

# Framework for Supporting Ethical Decisions

## Fundamental principles:

- ✓ Everyone matters - this means that healthcare decisions should respect the principles set out in human rights and equality legislation
- ✓ Everyone matters equally – but this does not mean that everyone is treated the same
- ✓ Decision making processes should be fair and equitable, as well as transparent
- ✓ Decision makers need to be honest with patients and the public about how decisions are made, in a way that they are able to understand
- ✓ Decision makers at all levels should find out what matters to those that their decisions impact, including individual patients, healthcare staff and support them in playing an active role in the shared decision-making processes
- ✓ The harm that might be suffered by every person matters and so minimising the harm that a pandemic might cause is a central concern

## Autonomy

Working together - Where possible, people should be actively involved in decisions about their health and wellbeing with full and accessible information. People's present and past wishes and feelings should be considered, so far as they can be ascertained, by any means of communication. Tailored support should be provided to those who need assistance to participate in decisions. All individuals have the right to change their minds about the care and treatments that they would choose, for example, patients may wish to review advanced decisions or care plans considering new treatment options. Practitioners should maintain confidentiality in line with regulators current guidance and document appropriately.

## Beneficence

Where there are resource constraints, patients should receive the best care possible within those constraints and making use of the maximum available resources

Flexibility - As the clinical situation evolves both at the individual and population level, decisions will need to be kept under review with clear clinical pathway guidance at the national level.

Reciprocity - Wherever clinicians are expected or asked to take increased risks, they must be supported in doing so, for example there must be adequate supplies of appropriate PPE.

## Justice

Any ethical decision should be considered as part of the wider context in society and must consider four main areas when evaluating justice: fair distribution of scarce resources, competing needs, rights and obligations, and potential conflicts with established legislation.

Respect - All patients should have access to good quality and compassionate care

Fairness - Patients should be treated as individuals, with respect for their autonomy, and not discriminated against. If there are changes to healthcare scope and delivery, decisions should be made fairly and equitably, and not impact any group disproportionately.

Capacity and Consent - The approach to assessing, supporting and recording decisions about capacity and consent remains the same during the COVID-19 pandemic. Clinicians should continue to apply the ethical, professional and legal frameworks in their interactions with patients.

## Non-Maleficence

**First do no more harm, Minimise the harm that medical intervention does to a patient while acting in the patient's best interests**

### Minimising Harm

Where there is a decision that a treatment is not clinically appropriate, there is not an obligation to provide it, but the reasons should be explained to the patient, or their attorney or guardian where appropriate, in a way that they are able to understand, and other options explored in accordance with the patient's wishes

No active steps should be taken to shorten or end the life of an individual, however the appropriate clinical decision may be to withdraw life prolonging or life sustaining treatment, or change management to deliver end of life care Clinicians are already familiar with the need to make ethically-based decisions where further treatment simply will not deliver medical benefit to the patient, and/or it runs the risk of being inhumane, degrading or violating fundamental human dignity

Where a treatment is likely to cause significant harm or have a limited chance of benefit, clinicians, in discussion with patients and those closest to them, may decide that this treatment or course of action is not in the patient's best interests. This could include deciding against transfer to hospital or admission to intensive care or may reflect a decision to a withdraw life prolonging or life sustaining treatment. In all circumstances, patients should continue to be provided with the best possible care, as close to their wishes as possible.