

Our Ref: PW/AKB/FOI-03-302

6th April 2023

Stafford Education & Enterprise Park
Weston Road
Stafford
ST18 0BF

Sent by email

Telephone: 0300 123 1461

Dear

FOI-03-302

Your request for information under the Freedom of Information Act 2000

Thank you for your request for information received on the 18th March 2023. We can confirm that the Staffordshire and Stoke-on-Trent Integrated Care Board does hold some of the information that you have requested. Please see our responses in blue below:

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This is a request with regards to information relating to Staffordshire and Stoke-on-Trent ICB's Draft Infertility and Assisted Conception Commissioning Policy. In particular I am formally requesting information covering the following:

- 1. A number of aspects of the proposed policy are not supported by a definitive scientific consensus, for example the proposal excludes women with BMI > 30 which is in direct contradiction with many scientific journal articles. One example concludes 'BMI should not be a basis for IVF denial'. NICE guidance also does not exclude access based on BMI. Data that claims to link high BMI to a lack of desired outcomes in IVF typically has not and cannot be adjusted for key cofactors such as age or the prevalence of fertility conditions in certain ethnic groups. What information justifies the draft policy denying access to assistive conception treatments on the basis of BMI limits, and is cost minimisation a factor in this aspect of the proposal?**

This criterion is currently aligned within the three separate policies in place across Staffordshire and Stoke-on-Trent. As a result, this was outside of scope of the current review where the aim is to align criteria that is different across the policies.

- 2. The policy is being sold as making things fairer, by making the criteria and service levels the same across Staffordshire and Stoke-on-Trent. But it does this by making the criteria restrictive and reducing the treatment that is available to an absolute minimum. It is a very peculiar way to make things fairer, and if anything just means that people in the ICB's area have a much less fair access to services compared to the majority of the rest of England. What information justifies the draft policy making access to assisted conception services less fair relative to most of the rest of England? What**

information demonstrates that cost savings aren't the true main driver for a new IVF and Assisted Conception Policy?

The rationale for introducing an interim aligned policy can be found on the ICB webpages:

[Clinical Policy Alignment \(formerly Difficult Decisions\) - Staffordshire and Stoke-on-Trent, Integrated Care Board \(icb.nhs.uk\)](#)

[Clinical Policy Alignment update – September 2022 \(icb.nhs.uk\)](#)

[Assisted Conception - Staffordshire and Stoke-on-Trent, Integrated Care Board \(icb.nhs.uk\)](#)

This is also included within the Integrated Care Board meeting papers 22nd September 2022 and can be found here: [Board meetings - Staffordshire and Stoke-on-Trent, Integrated Care Board \(icb.nhs.uk\)](#)

- 3. Please provide information on IVF and Assisted Conception Service costs across the geographic area covered by the Staffordshire and Stoke-on-Trent ICB for the last five years, adjusted for inflation, and forecast costs for the first three years that this proposal would be in place, excluding any one-off and other implementation costs.?**

2018/2019: £875,952

2019/2020: £710,162

Data from 2020/2021, 2021/2022 and 2022/2023 has not been collated at this stage. Data from these years were excluded for evaluation purposes as COVID-19 led to restrictions in appointments that may have artificially suppressed activity.

Forecast costs are not available at this stage as the policy is in draft. These will be evaluated once the policy has been reviewed and finalised.

- 4. If analysis has been performed which shows the draft policy will deliver no cost savings or the draft policy has not been costed, then please provide this and all associated information?**

See above – data not available at this stage.

- 5. Please provide any documentation pertaining to requirements capture for the draft policy?**

The ICB expect to publish the report of findings from the involvement exercise in Summer 2023.

Previous report of findings can be found: [Clinical Policy Alignment \(formerly Difficult Decisions\) - Staffordshire and Stoke-on-Trent, Integrated Care Board \(icb.nhs.uk\)](#)

Criteria within the draft interim policy has been adapted from existing policies found here: [Our publications and policies - Staffordshire and Stoke-on-Trent \(icb.nhs.uk\)](https://www.icb.nhs.uk/publications-and-policies)

6. Please provide any documentation or other information used to support the creation of the draft policy or related to reviews of it that include any of the words “cost”, “saving”, “reduce”, “save”, “costs”, “reduction”, “minimise”, “value”, “down”, “economic”, “economically”, “fair”, “fairer” or “benefit”. I am requesting this information in order to understand what the true motivations for introducing a new IVF and Assisted Conception Policy are, which given the inequality that the draft policy will introduce across the ICB’s area relative to most of the rest of England, is in the public interest.?

The rationale for introducing an interim aligned policy can be found on the ICB webpages:

[Clinical Policy Alignment \(formerly Difficult Decisions\) - Staffordshire and Stoke-on-Trent, Integrated Care Board \(icb.nhs.uk\)](https://www.icb.nhs.uk/publications-and-policies)

[Clinical Policy Alignment update – September 2022 \(icb.nhs.uk\)](https://www.icb.nhs.uk/publications-and-policies)

[Assisted Conception - Staffordshire and Stoke-on-Trent, Integrated Care Board \(icb.nhs.uk\)](https://www.icb.nhs.uk/publications-and-policies)

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7. The draft excludes women under the age of 23 and between the ages of 40 and 42. This is not consistent with NICE guidelines, which for example have no lower age limit. What information provides the basis and justification for the age criteria in the draft policy, and does the ICB have legal advice confirming that this could not be challenged under the equality act on the grounds of age discrimination or any other legal basis?

The lower age limit criterion is currently aligned within the three separate policies in place across Staffordshire and Stoke-on-Trent. As a result, this was outside of the current review where the aim is to align criteria that is different across the policies.

The upper age limit within the current policies is 35 or 39, extending the age limit outside of what is currently commissioned was outside of scope of the initial review.

8. The draft policy will result in a higher barrier for female-female couples accessing NHS assisted conception treatments compared to male-female couples in Staffordshire and Stoke-on-Trent. What information provides the basis and justification for this, and does the ICB have legal advice confirming that this could not be challenged under the equality act on the grounds of sexuality based discrimination or any other legal basis?

The criterion is currently aligned within the three separate policies in place across Staffordshire and Stoke-on-Trent. As a result, this was outside of scope of the current review where the aim is to align criteria that is different across the policies.

Legal advice will be sought, if required, on finalising the policy.

Right of Appeal

Should you require any further information or clarification regarding this response please do not hesitate to contact us. If you are dissatisfied with the response, you are entitled to request an internal review which should be formally requested in writing and must be within two calendar months from the date this response was issued.

To request an internal review

You can request an internal review by contacting the Staffordshire and Stoke-on-Trent Integrated Care Board FOI team by emailing the team at StaffsStokeFOI@staffsstoke.icb.nhs.uk or by post to the address at the top of this letter.

If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner's Office (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the Staffordshire and Stoke-on-Trent Integrated Care Board's FOI complaints procedure.

The ICO can be contacted at:

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

www.ico.gov.uk

Yours sincerely

Paul Winter
Associate Director of Corporate Governance