



North East and North Cumbria

Our Reference North East & North Cumbria
ICB FOI 390

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16 June 2023

By Email

Dear Sir or Madam

Freedom of Information Act 2000 – Request for Information – NHS North East and North Cumbria Integrated Care Board (NENC ICB)

Thank you for your request received by North of England Commissioning Support (NECS) on 30 May 2023 for information held by NHS North East and North Cumbria Integrated Care Board (NENC ICB) under the provisions of the Freedom of Information Act 2000.

NENC ICB covers the areas of County Durham, Gateshead, Newcastle, North Cumbria, North Tyneside, Northumberland, South Tyneside, Sunderland and Tees Valley (which covers the 5 councils that make it up – Darlington, Hartlepool, Middlesbrough, Redcar & Cleveland and Stockton-on-Tees).

Please find the information you requested on behalf of the ICB as follows.

Your Request

I am emailing to request information under the Freedom of Information Act relating to policy on and provision of fertility preservation for transgender patients.

On background, in 2019 NHS England told clinical commissioning groups (CCGs) they must not discriminate against transgender people when providing fertility preservation (sperm or egg freezing).

However, NHS England also said that as long as CCGs complied with the law, they could form their own policies ‘taking into account local needs and relative priorities, evidence of clinical effectiveness of the intervention under consideration, and available resource’. The full quotation is available in the postscript.

CCGs have now been dissolved and replaced with ICBs.

Could you please confirm:

- 1) Does the ICB currently offer fertility preservation for transgender patients?
- 2) What is the ICB's current policy for providing fertility preservation?
 - a) What is the ICB's current policy for providing fertility preservation for transgender patients?
- 3) Did any of the ICB's former CCG bodies offer fertility preservation for transgender patients?
 - a) If so, how many and which ones?
- 4) Does the ICB intend to consult on or update its provision of fertility preservation for transgender patients?

Our Response

NENC ICB can advise you of the following in relation to your request:

The Value based clinical commissioning policy VBCCP has been in place across the North East and North Cumbria prior to the inception of the CCGs, and is now on version 12.

The VBCCP policy version 12 is in place for all places across the North East and North Cumbria

<https://northeastnorthcumbria.nhs.uk/media/m0dkdhn/icbp040-vbc-policy-12.pdf>

*The changes to the policy from 2019 are included at the end of the policy.
(earlier changes are available on request)*

In January 2020 (for implementation April 2020) the section formally known as invitro fertilisation (IVF) and Intracytoplasmic sperm injection (ICSI) renamed assisted reproduction treatments.

In January 2020 (for implementation April 2020) a fertility preservation section was added into the VBCCP policy within the assisted reproduction policy

*The Assisted reproduction treatment section is in the prior approval section.
This means that interventions should only be carried out where prior specific criteria are met, and a prior approval ticket (PAT) is obtained to demonstrated compliance with the criteria.*

*The fertility preservation policy does not make specific reference to transgender patients because it says that the NHS will fund fertility preservation for **anyone** who is at risk of premature infertility from iatrogenic or other medical conditions*

The fertility preservation section is followed by an embryo/ gamete harvesting and storage policy that details the duration of storage.

Fertility Preservation Policy:

The NHS will fund fertility preservation for anyone who is at high risk of premature infertility from iatrogenic or other medical conditions including women who are at high risk of idiopathic premature ovarian failure (POF).

Note: in the case of idiopathic POF, high risk is defined as having more than one affected direct family member.

Embryo / Gamete Harvesting & Storage Policy:

The NHS will fund embryo / gamete harvesting and storage for those patients who have had their fertility preservation funded by the NHS in accordance with the fertility

preservation policy for: - - - An initial period of one year (subject to clinical review at the end of the period)

- A further period of up to 10 years (subject to clinical review at the end of the period)

- For females up to a period for which the female remains eligible for NHS fertility treatment.

Once the female has reached the maximum age for NHS fertility treatment the patient should have the option to privately fund storage should this be clinically appropriate.

- For males a period up to 55 years in total from fertility preservation.

Gametes stored by the NHS will not be preserved after the patient has deceased.

Patients who have had gamete storage funded by the NHS will be subject to the NHS fertility treatment policy at the time they wish to use the gametes.

Embryo Storage following NHS funded Assisted Reproduction Treatment

The NHS will fund embryo storage for embryos which have been funded by the NHS in line with the Fertility Policy.

Embryos will be stored by the NHS up to the time that the female reaches the maximum age for fertility treatment on the NHS.

Any embryos stored or created by the NHS will not be preserved after the patient has deceased. Note: Any embryos stored before the woman's 43rd Birthday may be implanted within 12 months of the date storage commenced. * The rationale for this is that the embryo has been created while the female is compliant in line with the policy.*

In line with the Information Commissioner's directive on the disclosure of information under the Freedom of Information Act 2000 your request will form part of our disclosure log. Therefore, a version of our response which will protect your anonymity will be posted on the NHS ICB website <https://northeastnorthcumbria.nhs.uk/>.

If you have any queries or wish to discuss the information supplied, please do not hesitate to contact me on the above telephone number or at the above address.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to the Senior Governance Manager using the contact details at the top of this letter quoting the appropriate reference number.

If you are not content with the outcome your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by the North of England Commissioning Support Unit.

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

www.ico.gov.uk

Any information we provide following your request under the Freedom of Information Act will not confer an automatic right for you to re-use that information, for example to publish it. If you wish to re-use the information that we provide and you do not specify this in your initial application for information then you must make a further request for its re-use as

per the Re-Use of Public Sector Information Regulations 2015 www.legislation.gov.uk .
This will not affect your initial information request.

Yours sincerely

Pamela Coxon

Pamela Coxon
Information Governance Officer