Opt out organ donation system in England

As of today, organ donation in England has moved to an opt-out system. This means that if someone has neither opted out of donating their organs after death, nor opted in, they will be deemed to have consented to it when they die. The exceptions to this are those under 18, those who lack the mental capacity understand this arrangement, visitors to England, those not living in England voluntarily and those who have lived in England for less than a year before their death.

This change in the law is regrettable as it undermines the very idea of ‘organ donation’; the absence of express consent from each individual leaves room for doubt about the veracity of their choice. While awareness of the opt-out system may remain high in the period immediately following the law’s passage in Parliament, it will be challenging to maintain such a level of awareness in the years ahead. The law may increase the incidence of situations where someone whose consent has been deemed had never discussed organ donation with their family and friends, leaving their actual wishes difficult to ascertain and thereby adding to the distress of family members. There is also insufficient evidence to suggest that an opt-out system on its own leads to an increase in the availability of organs for transplantation.

Catholic teaching is supportive in principle of organ donation, where genuine consent has been obtained – typically this will be from the individual in question, but where their wishes were not known consent can come from a family member. There is also the requirement that vital organs which occur singly in the body can only be removed after death. For some, the definition of death used in hospitals may be grounds for opting out even if they were not otherwise opposed to organ donation. Many organ transplantations occur when the patient has been declared dead by neurological criteria (commonly known as ‘brain death’) and there continues to be debate about whether this form of diagnosing death is accurate.

It is important that everyone has conversations with family or friends about their wishes in relation to organ donation, for the avoidance of doubt. Those who wish to opt out of organ donation in England may do so here: https://www.organdonation.nhs.uk/register-your-decision/refuse-to-donate/refuse-donation-form/