

**From the Permanent Secretary
and HSC Chief Executive**



Mrs Louise McLornan
Democratic Services Officer
Belfast City Council
City Hall
Belfast
BT1 5GS

mclornanl@belfastcity.gov.uk

Castle Buildings
Upper Newtownards Road
BELFAST, BT4 3SQ

Tel: 02890520559
Fax: 02890520573

Email: richard.pengelly@health-ni.gov.uk

Your ref: LM/MO

Our ref: RP5067
SCORR-0891-2109

Date: 23 December 2019

Dear Mrs McLornan

SOFT OPT OUT ORGAN DONATION LEGISLATION

Thank you for your letter dated 12 September 2019, regarding a motion passed at a Belfast City Council meeting on 2 September supporting the introduction of soft opt out organ donation legislation. Although your letter was sent to the Executive Office, as policy responsibility for organ donation falls to the Department of Health, it was passed to me for response.

As you may be aware, following a detailed examination of all aspects of opt out systems, the Northern Ireland (NI) Assembly decided in 2016 not to proceed with specific legislation to introduce an opt out system as a possible means of increasing levels of organ donation in Northern Ireland. However, the Assembly, in recognition of the importance of promoting organ donation, passed legislation that places a statutory duty on the Department of Health to:

- promote transplantation; and
- increase awareness about transplantation and the donation of human organs.

The legislation also requires the Department to lay before the Assembly an annual report about transplantation in that year. The report must include every five years the opinion of the Department as to whether the legislation has been effective in promoting transplantation and any recommendations the Department considers appropriate for amending the law so as to further promote transplantation. This therefore provides the Assembly with the opportunity to review the policy at appropriate intervals. A

Commencement Order is required to enact the statutory duty and this is currently under consideration; however, this has not delayed work progressing in this area.

In December 2018 the Department also launched a Policy Statement giving effect to the requirement to promote organ donation and transplantation.

Work on implementing the Policy Statement recently got underway with the establishment of an Organ Donation Steering Group to oversee its implementation. Arrangements are also being made to recruit a Regional Organ Donation Promotion Manager/Co-Ordinator, whose role will include working with local Councils, and to establish a sub-group for charities to further help to implement the Policy Statement.

Whilst there are currently no plans to introduce opt out legislation in Northern Ireland, I trust this letter assures you that work is ongoing to achieve higher rates of donation and transplantation to ensure that more people are able to receive the gift of an organ.

Yours sincerely



RICHARD PENGELLY