

Your guide to consent and organ donation

The role of the HTA in Wales

From 1 December 2015, there will be a new system for organ and tissue donation in Wales as part of the Human Transplantation (Wales) Act 2013. The HTA's role is to ensure that clinicians in Wales comply with the law. We do this by publishing a Code of Practice, which gives clinicians advice on making sure valid consent exists before organ donation takes place.



Changing the way you become a donor in Wales

Donating your organs after you die can help those in need of a transplant. This new system creates a new type of legal consent in Wales called deemed consent. This means that unless you registered or expressed a decision not to donate your organs after your death, you will be regarded as having no objection to donation. Your consent will be deemed to have been given, unless you fall into one of the exemptions or if your family and friends can show that you did not want to be a donor.

You can register your decision to donate using the **NHS Organ Donor Register** or by telling your family or friends. If you do not want to donate, and do not register your objection, your relatives will be given the opportunity to show evidence that you didn't want to donate. You can also appoint a representative to make your decision on your behalf.

If you have registered your decision to donate, there is no legal right for your family to override your consent; however families will still be involved in discussions about organ donation. For further information, please refer to **Organ Donation Wales**.



Registering your decision to donate

The **NHS Organ Donor Register** operates throughout the UK and allows you to record your decision about donating your organs. The NHS Organ Donor Register allows you to say whether you wish to donate all of your organs, some of your organs, or none of your organs. It also allows you to appoint a representative to make this decision on your behalf.

What your decision means

If you have expressed or recorded a decision to donate, your consent will be legally valid. If donation is a possibility when you die, a dedicated nurse specialising in organ donation will help to honour your decision. They will support your family and let them know your decision.

If you have expressed a decision not to donate, your decision will be respected. You will not become a donor as you have not given consent, nor can your consent be deemed.

If you have not expressed a decision, and you lived and died in Wales, your consent may be deemed. This means you may become a donor. If your family can show that you objected to donation, but had not recorded this on the **NHS Organ Donor Register**, your consent cannot be deemed. If your family is unaware of your decision, your consent will be deemed.

At the heart of the law is the principle that the decision to use your organs for transplantation rests first and foremost with you. The easiest way to express your decision is through the NHS Organ Donor Register, however it is equally important to discuss it with your family.

Your consent will be legally valid as long as no one forced you to make the decision, you were aware of your actions, and had the information you needed.



Talking to your family about your decision

Organ donation is a very rare event as the majority of people do not die in circumstances where organ donation is possible. Families are always involved in discussions about organ donation and this will still be the case under the new law in Wales. Talking to your family will make sure they are aware of your decision before they are approached by hospital staff.

Your family will be asked for information which will help to establish whether your organs are suitable for transplantation. This will undoubtedly be an upsetting time for your family.

Sharing your decision with them will help them prepare to have these conversations.

Organ donation can often bring comfort to families who have lost a loved one; with the knowledge that other lives may have been saved. Please do discuss your decision with your family.



If you have any questions about anything you have read here, please contact enquiries@hta.gov.uk.