

## Proposed Organ and Tissue Donation (Scotland) Bill

#76



**COMPLETE**

Collector: Web Link 1 (Web Link)  
Started: Wednesday, July 23, 2014 7:54:40 AM  
Last Modified: Wednesday, July 23, 2014 8:17:37 AM  
Time Spent: 00:22:57  
IP Address: 151.227.197.86

### PAGE 2: Proposed Organ and Tissue Donation (Scotland) Bill Consultation

**Q1: The overarching purpose of my proposal is to move from the current opt-in system to a soft opt-out system of organ donation. Do you support this move? Please indicate "yes/no/undecided" and explain the reasons for your response.**

Yes,

Please give your reasons for your response:  
The current system clearly isn't working and lives are being lost needlessly.

**Q2: How essential is it to change the law (from an opt-in to a soft opt-out system) in order to achieve the intended benefits (increased transplant rates, reduced waiting lists)? Are there other (non-legislative) measures that could achieve similar outcomes without the need for legislation?**

I don't know what kind of funding the current organ donation scheme has, in terms of outreach work to get people to sign up. However, it's not effectively increasing the numbers of people signing up.

**Q3: I believe the role of the family should be limited to being consulted on whether they are aware of any (unregistered) objection by the deceased rather than asking for their consent. Do you agree? Please indicate "yes/no/undecided" and explain the reasons for your response.**

Undecided,

Please give reasons for your response:  
It could be against the rights of the family to impose this on them against their wishes, having just lost a loved one. People don't tend to talk about death, so this may not have come up. Collectively, we need to get better at talking about death and our wishes for our bodies before this kind of legislative change could be approved.

**Q4: Do you think an individual should be able to appoint a proxy to make the final decision regarding transplantation on their behalf? Please indicate "yes/no/undecided" and explain the reasons for your response.**

No,

Please give reasons for your response:  
This seems bizarre. Think of the circumstances of this - it requires the individual to be having a conversation about their organs with a healthcare professional, so why would they then pass that responsibility over to someone else? And if they don't want to make a decision, it suggests that they are not against it to the point of wanting to opt out, so consent should be presumed. Consider the use of 'named persons' under the Mental Health Act, how infrequently they are supported. It places a huge burden on the proxy, who might come under pressure from other family members who disagree with the appointed proxy's decision. This also adds a layer of bureaucracy to the system, and surely time is off the essence for organ and tissue donation?

## Proposed Organ and Tissue Donation (Scotland) Bill

**Q5: My proposal is that only adults should be automatically opted-in to be a donor. Younger persons would have to register to be a donor, by themselves or with parental consent as they currently do. This approach is I believe the best way to safeguard children and young people. Do you agree? Please indicate "yes/no/undecided" and explain the reasons for your response.**

Undecided,

Please give reasons for your response:  
At present, parents can sign their children up to be donors. I'm not sure that the proposal safeguards children and young people any more than the current system.

**Q6: Do you agree the age limit for an adult should be set at 16 years old? Please indicate "yes/no/undecided" and explain the reasons for your response.**

No,

If you answered no, what would you consider a more appropriate age?  
The UN Convention on the Rights of the Child sets the age limit for a child at 18, and I think the law in Scotland should be consistent with that.

**Q7: Do you agree the soft opt-out system should apply to people who have been resident in Scotland for a minimum period of 1 year prior to their death? Please indicate "yes/no/undecided" and explain the reasons for your response.**

Yes,

Please give reasons for your response:  
With a caveat - there should be extensive advertising and awareness raising about this, as many recent immigrants to Scotland may not have much to do with the NHS, so this should be available in their languages, with information about how to opt out.

**Q8: If you answered no to the above how long, if any, should this period of residency last before they become subject to the soft opt-out system? Would this residency need to be for a continuous period?**

*Respondent skipped this question*

**Q9: Do you think 6 months is a long enough period to run a campaign prior to change over?**

No, it would probably need to be a bit longer.

**Q10: What is your assessment of the likely financial implications (if any) of the proposed Bill to you or your organisation? What (if any) other significant financial implications are likely to arise?**

None - private individual.

**Q11: Is the proposed Bill likely to have any substantial positive or negative implications for equality? If it is likely to have a substantial negative implication, how might this be minimised or avoided?**

See response to q7 re translation and information services.

**Q12: Do you have any other comments on or suggestions relevant to the proposal?**

If research was going to be done with ethical approval and benefit the population by reducing mortality from diseases, an opt-out should also be considered.

Doesn't some of this fall under reserved matters, through the Human Tissue Authority etc?

## Proposed Organ and Tissue Donation (Scotland) Bill

Q13: If you wish your response, or any part of it, to be treated as anonymous and/or confidential, please check the appropriate box. If not, then please go to question 14.

*Respondent skipped this question*

Q14: Thank you for completing this survey. Please provide your name and contact details below.

Name

Company

Address

Address 2

City/Town

State/Province

ZIP/Postal Code

Country

Email Address

