

STATES OF JERSEY



ASSISTED DYING (P.95/2021): COMMENTS

**Presented to the States on 18th November 2021
by the Health and Social Security Scrutiny Panel
Earliest date for debate: 23rd November 2021**

STATES GREFFE

COMMENTS

Background

The Health and Social Security Panel has been approached by a number of States Members ahead of the debate on P.95/2021 and asked why they have not undertaken a formal Scrutiny Review of the Proposition. The Panel felt it would be useful to outline the work that it has done on the subject of assisted dying and highlight why it has not undertaken a review at this time.

As further background, for reference, a timeline is presented in an Appendix to this report.

Comments

The Panel has had an interest in the subject of assisted dying, since the public petition, and the Government's response, in October 2018. Members have attended briefings and taken the opportunity to publicly question the Minister for Health and Social Security (the 'Minister') on the subject at various occasions including the States Assembly and the Panel's quarterly public hearings.

It is highlighted that P.95/2021 asks the Assembly to make an in-principle decision, based on the work of the Citizens' Jury.

The Panel understands that one of the key reasons an in-principle decision is being sought, before legislation is brought to the Assembly, is so that conversations can be undertaken with stakeholders, including the UK medical regulatory bodies. The input of the regulatory bodies is vital for the detail of the draft legislation, and those stakeholders are not able to have conversations with the Jersey Government until the States Assembly has set out the broad parameters in which detailed discussions can take place. The Panel feels that it would be more suitable for the matter to be scrutinised in depth, with further detail and input from those stakeholders, if draft legislation is brought to the Assembly for debate.

The content of P.95/2021 is based on the recommendations of the Citizen's Jury final report. The Panel believes that, to honour the process and input of the Citizen's Jury, it is appropriate for the Assembly to consider this.

The Panel was satisfied that the process to select and run the Citizens' Jury was an independent one, which relied on involvement from external third parties, namely; the Sortition Foundation (responsible for participant recruitment), Involve (responsible for the design and project set-up of the Citizen's Jury), and the Independent Advisory Panel (responsible for process oversight and independent observation of jury sessions). Detailed information on the Citizens' Jury process is publicly available in the Final Report from the Citizens' Jury and the accompanying report to P.95/2021.

Conclusion

The Panel believes that the decision to approve, or reject, the in-principle proposition to allow assisted dying in Jersey should take place in the States Assembly. The role of the scrutiny panel will not be best utilised at this stage of the policy/legislative process (i.e. the in-principle debate), but in the scrutiny of draft legislation that will follow, if P.95/2021 is adopted.

Appendix

Timeline

- A public e-petition in 2018, ‘Assisted Dying - allow individuals of capacity their own end of life choices’ was signed by 1,861 people.
- In Autumn 2018 Deputy K. Pamplin, Vice-Chair of the Panel, met with Deputy R. Renouf, the Minister for Health and Social Services (the ‘Minister’) and representatives from the End of Life Choices Jersey to discuss the e-petition and how discussions about Assisted Dying could be progressed in Jersey.
- In response to [OQ.146/2019](#) (on 4th June 2019) the Minister provided the States Assembly with an update on the research into assisted dying undertaken by the Government and provided States Members the opportunity to ask questions publicly.
- In the States Assembly on 8th October 2019, in response to a question without notice from Deputy Alves (see extract from [Hansard, page 91](#)), the Minister confirmed that consideration was being given to the formation of a citizens’ panel.
- In 2019, an online public survey and a GP and doctors’ survey were undertaken, and a public meeting took place which indicated that some people in the Jersey community would support assisted dying.
- The Minister committed in February 2020 to establish a citizens’ jury to consider whether assisted dying should be permitted in Jersey.
- The Panel questioned the Minister on the subject of assisted dying and the establishment of a Citizens’ Jury in their Quarterly hearings on 29th October 2020 and 20th May 2021.
- In response to [OQ.20/2021](#) (on 21st January 2021), the Minister provided an update to the States Assembly on the Citizens’ Jury.
- In order to get a better understanding of the Citizens’ Jury process, the Panel virtually met virtually with the following groups in June 2021:
 - The Sortition Foundation (who were responsible for participant recruitment);
 - Involve (responsible for the design and project set-up of the Citizen’s Jury);
 - The Chair of the Independent Advisory Panel (Panel responsible for process oversight and independent observation of jury sessions);
 - Content Oversight Team responsible for speaker selection;
 - The Minister for Health and Social Services; and
 - Government Officers supporting the work of the Citizens’ Jury / Assisted dying work.
- The [Citizens’ Jury’s initial report](#) was published on 22nd June 2021. The Panel was provided with a briefing on 17th June 2021, which included input from the Sortition Foundation and Involve.
- The [Citizens’ Jury’s final report](#) was published on 16th September 2021.
- [P.95/2021](#) was lodged by the Council of Ministers on 13th October 2021.
- The Panel was provided with a briefing on P.95/2021 on 4th November 2021 ahead of the briefing to States members on 10th November 2021.