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Scottish Parliament Public Petitions Committee

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Your Ref
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Consideration of Petition PE1453

The petition calls on the Scottish Parliament to urge the Scottish Government to introduce an “opt out” system of organ donation in Scotland to help save more lives.

This response has been written by Dr Stephen Cole, Regional Clinical Lead for Organ Donation in Scotland and the Chair of the NHS Tayside Board Organ Donation Committee.

NHS Tayside has been at the forefront of a significant increase in organ donation Scotland over the last 5 years since the publication in January 2008 of the Organ Donation Task Force Report **Organs for Transplant**. This report detailed 14 recommendations as to how organ transplantation and donation rates could be improved within five years to give a 50% increase in deceased organ donation.

It is pleasing to note that in Scotland this was achieved at the end of the 2011/2012 financial year.

Locally in NHS Tayside there has been a substantial increase in deceased organ donation rates over the last 5 years. The NHS Tayside Board area now has rates of deceased organ donation comparable with the very best in the world such as those seen in Spain.

It is noteworthy that, this has been achieved without recourse to an “opt out” system. While an “opt out” system is superficially attractive it does carry a number of inherent risks and these risks are currently being evaluated in the UK by the Welsh Assembly where they are actively working towards the implementation of an “opt out” system.

The view of most professionals who are closely involved with the organ donation and transplantation process is that an “opt out” system would not convey any additional advantages over and above those which are already seen with the current initiatives. In particular the view of most professionals involved in intensive care where the vast majority of potential organ donors are located is that any assumption or presumption of patient’s wishes would be detrimental to the doctor patient relationship. This could actually result in a reduction in levels of consent and authorisation.

The national increase in the numbers of patients who have made their wishes clear in terms of organ donation by signing up to the Organ Donor Register is in my view supportive of the idea that the “opt in” system (as currently in place) offers significant advantages and importantly maintains patients autonomy and family independence.

An “opt out” system would also carry significant costs which would potentially divert resource away from the current initiatives: in particular, it would be necessary to run two parallel registers, one for those patients how have **opted in** to being an organ donor and another for the “**opt out**” system. Additionally the system would be complicated by patients who are visiting from other areas of the UK

and elsewhere in the world who may end up sadly not surviving ICU and therefore be considered as potential organ donors.

In conclusion, my personal view as someone who is closely involved with the donation process and with the communication of grieving families who are coming to terms with the loss of a loved one and being asked to consider whether their loved one would wish to become an organ donor is as follows:

The "opt in" system offers significant advantages and has been shown to provide a significant increase in organ donation over the last 5 years in Scotland generally and in Tayside specifically.

Please do not hesitate to contact me should you require further information.

Yours sincerely

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