

From the Acting Chief Medical Officer
Dr Elizabeth Mitchell



Department of
**Health, Social Services
and Public Safety**

An Roinn

**Sláinte, Seirbhísí Sóisialta
agus Sábháilteachta Poiblí**

www.dhsspsni.gov.uk

HSS(MD)28/2006

To: Chief Executives of HPSS Trusts
Medical Directors of HPSS Trusts for onward distribution to
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Your Ref:
Our Ref: HSS(MD)28/2006
Date: 8 August 2006

Dear Colleague

- 1. HUMAN TISSUE AUTHORITY WEBSITE**
- 2. PUBLISHING OF CODES OF PRACTICE**
- 3. LIFTING OF THE MORATORIUM ON THE DISPOSAL OF EXISTING HOLDINGS OF POST MORTEM MATERIAL**

Introduction

This guidance replaces all previous letters and circulars on organ retention and disposal issued in Northern Ireland by the CMO and the Department between 2000 and 2003, including HSS(MD)6/00 and HSS(MD)22/03).

Human Tissue Authority Website

Following the launch of the new Human Tissue Authority (HTA) interactive website, establishments which require a licence under the Human Tissue Act can now apply for licences online at – **www.hta.gov.uk**.

The HTA website now provides a guide to licensing for post mortem services, anatomy schools, establishments storing tissue for research, and sites displaying human material, such as museums, all of which must be licensed under the Human Tissue Act by 1 September 2006.

The HTA website also enables users to: find out whether they need a licence; apply for licences online; pay licence fees; register to attend events; respond to HTA consultations; receive the HTA e-newsletter in order to keep up-to-date with the latest developments. The site includes guidance about the licensing process, as well as frequently asked questions and a glossary of terms.

The site also provides information and guidance on regulation of living donor organ transplants and implications of the Human Tissue Act for the transplant community.

Publishing of Codes of Practice

The HTA has also published its first six codes of practice on the removal, storage, use and disposal of human tissue and organs.

The six codes of practice published by the HTA are:

Code of Practice 1 – Consent;

Code of Practice 2 – Donation of organs, tissue and cells for transplantation;

Code of Practice 3 – Post mortem examination;

Code of Practice 4 – Anatomical examination;

Code of Practice 5 – Removal, storage and disposal of human organs and tissue;

Code of Practice 6 – Donation of allogenic bone marrow and peripheral blood stem cells for transplantation.

The HTA will issue further codes of practice and additional guidance later in 2006.

Establishments are asked to note that in Northern Ireland the document, “Post Mortem Examinations – A Code of Good Practice: Rights of Patients and Relatives: Responsibilities of Professionals” is replaced by the HTA codes. However the “Standards for the Management of Post Mortem Examinations” and “Appendix A, Archiving and Storage of Human Tissue”, which were contained in the NI Code, are currently being reviewed by the Department. They will be published in the near future as a stand-alone document and should continue to be applied in the interim.

Lifting of the Moratorium on the Disposal of Existing Holdings of Post Mortem Material.

Trusts holding post mortem human organs and tissues in accordance with restrictions on disposal imposed in 2003 [HSS(MD22/03)], will wish to note that the HTA has issued a code of practice on the removal, storage and disposal of human organs and tissue, which includes guidance on the disposal of existing holdings.

The HTA code of practice was subject to extensive consultation and represents the best consensus available on the handling of sensitive decisions about the disposal of human organs and tissues that may have been obtained in the past without prior consent.

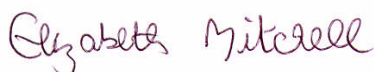
While Trusts and other establishments in England and Wales are required to delay disposal for 12 months to undertake local publicity, this is not the situation in Northern Ireland, where a major publicity campaign regarding reclamation of tissue has already taken place, including the delivery of leaflets to every household. Prior to actual disposal beginning each organisation must ensure that it has a consistent disposal policy, available to the public upon request, in line with the guidance in the code of practice.

The lifting of the moratorium in Northern Ireland comes into effect on 1 September 2006 in line with the commencement of the Human Tissue Act 2004.

Further Information

Answers to some questions that organisations may have about disposal are attached at Annex A. Any queries in relation to the codes of practice should be addressed to the Human Tissue Authority at www.hta.gov.uk. Any questions in respect of this letter should be addressed to Dr Heather Neagle (Tel. 028 9052 2359), Email: heather.neagle@dhsspsni.gov.uk or Andrew Browne (Tel 028 9052 2583), Email: andrew.browne@dhsspsni.gov.uk

Yours sincerely



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c.c. Stella Burnside, Chief Executive, RQIA
Chief Executives & Directors of Public Health at HSS Boards
Trust Organ Retention Leads
Mrs Eleanor Donaghy, Transplant Co-ordinator, Belfast City Hospital
Frank Young, Vice Chancellor's Office, Queen's University Belfast
Professor Rod Hay, Head of the School of Medicine and Dentistry, Queen's University Belfast
Professor James McElnay, Dean of the Faculty of Medicine, Health and Life Sciences, Queen's University of Belfast
Mrs Brenda McKenna, State Pathology Department
John Leckey, Senior Coroner, NI Coroners' Service
Brian Grzymek, NIO
Eric Strain, NI Courts' Service

This letter is available at www.dhsspsni.gov.uk and also on the DHSSPS Extranet which can be accessed directly at <http://extranet.dhsspsni.gov.uk> or by going through the HPSS Web at <http://www.n-i.nhs.uk> and clicking on DHSSPS.

What did the restrictions on disposal apply to?

The restrictions applied to all material taken at post mortem that was held at the time of the CMO's guidance in May 2003 [HSS(MD22/03)].

Why are the restrictions being lifted now?

The HTA has now published its code of practice on the removal, retention and disposal of human organs and tissue, which provides the framework for organisations to use in making decisions about disposal.

Can we start disposing now?

Organisations will wish to pay particular attention to the recommendations in the HTA's code of practice about unidentifiable and identifiable but unclaimed existing holdings, which are broadly:

- existing holdings that are unidentifiable under the criteria in the code and no longer required should be disposed of in the same way as other post mortem material is handled;
- existing holdings that are identifiable and contact has been made by families should NOT be disposed of until relatives make their wishes clear;
- it is reasonable for organisations to consider whether to dispose of existing holdings that are identifiable but no contact has been made by families.

The code of practice should be consulted for more detail before decisions are made about disposal. It can be found at www.hta.gov.uk

Do we need to seek permission before disposing of material?

No. Decisions are for organisations to make locally, but they should take account of the HTA's code of practice in deciding when and how to dispose of material.

Do we have to dispose of existing holdings now?

No. We are simply saying to those organisations that have been holding on to material pending definitive advice, that previous restrictions no longer apply and they may consider disposal in line with the HTA code of practice, from 1 September 2006.