

Scottish Government submission of 18 May 2023

PE2020/A: Provide fertility treatment to single women

Thank you for asking for the Scottish Government's view on the public petition [PE2020: Provide fertility treatment to single women](#) calling on the Scottish Parliament to urge the Scottish Government to provide the same fertility treatment to single women, as is offered to couples through the NHS for the chance to have a family.

This response outlines the current access criteria for NHS IVF treatment in Scotland and Scottish Government plans in regards to the consideration of widening access criteria in the future. As Ms Morrison has stated in her petition, single people are not currently eligible for NHS fertility treatment, such as NHS IVF treatment. Single people can be referred for fertility preservation if they have a medical need for this and meet access criteria.

Access criteria for NHS IVF treatment in Scotland is set at a national level and initial discussions on any proposed changes to access criteria for NHS IVF treatment take place within the National Fertility Group. This group, chaired by an NHS Board Chief Executive, currently Mary Morgan, NHS National Services Scotland, brings together experts in their field, including representatives from each of the 4 NHS Assisted Conception Units across Scotland, Scotland's Strategic Fertility Network, Public Health Scotland, Scottish National Blood Transfusion Service, the Progress Educational Trust and the patient representative group, Fertility Network UK. The group consider clinical research, evidence and data and make recommendations to Scottish Ministers who make decisions on the access criteria.

In Scotland, couples can access up to three full cycles of NHS IVF treatment if both partners meet the full access criteria. I have attached, for your information, a copy of NHS IVF access criteria in Scotland. You may be interested to note that, in England, access varies depending on the Integrated Care System patients come under with the number of cycles and access criteria being determined locally. In Wales two full cycles of NHS IVF are provided, and in Northern Ireland eligible patients can access one cycle.

Public Health Scotland, in their role as members of the National Fertility Group, are currently working collaboratively to use modelling techniques which will enable the group to better understand the capacity implications of any future expansion of access to NHS IVF to single people. This will be discussed at a future meeting of the group. However at this early stage of the development it is not possible to provide specific timescales for the modelling or subsequent discussion.

Access Criteria NHS IVF Treatment Scotland

For new referrals from Primary and Secondary Care From 1 April 2017.

Definition of infertility

Infertility with an appropriate cause, of any duration – all couples
or

Unexplained infertility of 2 years – heterosexual couples
Unexplained infertility following six to eight cycles of NHS funded donor insemination – same sex couples

All couples referred for NHS IVF (including NHS Surrogacy IVF) must be ready for treatment before being added to the waiting list.

Access criteria recommendations for all couples, including couples having surrogacy IVF

- Eligible patients may be offered up to three cycles of IVF/ICSI where there is a reasonable expectation of a live birth – for new referrals only from Primary and Secondary Care from 1 April 2017. Patients referred prior to 1 April 2017 may be offered up to two cycles of IVF/ICSI.
- Both partners must be non-smoking and nicotine free for at least 3 months before referral for treatment, and continue to be non-smoking and nicotine free during treatment.
- Both partners must abstain from illegal and abusive substances.
- Both partners must be Methadone free for at least one year prior to referral to treatment.
- Neither partner should drink alcohol prior to or during the period of treatment.
- BMI of female partner must be above 18.5 and below 30.
- Neither partner to have undergone voluntary sterilisation or who have undertaken reversal of sterilisation, even if sterilisation reversal has been self-funded.
- Couples can access treatment if one partner has no living biological child.
- NHS funding will not be provided to couples where either partner has already received the number of NHS funded IVF treatment cycles supported by NHSScotland regardless of where in the UK they received treatment.
- No individual (male or female) can access more than the number of NHS funded IVF treatment cycles supported by NHSScotland under any circumstances, even if they are in a new relationship.
- Fresh cycles of treatment must be initiated by the date of the female partner's 40th birthday and all subsequent frozen embryo transfers must be completed before the woman's 41st birthday. If the female partner turns 40 during her first fresh cycle of treatment, no further fresh cycles will be offered. Each

individual treatment cycle, including all frozen transfers, must be completed within 12 months of starting treatment, or (as set out above) before the date of the female partners 41st birthday if this is reached first.

- Couples must have been co-habiting in a stable relationship for a minimum of 2 years at the same address.
- NHS treatment may be given to those patients who have previously paid for IVF treatment, if in the treating clinician's view, the individual clinical circumstances warrant further treatment.

Number of cycles for couples if female partner aged 40 to 42 years old

In very specific circumstances, for couples where the woman is aged from the day after her 40th birthday, who meet all other criteria, one cycle of treatment may be funded.

Couples must have been screened for treatment by the time of the female partners 42nd birthday at the latest, and all treatment including any subsequent frozen embryo transfers must be completed by the time the female partner reaches 42 + 364 days.

All of the following criteria must additionally be met:

- They have never previously had IVF treatment (NHS or private)
- There is no evidence of poor ovarian reserve and if, in the treating clinician's view it is in the patients' interest
- There has been a robust discussion of the additional implications of IVF and pregnancy at this age.

NHS Surrogacy IVF

- NHS IVF with surrogacy may be considered only where a fertility clinician has deemed that there is a clinical indication for this treatment, and where no other treatment options are available.
- NHS Scotland will not be involved in any of the process in identifying a surrogate or any financial or legal arrangements made between the surrogate and the genetic/ commissioning couple.
- Surrogacy is legal in the UK provided that the surrogate receives no payment beyond her reasonable expenses. Couples wanting to have a child in this way are referred to in the law as Intended Parents.
- Surrogates should meet all of the access criteria applied to NHS IVF, with one exception – they may already have a child.
- The Intended Parents must meet all of the above NHS IVF access criteria without exception.
- Couples can only be placed on the NHS waiting list once a surrogate has been identified