Descriptor		
1	<p>Use and share information with the highest regard for confidentiality adhering to the Data Protection Act and Freedom of Information Act in addition to guidance given by the GMC</p> <p>Familiarity with the principles of the Mental Capacity Act</p> <p>Participate in decisions about resuscitation status and withholding or withdrawing treatment</p>	

2	Counsel patients on the need for information distribution within members of the immediate healthcare team and seek patient's consent for disclosure of identifiable information
3	Define the role of the Caldicott Guardian within an institution, and outline the process of attaining Caldicott approval for audit or research
4	Able to assume a full role in making and implementing decisions about resuscitation status and withholding or withdrawing treatment
Emergency department context	
1	Disposes of notes and results in confidential waste bin Follows telephone enquiry policy appropriately – not divulging information to third parties Does not share passwords with others for computers
2	Follows policy for sharing information with police in serious arrestable offences Asks patient's permission to disclose information to relatives or third parties Understands need for patient confidentiality in cases of abuse, assault or other circumstances Does not share passwords on the computers Does not take ED records home for completion of police statements
3	Follows policy on data downloads to portfolios, or for audit Case presentations anonymised appropriately
4	Contributes do DNAR decisions in the ED and ensures paperwork completed

Leadership	Specialty trainees should demonstrate competence in all elements of domains, with some evidence in setting direction
Demonstrating personal qualities	Does not gossip or discuss patients in the staff room ** Intervenes when others are breaking confidentiality **
Working with others	Cooperates with police requests for information but explains confidentiality limits ** Shares relevant data with social services, safeguarding children services
Managing the service	Ensures passwords are updated regularly for the computer Reports breaches of confidentiality as incidents Utilises confidential waste bins **
Improving services	Seeks feedback from GPs on clinical information sharing in discharge letters
Setting direction	Actively promotes data protection and confidentiality by ensuring training for all staff and policies are clear