

PHASE 2



ASSISTED DYING IN JERSEY

In November 2021, Jersey's States Assembly became the first parliament in the British Isles to decide 'in principle' that assisted dying should be allowed. They also decided that plans should be made for an assisted dying service.

This leaflet provides a brief overview of the proposals. The full proposals are set out in the consultation report, which is accompanied by a survey. These can be found at gov.je/consultations.

During March and April 2022 Islanders were asked to take part in the first phase of public engagement on assisted dying.

This second phase of consultation will run from 17 October 2022 to 14 January 2023. It is an opportunity for you to share your views and help shape proposals for assisted dying in Jersey.

gov.je/AssistedDying

WHAT IS ASSISTED DYING?

Assisted dying is where a person with a terminal illness, or experiencing unbearable physical suffering, chooses to end their life with the help of a medical professional.

Assisted dying is not the same as suicide. Assisted dying is a service provided to people in certain limited circumstances that will be set out in law.

Assisted dying does not replace palliative care and end-of-life care services. A person approaching the end of their life or living with serious illness should be provided the care and treatment they need to maximise their quality of life and minimise any suffering or distress. Assisted dying is an additional choice that some people may make if they want more control over the manner and timing of their death.

SUMMARY OF ASSISTED DYING PROPOSALS

Eligibility criteria

The law will set out the eligibility criteria for accessing assisted dying. A person must meet all the eligibility criteria. They must:

- a. have been diagnosed with either:
a terminal physical medical condition, known as **'Route 1 - terminal illness'**; OR
an incurable physical condition, causing unbearable suffering, known as **'Route 2 - unbearable suffering'**.
- b. have decision-making capacity
- c. have a voluntary, settled and informed wish for an assisted death
- d. be at least 18 years of age
- e. have been ordinarily resident in Jersey for at least 12 months.

Jersey Assisted Dying Service

The Jersey Assisted Dying Service will be delivered by the Health and Community Services Department.

The assisted dying service will be available free of charge to any person who meets the eligibility criteria.

The Jersey Assisted Dying Service will:

- provide a point of contact for anyone who wants information about assisted dying or is considering requesting an assisted death
- support people to navigate the assisted dying process
- support the loved ones of people who have requested an assisted death
- coordinate and deploy the professionals engaged in the assisted dying process.

A Delivery and Assurance Board will oversee the clinical and corporate governance of the Jersey Assisted Dying Service, which means ensuring that:

- the assisted dying service is safe
- standards of care are high
- the service is well run, and patient-centred
- there is fair access to the service.

Health professionals can choose to work in the assisted dying service. To be an assisted dying practitioner, they must:

- be registered with the Jersey Care Commission to work in Jersey
- have completed assisted dying training
- be able to demonstrate they meet the required competencies (the competencies refer to the knowledge, skills, and attributes required for each assisted dying role)
- make a decision to 'opt-in' to work as assisted dying practitioner with the Jersey Assisted Dying Service

The specific roles in the assisted dying process are:

- 1. Care navigators** – non-clinical staff who will support the person requesting an assisted death, as well as providing support and information to the general public and health & care staff.
- 2. Coordinating (first assessment) Doctor** – the doctor who undertakes the first assessment of the person who has requested an assisted death and coordinates the assessment process.
- 3. Independent Assessment Doctor** – the doctor who undertakes the second assessment of the person who has requested an assisted death.
- 4. Pharmacy professionals** – pharmacists and pharmacy technicians who will prepare and dispense the substance used in assisted dying.
- 5. Administering Practitioner** – the doctor or nurse who will directly administer the substance used in assisted dying or support the person to self-administer.

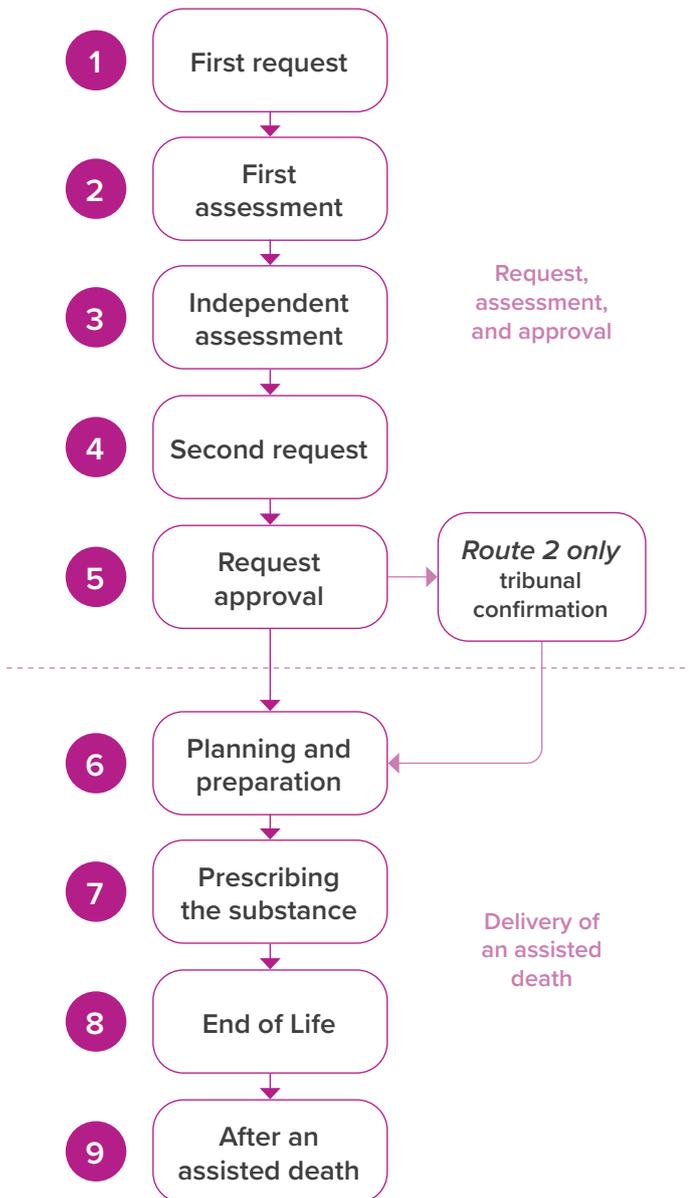
Conscientious objection

A right to conscientious objection ensures that people are free to act in accordance with their own personal beliefs about assisted dying.

The assisted dying law will state that no-one can be compelled to directly participate in the assessment, approval, or delivery of an assisted death.

ASSISTED DYING PROCESS

There are nine steps in the assisted dying process. The person requesting an assisted death is in control of the process and must express a wish to proceed to each step at their own pace. They can stop the process at any time.



Step 1. First request

The Jersey Assisted Dying Service will provide accessible information to people considering an assisted death, their friends, family members and health professionals.

The process begins when a person makes a first request to a Coordinating Doctor. This is a formal written request.

Step 2. First assessment

The Coordinating Doctor will assess if the person is eligible for assisted dying.

The first assessment is an opportunity to discuss the reasons for the person's assisted dying request, and all alternative care and treatment options.

The Coordinating Doctor may arrange for additional assessments to help them determine whether the person meets the criteria, for example, a capacity assessment.

If the person is assessed as not meeting the criteria by the Coordinating Doctor, the process will stop.

Step 3. Independent assessment

An Independent Assessment Doctor will undertake a second assessment to decide if the person is eligible. They must independently assess the person and form their own opinion.

The Coordinating and Independent Assessment Doctor must both determine that the person meets all the eligibility criteria for the process to continue.

Step 4. Second request

If the person still wishes an assisted death, they must make a second formal request. This will be a written declaration which is signed in the presence of a witness.



Step 5. Request approval

For those who are eligible under 'Route 1 - terminal illness', the Coordinating Doctor will approve the assisted dying request but can only do so if both the Coordinating Doctor and the Independent Assessment Doctor determine that the person meets all the criteria.

For those who are eligible under 'Route 2 - unbearable suffering' a special Tribunal must confirm the Coordinating Doctor's approval. The Tribunal may either confirm or reject the Coordinating Doctor's decision.

Appeals

An appeal can be made to the Royal Court by:

the person who has requested an assisted death (or someone they have asked to act on their behalf)

any other person who the Court is satisfied has a special interest in the care and treatment of the person, such as a family member.

The grounds of appeal will only relate to:

- whether or not a person has been ordinarily resident in Jersey for 12 months prior to making their first request
- a determination by the Coordinating Doctor or the Independent Assessment Doctor that the person has, or does not have, decision-making capacity to request an assisted death OR that their wish for an assisted death is voluntary, clear, settled and informed.
- a failure, or perceived failure, to make determinations or act in accordance with the process set out in law.

Step 6. Planning and preparation

The Administering Practitioner will support the person to have an assisted death, including supporting them to make decisions such as:

- the preferred method for the assisted death. The person can choose to self-administer the substance that will end their life or can choose for the Administering Practitioner to give them the substance

- who will be present
- the location (locations may include private homes, care or hospital facilities.)

Step 7. Prescribing the substance

Only the Administering Practitioner or another assisted dying practitioner may prescribe the assisted dying substance (i.e., the medications used to bring about the person's death)

Jersey General Hospital pharmacy will dispense medications used for the assisted dying substance.

Step 8. End of Life

Immediately before the person takes or is given the substance, the Administering Practitioner will carry out a final review to confirm that the person:

- has decision-making capacity
- continues to have a voluntary, clear, settled, and informed wish to proceed
- is giving their final consent.

If the Administering Practitioner is not satisfied that all these criteria are met, they will stop the process.

The substance will be taken by the person or administered by the Administering Practitioner. This may be orally or may be injected intravenously.

Step 9. After an assisted death

The process for the registration of the death and the burial or cremation of a person who has had an assisted death would be the same as with all deaths in Jersey.

REGULATION AND OVERSIGHT

The Jersey Care Commission regulates and inspects services, provided by the Government of Jersey and other providers to ensure that people receive high quality and safe care. The Jersey Care Commission will:

- provide independent regulation and oversight of the Jersey Assisted Dying Service
- publish an annual report on assisted dying, setting out the number of assisted deaths and requests for an assisted death.

RESPONDING TO THE CONSULTATION AND NEXT STEPS

Responding to the consultation

The public consultation will run from 17 October 2022 to 14 January 2023.

View the full consultation report (or a summary of the consultation) at gov.je/AssistedDying.

You can respond to the consultation by:

- completing the online survey
- attending a public meeting
- emailing a response to assisteddying@gov.je

A consultation feedback report will be published, after the end of the consultation period.

Responses to the consultation will inform a Report and Proposition on detailed policy proposals which will be lodged for debate by the States Assembly in early 2023.

Next steps

- ✓ **17 October 2022 to 14 January 2023**
Public consultation on detailed proposals
- **February 2023**
Publication of consultation feedback report
- **March 2023**
States Assembly debate detailed assisted dying proposals
- **March 2023**
Preparation of draft law
- **Late spring / early Summer 2024**
States Assembly debate draft law
- **Early summer 2024 to end 2025**
Implementation period for assisted dying service in Jersey, including:
 - training of health professionals
 - development of website and public information
 - set up of service and regulatory regime
- **End 2025**
Assisted dying law comes into effect

