

Times 6<sup>th</sup> September 2019



# Organ donation and the role of next of kin

Sir, Your leading article ("Gift of Life", Sep 5) argues that a change to opting-out legislation would be a simple way to bring about a sharp increase in organ donation. However, there is little evidence that the change in Wales has had any effect yet: NHS Blood and Transplant figures show that the numbers of donors in the year before and the year after the law changed are almost identical, and the percentage of families of possible donors who do not allow donation to proceed is the same in Wales and England (the family still have the final say under Welsh law).

Spain certainly has had the highest donation rate in the world for many years, and has opting-out legislation, but the Spanish Transplant Organisation has said repeatedly that its success is not the result of the legislation. Indeed there is no opting-out register in Spain, so even if an individual does not want to donate there is no way of registering that wish. As in the UK, whether donation does or does not proceed in Spain is primarily influenced by the patient's family. Of more relevance, given that most organ donors die in critical care, is that Spain has for many years had two to three times as many critical

care beds per capita than the UK.

Organ donation in the UK has increased by more than 60 per cent in the ten years since the Organ Donation Taskforce reported, largely as the result of excellent work by intensive care clinicians and the specialist nurses who work with them. The UK is no longer at the bottom of the international league tables, but nor is it quite at the top yet. It is true that there is much more to be done, but quite apart from some very real ethical and moral concerns it is far too simplistic to assume that changing the law is the answer.

PROFESSOR C J RUDGE, FRCS  
National clinical director for transplantation 2008-11

Sir, For many years I carried an organ donation card and let it be known to my next of kin that I should consent to have my organs used by others after my death. However, stumbling across the (largely unpublicised) knowledge that the Welsh government assumes that consent is given unless otherwise stated, I have now registered to opt out. The Welsh system, which seems to see one's body as a crop to be harvested by the state, has an unpleasant whiff of

totalitarianism about it. I wonder whether the scheme will turn out to be counterproductive, with many others opting out who would have given consent freely, but not under quasi-compulsion, and whether many families will suffer the anguish of organs being taken from their loved ones, not having had any idea that implied consent had been given. This idea should certainly not be introduced in England.

DR JULIAN CRITCHLOW  
Tregaron, Ceredigion

Sir, The "opting in" versus "opting out" debate has been going on for years. In 1969 the Advisory Group on Transplantation Problems, of which I was a member, recommended "contracting out" by six to five, in a white paper presented to parliament. Unfortunately, at present, even if a donor has registered a wish to have his or her organs used for transplantation, the next of kin can prevent donation. In light of the need for more organs (especially kidneys), the law should be changed to ensure that donors' wishes cannot be rejected.

J S GARFIELD, FRCP, FRCS  
Retired consultant neurosurgeon,  
Chilworth, Hants