



**Consultation response to Jo-Anne Dobson's Private  
Member's Bill on moving towards a soft opt-out  
system for organ donation**

**September 2013**

The Ulster Unionist Party welcomes the opportunity to participate in this very important consultation exercise. The Ulster Unionist Party's policy on organ donation, as formally adopted by our 2012 Conference, is as follows;

### **Introducing a soft opt out system for organ donation**

The Ulster Unionist Party believes that organ donation is one of the most selfless acts of kindness one human can do for another and a record number of people. However despite the recent awareness campaigns it is was still deeply tragic that the supply of some donor organs is outstripped by demand for transplants and that in 2010/2011, 17 people in Northern Ireland passed away whilst waiting for an organ.

We believe further effort is needed as still only over one in four people in Northern Ireland are registered as potential organ donors and that is why we believe the Health Minister should, in addition to introducing an all-encompassing organ donation education programme, introduce a soft opt out system of organ donation in Northern Ireland whereby people's organs are available for donation when they die unless they have said otherwise.

We recognise the sensitivities around this issue however and that it why such a system could only be introduced with the demonstrable approval of the wider population after a period of signification public consultation. Such an system would have to put in place strict safeguards, as well as making it as easy as possible for people, or relatives on their behalf, to opt out of the scheme at their own discretion without having any prejudice cast at all.

We are therefore immensely proud that Jo-Anne Dobson, one of the Ulster Unionist MLAs in the Assembly, has taken the brave and hugely welcome step of introducing her own Private Members Bill to create the legislative basis for a soft opt out system.

In addition to Jo-Anne's thoughts, as a Party we agree with each of the four policy objectives of the Bill as stated in the consultation document.

#### **1. To reduce the number of people passing away while on the transplant list**

Whilst 144 organs were retrieved from deceased people, with many more additional live donors, it is deeply regrettable that in in the last financial year 16 patients sadly lost their lives while waiting for a transplant in Northern Ireland.

#### **2. To increase the supply of available organs**

Whilst the number of people on the organ donor list has been growing over recent years it is sadly not been enough to match demand. Whilst public information campaigns work to an extent, we believe that moving to soft opt-out system would be the breakthrough which organ donation in Northern Ireland urgently needs.

#### **3. Preserve the role of family**

We are very conscious that a death of a loved one is an incredibly difficult time for everyone concerned and therefore we would in no way wish to make a difficult period any harder. We therefore fully agree with the proposal to give the family the power to take the final decision as to whether organs are donated.

#### **4. Provision of appropriate safeguards**

It is crucial that in order to ensure probity and the highest possible ethics that the Bill include appropriate safeguards so that no one or their family can believe that they have been exploited or taken advantage of in any way. We therefore agree with the proposal to make an exemption for children and young people under the age of 18. Vulnerable adults must also be protected and we welcome the indication that the Bill will also include extensive safeguards for them.

We will now respond formally to each question contained within the consultation document.

#### **1. Do you agree that a change in the law is needed to make more organs available for transplant?**

Yes, the Ulster Unionist strongly believes that a change in the law is needed.

#### **2. I propose to move from the current opt-in system to a new soft opt-out system of organ donation. This new system will continue to consider the wishes of the family and safeguard children and young people under 18, those who do not have the capacity to consent, those who are not normally resident in Northern Ireland, and those whose identity is unknown. Do you support this move?**

Yes, the Ulster Unionist Party very strongly supports this move.

#### **3. Do you agree that the family should continue to play a key role in the decision as to whether organs should be donated?**

Yes, the Ulster Unionist Party believes that the family of the potential donor must always be satisfied for their loved ones organs to be donated and that they be awarded the opportunity to have a final choice.

#### **4. Do you agree that an exemption should be made to ensure children and young people under the age of 18 are not automatically included on the register, until they reach adulthood?**

Yes, whilst some young people may well wish to become donors we are believe they should still be encouraged to voluntarily join the organ donor register.

#### **5. Do you agree that protections should be put in place to ensure that consent is properly given by adults who lack the capacity to decide for themselves, including vulnerable adults, thus protecting their rights and interests?**

Yes, we believe appropriate protections should be put in place to protect adults who may lack the capacity to consider the issue for themselves.

- 6. In relation to ensuring the protection of the rights of vulnerable adults or those who lack the capacity to consent, which of the following do you think should have a role in safeguarding their rights and interests?**

We believe the family of the person concerned should be the immediate point of contact when it comes to protecting their rights and interests. In circumstances where no family unit exists, or alternatively do not wish to act on their family members behalf we believe it is important that another advocate, such as a medical professional, be nominated to act on that persons behalf.

- 7. How long do you feel people should be living in Northern Ireland before they become subject to the soft opt-out scheme?**

We believe that in order to afford people the opportunity to be informed of the system and come to a considered decision on it that a minimum residency period of 12 months should apply.

- 8. How do you feel the change to a soft opt-out system would impact on human rights?**

We believe for as long as the appropriate safeguards are put in place and that once any changes are confirmed people are sufficiently notified then a change to a soft opt-out should not impact on human rights.

- 9. Do you agree that where a person's identify is unknown that they should be excluded from donating their organs?**

Yes, we believe that in order to retain maximum public confidence in a soft opt out system that in cases where a person's identity is unknown their organs should not be donated.