

# STATES OF JERSEY



## ORGAN DONORS' REGISTER

---

Lodged au Greffe on 24th July 2013  
by Deputy R.G. Le Hérisier of St. Saviour

---

STATES GREFFE

## **PROPOSITION**

**THE STATES are asked to decide whether they are of opinion –**

to request the Minister for Health and Social Services –

- (a) to establish an Organ Donors' Register in Jersey; and
- (b) to review the current policy in respect of organ donations and to bring forward recommendations for improvement.

DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR

## **REPORT**

### **Introduction**

There has been much discussion of late in the media about Organ Donations.

There is a perception that we are not assertive enough in attracting Organ Donors, and that many of the population do not have a clear picture of how to proceed should they wish to donate organs.

This confusion is exacerbated by the fact that we essentially operate as a branch of the English system.

There are many issues surrounding Organ Donation, but not issues that will necessarily prevent the enrolment of more donors.

The aims of this Proposition are modest. Firstly, I am asking that a local Organ Donation Register be established and, secondly, that the Health and Social Services Department (HSSD) be asked to bring forward recommendations for expanding the number of potential donors.

I am indebted to Deputy M. Tadier of St. Brelade, who has assisted in the formulation of this proposition, and to HSSD who have been in informal discussions with me, and have produced an interim report identifying what they see as the key issues.

### **The current situation**

Islanders can currently join the National Organ Donation Register. Registration is undertaken online and, following application, the successful applicant is sent a Donor Card. According to the National Register, in April 2013 approximately 9.3% of local residents (9,126) were on the National Register. There is some debate about our position relative to English rates of “sign up”.

Irrespective of whether or not the individual has signed up to the Register, the next of kin play a determining role as to whether or not organs will be “harvested”. Also, there is provision to ask the next of kin for permission irrespective of whether the deceased is “signed up”.

All “harvesting” of organs is undertaken by 2 surgical teams who fly into the Island. It is argued by HSSD that a large increase in local donors would place enormous pressures on operating theatres.

### **Opt in or opt out?**

Much of the debate as to expanding Organ Donation has centred on whether to adopt an ‘opt in’ or ‘opt out’ system. Indeed, this was a key issue in the debate in Wales, where the Assembly has voted in favour of ‘opt out’.

This essentially means that all people in the jurisdiction are deemed to have opted in, unless they have specifically asked in writing not to be included.

It is sometimes called “presumed consent”. Objectors to this approach maintain that people might well forget to register their ‘opt out’, despite agreement there may not be a full understanding of what a person has committed to.

For reasons such as this, most jurisdictions still rely on the consent of next of kin.

This is known as a ‘soft opt out’ and is the system adopted by the Welsh Assembly.

As the title indicates, ‘opt in’ is where people take a deliberate decision to put their names forward as donors. Jurisdictions practising such an approach often engage in widespread information campaigns and, as in England, use a widespread bureaucratic process, like obtaining a driving licence, as a way of bringing it to the attention of the population.

Interestingly, it is very difficult to draw conclusions as to which systems are most effective.

Spain is recognised as a country which has a high number of donors while operating an ‘opt in’ system. Sweden operates ‘opt out’, but has lower rates of donation than the UK.

It is thought that Spain is particularly successful because of the back-up services that surround donation.

### **Could we go it alone?**

One of the issues which held up the Welsh legislation was that of how the issue of Welsh people who die in English hospitals should be approached. It was decided that they would be subject to English legislation.

Similarly, it is probably wise to assume that, even if Jersey were to increase the rates of donations, we would still be doing so as part of a wider jurisdiction and be subject to its priorities.

However, this is the kind of issue which HSSD will have to consider. Indeed, it could be argued that if the donation rate were to significantly increase, both locally and nationally, we would inevitably be beneficiaries.

One last point: it is wrongly assumed that there are religious objections to Donation, and such sentiments were expressed by the Assistant Minister for Health and Social Services, Deputy J.A. Martin of St. Helier (*Jersey Evening Post*, 3rd May 2012).

This is not the case, and donations are supported assuming that the act of donating has been a voluntary one.

### **Conclusion**

As will be evident, there are different approaches to this sensitive subject. However, I am of the view that we can do much more at the basic level of recruiting donors, and can follow this up by an examination of the issues faced by the Welsh Assembly. It would be unfortunate if we were to misjudge the public mood, which is very much in

favour of expanding donations. We should not hide behind the argument that we must simply follow the system in place in England.

**Financial and manpower implications**

As the actual maintenance of the Register is an administrative task, I am hoping the costs will be minimal and therefore managed within existing resources. Similarly, publicity material already exists, and I would expect it to be more widespread in places like G.P. offices and Hospital waiting areas. Furthermore, if people were asked to express their wishes through a mechanism like the driving licence, this should not lead to major additional costs.

At this stage, the only monies required for paragraph (b) would be for the production of an internal report. Considerable background material exists from bodies such as the National Assembly for Wales.