

Freedom of Information request 490-22

Request

As you may be aware, Mermaids is a charity that supports transgender, non-binary and gender diverse children, young people and their families. Our mission is to create a society that listens to and respects the lives of trans people in the UK and as part of this, we engage with parliamentarians regularly. Following the Equality and Human Rights Commission's Pre-Action Letter in August of 2018, The Equality and Human Rights Commission stated in 2019 that a 'strong justification' needs to be shown by any CCG refusing to offer fertility preservation to transitioning patients. As such, in order to best represent our service users, we always strive to use the most up-to-date information regarding their potential experiences in accessing healthcare across the country in order to build up a picture of the state of this.

There are various different fertility treatments that transgender patients may require when undergoing the process of transitioning. These can include the following:

1. Egg harvesting and storage
 - Here transgender men take fertility drugs to stimulate their ovaries and the eggs are collected by a surgical procedure under sedation and then frozen and stored. This is also known as mature oocyte cryopreservation. The surgical procedure shall henceforth be referred to as "egg harvesting" and the freezing of the eggs as "cryopreservation of eggs".
2. Sperm harvesting and storage
 - This is the process of extracting and storing sperm and can be done surgically or through self-ejaculation and is available both prior and after hormone treatment for transgender women. The extraction, surgical or otherwise, of the sperm shall be referred to as "sperm harvesting" and the freezing of sperm as "cryopreservation of sperm".
3. Embryo harvesting and storage
 - This involves both an IVF procedure and a storage procedure. Whereby traditional IVF is undertaken to produce a fertilised egg which is then cryopreserved for later use. The initial IVF process to produce a fertilised egg shall be referred to as "IVF Embryo Treatment" and the storage of the egg as "embryo cryopreservation".
4. Ovarian Tissue Cryopreservation
 - This is the process available for those transitioning prior to puberty. Ovarian tissue is surgically extracted through an oophorectomy or biopsy, store and preserved for later use. Upon wishing to restore fertility, the tissue is thawed and auto-transplanted. "Ovarian tissue extraction and cryopreservation" shall be used to refer to this entire procedure.

FOI Request:

We request the following under the Freedom of Information Act 2000:

1. Which of these fertility treatments do you provide for your transgender patients?
 - a. Egg harvesting
 - b. Cryopreservation of eggs
 - a) How long do you offer cryopreservation of eggs for?
 - c. Extraction of sperm, both surgical and self-ejaculatory
 - d. Cryopreservation of sperm
 - a) How long do you offer cryopreservation of sperm for?
 - e. IVF Embryo Treatment
 - f. Embryo cryopreservation

- a) How long do you offer embryo cryopreservation for?
- g. Ovarian Tissue Extraction and Cryopreservation
 - a) How long do you offer cryopreservation of ovarian tissue for?

2. What, if any, are the youngest ages of patients that are entitled to receive these treatments?

- h. Egg harvesting
- i. Egg cryopreservation
- j. Sperm harvesting
- k. Sperm cryopreservation
- l. IVF Embryo Treatment
- m. Embryo cryopreservation
- n. Ovarian Tissue Extraction and Cryopreservation

3. If you have answered no to any of the above questions, what is the “strong justification” that your CCG has for not funding this fertility treatment?

Response

1. NHS Borders does not provide fertility treatments, we refer all patients to the Assisted Conception Unit at the Royal Infirmary of Edinburgh. Therefore under Section 25 of the FOI(S)A 2002 this data is accessible elsewhere.

a.	Egg harvesting	No
b.	Cryopreservation of eggs	No
a)	How long do you offer cryopreservation of eggs for?	N/A
c.	Extraction of sperm, both surgical and self-ejaculatory	No
d.	Cryopreservation of sperm	No
a)	How long do you offer cryopreservation of sperm for?	N/A
e.	IVF Embryo Treatment	No
f.	Embryo cryopreservation	No
a)	How long do you offer embryo cryopreservation for?	N/A
g.	Ovarian Tissue Extraction and Cryopreservation	No
a)	How long do you offer cryopreservation of ovarian tissue for?	N/A

2. NHS Borders does not provide fertility treatments, we refer all patients to the Assisted Conception Unit at the Royal Infirmary of Edinburgh. Therefore under Section 25 of the FOI(S)A 2002 this data is accessible elsewhere.
3. NHS Borders does not have the facilities for Assisted Reproduction. Transgender patients requiring Fertility Preservation are referred to the Assisted Conception Unit at the Royal Infirmary of Edinburgh. Transgender patients living within NHS Borders would normally be referred to the Transgender Service at the Chalmers Hospital in Edinburgh as we do not have a local service within our Health Board. Usually, the referral for Fertility Preservation would come directly from the Transgender Clinic to the Assisted Conception Unit.

If you are not satisfied with the way your request has been handled or the decision given, you may ask NHS Borders to review its actions and the decision. If you would like to request a review please apply in writing to, Freedom of Information Review, NHS Borders, Room 2EC3, Education Centre, Borders General Hospital, Melrose, TD6 9BS or foi.enquiries@borders.scot.nhs.uk.

The request for a review should include your name and address for correspondence, the request for information to which the request relates and the issue which you wish to be reviewed. Please state the reference number **490-22** on this request. Your request should be made within 40 working days from receipt of this letter.

If following this review, you remain dissatisfied with the outcome, you may appeal to the Scottish Information Commissioner and request an investigation of your complaint. Your request to the Scottish Information Commissioner should be in writing (or other permanent form), stating your name and an

address for correspondence. You should provide the details of the request and your reasons for dissatisfaction with both the original response by NHS Borders and your reasons for dissatisfaction with the outcome of the internal review. Your application for an investigation by the Scottish Information Commissioner must be made within six months of your receipt of the response with which you are dissatisfied. The address for the Office of the Scottish Information Commissioner is, Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife.