

St. Joseph's Foundation Service Ethics committee

Objectives

To protect the rights, safety and well being of individuals with an Intellectual Disability and promote best practice in the provision of services to them and their families.

Where there is an opinion that there is a rights restriction or a significant breach of an ethical principle in respect of an individual with an Intellectual Disability attending the service, it may be referred to the Ethics committee for an opinion or recommendation

To educate both staff and service users on ethical issues that may affect their quality of life

To promote best practice in service provision for individuals with intellectual disabilities and their families.

To provide a forum for discussion and problem solving in situations that pose a real difficulty for staff, services users and families that are not covered by other organisational policies and procedures

The Ethics committee may from time to time review certain policies in the light of new legislation or research evidence and may submit recommendations to heads of Departments, heads of services and to the Board of Management

What a service/clinical Ethics committee is not

Recommendations from the Ethics committee are not legally binding

Referrals to the Ethics committee are not 'complaints or grievances' but may seek clarification or guidance on ethical practice that may be outside the remit of the already existing policy frameworks and give rise to conflict of opinion and decision making

The Ethics committee is not a review board or tribunal and will not take the place of the service policies and procedures and professional codes of conduct that already exist within the organisation

Referral and procedures

Referrals can be made by individual service users, staff; parents/guardians (see referral form)

The referral form can be down loaded from the ethics folder on the Foundations website at www.stjosephsfoundation.ie or e-mail Ms. Mary Fitzgerald at mfitzgerald@stjosephsfoundation.ie.

When completed, the referral form should be submitted to Mary Fitzgerald one week before the next committee meeting.

Procedure

If the referral contains issues that can clearly be dealt with under the already existing policies and procedures of the organisation or if the referral constitutes a complaint/ grievance, the Referrer will be notified in writing with a recommendation.

If there is an ethical issue involved and following consideration of the paper evidence the following steps may be followed:

- Issue a recommendation based on the evidence to hand and within the context of the UN Charter of rights and ethical knowledge and the service context of the individual
- Where further information is required, provide an opportunity for the service user, staff or family member to present their concerns at the next meeting of the Ethics committee. Service users should be supported fully to do this.
- In the case of a child, the parent/guardian will be afforded a meeting
- Outcomes/recommendations will then be forwarded to the Referrer, placed in the service users file and also copied to the Ethics committee file
- In cases where there are highly sensitive issues and where there could be breaches of confidentiality, it may be possible not to name the individual(s) but outline the situation in general. In this case the discussion notes and recommendation will be sent to the Referrer and maintained in the Ethics committee file.

Decisions/Recommendations by the Ethics committee

- In cases where it is not deemed necessary to hold a meeting, a letter will be forwarded to the Referrer within 10 working days following the committee meeting. The letter will be placed in the service users file with a copy for the service ethics file
- In cases where the issue is more complex, the Referrer and other parties will be invited to attend a meeting with the Ethics Committee.
- A summary of the discussion, issues raised and recommendations/decisions advised by the Ethics Committee will be given in writing to the Referrer.
- A copy will also be forwarded to the CEO of the organisation, Service Manager or Head of Department. It will be the responsibility of the Service Manager or Head of Department to consider and address the implementation of the decision or recommendation at service level.
- Issues of consent and confidentiality will apply. However, there are limits to confidentiality and it may not always be possible to guarantee confidentiality for Referrers or other staff involved in the case.

Reviews of decision/recommendations by the Ethics Committee

- A Summary Review Form will be forwarded to the Referrer and the Service Manager or Head of Department within 3 months as a follow up (see ethics folder on the Foundations website at www.stjosephsfoundation.ie or by e-mail from Ms. Mary Fitzgerald at mfitzgerald@stjosephsfoundation.ie)
- The Summary Review Form will be completed and submitted to the Ethics Committee within 10 working days of receipt.
- A copy of the Summary Review Form will be forwarded to the CEO of the organisation, Service Manager or Head of Department. A copy will be placed on the service user's file and the Ethics Committee file.

Appeals regarding decisions/recommendations of Ethics Committee

- The individual with an Intellectual Disability, the Referrer, Service Manager or Head of Department may appeal any decision to the CEO of the organisation.
- In cases where there are particularly contentious issues, a further appeal can be made to the Board of Management who will have the final say.

Summary

The role and function of the Ethics Committee in respect of service issues has been outlined above.

It is worth noting that the Ethics Committee will not consider practices that are already governed by the Organisation's policies and procedures and the various professional codes of conduct that govern staff practice in a health and social care setting.

Ethics Committee, St. Joseph's Foundation, June 2010.