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### Overview

This standard combines the satisfying of formal legal requirements and a set of diplomatic and persuasive skills. Where there are uncertainties over the circumstances of the patient's death, the permission of the coroner (procurator fiscal in Scotland) may be required, and police and military authorities may be involved (e.g. in the discovery of the patient) and will need to be satisfied that proper procedures (e.g. coroner's guidance) are being followed.

Users of this standard will need to ensure that practice reflects up to date information and policies.

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## Resolve legal obstacles to donation

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### Performance criteria

*You must be able to:*

- P1 identify the circumstances of the patient's illness or injury and the causes of their condition, and whether it will be possible to certify death routinely
- P2 anticipate whether legal authorities (e.g. the coroner/procurator fiscal, police or military authorities) have an interest in retaining or examining the body (e.g. in the case of circumstances normally referred to the coroner as suspicious death)
- P3 decide whether to deal with legal authorities before approaching the family to request donation (e.g. if you feel that there is a strong possibility of the coroner/procurator fiscal raising objections, criminal cases)
- P4 communicate with the relevant authorities about the circumstances of the patient's death and your proposal to retrieve organs (e.g. using an established protocol for 24 hour contact with coroner's/procurator fiscal's officers, using coroner's guidance documentation)
- P5 provide the information that the authorities require (e.g. standard documentation on admission and death, police involvement, what treatments the potential donor would be given)
- P6 negotiate which organs can be removed (e.g. organs not implicated or believed to be implicated)
- P7 go to a higher authority when you receive an objection is from someone who is not fully informed (e.g. go the coroner/procurator fiscal if the police object)
- P8 take appropriate action or pass on information and advice on what organs may be retrieved and any special procedures required (e.g. notes to be taken, blood or urine samples, pathologist present during the procedure)

### Knowledge and understanding

*You need to know and understand:*

- K1 anatomy and physiology of the human body
- K2 legal requirements for transplantation (e.g. Human Organ Transplants Act 1989, The Human Organ Transplants [Unrelated Persons] Regulations, 1989)
- K3 the role of the coroner or procurator fiscal in consenting for organ donation
- K4 circumstances when reference should be made to coroner or procurator fiscal (e.g. using coroner's guidance documentation)
- K5 information to be given to the coroner when seeking agreement to organ or tissue donation
- K6 the legal frameworks used to protect organ donors, their families and the recipients
- K7 legal, ethical and consent issues for organ and tissue donation for transplantation and research
- K8 issues of maintenance of patient confidentiality in the critical care and donation contexts
- K9 evidence of beliefs about donation and transplantation among informed and uninformed religious and cultural groups (e.g. typical mistaken beliefs that a religion opposes transplantation, religious pronouncements such as Muslim fatwa in favour of transplantation)
- K10 criteria for heart beating and non heart beating donation
- K11 criteria for potential organ donors/criteria for organ donation and contraindications to donation
- K12 how to carry out an examination of a potential organ donor
- K13 legal definitions of death
- K14 procedures for certification of death
- K15 the donation pathway
- K16 local guidelines and protocols in relation to organ and tissue donation
- K17 roles of other members of the multidisciplinary team
- K18 the coroner's/procurator fiscal's officers and other authorities (e.g. police, military)
- K19 how to adapt communication styles in ways which are appropriate to different people (e.g. culture, language or special needs)
- K20 the importance of establishing rapport and how to do so
- K21 how to ask questions, listen carefully and summarise back
- K22 the importance of encouraging individuals to ask questions and how to do so
- K23 the religious beliefs of different cultures
- K24 the effects of different cultures and religions on care management
- K25 the importance of involving individuals in discussions, and how to do so
- K26 how to negotiate effectively with individuals, families and other

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### Additional Information

#### External links

This standard links with the following dimension within the NHS Knowledge and Skills Framework (October 2004):

Dimension: Core 1 Communication

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