

**Cross-Party Group in the Scottish Parliament
on End-of-Life Choices**

Agenda for the meeting of the Cross-Party Group on End-of-Life Choices

Tuesday 23rd May 2023 at 6 pm

Online via Zoom

1. Welcome, introductions and apologies

Apologies from the secretary. MSPs in attendance; Rona MacKay, John Swinney, Annabelle Ewing.

2. Minutes of previous meeting (AGM, 27th Sept 2022)

Minutes agreed.

3. Matters arising

No matters arising.

4. Update on Assisted Dying for Terminally Ill Adults (Scotland) Bill

Liam McArthur MSP gave an update advising that he was working with his team and NGBU, and that drafting had started. He gave an estimated time of many months for this since it is an iterative process. He hoped to bring the proposed Bill to Parliament before the end of this year but caveated this with there being staff absences, Summer recess etc., to contend with, and that the Bill was complex and far more specific in detail than previous attempts. There had been positive feedback from MSP colleagues.

Rona MacKay asked what were the key issues. In response, Liam highlighted reassurance to those who were expressing concerns and explained that clarifications and extensions of points are often made in Memorandums of Policy and Explanatory Notes. The Bill should be consulted as a whole, including consulting its accompanying docs, rather than simply reading the face of the Bill. In terms of legislative competence, there would be a need to work within the Scottish Parliament and with UK counterparts to include important safeguards and provisions for conscientious objection.

John Swinney expressed concern that the proposed Bill should not become a religious issue, since the idea of suffering as a positive experience was being suggested by some persons of faith. Liam felt that the input from the Philosophers' Consortium had helped to pivot the debate in favour. When asked what would be a useful response from the group, Liam advised that supporters keep going with letters to MSPs and to the press to raise awareness of the highly safeguarded laws already in operation worldwide.

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Rona asked how we should combat the 'slippery slope' argument. Liam reminded the group that there has been no change in Oregon's legislation in the twenty-five years of its existence and that any changes to the law in places like Canada had not been the result of a slippery slope but had been mandated by the courts to parliament – something that cannot happen in Scotland given that our parliament is sovereign. One attendee raised the issue of poor media reporting and sensationalism as 'assisted dying is working safe and well' is not newsworthy.

Rona told us that some GPs had expressed concerns about the perceived increase in workload that AD might bring. One attendee noted that if we are to truly deliver patient-centred care, then AD needs to be part of that – that the focus should not only be on practitioners but on the suffering of the terminally ill. It was suggested that a meeting aimed at clinicians might be a useful strategy and Liam assured the group that stakeholder meetings had already been had with more planned, including outreach meetings with medical students and colleagues at the University of Edinburgh. Prof Harry McQuillan, CEO Scottish Community Pharmacy, suggested that it would be useful in the future to include pharmacy students since pharmacists will play a central role. All agreed with these sentiments.

Annabelle Ewing commented that there had been misrepresentation/misunderstanding about the six-month criterion in the proposed Bill. Liam assured the group that the Bill would be in line with existing definitions of what constitutes a terminal illness in Scotland, including that it must be set to cause the person's death.

5. Philosophers Consortium on Assisted Dying in Scotland (PCADS) established

Professor Ben Colburn told the group about the formation of the Philosopher's Consortium on Assisted Dying <pcads.org> and how this group of diverse interests and expertise has converged to work together. In their statement, PCADS have highlighted that currently, people are more likely to die of chronic diseases, and that quality of life is crucial at the end of life. Palliative care is important, but it is not always appropriate, and in the vast majority of places that have legalised assisted dying, the person is already receiving palliative care yet still opts for the option of assisted dying in their final weeks and days of life.

Safeguards, regulations and scrutiny would be important in any assisted dying legislation and would be to a much higher standard than existing end of life decisions that happen every day in Scotland. The autonomy of the individual speaks in favour of AD. Within the legal context, Ben pointed out that assisted dying has always occurred, but in the past it has been beyond legal oversight. It will be much better when it is a systematised choice and part of a

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safeguarded patient pathway process. He identified that no jurisdiction, having made the decision to permit assisted dying, has ever gone back to the status quo.

He assured the group that PCADS was confident that the Scottish legislation is based on evidence, and the research is reassuring to vulnerable people. We should aim to empower as well as protect individuals in their choices. In terms of expertise, Ben highlighted that clinicians hold a variety of views as do people with disabilities. Many people of faith support assisted dying and they realise that they should not impose views on others. Although we can draw on personal experience and hear passionate arguments, it is difficult to rely solely on anecdotes. Philosophical principles can be used to examine data, and can also encourage listening and dialogue, so that both sides can create a safe space for discussion and mind change. PCADS sees the application of these principles as empowering people to grapple with the ethics and create space for different views. Engagement and dialogue can help to defuse antagonism, reframe an argument and find common ground. In response to issues of risk and responsibility, the philosophical approach takes a different view of the social/political situation, by seeking a shared search for truth.

Professor Michael Cholbi told us that the next step would be a joint statement of position. We now have a generation of expertise with AD and philosophers are in a position to contribute to the debate; they are seeking ways in which they can help to move it forward. He spoke of offering the opportunity to have expansive conversations, especially with undecided MSPs. Michael mentioned the Scottish Council on Human Bioethics as a possible source of opposition to the PCADS. He asked how we can give the MSPs the conviction to support AD. Rona reminded us that since this is not a political issue, MSPs will not be 'whipped' in the voting.

6. AOCB

None.

7. Date of next meeting

Date of the AGM set for 28th Nov 2023.