1 MODULE AIMS

- To establish a foundation of key knowledge in relation to legal and ethical aspects of clinical decision-making in health and social care practice.

- To enable the student to analyse these elements and demonstrate understanding of how legal and ethical theory relates to clinical practice.

There are a number of policy drivers for improving clinical decision-making and these are directly related to the Governments agenda for reforming health and social care – themes running through the main policy documents include: working in partnership, user and carer empowerment, learning from critical incidents, assessing and managing risk, reducing discrimination, reducing litigation and protecting adults, children and the public at large.

Health and social care professionals should be aware of legal and ethical frameworks for clinical and professional practice and must have the knowledge and skill to deal competently with a wide range of legal and ethical issues.

Increasingly practitioners must be able to make informed decisions in relation to health and social care practice and be prepared to make ‘hard’ decisions in emergency situations working in collaboration with colleagues and service users.

Study at this level provides an opportunity for students to discuss the relationship between law, policy and practice and ethical decision-making. It will also allow exploration of legal and professional accountability, which are key aspects of professional health and social care practice.

Increased boundaries to the scope of practice of health and social care professionals require each professional to have a sound understanding of the ethical and legal elements which they are required to apply.
2 MODULE LEARNING OUTCOMES

By the end of the module you will be able to:

1. Analyse the fundamental principles and concepts (associated with legal and ethical decision-making) contained in health and social care law, policy and practice guidelines. (Programme Aim, 1.2)

2. Discuss the above concepts and principles in relation to a topical news story and consider the influence of the media in shaping the public perception of health and social care professionals. (Programme Aim, 1.1)

3. Discuss the ways in which ethical thinking and analysis may develop and be integrated within health and social care practice. (Programme Aim, 1.4)

4. Analyse relevant common law precedents, and statutes which impact upon health and social care practice. (Programme Aim, 1.2)

5. Reflect on legal and ethical learning and construct a personal development plan for continuing professional development in relation to legal and ethical decision-making. (Programme Aim, 1.5)

To achieve a pass, you will

1. Demonstrate in your portfolio/development plan the presence of learning relating to each learning outcome.

2. Structure the portfolio and follow the portfolio guidance.

3. Demonstrate an ability to accurately identify and analyse legal and ethical decision-making in health and social care practice elements most relevant to your area of professional practice.

4. Explicitly reference the legal and ethical support for the concept of ‘human rights’ and its application to your practice.

5. Identify the main elements of practice and analyse elements of legal and ethical decision-making which should inform clinical and professional decisions and actions.

6. Identify and analyse case law precedents and items of judicial interpretation of statute impinging on professional health and social care practice through the identification of binding and persuasive elements of judgments and approaches to judicial interpretation.

7. Demonstrate the ways in which ethical and legal concepts operate in health and social care by referencing the use of ethical approaches and the use of law in published sources concerned with health and social care practice.

3 INDICATIVE LEARNING, TEACHING AND ASSESSMENT ACTIVITIES
Feedback for learning will be through a one hour multiple choice objective test or a 10 minute presentation. You will also be given tutorial opportunities.

Feedback for grading will take the form of completion of a portfolio and professional development plan (3,500 words), which will analyze the legal and ethical elements of clinical decision-making. Your work written work must consider how these elements are/will be integrated and applied in practice.

The two pieces of work (the portfolio and PDP) should be submitted together.

Your professional development plan will outline how you intend to update your legal and ethical knowledge in relation to the needs of clinical practice and/or your organisation.

1 Portfolio Guidance

- **Identify a relevant ‘news’ item or ‘inquiry report’** that relates in some way to legal and ethical decision-making in health and social care practice.
- **Summarise the facts** of the news story or inquiry report.
- **Explain the relevance of the item** in relation to health and social care practice - identify any relevant topical or contemporary practice issues that are currently affecting practitioners.
- **Identify a ‘grey area’** in relation to current health and social care practice – ie an area where the current law or current ethical/professional guidance is unclear or controversial.
- **Consider how might legal and ethical decision making evolve in the future** and ensure clarity and protection for service users and health/social care professionals.
- **Identify the legal and ethical elements underlying the news story/inquiry report** – which legal, ethical elements does the story/report touch upon, either directly or indirectly – students must demonstrate the ability to relate legal and ethical theory to clinical practice in health/social care?
- **Reflect** on the news item and consider how the story relates to either: user empowerment, adult or child protection, risk management or clinical governance within health and social care.
- **Provide some evidence that you understand the complex relationship between law, ethics, and health and social care policy.**
- **Demonstrate how this assignment task will inform your own continuing professional development** particularly in relation to protecting and/or empowering service users or carers.

4. INDICATIVE MODULE CONTENTS/TOPICS

- Lectures to introduce the module, key concepts and topics of the module, including professionalism and professional codes of confidence, consent and competence and to introduce the assessment work.
• Self-directed work-book, using examples and case studies, to expand your understanding of the key concepts and topics of the module and to explore branch-specific issues.

• MCQ objective test or presentation to allow feedback for learning and prompt reflection upon your learning in relation to the learning outcomes of the module, and, to provide support for completion of the assessed work.

• Reading lists to guide you to appropriate research and source to facilitate your exploration of key areas of the curriculum materials.

• Core and supplementary information will be provided via electronic blackboard - for example: relevant legal cases and materials – streamed audio and pod-cast material.

NOTE: These learning activities will also support you in the development of your Personal Development Plan.

These are examples of the content of the module and the main learning resources you will use:

• Introduction to law (legal terminology - common law processes and judicial interpretation of key cases/statutes).

• Introduction to ethics in health and social care (principles of health and social care ethics: autonomy; non-malfeasance; beneficence; justice).

• Accountability and duty of care - Mistakes, apologies and how to avoid claims for negligence.

• Acting professionally – learning from past incidents and inquiries.

• Decision-making and emergency situations.

• Legal and ethical aspects of risk assessment and risk management – acting reasonably.

• Maintaining a safe and therapeutic working environment – key themes in health and social care legislation and EU regulations.

• Anti-oppressive practice in health and social care.

• Documenting and disseminating information.

• Involving and empowering users and carers in decision-making.

• Consent, capacity and human rights – informed decision-making.

• Confidentiality issues in health and social care practice.

There are two types of feedback that you will receive:
Feedback for learning - will help you focus and develop your thinking and your work. This will occur in general discussion during lectures, you will also receive verbal feedback on your ideas and writing during group discussion this will come from both the lecturer and your student colleagues.

More specifically focused comment on your ideas and essay drafts will be given towards the end of the unit when you will have the opportunity to attend individual or small group tutorial sessions.

Objective test questions attached to lectures will also inform learning and development of skills associated with applying legal and ethical theory to clinical nursing practice.

Feedback for grading will be given to you in written form after your work has been assessed and marked, using a standardized proforma. You may also have the opportunity to discuss your work with the markers.

INDICATIVE READING

Brain, and Carr (2005) Law for Social Workers. OUP.
Herring, J (2006) Medical Law and Ethics. OUP.

Other online resources:

For example: www.ethics-network.org.uk

A summary of 12 key points of consent can be found at:
www.doh.gov.uk/twelvekeypts.htm
www.doh.gov.uk/consent
Additional information is available to support this module, including assessment criteria detailing how your performance in the module will be measured, how you will receive feedback, details of learning resources and key readings.

Further information can be found in the module handbook, assessment briefs, course handbook etc.

**NOTE THAT THIS ADDITIONAL INFORMATION MAY BE SUBJECT TO CHANGE FROM YEAR TO YEAR**

**FINAL TASK**

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<th>According to the Assessment Strategy shown in the Module Descriptor, which task will be the LAST TASK to be taken or handed-in? (Give task number as shown in the Assessment Strategy)</th>
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**MODULE REFERRAL STRATEGY**

| Task for Task (as shown for initial assessment strategy) | Y |
| Single Referral Package for All Referred Students | N |

**CHECKED**

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