



UK Clinical Ethics Network Newsletter



**Welcome to the Summer 2009 edition of the UK Clinical
Ethics Network Newsletter.**

Since our last newsletter we have had a very successful annual conference in Oxford, enhanced by the glorious weather in what is looking likely to be the only week of summer that we will see in 2009. A report on the conference can be found on page 3. At the conference we were extremely pleased and privileged to welcome the new Patron of UKCEN, Baroness Sally Greengross. Her agreement to be our patron indicates a growing recognition of the importance of clinical ethics in the UK. The clinical ethics support team is now expanding in Warwick with the arrival of Leah McClimans, a research fellow who will be working in the area of clinical ethics over the next three years. Further news on the ethics support programme and its relationship with the Network can be found on page 6.

You will also find the results of our survey of CECs on pandemic flu planning on page 5 and Dr Ruth Stephenson, the new clinical ethics lead for NHS Grampian, describes her new role on page 6.

Finally I hope that you have all enjoyed your summer break and are returning refreshed to continue promoting clinical ethics locally and nationally.

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Message from the Chairman of UKCEN Board of Trustees

The annual conference in Oxford this year was a resounding success! Anne-Marie Slowther and the host committee planned a well-balanced two-day programme which, in the idyllic setting of St Hugh's College grounds, represented the best sort of conference. There were outstanding speakers (see elsewhere in this newsletter) who challenged delegates to think deeply about some philosophical notions impacting on everyday ethical issues; and there was an equally challenging workshop on the 'Dilemma method' of Moral Case Deliberation. Prof Guy Widdershoven and colleagues in The Netherlands are rolling out this approach to clinical ethics, with strong support from their department of health.

We were charmed by the presence at the conference of Baroness Sally Greengross of Notting Hill, UKCEN's patron. She reaffirmed her commitment towards supporting UKCEN in our objectives to establish more Clinical Ethics Committees throughout the UK and to gain central recognition.

UKCEN's Annual General Meeting was held on the second day of the Conference. At this meeting the following were elected to the Board of Trustees (which is also the central committee of the organisation): Ms Sarah Barclay (Media, London); Prof Deidre Kelly (Paediatric Hepatology, Birmingham); Dr Katherine Kite (Consultant Nurse Critical Care, Norfolk); Dr Karen le Ball (Geriatrician, Woolwich); Dr Ainsley Newson (Law and Ethics, Bristol). Prof Anneke Lucassen and Dr Maggie Wright resigned from the Board. Maggie had been in on the ground floor at the inception of UKCEN and the meeting noted her contributions with particular appreciation.

Next year's conference will be in Cardiff; Wulf Stratling and his organising committee have made great strides in conceptualising the programme and securing the venue, and this promises to be a highly interesting meeting. Date for your diary: Cardiff, 23rd June, 2010. We hope to see you there!

Stephen Louw, Chair: UKCEN Board of Trustees



Ninth UK Clinical Ethics Network Conference



Members of the UKCEN Board at the Oxford conference

The 2009 Network conference was held at St Hugh's College in Oxford. The venue and weather combined to make the two day conference, a first for the Network, an extremely enjoyable experience. In addition we were privileged to have an excellent line up of knowledgeable and interesting speakers. The conference was hosted by the Oxfordshire and Buckinghamshire Mental Health Trust Clinical Ethics Advisory Group and the theme of the conference reflected their interest in issues relating to mental health. However the topics of capacity and responsibility are relevant to all ethics committees and the presentations and discussion reflected the more general application of these issues to the whole of health care. The first session on capacity provided a great introduction to the conference. Professor Tony Hope from the Ethox Centre gave an overview of the Mental Capacity Act in relation to best interests and clinical decision making. This clear and knowledgeable interpretation of the difficult area of assessing best interests was greatly appreciated by the audience and set the scene for the rest of the session.

Professor Geneva Richardson from King's College then considered the interface between the Mental

Capacity Act and the Mental Health Act and the ethical dilemmas raised when clinicians are not sure which Act to use in order to provide appropriate care for a patient. The issues discussed in the first two presentations were then revisited in a presentation by Dr Jacinta Tan from Cardiff University who used her empirical work with patients with anorexia nervosa to consider some of the ethical questions around what it means to have capacity in the context of medical decision making.

Baroness Greengross, UKCEN Patron, with Professor Tony Hope



The session on responsibility generated lively discussion from the speakers and the floor with the scene being set by Dr Hanna Pickard and Dr Steve Pearce from Oxford who argued from a philosophical and clinical perspective respectively that patients should take some responsibility for their illnesses and that we should consider how we set levels of responsibility in different situations. Dr Gwen Adshead, consultant psychiatrist at Broadmoor Hospital gave a fascinating insight into the concept of responsibility drawing on her experience in working with patients who had been found to be not responsible for serious crimes because of mental illness. Finally Professor Jonathan Glover from King's College gave us a characteristically thoughtful and entertaining talk on the question of whether there is something special about mental illness that requires us to place less emphasis on responsibility for actions. His illuminating description of the childhood and development of Adolf Hitler gave many of us pause for thought.

The second day of the conference provided a contrast to the first with the morning session focused on the very practical dilemma for all clinical ethics committees of how to approach ethics case consultation. Professor Guy Widdershoven and Dr Bert Molevijn from the Free University of Amsterdam began the morning by describing their work on moral deliberation with health care institutions in the Netherlands. Following this the delegates had practical experience of working as a mock ethics committee in small groups to apply the 'dilemma method' of moral deliberation to some selected cases. The plenary discussion that followed was useful to the members of CECs attending the conference but also to the speakers who stated that they had derived real benefit from feedback on their method from a large number of people who had actually tried to use it



The final session of the conference provided a different intellectual challenge. Speakers from the Oxford Centre for Practical Ethics gave a series of presentations on ethics and neuroscience. Dr Guy Kahane described some fascinating empirical research using fMRI in the exploration of moral judgment. Dr Anders Sandberg gave a wide ranging summary of ethical issues raised by advances in cognitive and mood enhancement and Professor Julian Savulescu provided food for thought on the possibility of modification of emotions to improve relationships, both personal and societal. The interest of the final session was evident by the large number of delegates still present at the end of a very hot afternoon.

We also had a selection of interesting posters on display throughout the conference. Congratulations to Dr Jane Bernall for winning the poster prize for her poster "*Am I going to Die?*" *The Ethics of telling or withholding the truth from people with learning disabilities dying of cancer.*

The tenth UKCEN conference will be held in Cardiff and hosted by the Cardiff and Vale NHS Trust Clinical Ethics Committee. We look forward to seeing many of you there.



CECs and pandemic influenza planning

In the Spring 2009 issue of the newsletter Dr Andrew Tillyard wrote about the issue of priority setting for ICU admissions during a pandemic. Since Andrew wrote this piece we have experienced the H1N1 (swine flu) pandemic at firsthand in the UK and only last week concerns were raised about the adequacy of intensive care facilities to cope with an expected surge in demand as the rates of influenza increase as expected in the Autumn.

To gauge the extent to which CECs have been involved in local planning for pandemic influenza and the views of CECs on their role in planning for and dealing with a pandemic. Andrew developed a brief questionnaire which was distributed electronically to all CECs in the UK in April, a week before the current outbreak of H1N1 influenza. Responses were received from 18/80 (22%) ethics committees within the UK. A summary of the findings is given below.

A specific plan had been developed for coping with a pandemic by all eighteen (100%) of the responders' Trusts and ten CECs had been asked to review the final document. Some CECs who had not been formally asked to discuss their Trust's plan had still discussed aspects of pandemic influenza planning including exclusion of visitors, overall impact of policy, prioritisation of treatment due to increased demand and reduced staffing, risk to staff when dealing with infectious patients, and staff working beyond their competence. In response to the question regarding what role the CEC thought it should play in a pandemic three thought that their CEC should oversee any triaging processes and five thought they should review any triage decision about which there was disagreement other suggested roles included:

- Input into development of triaging process,
- Involvement in multidisciplinary discussion on individual case decisions or policy implementation,
- Reviewing overall policy to ensure an appropriate and consistent approach and reviewing deviations from normal practice in exceptional circumstances.

Some CECs thought that they would continue to provide a rapid response service during the crisis phase as requested on individual case dilemmas and questions of policy while others questioned whether this would be possible given the other workload of the committee during an epidemic and the overwhelming nature of the range, urgency, and number of decisions that would need to be made.

CECs were asked what support they would like from the Department of Health with regard to triaging and prioritisation. 67% preferred central guidelines that allowed some local flexibility. 50% of these responders thought that the local flexibility should be determined by CECs.

There has been little empirical research on these issues although two papers have been published recently by researchers in Birmingham^{1,2}. There will be a Five Minute Focus on the ethics of pandemic influenza in the September issue of the journal *Clinical Ethics* which may be helpful for CECs (<http://ce.rsmjournals.com/>)

1. Damery S, Wilson S, Draper H, Gratus C, Greenfield S, et al. Will the NHS continue to function in an influenza pandemic? A survey of healthcare workers in the West Midlands, UK *BMC Public Health* 2009, 9:142
2. Ives J, Greenfield S, Parry J, Draper H, Gratus C et al. Healthcare workers' attitudes to working during pandemic influenza: a qualitative study. *BMC Public Health*. 2009;9:56



Clinical ethics in Grampian

NHS Grampian appointed a clinical ethics lead at the tail end of 2008. This is a new development for Grampian Health Board and I believe the first of its kind in Scotland. The role includes chairing the Grampian Clinical Ethics Committee which is a well established committee and the first of its kind constituted in a Scottish Health Board.

The remit of the post includes facilitating ethical discussion and case consultation across all areas of NHS Grampian, enabling staff support and training in ethics for NHS Grampian employees and facilitating training for committee members. It also includes ethical input to policy development and guidelines for the Grampian NHS Board and other appropriate organisations.

Since appointment, my efforts have been directed at exploring the clinical ethical teaching requirements for health care staff. Also, setting up and delivering clinical ethics training across NHS Grampian (both primary and secondary care). I am also engaged in highlighting the work of the committee and reviewing of ethical aspects of health board policy as well as committee work

I think that this is a really exciting and important development in Scotland and I am currently aiming to strengthen links between the existing individual Scottish health board clinical ethics committees and forums.

Dr Ruth Stephenson
Clinical Ethics Lead NHS Grampian, Consultant in Anaesthetics, Honorary Senior Lecturer University of Aberdeen



Clinical ethics support programme at Warwick

Leah McClimans has now joined Anne Slowther and Paula Williamson at Warwick Medical School and together they will be working to develop a programme of research and development in clinical ethics at Warwick. Leah has a PhD in philosophy and a particular research interest in the use of patient reported outcome measures in medical research. She has also spent a year as a clinical ethicist at the Joint Centre for Bioethics in Toronto, one of the leading international Centres for clinical ethics.

The initial research focus for the Warwick programme will be on development of evaluation measures for clinical ethics committees and other forms of ethics support. Leah will also be working on the development of a suite of educational resources/workshops in clinical ethics for members of CECs and health professionals more widely. The Warwick team will continue to publish the Network newsletter and to work with the Network on other initiatives that support clinical ethics committees.

There continues to be close collaboration between the Warwick team and the Ethox Centre in the area of clinical ethics. Mikey Dunn has recently joined the Ethox Centre as a post doctoral Fellow and will be focussing his research on ethical issues in the care of vulnerable adults. One area of interest is in the development of ethics support in nursing homes.

Both the Warwick programme and the Ethox post have been funded by grants from the Ethox Foundation.



Ethics news

GMC announces launch date for Doctors' Licences

The GMC has announced the launch date for doctors' licences and from 16th November 2009, all doctors will need a licence to practice medicine within the United Kingdom.

Currently in the UK a doctor has to be registered with the GMC to practice medicine, but from 16th November, in addition to being registered with the GMC, doctors' will also need a licence to undertake any kind of medical practice within the UK, including writing prescriptions, holding a post as a doctor in the NHS and signing death and cremation certificates.

Full details can be found on the GMC website:

<http://www.gmc-uk.org/news/index.asp#date>

Pandemic Influenza: Good Medical Practice

Responsibilities of doctors in a national pandemic

The GMC has issued guidance on good medical practice for use when the UK is at level 3 of an influenza pandemic. The guidance can be found at the following link:

http://www.gmc-uk.org/guidance/news_consultation/GMP_in_pandemic_draft_24_Feb_09.pdf

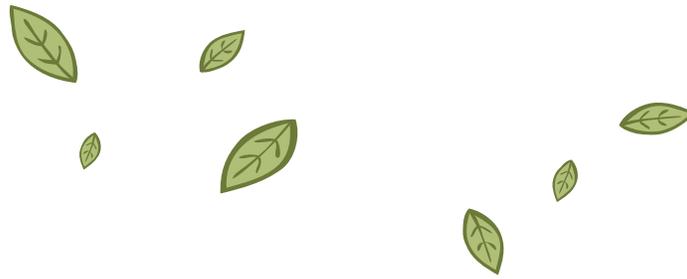
Law Lords ruling on assisted suicide

In July the Law Lords considered a request for clarification of the law on assisted suicide from Mrs Debbie Purdy. Mrs Purdy, who is suffering from multiple sclerosis wanted clarification on whether her husband would be prosecuted under the 1961 Suicide Act if he accompanied her to Switzerland to make use of the facilities at the Dignitas Clinic. Their Lordships ruled that the Director of Public Prosecutions must specify when a person would face prosecution in such circumstances. Following this ruling the DPP in England has stated that interim guidance will be published by the end of September and a permanent policy will be published in Spring 2010 following public consultation <http://news.bbc.co.uk/1/hi/health/8177246.stm>

BMA publishes guidance on child protection for doctors.

In May 2009 the BMA published a toolkit for doctors to provide guidance on issues of child protection. The toolkit is designed for a general audience of health professionals rather than those with specific management responsibilities or child protection expertise. The toolkit can be downloaded from the BMA website

http://www.bma.org.uk/ethics/consent_and_capacity/childprotectiontoolkit.jsp?page=1



Dates for your Diary

- 15th Sept 2009 Third annual conference of Plymouth Community Clinical Ethics Group. Buckfast Abbey, Devon. Details and registration form from ethicsconference@phnt.swest.nhs.uk
- 29th Sept 2009 Enhancing Decision-Making in Healthcare Practice – University of Stirling
- 7th – 12th Sept 2009 Medical Ethics 5 day intensive course, Imperial College London
For further details and registration
http://www3.imperial.ac.uk/cpd/courses/subject/medical/medeth?amp%3B_schema=PORTALLIVE

Details of the above meetings are on the Network website, courses and conferences section <http://www.ethics-network.org.uk/courses-and-conferences>



Contact Details

Listed below are the names of the CEC grouped by geographical area in the UK. All the details are now available on-line.

If you do not have access to the website and would like the contact details of any clinical ethics committee, please contact the Network.

Scotland

Grampian NHS Board

North East

Newcastle Upon Tyne

Northgate and Prudhoe NHS Trust

Northumbria Health Care NHS Foundation Trust Clinical Ethics Advisory Group

South Tees Hospitals NHS Trust

North West

Alder Hey Children's NHS Foundation Trust Clinical Ethics Committee
Calderstones NHS Trust
Lancashire Teaching Hospitals NHS Trust
Royal Manchester Children's Hospital
Wythenshawe Hospital
Wirral Hospital NHS Trust

Yorkshire and Humberside

Doncaster Royal Infirmary
Hull and East Yorkshire Hospitals NHS Trust
Leeds Teaching Hospitals
Mid Yorkshire Hospitals NHS Trust
Sheffield Children's Hospital NHS Trust
Sheffield Teaching Hospitals Clinical Ethics Group

Northern Ireland

Altnagelvin H&SS Trust
Belfast Health and Social Care Trust
Northern Ireland Hospice

Wales

Cardiff and Vale NHS Trust
North East Wales NHS Trust
Swansea NHS Trust

West Midlands

Birmingham Children's Hospital
Birmingham Women's Health Care NHS Trust
Heart of England NHS Foundation Trust
St Andrews Hospital
University Hospitals Coventry and Warwickshire NHS Trust

East Midlands

Derbyshire Royal Infirmary
Nottingham City and University Hospitals
Nottinghamshire Healthcare NHS: Adult Mental Health Clinical Ethics Committee
Nottinghamshire Healthcare NHS Learning Disabilities Service Advisory Group
Sherwood Forest Hospitals NHS Trust
Southern Derbyshire Acute Hospitals NHS Trust
United Lincolnshire Hospitals Trust Clinical Ethics Committee
University Hospitals of Leicester NHS Trust

Eastern

Cambridge University Teaching Hospital NHS Foundation Trust
East and North Hertfordshire NHS Trust
East Anglia Ambulance NHS Trust
King's Lynn and Wisbech Hospitals NHS Trust
James Paget Healthcare NHS Trust
Norfolk and Norwich University Hospital
Princess Alexandra Hospital NHS Trust
Peterborough Hospitals NHS Trust
Queen Elizabeth II Hospital Clinical Ethics Committee
Shelton Hospital
Southend University Hospital NHS Foundation Trust

London

Barts and the London NHS Trust
Central and North West London Mental Health NHS Trust
Cromwell Hospital
Great Ormond Street Hospital for Children NHS Trust
Homerton University Hospital NHS Trust
Imperial College Healthcare Clinical Ethics Committee
King Edward VII's Hospital
Kingston Hospital NHS Trust
London Clinic
Northwick Park Hospital
Queen Elizabeth Hospital NHS Trust
Royal Hospital for Neurodisability
St Christophers Hospice
St Georges Hospital
UCLH NHS Trust
West Herts Clinical Ethics Committee
Whittingham NHS Trust

South East

Brighton and Sussex University Hospitals NHS Trust
Dartford, Gravesham and Swanley PCT Clinical Ethics Committee
Helen and Douglas House Oxford
John Radcliffe Hospital
Luton and Dunstable Hospital NHS Foundation Trust
Oxfordshire and Buckinghamshire Mental Health Partnership NHS Trust
Princess Alice Hospice
West Kent Primary Care Trust

South

Poole Hospital NHS Trust
Portsmouth Hospitals NHS Trust
Royal Bournemouth and Christchurch Hospitals NHS Foundation Trust
Salisbury Health Care NHS Trust
Southampton University Hospitals Trust
Guernsey Health and Social Services Department Ethics Committee

South West

Bristol Royal Infirmary

Gloucestershire Hospitals

Plymouth Health Community

Royal Devon and Exeter Hospital

Royal United Hospital NHS Trust

Taunton and Somerset Hospital

Yeovil District Hospital