

## Background

### What is organ donation?

Organ donation is a life-changing and life-saving procedure where organs are removed from one person – a donor - and then transplanted into a person who needs a new organ - the recipient.

A single donor can save the lives of up to nine people. Donors who have just died may donate their kidneys, liver, heart, lungs, pancreas and small bowel. In addition, it is possible for tissue to be donated, for example eyes, heart valves, bones and skin. Under both the opt-in and opt-out schemes described below, it is possible to consent to the donation of some organs/tissue and not others.

Less than one percent of people die in circumstances where it is possible for them to be an organ donor. It is only possible to donate if you die in hospital, and typically in Intensive Care, and even then there may be medical or legal reasons where organ donation is not possible.

### How does organ donation work in Guernsey?

Guernsey is part of the UK-wide organ donation and transplant system. This system seeks to make the best and fairest use of organs, with organs carefully matched to recipients, considering factors such as blood group, age and weight. This gives the best possible chance of success.

Guernsey currently has an opt-in system. It is up to each person to decide if they want to opt-in. Donation only takes place where the donor themselves consented to donation before they died, for example by joining the Organ Donation Register, or if their family consents to the donation on their behalf. Where individuals have opted in, doctors can decide not to proceed with organ donation if faced with opposition from the family.

The advantage of the system is that it is well-understood by the public and provides a clear mechanism for islanders to record their wish to opt-in. However, registration rates in Guernsey, at just 12%, are well below the national average. In the absence of someone

specifically opting-in, it can be difficult for the family if they are uncertain of a loved one's decision.

### **How would a soft opt-out system work?**

Where islanders neither opt-in nor opt-out, they will be regarded as having no objection to donating organs. This is called deemed consent. In these cases, should the person die in circumstances where organ donation is a possibility, medical staff would discuss donation with the family. The family would be asked if the potential donor has raised any objections and it would be possible for families to refuse to allow donation to proceed.

A rigid "opt-out" scheme allows a donation to take place unless someone has specifically stated that they do not want to be a donor. There are significant concerns that a rigid application of an opt-out system risks changing the relationship between donor and recipient, losing the altruistic nature of donation. For these reasons, the Committee supports a soft opt-out system where safeguards are in place so to ensure individual choice is respected and donation does not proceed where families know that their loved one did not wish to be a donor, but had not opted-out.

The Committee would regularly run awareness campaigns, encouraging islanders to talk about organ donation with their families, and either explicitly opt-in, or where they do not wish to be a donor, opt-out.

### **Explicit authorisation**

In certain circumstances, it is recognised that donation should require explicit consent either from the person themselves or their family. This will include those who do not have capacity to take a decision on donation, children under a certain age or people not ordinarily resident in Guernsey. In these cases, specific processes would be established to ensure that the interests of the individual are safeguarded.