



Blood and Transplant

**OPT OUT SUMMARY REPORT
ODR REGISTRATIONS AND
CONSENT/AUTHORISATION RATES**

May 2023

Key messages

- Opt out legislation has been implemented in Wales (2015), Jersey (2019), England (2020), Scotland (2021) and most recently, Guernsey on 1 January 2023. New legislation is due to be implemented on 1st June 2023 in Northern Ireland and is making progress in the Isle of Man. NHSBT is working closely with the Governments to support the legislation development and implementation.
- Scotland and Northern Ireland have the highest proportion of opt in registrations on the ODR, 53.4% and 53.2% of the population, respectively.
- Wales has the highest proportion of opt out registrations on the ODR, 6.4%. England and Scotland have a similar proportion of opt out registrations, 3.7% and 3.2%, respectively.
- UK consent/authorisation rates have continued to fall, in 2022/23, to 61.5% from a high of 69.3% in 2020/21.
- Comparing 2022/23 and 2021/22 only Scotland has an improving authorisation rate, 68% and 66% respectively.
- Funnel plots for 2022/23 indicate that the deceased donor consent/authorisation rates are in line with the national average across all four nations, i.e, all nations are statistically similar.
- Separate DBD and DCD funnel plots demonstrate that DBD and DCD consent/authorisation rates are in line with the national average across all four UK nations, with the exception of Scotland which has a significantly higher DBD authorisation rate.
- Where deemed consent/authorisation applies, the UK consent/authorisation rate was 56.9%. In Scotland a verbally expressed opt-in is recorded as a deemed authorisation. Relative to England, Wales and Northern Ireland, the adjusted deemed authorisation rate in Scotland is 70.5%, the highest deemed consent/authorisation rate across the nations.

Introduction

This report presents information relating to the introduction of opt out legislation across the UK and includes data from the NHS Organ Donor Register (ODR) and the UK Potential Donor Audit (PDA).

ODR data includes all registrations as at the month end and data are recalculated each month.¹

PDA data comprise all audited patient deaths in UK Intensive Care Units (ICUs) and Emergency Departments, excluding patients aged over 80 years and patients who died on a ward. Paediatric ICU data are included however neonatal ICU data have been excluded from this report.

This report tracks trends in ODR registrations and deceased donor consent/authorisation rates across the four UK nations following changes in legislation relating to organ donation in the UK. ODR registration data are provided in the Appendix for the Crown Dependencies (Jersey, Guernsey, Isle of Man) but data relating to PDA activity are too small to be published (<5).

Current legislation status

Nation	Current legislation (proposed)	Implementation
Wales	Opt out - Deemed consent	1 December 2015
Jersey	Opt out - Deemed consent	1 July 2019
England	Opt out - Deemed consent	20 May 2020
Scotland	Opt out - Deemed authorisation	26 March 2021
Guernsey	Opt out - Deemed consent	1 January 2023
N. Ireland	Opt in (Opt out - Deemed consent)	1 June 2023
Isle of Man	Opt in (Opt out - Deemed consent)	Opt out legislation in progress

¹ If someone has asked to be removed from the register this will be accounted for. Removals data include deaths.

PDA definitions

Eligible donors after brain death (DBD) - patients confirmed dead by neurological death tests, with no absolute medical contraindications to solid organ donation.

Eligible donors after circulatory death (DCD) - patients who had treatment withdrawn and imminent (controlled) death was anticipated, with no absolute medical contraindications to solid organ donation.

Donation decision conversation - family of eligible donors asked to make or support patient's organ donation decision. This includes clarifying an opt out decision.

Consent/authorisation ascertained - family supported opt in decision, deemed consent/authorisation, or where applicable the family or nominated/appointed representative gave consent/authorisation for organ donation.

Consent/authorisation rate - the percentage of donation decision conversations where consent/authorisation was ascertained.

Deemed consent applies if a person who died in Wales, Jersey, England or Guernsey has not expressed an organ donation decision either to opt in or opt out or nominate/appoint a representative, is aged 18 or over, has lived in the country in which they died for longer than 12 months and is ordinarily resident there, and had the capacity to understand the notion of deemed consent for a significant period before their death.

Deemed authorisation applies if a person who died in Scotland has not expressed, in writing, an organ donation decision either to opt in or opt out, is aged 16 or over, has lived in Scotland for longer than 12 months and is ordinarily resident there, and had the capacity to understand the notion of deemed authorisation for a significant period before their death. Note that, in Scotland, a patient who has verbally expressed an opt in decision is included as a deemed authorisation, whereas a patient who has verbally expressed an opt out decision is not included.

Consent/authorisation groups:

- Expressed opt in – patient had expressed an opt in decision. Opt in decisions can be expressed in writing or via the ODR in all nations and verbal opt in decisions are also included in Wales, England, Jersey and Guernsey. Verbally expressed opt in decisions are not included in Scotland.
- Deemed consent/authorisation – patient meets deemed criteria specific to each nation as described above. In Scotland, this includes patients who have verbally expressed a decision to opt in.
- Expressed opt out – patient had expressed an opt out decision. Opt out decisions can be expressed verbally, in writing or via the ODR in all nations.
- Other – patient has expressed no decision or deemed criteria are not met. Paediatric patients are included in this group.

Organ Donor Register (ODR)

The number of opt in and opt out ODR registrations per million population (pmp) are presented in **Figure 1**, comparing ODR activity across the UK nations. Population estimates are the latest Office for National Statistics (ONS) estimates based on the 2011 Census figures. The total number of opt in and opt out registrations in each nation, the proportion of the population registered and the number of registrations pmp are provided in **Table 1**. **Figure 2** shows the trends over time, since 1 April 2015, in the numbers of six monthly ODR registrations in the four UK nations. Equivalent data for the Crown Dependencies are included in the Appendix.

Figure 1 - ODR registrations pmp by 31 March 2023

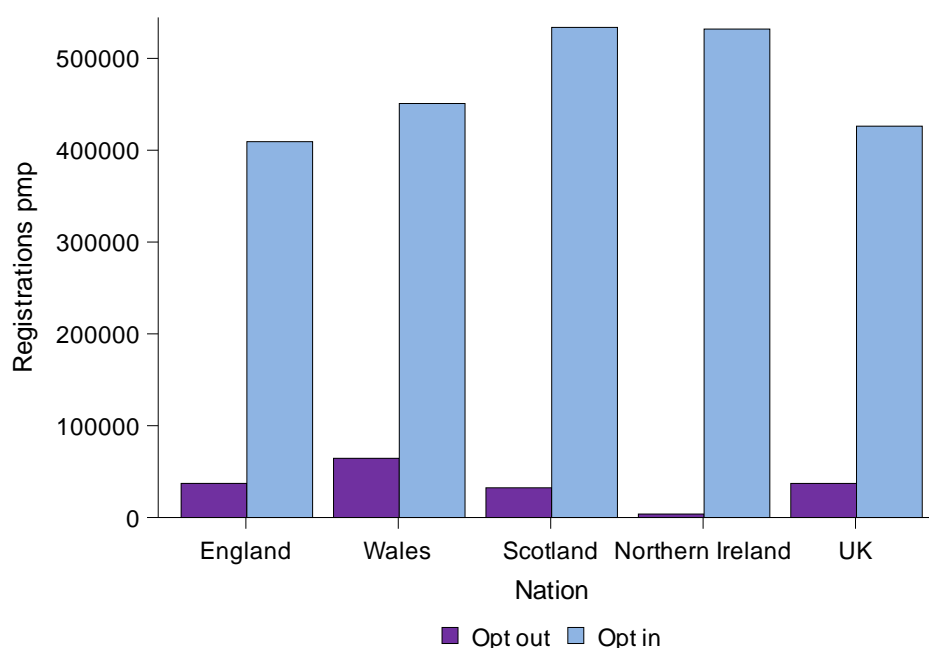
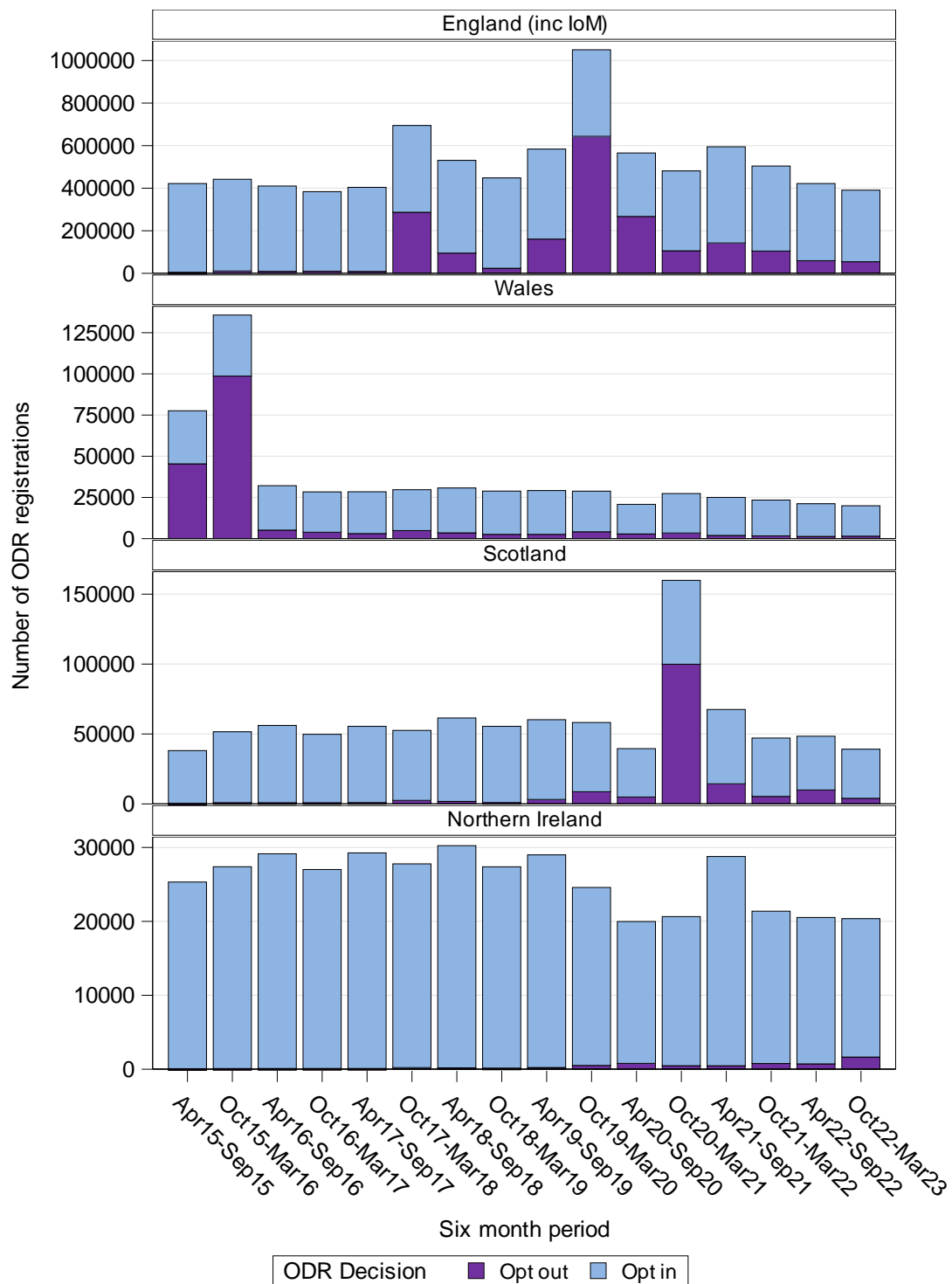


Table 1 - ODR registrations pmp at 31 March 2023

Nation	Opt-in registrations			Opt-out registrations		
	N	%	pmp*	N	%	pmp*
England	23142491	40.9	409312	2100732	3.7	37155
Wales	1402200	45.1	450868	200548	6.4	64485
Scotland	2924916	53.4	533744	177472	3.2	32385
N. Ireland	1010659	53.2	531926	7195	0.4	3787
UK	28566588	42.6	426176	2488457	3.7	37125

* Population estimates are the mid-2021 estimates based on ONS 2011 Census figures

Figure 2 - ODR registrations by decision, April 2015 to March 2023



Potential Donor Audit

In this section, data from the PDA are presented.

- **Figures 4a to 4d** provide, for each nation, a breakdown of the number of donation decision conversations by whether consent/authorisation was ascertained or not. The overall consent/authorisation rate is also presented. There is greater variation in the six-monthly rates for Wales, Scotland, and Northern Ireland due to the smaller number of donation decision conversations compared to England.
- **Table 2** provides consent/authorisation rates for the last five years by nation.
- **Figure 5** provides DBD and DCD consent/authorisation rates by each nation for the same time period.
- **Table 3** provides consent/authorisation rates for the four consent/authorisation groups for the most recent period. It is noteworthy that, in Scotland, patients who have verbally expressed an opt in decision are recorded as deemed authorisations but expressed opt in decisions elsewhere in the UK.

Figure 4a – Six-monthly deceased donor consent rates in England, April 2015 to March 2023

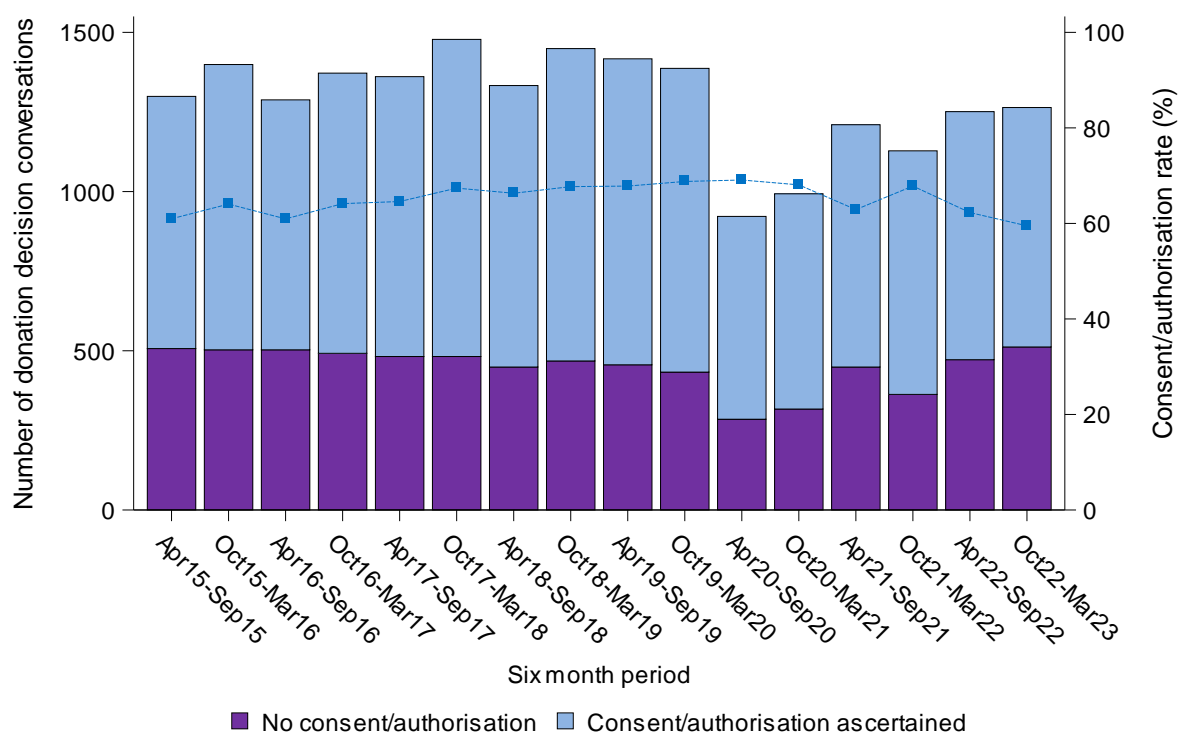


Figure 4b – Six-monthly deceased donor consent rates in Wales, April 2015 to March 2023

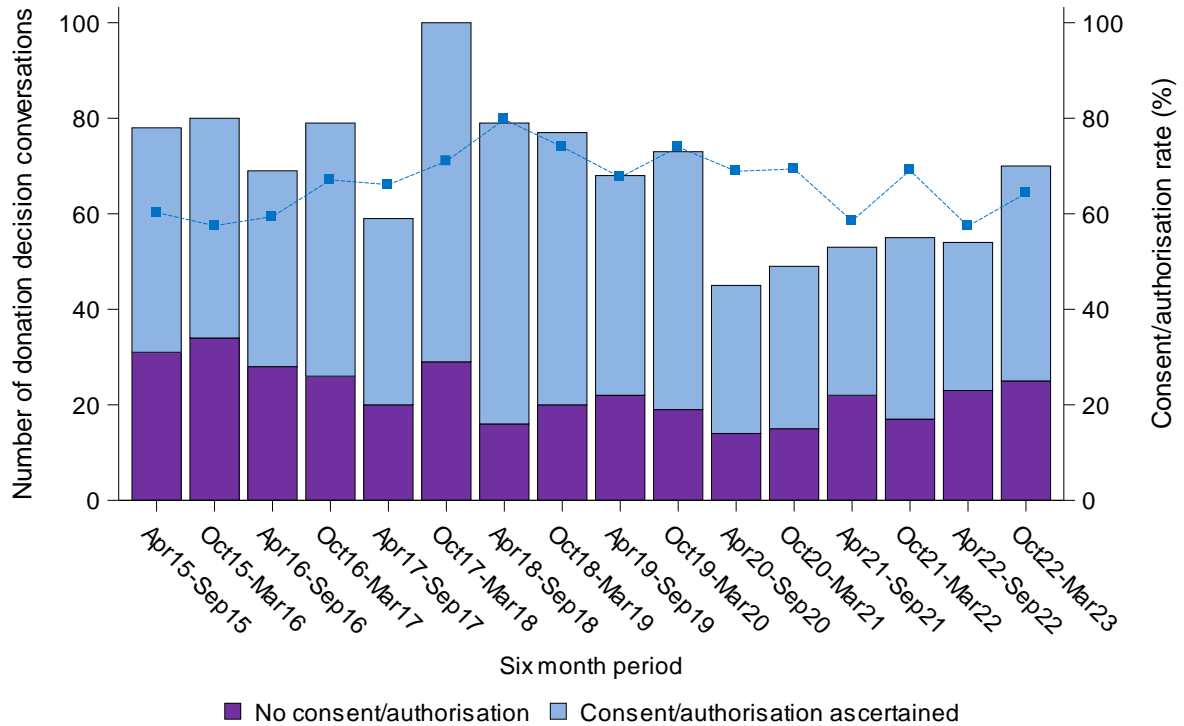


Figure 4c – Six-monthly deceased donor authorisation rates in Scotland, April 2015 to March 2023

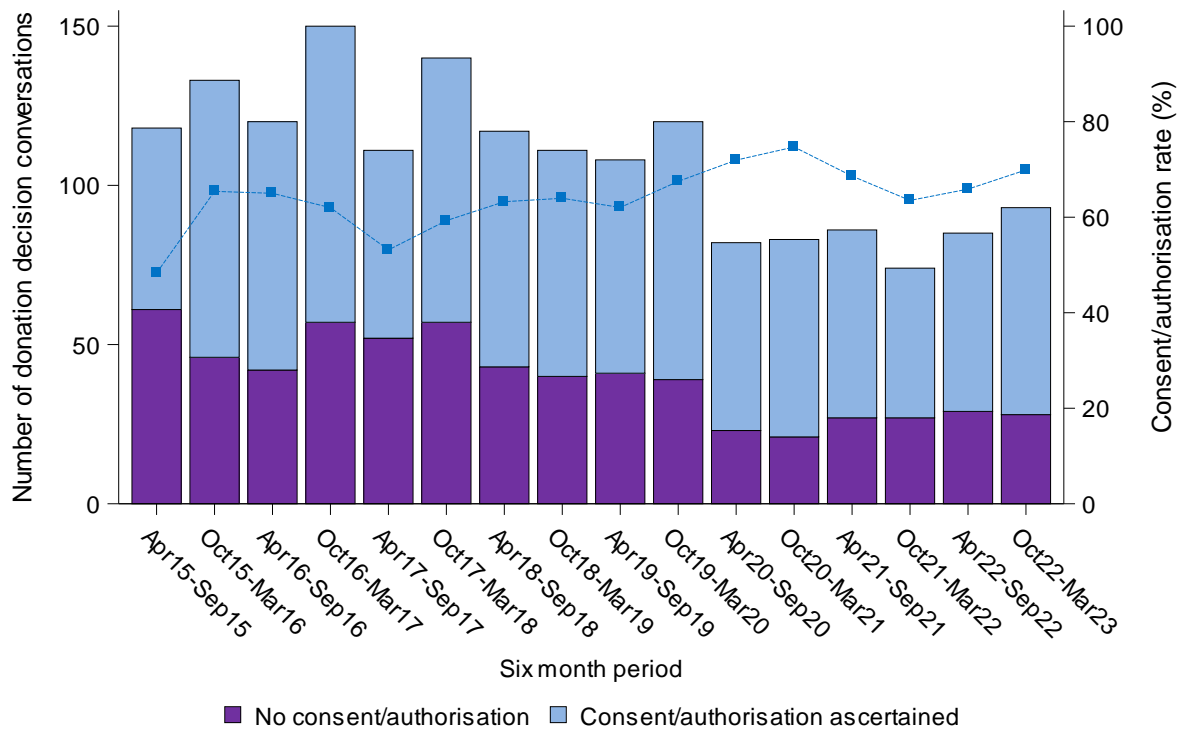


Figure 4d – Six-monthly deceased donor consent rates in Northern Ireland, April 2015 to March 2023

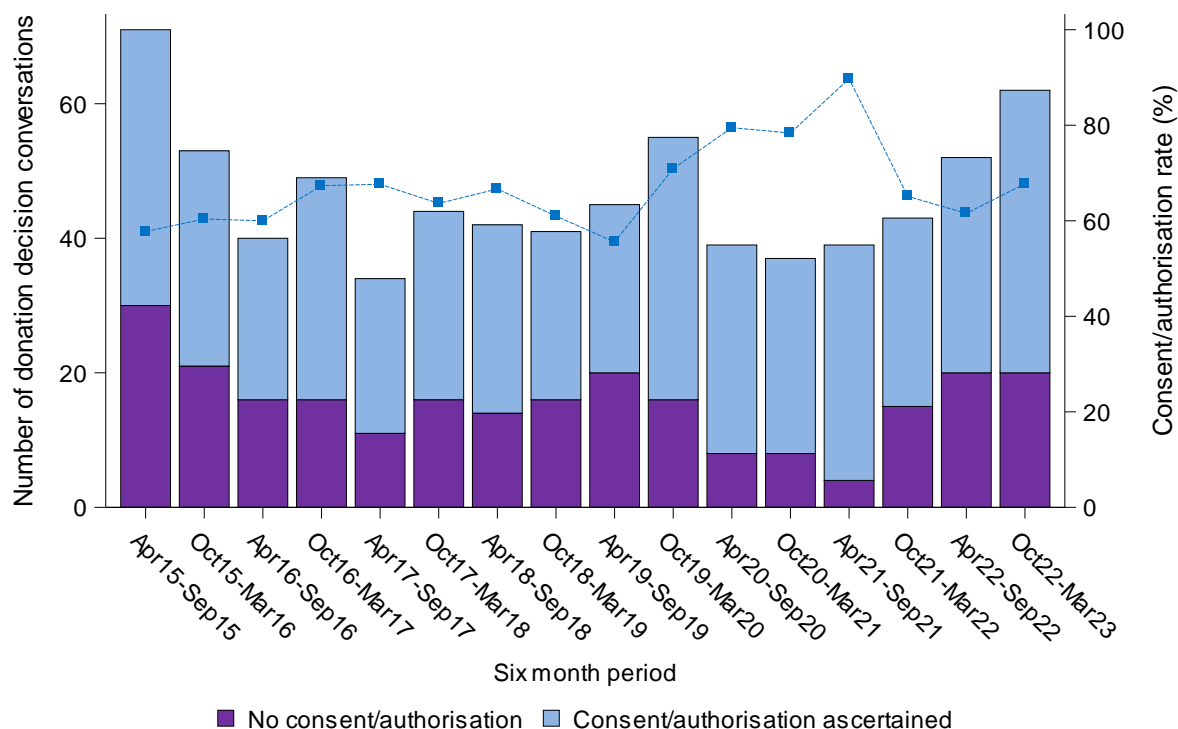


Table 2 - Donation decision conversations and consent/authorisation rate, by nation and financial year, April 2018 – March 2023

Nation	2018/19		2019/20		2020/21		2021/22		2022/23	
	N	%	N	%	N	%	N	%	N	%
England	2782	67.0	2804	68.3	1915	68.6	2338	65.3	2515	60.9
Scotland	228	63.6	228	64.9	165	73.3	160	66.3	178	68.0
Wales	156	76.9	141	70.9	94	69.1	108	63.9	124	61.3
N. Ireland	83	63.9	100	64.0	76	78.9	82	76.8	114	64.9
UK*	3253	67.2	3280	68.0	2251	69.3	2691	65.7	2935	61.5

*Includes cases from the Crown Dependencies reported in **Appendix A1**.

Figure 5 – Six-monthly DBD/DCD consent/authorisation rates, April 2015 to March 2023

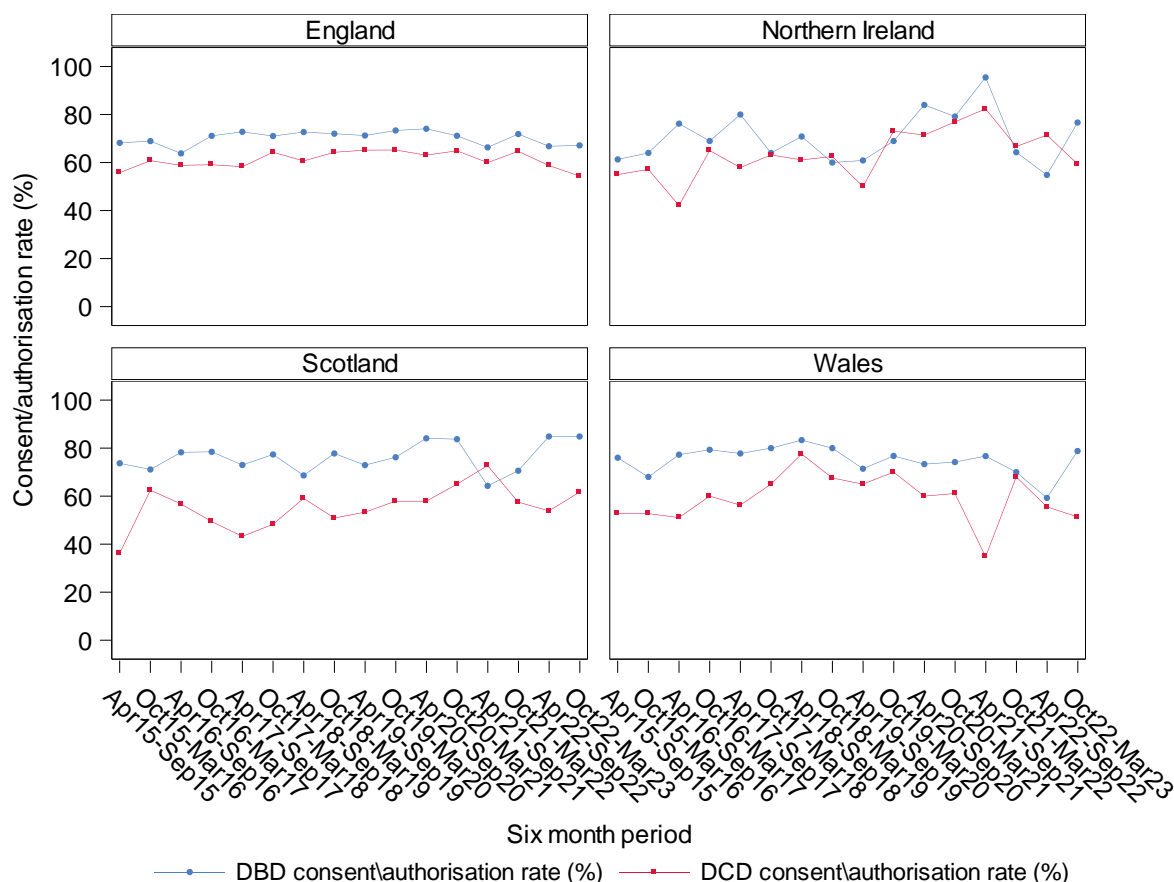


Table 3 - Donation decision conversations and consent/authorisation rate, by nation and consent/authorisation group, April 2022 – March 2023

Nation	Expressed opt in		Deemed consent/authorisation		Expressed opt out		Other	
	N	%	N	%	N	%	N	%
England	1009	89.1	937	55.6	311	0.0	258	43.0
Scotland*	79	83.5	57	77.2	26	0.0	16	68.8
Wales	57	87.7	40	57.5	20	0.0	7	42.9
N. Ireland	46	84.8			10	0.0	58	60.3
UK**	1192	88.5	1036	56.9	368	0.0	339	47.2

* 13 patients who expressed a verbal opt in decision are included as deemed authorisation in Scotland. In Scotland a verbally expressed opt-in is recorded as a deemed authorisation. Relative to England, Wales and Northern Ireland the adjusted expressed opt in rate in Scotland is 85.9% and the adjusted deemed authorisation rate is 70.5%.

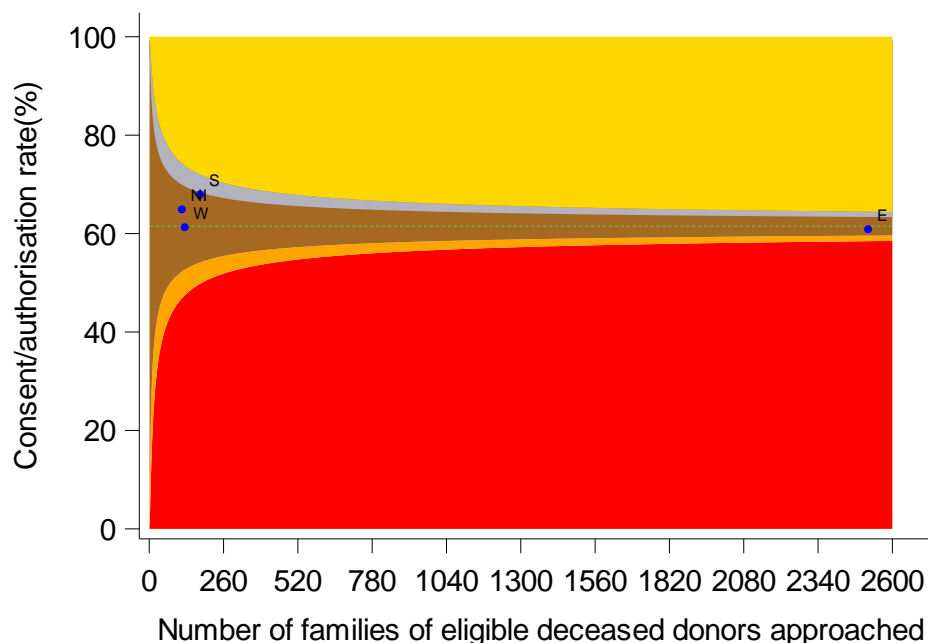
**Total numbers include cases from the Crown Dependencies.

A funnel plot is displayed in **Figure 6a** comparing the deceased donor consent/authorisation rate between the four UK nations. Each nation is represented on the plot as a blue dot. The UK rate is shown on the plot as a green horizontal dashed line, together with 95% and 99.8% confidence limits for this rate. These limits form a 'funnel', which is shaded using the gold, silver, bronze, amber, and red (GoSBAR) colour scheme. If a point lies within the 95% limits, shaded bronze, then that nation has a rate that is statistically consistent with the UK rate. If a point lies outside the 95% confidence limits, shaded silver or amber, this serves as an alert that the nation may have a rate that is significantly different than the UK rate. When a point lies above the upper 99.8% limit, shaded gold, this indicates that the nation has a rate that is significantly higher than the UK rate, while a point that lies below the lower limit, shaded red, has a rate that is significantly lower than the UK.

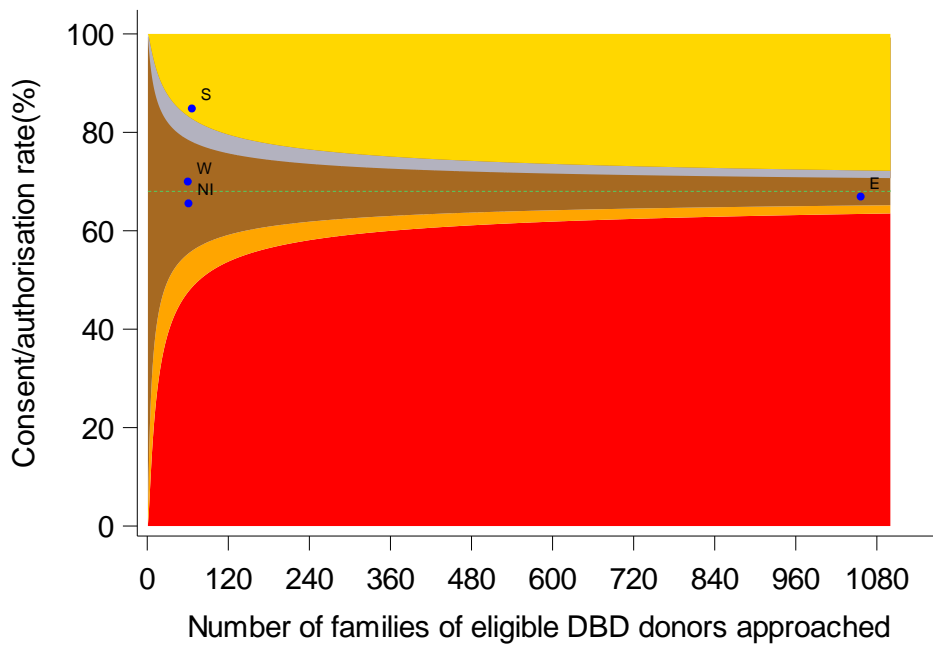
It is important to note that, in these plots, the UK rate is dominated by the consent rate in England, such that these funnel plot compare rates in Wales, Scotland and Northern Ireland with the equivalent rate in England. Additionally, these are unadjusted funnel plots so any differences in patient mix, between the four nations, have not been accounted for.

Equivalent funnel plots are also presented, in **Figures 6b** and **6c**, comparing separate DBD and DCD consent/authorisation rates, respectively.

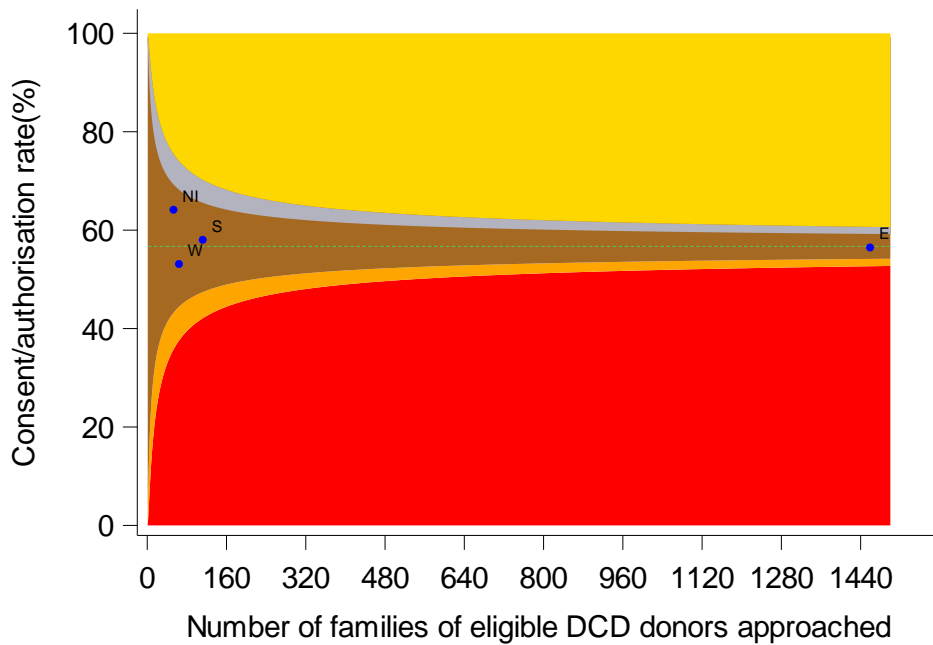
Figure 6a - All deceased donor consent/authorisation rates by nation, April 2022 to March 2023



**Figure 6b - DBD consent/authorisation rates by nation,
April 2022 to March 2023**



**Figure 6c - DCD consent/authorisation rates by nation,
April 2022 to March 2023**



Appendix

Figure A1 – Crown Dependency ODR registrations pmp by 31 March 2023

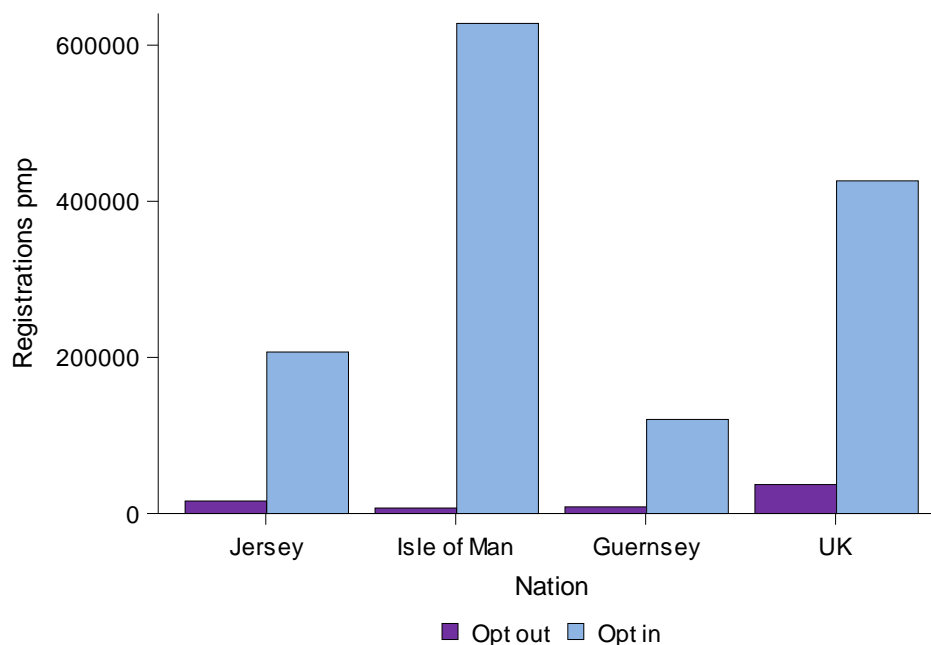
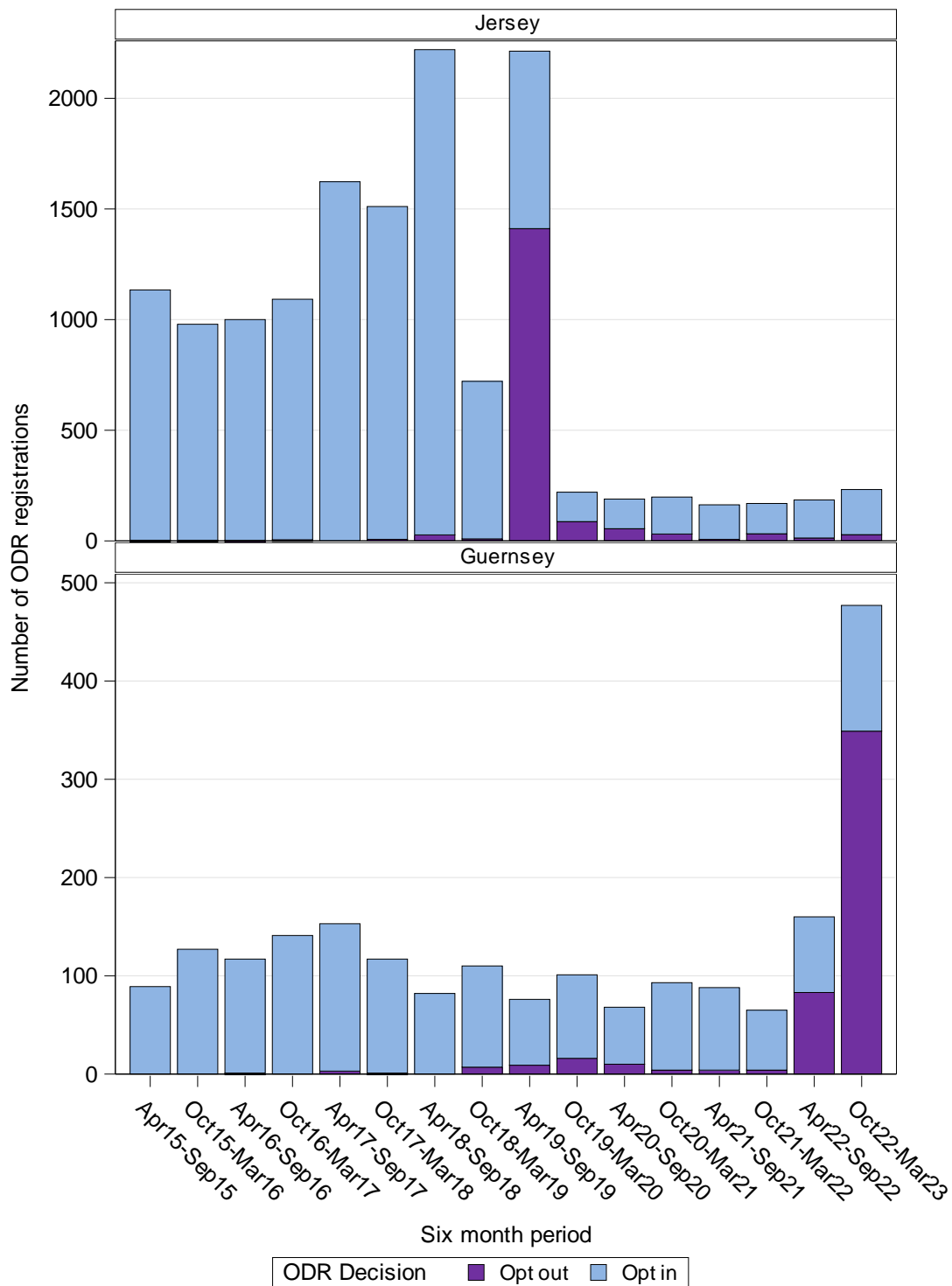


Table 1 - Crown Dependency ODR registrations pmp at 31 March 2023

Crown dependency	Opt-in registrations			Opt-out registrations		
	N	%	pmp*	N	%	pmp*
Jersey	22760	20.7	206909	1764	1.6	16036
Isle of Man	56510	62.8	627889	634	0.7	7044
Guernsey	7232	12.1	120533	513	0.9	8550
UK	28566588	42.6	426176	2488457	3.7	37125

* Population estimates are the mid-2021 estimates based on ONS 2011 Census figures

Figure 2 - Crown Dependency ODR registrations by decision, April 2015 to March 2023



Consent rate data for the Crown Dependencies are excluded due to small numbers. Since the introduction of opt out legislation in Jersey, there have been five out of 16 donation decision conversations where criteria for deemed consent were met.