Mr Ross Finnie MSP
Convener of the End of Life Assistance (Scotland) Bill Committee
The Scottish Parliament
Edinburgh
EH99 1SP

Dear Mr Finnie,

The Appointment of Alison Britton as Adviser to the ELA (Scotland) Bill Committee

Care Not Killing (CNK) is concerned by the appointment of Alison Britton as an adviser to the End of Life Assistance (Scotland) Bill Committee. Alison Britton co-authored, with Prof Sheila McLean, a book entitled *The Case for Physician Assisted Suicide* and a report entitled *Sometimes a Small Victory*. In both these publications they advocate the legalisation of assisted suicide and prioritise ‘patient autonomy’ over other factors. Moreover, their original research was sponsored by the Voluntary Euthanasia Society for Scotland. Although the main arguments opposing the legalisation of assisted suicide are mentioned, these are considered in a superficial manner. It appears that they are presented only in order to dismiss them and present a conclusion favourable to legalising assisted suicide. Indeed, in *Sometimes a Small Victory* the authors even publish a draft Bill to legalise assisted suicide.

CNK seeks reassurance that the advice given to the Committee will be impartial. The Scottish Parliament’s guidelines for committees state that advisers may be asked to analyse written evidence, to make recommendations about which groups/individuals should be asked to give oral evidence, to suggest lines of questioning and/or draft sections of the Committee’s report. We are concerned that groups opposing the legalisation of assisted suicide and euthanasia may have their arguments presented in a partial manner, be excluded from giving oral evidence or will receive more rigorous and hostile questioning than those supporting such legislation. Even if these concerns are unfounded, the perception of such bias would be damaging to the reputation of the Parliament.

We are concerned also about the process which was followed in appointing Alison Britton. The Committee considered the appointment of an adviser at its meeting of 20th April and the Parliamentary Bureau agreed to this appointment on 4th May. The guidance for committees states that the permission of the Parliamentary Bureau must be obtained prior to an adviser being appointed and that the vacancy for an adviser should be published on the relevant Committee’s webpage. In this case the Committee did not advertise the vacancy on its webpage and thus limited the opportunity for other potential advisers to apply. Moreover, the Committee took the decision to appoint an adviser, agreed the job specification and ranked the potential
candidates before the Parliamentary Bureau had considered the matter. This is contrary to the guidance, which states:

After obtaining approval from the Parliamentary Bureau for the appointment of an adviser, a committee places a notice on its web page inviting nominations/applications to act as an adviser. Potential candidates then have their details included in the database. On conclusion of the period for applications, SPICe identify potential candidates based on the person specification approved by the committee. Candidates are asked to declare any interests, including political activity. All candidates meeting the person specification and requirements of the post are put to the committee which agrees an order of preference.

It is unclear whether any other suitable candidates were considered. Please advise me how many potential candidates were considered and whether the Committee was advised of any potential conflict of interest in relation to the appointment of Alison Britton in view of the fact that her previous research was sponsored by the Voluntary Euthanasia Society of Scotland and that she has advocated the legalisation of assisted suicide.

The fact that the Committee disregarded the official guidance for the appointment of an adviser raises significant concerns about this appointment. Furthermore, the fact that the adviser in question has published material which strongly supports the legalisation of assisted suicide and, arguably, does not provide a balanced analysis of the contrary arguments, calls into question the suitability of this appointment.

We recognise that it may be difficult to find a suitable adviser who has no firm position on this issue. However, it is important that the advice given to the Committee is approached in an open-minded and academically-honest way rather than manipulated towards pre-determined ends. As such, the Committee must ensure that the advice it receives is impartial and represents a breadth of approach. Moreover, the Committee should follow the correct procedures in appointing an adviser. For that reason we suggest that the Committee reconsiders its decision to appoint Alison Britton and, at the very least, appoints a second adviser who is opposed to the legalisation of assisted suicide in order to ensure that it receives balanced advice.

Yours sincerely

Dr Gordon Macdonald
Policy Officer, Care Not Killing Scotland