Medical ethics committee: ARM 2021 report

**Introduction**

The BMA medical ethics committee (MEC) is made up of doctors, lawyers, ethicists and theologians. It considers ethical and human rights issues important to the medical profession and helps to ensure that the UK legal and regulatory environment supports and strengthens ethical standards in medicine. The committee is supported by a dedicated medical ethics and human rights team. In addition to supporting the MEC and contributing ethics insight to wider BMA policy, we provide ethics advice to hundreds of individual BMA members each year. Through the MEC and the secretariat, the BMA continues to advocate the highest standards of ethics and human rights in healthcare, both for clinicians and for patients, at home and abroad.

The MEC is a UK committee and provides ethics support to all BMA teams and committees across the UK. We are always happy to receive requests from other teams within the BMA for a view on specific ethical issues and subsequent policy support.

Moral distress

The BMA’s ethics team took the lead on the BMA’s work on moral distress and moral injury. Moral distress occurs where institutional and resource constraints create a sense of unease among doctors from being conflicted about the quality of care they can give. Moral injury arises where sustained moral distress leads to impaired function or longer-term psychological harm. In June 2021, we published our [report](https://www.bma.org.uk/advice-and-support/nhs-delivery-and-workforce/creating-a-healthy-workplace/moral-distress-in-the-nhs-and-other-organisations) on the matter, which included analysis of the BMA’s pan-profession survey on the issue, the first of its kind. Our findings indicated that 78.4% of doctors stated that moral distress resonated with their experiences at work and just over half said the same about moral injury. The report included detailed recommendations on tackling this issue, which highlight necessary structural changes, including increasing staffing and funding, as well as empowering doctors.

Guidance and support for members

An important part of our work continues to be supporting our members who are confronted with challenging ethical or human rights issues. We do this both individually, through our ethics advice service, and collectively through our published guidance. Most of our guidance is based on common enquiries received from BMA members. The following guidance has been developed in the last year.

[Confidentiality toolkit](https://www.bma.org.uk/advice-and-support/ethics/confidentiality-and-health-records/confidentiality-and-health-records-toolkit)

Our confidentiality toolkit has been updated and revised. The toolkit provides answers to commonly asked questions about when confidential information can be disclosed. Its 15 sections cover specific areas of confidentiality such as disclosing information with consent, disclosing information in the public interest and dealing with requests from third parties.

[COVID-19 – ethical issues](https://www.bma.org.uk/media/3828/bma-covid-19-ethics-guidance-jan-2021.pdf)

Our COVID-19 guidance on ethical issues and decision-making when demand for life-saving treatment is at capacity was reviewed and updated in January 2021.

Children and Young People Toolkit \*\*coming soon

Questions about children and young people are a significant area of ethical enquiry from members, with doctors facing ever more complex dilemmas. Our children and young people toolkit has therefore been updated and revised. The toolkit sets out the legal and ethical principles relating to the examination and treatment of people in England, Wales, and Northern Ireland who are aged under 18 years, and in Scotland under 16 years. Separate sections have been produced identifying factors to be considered when assessing competence and determining ‘best interests’ as well as sensitive areas including child protection, access to sexual health services, trans healthcare, and vaccination.

Transgender healthcare \*\*coming soon

Following the motion passed at the 2020 ARM, the MEC has been working with the BMA’s Equality Inclusion and Culture team to further develop our policy of support for transgender patients and doctors. We will be publishing new guidance shortly, setting out some key ethical, and medico-legal, considerations when providing care and treatment for this patient group.

Influencing public policy

A significant part of the MEC’s work involves seeking to influence public policy and raising the awareness of the public and professionals about important ethical and human rights issues. In the last year we have undertaken lobbying and policy work on the following topics:

Abortion

Policy agreed at ARM 2020 supported the continuation of the home use of mifepristone as part of a remote consultation post-pandemic. Over the past year we have responded to three consultations on remote EMA (early medical abortion) in England, Wales and Scotland, outlining our position. We also updated the BMA’s main publication on abortion to include the new policy – [*The law and ethics of abortion: BMA views*](https://www.bma.org.uk/advice-and-support/ethics/abortion/the-law-and-ethics-of-abortion). To support these submissions, the BMA was a signatory to joint letters, with a range of other health bodies and charities, calling on the English, Welsh and Scottish Governments to make permanent the provision of remote services. In May, the MEC chair also submitted evidence in response to a Northern Ireland Health Committee consultation on a Private Members Bill, currently under consideration, that seeks to remove the clause in the 2020 Regulations permitting termination in cases of severe fetal abnormality.

Opt-out for organ donation

The BMA has campaigned for more than 20 years for a shift to an opt-out system for organ donation in the UK. Wales, England and Scotland all now have an opt-out system in operation. Legislation is also currently being considered in the Northern Ireland Assembly and the head of the ethics secretariatis working with BMA Northern Ireland to support and promote the Bill. As with other parts of the UK, one of the BMA’s ‘asks’ is to ensure that sufficient resources are available, including staff resources, to ensure that an expected increase in organs donated results in more transplants taking place. Click [here](https://www.bma.org.uk/organdonation) for more information on the BMA’s work on organ donation, and the current situation across the UK,

COVID-19

The MEC and the ethics team have continued to contribute to the BMA’s work on COVID-19. Amongst the issues discussed and debated over the last year are COVID-19 vaccine challenge studies, vaccine passports and proposals for mandatory vaccination.

Trans healthcare

In May 2021, the MEC chair gave evidence to the Women and Equalities Committee’s inquiry on reform of the Gender Recognition Act. The chair and relevant staff have also met with Hilary Cass as part of her independent review of gender identity services.

Confidentiality

The ethics department continues its work defending the principle of medical confidentiality. Working closely with the National Data Guardian and GMC, we are strongly upholding the position that the definition of confidential information must include demographic and registration information as well as clinical information.

Standing up for human rights

Human rights report

As part of our ongoing commitment to the promotion and protection of fundamental human rights in health and healthcare, we are producing a substantive report on emerging threats to global health rights. This will focus on many current issues, including the protection of health staff during conflicts, digital threats to medical expertise and the impact of climate change on health-related human rights.

Human rights advocacy

As well as the report, the BMA has continued to advocate on human rights issues during the last session, including successfully taking a resolution for adoption at the World Medical Association condemning the treatment of the Uyghur population in China and bringing 18 medical-representative organisations together to offer support and solidarity to our colleagues in Myanmar, many of whom have faced severe repression and brutality following the recent military coup.

Recent action we have taken to promote human rights in healthcare internationally can be found [here](https://www.bma.org.uk/what-we-do/working-internationally/our-international-work/human-rights).

Other issues discussed by the committee in 2020-21

The committee discusses a diverse range of topics across the spectrum of medical ethics. In addition to the issues referred to above, the MEC also discussed:

* the impact of recent legislation on the UK’s commitment to human rights and international law
* whole genome sequencing of newborns
* physician-assisted dying
* intimate image abuse.

You can [read all our guidance and reports](https://www.bma.org.uk/advice/employment/ethics) online