

Organ Donation in Wales: A letter to the Shadow Minister for Health

In an effort to improve organ donation rates, the Welsh Government intends [to introduce a system of](#) presumed, or deemed, consent to Wales. When a person dies without having expressed a wish one way or the other about whether or not to donate their organs, the state will presume that consent has been given by default. However it is far from clear that presumed consent is an effective way of increasing organ donation, and [it undermines the notion of donation](#) as a gift. [A public consultation](#) has failed to take into consideration many of [the concerns with the draft Bill](#), and has ignored many of the responses to it. A final Bill will be introduced in December.

Alongside our [submissions](#) to the public consultations, CMF has expressed some of our concerns in correspondence with the Shadow Minister for Health in Wales, as set out following.

Correspondence with Shadow Minister for Health at the Welsh Assembly regarding inconsistencies and concerns with the public consultation on presumed consent

From: The Christian Medical Fellowship
To: Darren Millar (Assembly Member, Clwyd West)
Subject: Draft Human Transplantation Bill
Date: 19 November 2012

Dear Mr Millar,

We are writing on behalf of the Christian Medical Fellowship with concerns about the draft Human Transplantation Bill and the Welsh Government response to the public consultations on this.

The initial public consultation and the subsequent public response to the draft Bill reflected significant opposition and concerns with both the concept of introducing presumed consent and the wording and operation of the draft Bill itself.

However it seems that that the Welsh Government is determined to proceed with introducing this Bill as it stands, despite widespread criticism of it.

Interestingly, and somewhat ironically, [we note](#) that the Government was willing to include identical responses in its total figures when they are in favour of presumed consent (in its first consultation 80% of favourable responses were postcards. If those were removed from the total, only 17% of unique responses were in favour of presumed consent). However when a majority of identical responses were negative about the consequent draft Bill, they were dismissed and ignored! The Government cannot have it both ways, and must be consistent in either including or rejecting identical submissions.

The Christian Medical Fellowship [responded to](#) the initial public consultation, arguing that presumed 'consent' does not meet adequate standards of informed consent and is not even necessary to increase donor numbers. We have also [expressed publicly](#) our concerns with some of the wording in the draft Bill, particularly that it fails to present a credible soft-opt out system in providing relatives with a right to object to organs being removed when no consent was given by the deceased. Although the Welsh government has said all along that it will introduce soft opt-out legislation that would allow the deceased family a role in the final decision, the draft bill as it stands

does not in fact allow for this. There is no provision in the draft Bill for family to veto the removal of organs from their loved ones.

If the Government were fully to take into consideration all the negative responses to the draft Bill this ought to lead to a significant revision of the proposals in the draft Bill.

We are writing to you to ask if you would consider raising some of these concerns in debates, and with the Minister, in order to ensure that any Bill more accurately reflects the will of the Welsh people and takes into account their concerns, expressed in the consultations.

Yours sincerely,

Philippa Taylor
Philippa Taylor, Head of Public Policy
Christian Medical Fellowship

Dr Peter Saunders
Chief Executive

From: Darren Millar, (Assembly Member, Clwyd West)
To: The Christian Medical Fellowship
Subject: Draft Human Transplantation Bill
Date: 20 November 2012

Many thanks for your email on behalf of the Christian Medical Fellowship.

The issues you raise have not escaped my attention and I have already written to the Minister to request an explanation for the inconsistent way in which the outcome of the two consultations were assessed.

Rest assured that I am determined to ensure that the views of everybody in Wales are properly taken into account by the Welsh Government in their consideration of this issue.

I will send you a copy of the Minister's response to my correspondence once it has been received.

I trust that this meets with your approval.

Best regards,

Darren

Darren Millar AM / AC
Shadow Minister for Health / Gweinidog yr Wrthblaid dros Iechyd
Welsh Conservative Member for Clwyd West / Aelod y Ceidwadwyr Cymreig dros Orllewin Clwyd