

Petitioner submission of 30 August 2023

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

Richard Stark's Law

Our laws must place better emphasis on respecting the dignity of deceased individuals and safeguarding the rights of their families.

The Procurator Fiscal (PF) was involved as our son died at home – I thought he was in safe hands. I was wrong.

They instructed a PM - our wishes were ignored! This was **NOT A SUSPICIOUS DEATH**. This should have been our **CHOICE** to have a likely cause/Uncertain or a PM.

If not a suspicious death the PF should not be involved as this is not a criminal case.

PF advised they are in touch with the family throughout. We had no contact until after the PM. We were horrified at what was performed. The PF and Lord Advocate (LA) both advised that the wishes of the Next of Kin (NOK) are taken into account and are particularly sensitive to religious and cultural backgrounds – **this is discrimination.**

The LA/PF instruct PMs only where they feel it essential and there was medical evidence to explain the death - Richard had attended a hospital months before.

The LA advised Richard's death was **NEVER** considered to be suspicious.

The Scotland Act 1998 and Human Tissue (Scotland) Act 2006 need updating. People go into Politics to make a difference, to listen to the public and to make the country a better/fairer place. The LA advised for MSPs to propose changes to the law and that she would support changes.

She mentions carrying out her role in a compassionate way. There is nothing humane in current law. **The lives of innocent people are being destroyed/cannot be repaired. No-one should have to endure what we went through – this is mental cruelty.**

Where is the transparency in Scotland, where is the balance between medical progress, cultural sensitivities and ensuring that families' values are respected and taken into consideration.

I see the horror/anger in the eyes of others. There are many changes needed. Families wishes ignored - No compassion/Dignity/Respect for the Deceased.

A hospital didn't investigate injuries Richard woke up with whilst in bed with no recollection/concussion. A cause was considered then excluded. He was sent to another hospital for an ECG but this did not happen and there was no follow up. He was sent home with a leaflet.

This healthy boy was found dead months later - too much of a coincidence.

I will never trust Doctors/ PF/ Pathologists. No-one seems to be answerable. These people are in a position of trust, they have certainly lost it from the public.

I was advised that samples of MY CHILD didn't belong to me, where is the compassion there?

All of the above delays the grieving process, but those involved **do not care**. Where is the respect for the deceased when samples of that person are spread all over the country/perhaps elsewhere?

Samples are DNA of a family, stored without consent. It seems in this country the medical profession, PF, and RCOP, are answerable to no-one. Yet the public is. This current law has rules for some and different rules for others.

Death Certificate (DC): I fought for four years to give Richard a proper death certificate. In the opinion of others these are not for families, they are stats for medics but this is wrong! Many DCs are incorrect. The future generations will be disgusted at this law and what was allowed to be performed/retained of samples which is part of a person and someone's loved one.

There should be Coroner in Scotland.

The deceased are still entitled to dignity and respect – would you say our son received this?

There was always a likely cause in Richard's case (which was confirmed last month). We had investigations done, as pathologists refused to look at the information we had, to give our son a proper death certificate. Four years of hell, fighting for samples, information (I don't yet have it all) and a death certificate. He now has a proper certificate. – How do these people sleep at night, knowing they are putting people through this?

The Republic of Ireland changed their tissue act in 2022 in order to offer samples back to the NOK.

Some are willing to leave samples/organs/bodies to science - this should be choice.

Pathologists have CHOICE when studying to deal with the living or deceased, most are going to the living which has created a shortage of pathologists who can undertake post-mortems. This was another reason England changed to scanners. Pathologists are given the CHOICE, we should be given the CHOICE too if it is a non-suspicious death.

Scanners: are cost effective and if only used in suspicious/murder cases this would make better use of resources and would save money.

London is now looking into using scanners as routine checks for prostate cancer. In a trial, a patient had a negative blood result, and then had a scan which was positive. The scanner has saved this man's life.

I will **NEVER** forgive those involved I have a **life sentence** as a mother that didn't protect her child from that horrific PM – **in a non-suspicious death**. Richard was such a decent living boy who cared so much for others, he would be horrified at what was performed on him and what his family have gone through – **all down to others, they seem to have no shame.**

If anyone thinks there is nothing wrong with these immoral acts, there is something far wrong.