

CC19 Legal framework for practice

To understand the legal framework within which health-care is provided in the UK in order to ensure that personal clinical practice is always provided in line with this legal framework		
Knowledge	Assessment Methods	GMP Domains
All decisions and actions must be in the best interests of the patient	E, ACAT, C, Mi	1
Understand the legislative framework within which healthcare is provided in the UK – in particular; death certification and the role of the Coroner/Procurator Fiscal; safeguarding children legislation; mental health legislation (including powers to detain a patient and giving emergency treatment against a patient's will under common law); advanced directives and living Wills; 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 and Freedom of Information Acts; provision of continuing care and community nursing care by a local authorities	ACAT, C, Mi	1, 2
Understand the differences between legislation in the four countries of the UK	ACAT, C, Mi	1
Understand sources of medico-legal information	ACAT, C, Mi	1
Understand disciplinary processes in relation to medical malpractice	ACAT, C, Mi, M	1

Understand the role of the medical practitioner in relation to personal health and substance misuse, including understanding the procedure to be followed when such abuse is suspected	ACAT, C, Mi, M	1
Skills		
Ability to cooperate with other agencies with regard to legal requirements – including reporting to the Coroner's Officer or the proper officer of the local authority in relevant circumstances	ACAT, C, Mi	1
Ability to prepare appropriate medico-legal statements for submission to the Coroner's Court, Procurator Fiscal, Fatal Accident Inquiry and other legal proceedings	C, M	1
Be prepared to present such material in court	C, Mi	1
Incorporate legal principles into day to day practice	ACAT, C, Mi	1
Practice and promote accurate documentation within clinical practice	ACAT, C, Mi	1, 3
Behaviours		
Show willingness to seek advice from the Trust, legal bodies (including defence unions), and the GMC on medico-legal matters	ACAT, C, Mi, M	1
Promote reflection on legal issues by members of the team	ACAT, C, Mi, M	1, 3
Level Descriptor		
1	<p>Demonstrates knowledge of the legal framework associated with medical qualification and medical practice and the responsibilities of registration with the GMC</p> <p>Demonstrates knowledge of the limits to professional capabilities - particularly those of pre-registration doctors</p>	
2	<p>Identify with senior team members cases which should be reported to external bodies and where appropriate and initiate that report.</p> <p>Identify with senior members of the clinical team situations where you feel consideration of medico-legal matters may be of benefit. Be aware of local Trust procedures around substance abuse and clinical malpractice.</p>	

3	<p>Work with external strategy bodies around cases that should be reported to them. Collaborating with them on complex cases preparing brief statements and reports as required</p> <p>Actively promote discussion on medico-legal aspects of cases within the clinical environment</p> <p>Participate in decision making with regard to resuscitation decisions and around decisions related to driving, discussing the issues openly but sensitively with patients and relatives</p>
4	<p>Work with external strategy bodies around cases that should be reported to them. Collaborating with them on complex cases providing full medico-legal statements as required and present material in court where necessary</p> <p>Lead the clinical team in ensuring that medico-legal factors are considered openly and consistently wherever appropriate in the care of a patient. Ensuring that patients and relatives are involved openly in all such decisions</p>
Emergency department context	
1	<p>Maintains full registration and membership of a defence society, seeking advice where necessary on responses to complaints</p> <p>Supports FY1s in the department and ensures they work within limits, including not discharging patients</p> <p>Completes police statements promptly and effectively</p> <p>Completes Coroner's reports promptly and effectively</p>
2	<p>Manages information relating to patients as victims of assault including gunshot wounds, attempted murder or domestic violence – reporting these appropriately without breaching confidentiality</p> <p>Follows local vulnerable adults policies – reporting where appropriate and providing adequate information for case conferences</p> <p>Presents evidence in the Coroner's court for patients from the ED</p> <p>Presents evidence in criminal court for victims of assault</p>

3	<p>Manages terminally ill resuscitation patients, appropriately seeking and applying end-of-life decisions or advance directives</p> <p>Manages cases of drug users – by seeking information on standard treatment programme and appropriately providing replacement prescriptions when required and within agreed guidelines</p> <p>Manages drugs of abuse when found on patients in appropriate and legal manner</p> <p>Completes CICA reports appropriately</p>
4	<p>Applies for specialist registration promptly</p> <p>Understands safe and lawful restraint</p>
Leadership	Specialty trainees should demonstrate competence in all elements of domains, with some evidence in setting direction
Demonstrating personal qualities	Seeks advice on legal matters from consultant, senior nurse or Trust legal representatives where required
Working with others	Gives advice to junior trainees and nurses regarding self-discharge, disclosure of information or other legal issues – acknowledging where they are not sure **
Managing the service	Ensures shift leaders are fully aware of potential legal problems during the shift by communication and adequate handover from previous shift e.g. deceased patients to the Coroner, high risk patients who have self discharged, police enquiries **
Improving services	<p>Works with local police stations to improve communication and turn around times for police statements</p> <p>Works with the Coroner to set up information sharing *</p>
Setting direction	Make sure legal and ethical dilemmas form part of departmental meetings and policies