

## Proposed Organ and Tissue Donation (Scotland) Bill

#41



**COMPLETE**

Collector: New Web Link (Web Link)

Started: Thursday, July 03, 2014 5:21:57 AM

Last Modified: Thursday, July 03, 2014 6:32:40 AM

Time Spent: 01:10:43

IP Address: 91.125.105.218

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**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.**

No,

Please give your reasons for your response:  
This proposal seems to be forcing government on people in an area which is personal and whether someone would decide to donate their organs or not. It must be a decision that is taken by an individual as opposed to any sort of legislation that is "nudged" by the government. This is why in my view an opt-in system works better because this way the individual is in control and not the government. Despite the protections detailed, I would be sceptical as to whether they would be delivered. One potential issue to arise is people having their organs taken after death without ever consenting as they've not discussed the matter with others, or may have changed their mind. The protections proposed suggest that consent would still have to be obtained, but with the deceased not being able to respond how can their preference be known (which may change).

**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?**

It isn't essential. Other routes can be taken such as a bigger and broader public awareness campaign which is far more positive as previous campaigns have been overwhelmingly negative and designed to shock more than anything else.

**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.**

No,

Please give reasons for your response:  
I feel it's still important to ask the family for consent unless support was expressed unequivocally (ie opted-in). An unregistered objection could potentially still lead the government to proceed under an opt-out system because it could be interpreted as ambiguous.

**Q4: Do you think an individual should be able to appoint a proxy to the 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:  
The decision must be made by the individual. A proxy may not ultimately advance with the individual's wishes.

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**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.**

Yes,

Please give reasons for your response:  
Younger persons and children should be protected as their decision making may be subject to impairment in certain circumstances and it is not something that a young person or especially a child should be thinking about. This is reasonable.

**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?  
I believe the age limit should be 18 years old as opposed to 16 as this is the age where many legal responsibilities fall upon individuals as an adult (besides some exceptions such as age of joining army, although this requires parental consent).

**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.**

No,

Please give reasons for your response:  
The main reason would be that people may not be aware of the changes to the opt-out system if they have been resident in Scotland for only a year or not an extended period of time prior to their death.

**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?**

The residency would need to be of a continuous period and the period of residency should be more towards 25 years or a longer period where the individual would be more likely to be aware of the changes.

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

No. I think a 12 month campaign would be more suitable as it's absolutely necessary that people are made aware of the changes.

**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?**

Not applicable.

**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?**

This legislation shouldn't fall under meeting equality requirements.

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

Explore alternatives to this proposal. The main point I would make is that the individual must give their consent. I do not feel that an opt-out system described as "soft" would offer the same protections as the opt-in system currently does. Thank you.

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Q13: If you wish your response, or any part of it, to be treated as anonymous or confidential, please check the appropriate box and state the reason for this. If not, then please go to question 14. If I accept the reasons, I will publish it as "anonymous response" or only publish the non-confidential parts of the response. If I do not accept the reasons, I will let you know and give you the option of withdrawing it or submitting it on the normal attributable basis.

*Respondent skipped this question*

**Q14: Thank you for completing this survey. For the purposes of the consultation, it would be helpful if you could provide your contact details.**

Name

Address

City/Town

State/Province

ZIP/Postal Code

Country

Email Address

