

PE1911/WW: Review of Human Tissue (Scotland) Act 2006 as it relates to post-mortems

Petitioner written submission, 29 October 2024

Richard Stark's Law

Thank you to the Committee for their support in addressing my petition and the urgent needs of families affected in non-suspicious deaths which are NOT CRIMINAL and many MSPs agree. We don't believe the toll on families is being properly understood.

As parents who have experienced the treatment first-hand, we continue to be frustrated by the lack of meaningful action and the slow pace. Whilst the Government's response has acknowledged some of the issues, many points remain insufficiently addressed.

Someone in Government should take ownership of this and address the Committee's recommendation to lead. The response does not give a clear answer. The Scottish Government should attend a committee meeting to engage in a more productive discussion on the necessary reforms. At present many of these systems are not fit for purpose.

The law allows retaining tissues of OUR loved ones following a Crown Office Procurator Fiscal Service post-mortem. This is the DNA of a whole family! And many are non-suspicious deaths. We ask the Committee to push for change.

Given the differences in practices between Scotland and the rest of the UK, we are no clearer on what is preventing the Government from aligning with polices in England, Wales, Northern Ireland and now the Republic of Ireland who changed in December 2022 where families are offered tissue samples if investigations have been performed.

What barriers exist to adopting scanners sooner? The Government has acknowledged staffing pressures. The response to the Committee is vague.

The communication failings that our family and many others have experienced is alarming.

Government/medical professionals need to balance changes to post-mortem procedures with the needs of grieving families like ours.

This petition was submitted three years ago. It has 3,280 signatures and is increasing, we are no further forward. It's not just us who want progress, we have many families needing reform. It is imperative for the Committee to request the correct Minister to be invited to attend a committee meeting.

Dr Adeley addressed the Committee in December 2022. I discovered he led a TV programme "Cause of Death". A coroner collects circumstances/medical records/police reports. A view and grant post-mortem with toxicology is performed looking for a likely cause to rule out any post-mortem, if no cause is found a scanner post-mortem is performed. If nothing is found, which is rare, a limited/targeted PM is performed. The family's wishes are taken into account! This demonstrates the efficiency and respectfulness to handling deaths. This has shown me the thoughtfulness and care taken to detect a cause of death whilst supporting grieving families wishes. Scotland should be ashamed, seems scalpel happy here. Many feel there is a black market for samples of OUR loved ones. Scanner PMs take 15 minutes, deceased unharmed, cost effective, 96% accurate. A pathologist can never be 100%, so for 4% is it worth mutilating loved ones and destroying families? Radiologists are already trained to read scans. This could be up and running in 8-12 weeks. I have spoken to a Scanner Provider.

If Richard had died in England he would not have been subjected to an invasive post-mortem/samples taken as this was a non-suspicious death with evidence already there. I don't believe Richard's evidence was read!

The Government have advised the shortage of resource/funds. We have given solutions below.

Remove non-suspicious deaths from the Procurator Fiscal (NOT CRIMINAL) this is destroying innocent families who will NEVER recover. The next of kin should have the CHOICE of a likely cause, uncertain recorded or to request a post-mortem by scanner. This would save on resources and costs.

There should be NO PMs unless Murder/Suspicious. Many MSPs have mentioned an opt-out system and a pathologist did advise if we didn't want a PM to have it recorded on our medical records.

Procurator Fiscal should ONLY be dealing with Murder/Suspicious Deaths as these come under CRIME and there has to be justice.

NO removal of brain, throat and tongue - this is Barbaric! -NOT acceptable

Tissue Act must be changed: samples taken for investigation should be offered back to the N.O.K – this is their loved one and doesn't belong to anyone else! This is stealing the DNA of that whole family and storing WITHOUT CONSENT.

Doing the above will save a fortune, resources etc and will stop the unbearable pain on the N.O.K. Believe me they will NEVER RECOVER! Most are on medication (there's a cost), lost careers, broken marriages, nightmares etc all for a death certificate which is worthless as most of them are wrong! Medics have advised that their loved ones have the wrong cause recorded.

This Government could change the above in months, in the meantime think of the families being destroyed on its watch. Look at your loved ones tonight, would you want them to go through what Richard did and to have your family destroyed like ours and many others? Some cannot speak of their experience, and many have advised they will never vote again.

Listening to the King's speech, his support for Scotland and the importance of compassion. We think it is time he knew the lack of compassion, respect and dignity. These post-mortems/retention of samples would NOT happen to his family.

All involved in this seem to forget that they are there to represent the people in Scotland – not destroy them! We have been left with a life sentence and we will NEVER forgive those involved. Do the right thing, make the changes above and QUICKLY. Leave a legacy of a better and fairer Scotland. We were so proud of being Scottish, I am ashamed at present, as are others. Our loved ones are mutilated in this cruel system – there is no need for it, it is bad enough that murder/suspicious cases go through this.

You have no idea of the unbearable pain families are going through in NON-SUSPICIOUS deaths which are NOT CRIMINAL, and they shouldn't be treated so. This is mental cruelty!

If you wish to leave your body/organs to science or assisted dying that is YOUR CHOICE and rightly so! Unless Murder/suspicious we should have the CHOICE.

I asked pathologists this week if any samples were sent elsewhere or out with this country. I have been referred to the Scottish Fatalities Investigation Unit who will tell us they know nothing about samples! On a wild goose chase again! If the Procurator Fiscal has no control over pathologists, they should not be handing over OUR loved ones to them! They should be able to gain the answers to our questions as they employ these pathologists.

Where are samples being stored? There must be millions taken in a year.