

Human Tissue Authority consultation response on the UK Donation Ethics Committee consultation on An Ethical Framework for Donation after Brainstem Death

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Introduction

1. The Human Tissue Authority (HTA) welcomes the opportunity to respond to the UK Donation Ethics Committee's (UKDEC) consultation on the document "An ethical framework for donation after brainstem death".
2. The HTA ensures the safe and ethical use of organs and tissue through the regulation of organisations that remove, store and use tissue for research, human application, post-mortem examination, teaching, display in public and organ donation. We also assess organ and bone marrow donations from living people.

Response

3. The HTA welcomes the recommendations made by UKDEC which stress the importance of certainty for the individual and their family in regard to the diagnosis of death.
4. The HTA believes that this document provides a clear steer on the ethical position in regard to a number of contentious issues which are often raised in regard to organ donation after death, including ancillary testing for the purpose of the diagnosis of death and areas where there may be a conflict of interest in caring for the person before and after death is confirmed.
5. The final sentence of paragraph 1.2.11 may require clarification to stress that relatives will only be giving consent for donation for the purpose of transplantation if the dying or dead person had not made a decision in life, and had not nominated a representative.
6. Paragraph 1.2.16 helpfully outlines the person or people from whom consent may have been obtained, and the manner in which it may have been recorded. The HTA considers that (i) may benefit from inclusion of the fact that this would be unusual at the

present time and that there is no formal mechanism for an individual to record both their consent to organ donation after death for the purpose of transplantation and the fact that any procedure which would increase the likelihood of this being successful should be undertaken.

Conclusion

7. The framework is a clearly written and accessible document which addresses a number of key issues in organ donation following brainstem death. It complements the framework on donation after circulatory death and together these documents provide comprehensive ethical guidance for healthcare professionals on organ donation after death in the UK.
8. Where the framework references the Human Tissue Act 2004 it provides consistent and accurate information and the recommendations above are the only areas in which we believe there could be greater clarification.

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