

Proposed Assisted Dying for Terminally Ill Adults (Scotland) Bill

Introduction

A proposal for a Bill to enable competent adults who are terminally ill to be provided at their request with assistance to end their life.

The consultation runs from 23 September 2021 to 22 December 2021.

All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document.

Questions marked with an asterisk (*) require an answer.

All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response.

Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded.

Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here:

[Consultation Document](#)

[Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice attached to this consultation which explains how my personal data will be used.

On the previous page we asked you if you are UNDER 12 YEARS old, and you responded Yes to this question.

If this is the case, we will have to contact your parent or guardian for consent.

If you are under 12 years of age, please put your contact details into the textbox. This can be your email address or phone number. We will then contact you and your parents to receive consent.

Otherwise please confirm that you are or are not under 12 years old.

No Response

About you

Please choose whether you are responding as an individual or on behalf of an organisation.
Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Member of the public

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation:

Personal experience of loved ones forced suffering against their express wishes in terminal illness and a strong personal belief in choice of compassionate assisted dying as human right that should be protected in law

Please select the category which best describes your organisation

No Response

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your Full Name or the name of your organisation. (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Caroline Brocklehurst

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number.

We will not publish these details.

Aim and Approach - Note: All answers to the questions in this section may be published (unless your response is "not for publication").

Q1. Which of the following best expresses your view of the proposed Bill?

Fully supportive

Q1. Which of the following best expresses your view of the proposed Bill?

Please explain the reasons for your response.

I fully support safeguarded assisted dying choice as a human right protected in law. The current law by no offering safeguarded protection of citizen's choice in dying, abuses every individual's rights, whether they would ultimately make the choice of assisted dying or not.

Q2. Do you think legislation is required, or are there other ways in which the Bill's aims could be achieved more effectively? Please explain the reasons for your response.

Legislation is absolutely required in order to enshrine choice as legally protected as a right and also to ensure appropriate safeguards against any potential abuse of the law are legally enforceable. Legally enforced safeguards are necessary to ensure the integrity and safety of the right to choice of assisted dying and ensure the correction of the current legal position which (by denying legally protected choice) is unsafe, incompassionate and abuses all citizen's rights. Legal change is necessary to reflect and protect the overwhelming majority of Scottish people who believe the right to choice of assisted dying for the terminally ill (in addition to all feasible palliative care) is fundamental to protecting human rights in a civilised compassionate society.

Q3. Which of the following best expresses your view of the proposed process for assisted dying as set out at section 3.1 in the consultation document (Step 1 - Declaration, Step 2 - Reflection period, Step 3 - Prescribing/delivering)?

Unsure

Please explain the reasons for your response, including if you think there should be any additional measures, or if any of the existing proposed measures should be removed. In particular, we are keen to hear views on Step 2 - Reflection period, and the length of time that is most appropriate.

Two of the important reasons for the need for change in the law are a) to ensure forced and futile suffering against expressed safeguarded choice is not needlessly prolonged and b) to reduce those currently feeling forced to end their lives before they are ready in the dying process due to imminent incapacity, or narrowness and harrowing nature of the alternatives open to them ie by suicide (which is always unsafe), or travelling (only while fit to do so and when can be afforded) to organisations like Dignitas, or the option of cruelly having to refuse life sustaining treatment such as fluids or nourishment as their only currently available options. I understand the proposal merit of a "cooling off" period but where that is prolonging suffering and distress and death is clinically likely within potentially a period of perhaps 3-6 months, I think there should be scope for reduced reflection requirement if requested, as I do think it could drive patients to choose assisted death sooner than their wishes, for fear that their capacity to administer the prescription might diminish too much, or their suffering while waiting 14 days might escalate too unbearably. I do also feel that the proposals would benefit in provision of an option to extend the period from approved choice and administration of prescription to avoid a feared feeling of being forced to "use it or lose it", forcing choices too soon or too late in relation to patients' wishes as their health situation in the dying process either rallies or sharply declines within that period. However, I understand for clarity and logistical operation some arbitrary procedural rules are necessary to standardise the process and ensure understanding. I feel that patients should be afforded maximum flexibility without fear of losing their choice should they change their minds at any point, or their health status changes deny their choices in the timing of the administration of their assistance in dying.

Q4. Which of the following best expresses your views of the safeguards proposed in section 1.1 of the consultation document?

Fully supportive

Please explain the reasons for your response.

Dependent on the effective drafting and processes and resources to ensure proper enforcement and

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scrutiny, the safeguards to be proposed, are vastly more protective against abuse of vulnerable dying people than the current system which does not do so. The legal safeguards must properly legislate to clearly establish and enable the choices of dying people and ensure the deterrent and prosecution of anyone trying to abuse that choice.

Q5. Which of the following best expresses your view of a body being responsible for reporting and collecting data?

Fully supportive

Please explain the reasons for your response, including whether you think this should be a new or existing body (and if so, which body) and what data you think should be collected.

In order to protect citizens and the integrity of the legislation and those clinically involved in the process reporting and processing data is important to monitor and evaluate the process and ensure safety. I think that this would have to be an independent governmental/legal body to ensure oversight that wasn't biased

Q6. Please provide comment on how a conscientious objection (or other avenue to ensure voluntary participation by healthcare professionals) might best be facilitated.

I feel it is important that conscientious objection is protected but the system must be protected from patients being unduly influenced or restricted by doctors personal opinion on choice of assisted dying. Unfortunately I am not qualified to comment on the best process to provide these protections but I do feel it is crucial that clinical bodies are drivers in the design of the model clinical process and ethics code order to ensure it is both effective in enforcing the proposals and protecting clinicians

Financial Implications

Q7. Taking into account all those likely to be affected (including public sector bodies, businesses and individuals etc), is the proposed Bill likely to lead to:

some reduction in costs

Please indicate where you would expect the impact identified to fall (including public sector bodies, businesses and individuals etc). You may also wish to suggest ways in which the aims of the Bill could be delivered more cost-effectively.

I feel although not the objective of the necessary change, by respecting dying people's expressed verified wishes and not forcibly maintaining undignified deaths against individuals' wills, that a by consequence will be reduction of health costs. The changes in the law would incur investment in resources and systems to facilitate and safeguard people's wishes but this cost would more than be offset and saved resource could ideally go into additional palliative care support and treatments/research to reduce terminal diagnosis.

Equalities

Q8. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation?

Positive

Please explain the reasons for your response. Where any negative impacts are identified, you may also wish to suggest ways in which these could be minimised or avoided.

I feel the proposals by safeguarding and protecting dying choices as human rights, advantage the rights of all, particularly those with protected characteristics who sadly often find it harder to have their voices heard. There would be more scrutiny and measures to verify the choices of those with terminal illness and ensure they are upheld rather than in the status quo. Those (including myself) for example with disabilities can sometimes find others speaking for them or with assumptions made as to opinions. This legislation would better challenge that and scrutinise and verify wishes instead of dismissing or ignoring patients' wishes.

Sustainability

Q9. In terms of assessing the proposed Bill's potential impact on sustainable development, you may wish to consider how it relates to the following principles:

- living within environmental limits
- ensuring a strong, healthy and just society
- achieving a sustainable economy
- promoting effective, participative systems of governance
- ensuring policy is developed on the basis of strong scientific evidence.

With these principles in mind, do you consider that the Bill can be delivered sustainably?

Yes

Please explain the reasons for your response.

Society has evolved to call for better protection of rights and care for all from its law makers. Protecting the choices of the dying is a crucial aspect of progression for all of society's rights. The current law is unsafe, incompassionate, unethical, abusive, coercive and undemocratic and is not fit for modern civilised values. Change is long overdue and desired by the vast majority of citizens. The minority opposed often misrepresent the proposals and wish to undemocratically only legislate for the choices of dying people where they match their own. Of course safeguards against rare instances of potential abuse of rights of choice are necessary, but to refuse to protect the principle of choice because of effort involved in safeguarding those choices, is unjustifiable, lazy lawmaking and scaremongers into abusive inaction with discriminates against many who suffer terribly by having their choices ignored.

General

Q10. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

History has judged harshly law makers that have ignored or been slow to protect the rights and freedoms of many in society, for example in sex discrimination, sexual orientation rights, race equality protections etc. The law in rights of the dying is currently not fit for purpose, falls short of citizen's values and human rights and abuses all, by denying choice- regardless of what an individual personally chooses for themselves in relation to assisted dying. Sadly many, including some of my loved ones no longer can

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have a voice in calling for those rights. The choices and rights of dying people matter and honourable law makers have an obligation to ensure they are facilitated and safeguarded, rather than abused, when the dying already face the trauma and indignity of death. To add to this suffering with choice refused is not acceptable. Palliative care must be invested in and improved in addition not instead of choice and enhances informed choice. But no one should dictate to a dying person what level suffering or indignity must be tolerated, or be forced to endure when it is against their expressed and verified wishes.

I think in addition, in order to protect the integrity and confidence in the proposals that strengthening of legislation relating undue, inappropriate or coercive influence on a dying person's legally protected choice of assisted dying (either for or against), would be a beneficial safeguard and would go a long way to allay potential fears.