

PE2126/C: Ensure abortion services are available up to 24 weeks across all parts of Scotland

Minister for Public Health and Women's Health written submission, 25 March 2025

Thank you for your letter of 26 February sharing the Citizen Participation and Public Petitions Committee's queries relating to PE2126, and the submission that you received from the British Pregnancy Advisory Service (BPAS) and Back Off Scotland. I am grateful for your careful consideration of this petition and to BPAS and Back Off Scotland for their ongoing efforts to push for progress on this issue.

I would like to reiterate my commitment to ensuring that patients can access abortion services up to the legal limit of 24 weeks gestation within Scotland as soon as is possible. Since the Scottish Government's initial response to this petition in January 2025, the National Planning and Delivery Board has instructed the establishment of a new NHS Scotland-led task and finish group. This will bring together a range of clinical expertise within Health Boards to begin work on the implementation of a service, drawing on work already completed by NHS National Services Scotland's National Services Division (NSD) and the Short Life Working Group on later stage abortion.

It is not the case that the Scottish Government is unwilling to consider commissioning a non-NHS organisation to deliver this service. The Scottish Government has always been clear that we would consider all options for the delivery of a service, including private and third sector providers, and indeed several of these options were explored by NSD in their work. While the Scottish Government's preference is that the NHS should be delivering this as routine healthcare, we are open to considering other models.

Indeed, as part of NSD's work, a number of private providers were contacted, but indicated that they would not be able to host this service. Similarly, conversations have been held with the third sector regarding the possibility of providing a service within Scotland. However, it is my understanding that none of the main third sector providers of later stage abortions (which is currently BPAS or MSI Reproductive Choices) propose to establish a new clinic in Scotland to provide later stage abortions as there would not be sufficient numbers of patients to make such a clinic viable (and abortions under 20 weeks are provided by NHS Boards). There has been some consideration of the potential for a third sector provider to bring staff to Scotland, perhaps weekly, to provide a service. However, this would still require an NHS Board within Scotland to host that service. Any proposal by a third sector provider for a sustainable, accessible service would still be carefully considered, but I do expect an NHS service will be established.

The Scottish Government's position is that abortion care should be provided, free of stigma, for anyone who needs it. The Short Life Working Group has considered a number of barriers that may be deterring NHS Boards from providing later stage services and emphasised that it is often patients in vulnerable circumstances who are currently most likely to travel to London to access the care they need. Scottish Government officials are in regular contact with abortion care providers to understand the impact stigma may have on the provision of services and how people

choose to access them, and to consider any action that can be taken to address this, including through ensuring abortion services are as accessible as possible for all.

It is important to note here that the Expert Group currently carrying out the review into the law on abortion is also considering how the current law may contribute to stigma. I will be carefully considering the outcomes of the Expert Group's review in due course.

I hope that my response has been helpful. I wish to reiterate again that it remains a priority for the Scottish Government to ensure that abortion services can be accessed by all who need them within Scotland.

Yours sincerely,

Jenni Minto MSP