

Position Statement

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Royal College
of Surgeons

ADVANCING SURGICAL CARE

‘Opt-out’ consent for organ donation

Introduction

Although rates of organ donation and transplantation in England have increased in the last ten years, demand continues to outstrip supply. Approximately 6,500 people are waiting for a transplant in the UK and three people die every day due to a lack of suitable organs. Although 80% of people say they would be willing to donate their organs and tissue after their death, only 37% have ‘opted-in’ to organ donation by recording their decision on the Organ Donor Register.¹

The UK Parliament is currently considering the Organ Donation (Deemed Consent) Bill to introduce an ‘opt-out’ consent system for organ and tissue donation in England. This would mean that every adult would be deemed to have consented to organ and tissue donation before their death unless they have expressly stated that they do not wish to be a donor. Exceptions are proposed for children under 18 years old, people who lack capacity, visitors to England and people living in England for less than 12 months (for example, students from overseas or armed forces personnel).

The Royal College of Surgeons (RCS) welcomes the proposed opt-out system, provided it is accompanied by investment in the infrastructure supporting organ donation and transplantation services, and a public awareness campaign. We particularly support the “soft opt-out” provisions in the Bill that specify families approached for consent and given the right to refuse organ donation if they strongly object. This will preserve the role

family members and healthcare professionals play in consent for organ donation.

Examples in other countries

Wales introduced an opt-out consent system of organ donation in December 2015. The latest data published in November 2018 shows for there has been a significant increase in the donation after brain stem death (DBD) consent rates in Wales (88.2%) when compared to England (73.3%). The donation after circulatory death (DCD) consent rate in Wales has also improved and is now 68% compared to England at 59.8%. Wales now has the highest combined DBD and DCD consent rate in the UK at 80.5%, when compared to England (66.2%), Scotland (63.6%) and Northern Ireland (66.7%). Previous evidence has also shown awareness of and support for the opt-out system of organ donation is high among the public and NHS staff in Wales since it was introduced. A higher percentage of families are giving consent for donation - up from 44.4% in 2014 to 64.5% in 2017.

A number of other countries in Europe have adopted opt-out systems for organ donation. Spain introduced its system in 1979 and has the highest donor rates in Europe, with 40 donors per million people compared to just under 20 in the UK. However donor rates only began to increase ten years after the law was introduced. Much of Spain’s success is attributed to the establishment of a new national transplant organisation to coordinate the donation and

transplantation process, including the appointment of transplant coordinators who instigate conversations with the family of potential donors.

Croatia and Portugal also have similar opt-out systems for organ donation as Spain. In February 2018, the Dutch parliament narrowly passed legislation to introduce an opt-out system for organ donation in the Netherlands, with the new law coming into force in July 2020. Legislation to introduce an opt-out system in Scotland was introduced in the Scottish Parliament in June 2018.

Summary

Organ transplantation remains one of the most important advances in modern medicine, enabling the treatment of patients who have failed, damaged or missing organs. The RCS supports the move to an opt-out system of organ donation and hopes it will lead to an increase in donation and transplantation rates.

¹ Department of Health (2017) Consultation on introducing 'opt-out' consent for organ and tissue donation in England

However, as demonstrated by the evidence in Spain, we also believe it is vital for the Government to increase investment in the resources and infrastructure supporting organ donation and transplantation services. This should include better training for healthcare professionals to approach potential donor families and an increase in the numbers of specialist nurses and transplant coordinators.

In addition, we urge the Government to instigate a properly funded public awareness campaign on organ donation during the year of "transition" to the new law to help people understand the changes and discuss with friends and family. We also hope that increasing public awareness on organ donation will encourage donors from the BAME (black, Asian and minority ethnic) community who often refuse consent due to faith and cultural concerns