

Law and Ethics for Paramedics: An Essential Guide

THIRD EDITION

Edited by Georgette Eaton

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Editor

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Tom Mallinson began his career in London, with Institute of Healthcare Development (IHCD) Paramedic Training and a degree in Paramedic Science with the University of Hertfordshire. After working for the London Ambulance Service NHS Trust, he studied Medicine at Warwick Medical School and undertook further education in primary care, wilderness medicine and healthcare education. He is a fellow of the Royal Geographical Society, the Higher Education Academy and the Academy of Wilderness Medicine. Tom has published both primary research and educational materials, and is a member of the editorial board for the *Journal of Paramedic*

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Note from the Editor

I am incredibly proud of the contributing author team within this book. This book is unique in two aspects: firstly, every chapter is written by a paramedic, whether as an individual or a co-author alongside another specialist in the field of which they write. Secondly, all authors have specialised (clinically, within education, leadership or research) in the areas in which they write about. We are at a point in the development of the profession that paramedics are not only writing their own textbooks but they are also specialising in subjects relevant to our profession. It is an incredibly exciting time to be a paramedic, and if you are joining the profession now, then the world really is your proverbial oyster. Regardless of your stage in practice, I am confident this book has something for everyone – from student through to consultant. As you read through these chapters, think about you. Take pride in your professional title and know what it means. Continue to look, listen and learn – from your patients, your peers and those senior to you. Think about who you are, what values you hold dear to you and where you sit within the profession – and the wider world. Remember the legal boundaries that govern your practice. Consider how you can use the skills of your profession for good. Above all, enjoy it. There is no job in the world that is more rewarding than being the person who is called upon to help humanity in its worst moments ... and by your very presence, allows humanity to act its best. Regardless of where you sit within clinical practice, education, leadership or research, of all the healthcare professionals, we are the most privileged. Be proud of that.

Georgette Eaton

Preface

There has been much change since the last edition of this text was published. The health system has continued to see unprecedented demand beyond that which could be predicted: issues with retention of healthcare professionals across all sectors, compounded with a reduction in funding and a population that is both ageing and has a greater awareness of their rights and services as patients have all contributed to the pressure on paramedics seen today. The Covid-19 pandemic saw a renewed public interest in the role of the 'evidence base' when it comes to health treatment, and decisions about what is moral in terms of the allocation and prioritisation of this treatment have been widely debated professionally (and informally in pubs and staff rooms) across the country.

Yet, cresting the wave of these changes comes our profession. The paramedic profession has evolved considerably since its inception some twenty years after the founding of the NHS (Collen, 2017), and with many NHS ambulance services now positioned as mobile healthcare providers, the paramedic role has consequently evolved. Paramedics increasingly provide clinical assessment and management, using a variety of delivery methods both remotely (using a hear-and-treat approach) or face-to-face (using a see-and-treat or see-and-refer model) (NICE, 2017). Paramedics are no longer confined to four wheels, and the modern paramedic has the opportunity to practice in diverse clinical areas, such as acute hospital trusts, forensic healthcare, primary care practices, critical care services, minor injury units and urgent care centres – to name but a few (Evans et al., 2013; Williams et al., 2013; O'Meara, 2014). Paramedics are also not limited to clinical practice, with an emerging presence within the academy as well as research. Leadership posts across a range of NHS and private services also boast paramedics. The changing demands on the ambulance service have birthed a twenty-first century paramedic who is expected to be nothing if not a generalist (Eaton, Mahtani and Catterall, 2018).

A key driver of the transformation of paramedics in care provision has been their level of autonomy as allied health professionals. Unlike other parts of the world, UK paramedics are required to register with the Health and Care Professionals Council (HCPC). Registration changed many aspects of paramedic practice, with the professional standards becoming central to professional practice and underpinning patient care. It also ensured that paramedics became accountable for their actions and, while this is discussed more in Chapter 1: Professional Regulation and Accountability, it is worth noting that this accountability reflects the professional identity of the profession. As well as ensuring the modern paramedic acts competently, this registration also outlines ethical standards that paramedics must comply with to ensure both quality of care and patient safety.

The Law, Ethics and the Paramedic?

It is an incredibly exciting time to be a paramedic. Clinical practice is open to paramedics across NHS, military, charity, civilian and business settings. Whether working in the NHS ambulance service, other NHS settings, private health providers, expedition medicine or retrieval support, the versatility offered by paramedics is finally being recognised across the world. This is not, however, without its challenges. Each setting will require a slightly different skill set, a slightly different scope of role, a slightly different governance structure and a slightly different approach to problems. One constant is the day-to-day issues of the moral and legal contours of the paramedic–patient relationship. While these settings may be different in terms of environment and clinical practice, each is full of its own ethical dilemmas and legal influence, which can sometimes be difficult to navigate. As a profession underpinned by registration territories in education, research and leadership also bring with them the obligations owed in matters of public health. Each territory brings a similar number of problems, albeit concerning different ethical and legal principles. Ethics allows the justification of a particular course of action by reference to wider, socially accepted norms or values. An understanding of the law ensures that actions are legally robust and without criticism of negligence. Arguing to ethical principles or legal concepts will help clinicians to make a judgement during a difficult decision – *which path is the better option?* Although there may be more than one ‘right’ answer, the ‘wrong’ answer is the path that is not justifiable – both legally and ethically. An understanding of how to navigate such concepts is key to personal and professional development, as well as the continued growth of the paramedic profession as a whole.

How this Book Works

Written by paramedics, for paramedics, this book presents an introduction to the law and ethics within paramedic practice. Each chapter will use case studies to develop further insights into the concepts discussed, and conclude with recommended readings or resources for readers to peruse. Throughout the book, in addition to images used to demonstrate specific areas of learning, the below icons are used to draw attention to important areas within the text:



Pause Point: consider how this relates to your practice.



Case Law: presenting detailed facts of a legal case that have been resolved by courts or similar tribunals.



Case Study: apply your knowledge from this chapter so far.



Tips for practice: important points you may find useful in your practice.

A Table of Cases and Legislation cited within the text can be found at the rear of the book. Otherwise, this book is broken down into fifteen distinct chapters:

Ceri Sudron introduces **Chapter 1** with a concise history of the paramedic profession and what it means to be a professional. She'll then explore contemporary practice and the role of the HCPC in regulation for our profession. I'll provide an introduction to ethics, or moral philosophy, in **Chapter 2**. Giving an overview of some of the most popular ethical schools of thought which will (hopefully) help to set the tone of the text, and the chapters that will follow. In **Chapter 3** I'm delighted to co-author with Iain Campbell, where we will outline four vignettes relevant to paramedic practice and discuss applied ethics for each scenario. **Chapter 4** deals more complexly with clinical negligence, in which Edd Bartlett and I discuss the development of clinical negligence within case law and promote candidness when faced with medical error. Edd Bartlett returns in **Chapter 5**, co-authoring alongside Katie Viggers to give an overview of coroner's court and inquests in England and Wales. It is a regret that this chapter could not cover the same judicial process in Scotland or Northern Ireland – and something we plan to solve for future editions. Vince Clarke outlines the differing types of consent readers may face in practice, discussing relevant case law and advice in **Chapter 6**. Edd returns in **Chapter 7** to explore the legislation relating to mental capacity assessments, citing relevant case literature to apply it to paramedic practice. Building on the two previous chapters, issues surrounding consent, capacity and negligence for patients under the age of 18 are outlined by Will Broughton and myself in **Chapter 8**. Simon Kersey and I take this further in **Chapter 9**, where we look specifically at the issues of consent and decision-making capacity in the refusal of blood products by adults and children. Edd returns again in **Chapter 10**, this time with Antonia Cook, to explore the role of organ and tissue donation within the paramedic profession, and both the ethical complexity and legislation that relates to this. Samantha McCabe-Hogan is joined by consultant nurse in mental health Carly Lynch in **Chapter 11**, aiming to give the reader a more solid understanding of the legislation relating to mental health. This is followed by Andy Collen in **Chapter 12**, who places specific emphasis on the ethical practice of medicines management within the legislation relating to medicines for paramedic practice. Dual registered GP and paramedic Tom Mallinson focuses on the specific legal and ethical issues pertaining to decision making in palliative and end of life care, and the role of the paramedic in **Chapter 13**. In our penultimate chapter, Aidan Baron lends his voice to applying the legal mechanisms alongside professional and ethical considerations in the professional use of social media in **Chapter 14**. This text then concludes with John Renshaw appealing to aspiring paramedic researchers in **Chapter 15**, offering a summary of medical research ethics and outlining the legislation relating to health research – inspiring readers to continue in the ethos of our evidence-based profession.

Learning from the experience of the author team, each with their own specialism and background within this setting, this book presents a guide to applying law and ethics

to paramedic practice. No single set of instructions can hope to cover the multitude of experiences, settings, issues and dilemmas a paramedic may face in the diverse range of settings in which they work. So, in place of a guide, this book will provide an introduction to understanding the essential legal and ethical issues pertinent to paramedic practice.

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