End of Life Assistance (Scotland) Bill

Harry M Garland, Executive Director
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Do you agree a person should be able to request end of life assistance from a registered medical practitioner?
This an individual question. As a corporate agency we would like to highlight the need for robust alternative approaches to be available to enable individuals to make an informed choice. End of life care will require increased funding and nationally agreed consistent criteria to enable fair and equal access to services and ensure against a patchwork approach or access according to post code. At present there are procedures where DNR is discussed with individual patients and their families at the end of life. A clear definition of the terminal phase of illness is also required as the six month criteria can often be exceeded.

Are you satisfied with the requirements for age and connection with Scotland set out in the Bill?
The criteria for connection with Scotland will provide an initial base line for decision-making. The requirements for age are that of the statutory age of an adult in Scotland which brings it into alignment with the age of consent and the other legislative acts which also helpfully overlap with the assessment of an individual. The Adults with Incapacity Act and the Mental Health Act would be central to an assessment undertaken by the Psychiatrist and registered medical practitioner, as Section 47 of the AWI act would be central in the treatment plan provided should someone lack capacity.

Are you satisfied that the two categories of people who would qualify to assist under the terms of the bill?
The two categories would enable a full assessment of the physical and mental health of the patient. However these individuals would require to complete an assessment over a period of time rather than a one off assessment. This is important as an in-depth knowledge of the patient’s mental health as well as physical health would be required to reach an informed decision.

The Bill outlines a two stage consent and verification process that would be required to be followed for an eligible person to receive end of life assistance. Are you satisfied with this process?
The Bill does not make it essential for an assessment of capacity to be undertaken. This is an essential element of the process and should be made mandatory prior to any decision being reached to end a patient’s life. We would also request that a written submission is also made to the reviewing panel prior to any action being taken to assist the patient end their life.
We would highlight the need for this panel to incorporate a Legal member as well as a consultant physician and a psychiatrist.

Do you consider the level and nature of safeguards set out in the Bill to be appropriate?
No. There should be an overview of the application prior to the assistance of end of life. A written submission to the reviewing panel should also be undertaken prior to any action being agreed.

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