

IME Conference

Thursday 24th June 2010

Cardiff University



Teaching and the patient who lacks capacity - Is it ethical? Is it legal?

A key aim of the IME three year Education Project on learning, teaching and assessment in undergraduate medical ethics, is to foster and facilitate a sense of community between teachers of medical ethics and law and to support learning.

Consideration of the legal and ethical issues in respect of teaching using patients who lack capacity may provoke a difference of opinion. Does the Mental Capacity Act 2005 enable the teaching of medical students using patients who are unconscious, and where it has not been possible to get prior consent, using 'best interests' as a justification?

The focus of the morning session will be a 'Mock Trial'. Professor Penney Lewis (King's College London), representing P, a patient, is seeking a declaration that Andrew Tillyard, (I.T.U Consultant, Peninsula Medical School) has been unlawfully teaching medical students using unconscious patients without having first elicited their consent. A number of 'expert witnesses' will be called to represent different perspectives including that of the GMC, a patient and an F1/medical student.

In the afternoon session workshops will enable discussion of ethical and legal issues arising in different clinical settings where patients are unable to give consent to their involvement in medical student teaching: Mental Health, Learning Disabilities, ITU, Care of the Elderly and Surgery. Each workshop will address the following:

- What are the problems in this area of teaching?
- How can the interests of patients be safeguarded?
- How do you teach using patients in this category?

There is no charge for the conference for participants. The IME is very keen to welcome clinical and non clinical teachers of ethics and law. Places are limited to a maximum of 60. Please book a place for this event by contacting Elaine Paris, Joint Project Manager, IME Education Project (educational@instituteofmedicaethics.org).

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PROGRAMME

- 09.30 **Registration and refreshments**
- 10.00 hrs **Welcome and introduction: Building a Community of Teachers of Medical Ethics and Law**
Rev Bryan Vernon, Lecturer in Health Care Ethics, Newcastle University
- 10.20 **Rolling out the 2010 Content of Learning**
Professor Gordon Stirrat, Institute of Medical Ethics
- 10.45 **Mock Trial R v Tillyard ex parte P.**
Professor Penney Lewis, representing P, a patient, is seeking a declaration that Dr Andrew Tillyard has been unlawfully teaching medical students by using unconscious patients without having first elicited their consent.
- 12.30 **Introduction to afternoon session**
- 12.45 **Lunch**
- 13.45 **Workshops – - Consensus on best practice: ethical and legal issues arising in different clinical settings where patients are unable to give consent to their involvement in**
Mental Health, Learning Disabilities, ITU, Care of the Elderly and Surgery.
- 15.15 **Tea**
- 15.45 **Take home messages.** Dr Wing May Kong, Vertical Theme Head Ethics, Faculty of Medicine, Imperial College
- 16.15 **Close**