

Executive Licensing Panel - minutes

Centre 0354 (IVI London) Initial Inspection Report – Treatment (including embryo testing) & Storage Licence

Friday, 18 November 2016

HFEA, 10 Spring Gardens, London SW1A 2BU

Panel members	Paula Robinson (Chair) Ian Peacock Howard Ryan	Head of Business Planning Analyst Programmer Technical Report Developer
Members of the Executive	Dee Knoyle Siobhain Kelly	Secretary Interim Head of Corporate Governance
External adviser		
Observers		

Declarations of interest

- Members of the panel declared that they had no conflicts of interest in relation to this item.

The panel had before it:

- 8th edition of the HFEA Code of Practice
- Standard licensing and approvals pack for committee members.

1. Background

- 1.1. IVI London is located at:
83 Wimpole Street
London
W1G 9RG
- 1.2. The proposed Person Responsible (PR) has applied for a treatment (including embryo testing) and storage licence to provide a full range of fertility services.
- 1.3. The inspectorate completed a desk based assessment and an on-site inspection was carried out on 1 November 2016.

2. Consideration of application

- 2.1. The panel considered the papers which included an application form, inspection report, CV of the proposed Person Responsible (PR) and confirmation of acceptance of the role from the proposed Licence Holder (LH).
- 2.2. The panel noted the report of the inspection carried out on 1 November 2016.
- 2.3. The panel noted that the proposed PR, Mr Anthony Rutherford, holds academic qualifications in the field of medicine. The proposed PR also has more than two years' practical experience which is directly relevant to the activity to be authorised by the licence as required by the HFE Act 1990 (as amended) section 16(2)(c)(i) and (ii) (including acting in the capacity of PR). The proposed PR has successfully completed the HFEA PR Entry Programme.
- 2.4. The panel noted the suitability of the proposed LH, Ms Jane Talbot.
- 2.5. The panel noted the suitability of the premises for the conduct of licensed activities.
- 2.6. The panel noted that at the time of the inspection on 1 November 2016 there were no areas of non-compliance identified.
- 2.7. The panel noted that the inspectorate considered that there is sufficient information available to recommend:
 - the appointment of the proposed PR;
 - the appointment of the proposed LH;
 - the grant of a treatment (including embryo testing) and storage licence for a period of two years.

3. Decision


- 3.1. The panel referred to its decision tree.
- 3.2. The panel was satisfied that the appropriate application form was submitted.
- 3.3. The panel noted that the inspectorate had received the supporting information required by General Directions 0008 and was satisfied that the fee had been paid.
- 3.4. The panel was satisfied that the proposed PR, Mr Anthony Rutherford will discharge his duty under section 17 of the HFE Act 1990 (as amended). The panel agreed to appoint Mr Rutherford as the Person Responsible when the new licence comes into effect, in accordance with section 18A of the HFE Act 1990 (as amended).

- 3.5.** The panel was satisfied with the suitability of the proposed LH, Ms Janet Talbot. The panel agreed to appoint Ms Talbot as the Licence Holder when the new licence comes into effect.
 - 3.6.** The panel was satisfied that the premises to be licensed (and those of relevant third parties) are suitable for the conduct of licensed activities based on evidence provided within the report.
 - 3.7.** The panel was satisfied that the licence application concerns treatment, storage or non-medical fertility services which relate to gametes or embryos intended for human application.
 - 3.8.** The panel referred to 'guidance on periods for which new or renewed licences can be granted' which states that an initial treatment/storage/non-medical fertility services licence would normally be granted for up to two years. This is because in granting an initial licence, there will be no history of compliance to support a longer licence.
 - 3.9.** The panel agreed to grant the licence for treatment (including embryo testing) and storage for a period of two years with no additional conditions.
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4. Chair's signature

- 4.1.** I confirm this is a true and accurate record of the meeting.

Signature



Name

Paula Robinson

Date

28 November 2016

Initial Licence Report



Purpose of the Inspection Report

This is a report of an assessment and inspection, carried out to determine whether an application for a new licence will meet essential requirements. The Authority's Executive Licensing Panel (ELP) uses the application and this report to decide whether to grant a new licence and, if so, whether any additional conditions should be applied to the licence.

Date of inspection: 1 November 2016

Purpose of inspection: Review of an application for a Treatment (with embryo testing) and Storage licence.

Inspection details: The report covers the findings from a desk based assessment of submitted documentation, the on-site inspection visit and communications received from the centre.

Inspectors: Shanaz Pasha (lead), Andrew Leonard, Gill Walsh

Date of Executive Licensing Panel: 18 November 2016

Centre name	IVI London
Centre number	0354
Centre address	83 Wimpole Street, London, W1G 9RG
Proposed Person Responsible	Anthony Rutherford
Proposed Licence Holder	Janet Talbot

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Section 1: Summary report

Brief description of the centre:

IVI London is a new private fertility treatment centre. The proposed Person Responsible (PR) has applied for a HFEA Treatment (with embryo testing) and Storage licence so the centre can provide a full range of fertility services.

Summary for licensing decision

Taking into account the essential requirements set out in the Human Fertilisation and Embryology (HF&E) Act 1990 (as amended), the HF&E Act 2008 and the HFEA Code of Practice (CoP), the inspection team considers that it has sufficient information to conclude that:

- the application has been submitted in the form required;
- the application has been submitted by the individual designated to act as the PR;
- the PR's qualifications and experience comply with section 16 (2) (c) of the HF&E Act 1990 (as amended);
- the PR will discharge his duty under section 17 of the HF&E Act 1990 (as amended);
- the premises (including those of relevant third parties) are suitable;
- the centre's proposed practices are suitable;
- the application contains the supporting information required by General Direction 0008, in application for an initial licence;
- the centre has submitted an application fee to the HFEA in accordance with requirements.

The ELP is asked to note that at the time of the inspection there were no areas of practice that required improvement.

Recommendation to the Licence Committee

The inspection team considers that there is sufficient information available to recommend:

1. Appointment of the proposed LH.
2. Appointment of the proposed PR.
3. Granting a Treatment (with embryo testing) and Storage Licence for a period of two years, as is standard for an initial licence, with no additional conditions. An interim inspection will be completed during the first year as a useful indication of early performance and progress.

Section 2: Inspection findings

This section details what the centre does well and which areas need to be improved to meet essential requirements. We break this down in to four areas covering all the activities of a licensed centre:

1. The protection of the patient, and children born following treatment at this centre
2. The experience of patients at this centre
3. The protection of gametes (sperm and eggs) and embryos at this centre
4. How this centre looks after important information

1. Protection of the patient and children born following treatment

▶ Witnessing and assuring patient and donor identification

What the centre does well

Witnessing (Guidance note 18)

The centre's proposed procedures for double checking the identification of gametes and embryos and the patient or donor to whom they relate are compliant with HFEA requirements. This will ensure that patients receive treatment using the correct gametes or embryos. The centre will employ an electronic witnessing system with manual witnessing steps being performed where required.

What the centre could do better

Nothing identified at this inspection.

▶ Donor selection criteria and laboratory tests

Screening of donors prior to procuring, processing gametes and embryos

Payments for donors

Donor assisted conception

What the centre does well

Screening of donors (Guidance note 11)

The centre's proposed procedures for screening donors are compliant with HFEA requirements. It is important that donors are appropriately screened to minimise the risks of cross infection during treatment, processing and storage of gametes and/or embryos.

Payments for donors (Guidance note 13; General Direction 0001)

The centre's proposed procedures are compliant with HFEA requirements for giving and receiving money or other benefits in respect to any supply of gametes or embryos. It is important that the principle of altruistic donation be upheld but at the same time donors receive appropriate compensation for their time and any inconvenience caused.

Donor assisted conception (Guidance note 20)

A donor-conceived person is entitled to know details of their donor and any donor-conceived genetic siblings they may have. Parents of a donor-conceived child are able to access information on their child's donor (and about any donor-conceived genetic siblings) from the HFEA or the clinic where they received treatment. Therefore it is important that centres use donated gametes or embryos from identifiable donors. The centre's proposed procedures are compliant with HFEA requirements to ensure the donors and the donor-conceived will be able to receive all required information.

What the centre could do better

Nothing identified at this inspection.

 **Suitable premises and suitable practices**

Safety and suitability of premises and facilities

Laboratory accreditation

Infection control

Medicines management

Pre-operative assessment and the surgical pathway

Multiple births

Procuring gametes and embryos

Transport and distribution of gametes and embryos

Receipt of gametes and embryos

Imports and exports

Traceability

Quality management system

Third party agreements

Transports and satellite agreements

Equipment and materials

Process validation

Adverse incidents

What the centre does well**Safety and suitability of premises and facilities (Guidance note 25)**

The centre's premises are suitable. This is important to ensure that all licensed activities are conducted in a suitable environment that is fit for purpose.

The centre's proposed procedures are compliant with requirements to ensure that risks are taken into account to ensure patients and staff are in safe surroundings that prevent harm.

The premises of the centre's facilities and laboratories which will conduct tests that impact on the quality and safety of gametes and/or embryos (relevant third parties) are suitable.

The centre is compliant with HFEA requirements which ensure that gamete and/or embryo processing is performed in an environment of appropriate air quality.

Laboratory accreditation (Guidance note 25)

The centre's laboratories and/or third party laboratories which will undertake the

diagnosis and investigation of patients, patients' partners or donors, or their gametes, embryos or any material removed from them, are compliant with HFEA requirements for accreditation by CPA (UK) Ltd or another body accrediting to an equivalent standard. This is important to assure the quality of the services provided.

Infection control

The centre's proposed systems to manage and monitor the prevention and control of infection are compliant with guidance.

Medicines management

The centre's proposed arrangements for obtaining, recording, handling, using, keeping, dispensing, administering and disposing of medicines are compliant with guidance.

Pre-operative assessment and the surgical pathway

The centre has policies and procedures in place that are compliant with professional body guidelines for pre-operative assessment and management of the surgical pathway. This is important to ensure that all patients are safely assessed and cared for pre, peri and post operatively.

Multiple births (Guidance note 7; General Direction 0003)

The centre's proposed procedures are compliant with HFEA multiple births minimisation strategy requirements for keeping a summary log of cases in which multiple embryos have been transferred and conducting regular audits and evaluations of the progress and effectiveness of the strategy. The single biggest risk of fertility treatment is a multiple pregnancy.

Procurement of gametes and embryos (Guidance note 15)

The centre's proposed procedures are compliant with HFEA requirements to:

- document the justification for the use of the patient's gametes (or embryos created with their gametes) in treatment, based on the patient's medical history and therapeutic indications;
- where the sperm is procured at home, the centre proposes to keep a record of this in the gamete provider's records.

Transport and distribution of gametes and embryos (Guidance note 15; General Direction 0009)

The centre's proposed procedures for the transport, distribution and recall of gametes and embryos are compliant with HFEA requirements. This is important to ensure that all gametes and embryos are packaged and transported in a manner that minimises the risk of contamination and preserves their characteristics and biological functions. Gametes and embryos will be:

- shipped in a container that is designed for the transport of biological materials and that maintains the safety and quality of the gametes or embryos;
- appropriately labelled with the transport conditions, including temperature and time limit being specified;
- shipped in a container/package which is validated, properly secured and ensures that the gametes or embryos are maintained in the specified conditions.

Receipt of gametes and embryos (Guidance note 15)

The centre's proposed procedures for the receipt of gametes and embryos are compliant with HFEA requirements. This is important to ensure that the centre only accepts

gametes and embryos from other centres if the gametes and embryos are appropriately labelled and have enough accompanying information to permit them to be stored or used in treatment in a way that does not compromise their quality and safety.

Imports and exports (Guidance note 16; General Direction 0006)

The centre's proposed procedures for import and export of gametes and embryos are compliant with HFEA requirements.

Traceability (Guidance note 19)

The centre's proposed procedures are compliant with HFEA traceability requirements. These requirements are important to ensure that the centre has the ability -

- to identify and locate gametes and embryos during any step from procurement to use for human application or disposal,
- to identify the donor and recipient of particular gametes or embryos,
- to identify any person who has carried out any activity in relation to particular gametes or embryos, and
- to identify and locate all relevant data relating to products and materials coming into contact with particular gametes or embryos and which can affect their quality or safety.

Quality management system (QMS) (Guidance note 23)

The centre has a QMS in place that is compliant with HFEA requirements. The establishment and use of a QMS is important to ensure continuous improvement in the quality of treatments and services.

Third party agreements (Guidance note 24)

The centre's third party agreements are compliant with HFEA requirements.

Transport and satellite agreements (Guidance note 24; Directions 0010)

The centre does not propose to have any transport or satellite arrangements at this time.

Equipment and materials (Guidance note 26)

The centre proposes to use equipment and materials that are compliant with HFEA requirements. All of the equipment and materials to be used in licensed activity will be designated for the purpose and will be appropriately maintained in order to minimise any hazard to patients and/or staff.

The centre is compliant with HFEA requirements to validate critical equipment.

The centre has documented procedures for the operation of critical equipment and procedures to follow if equipment malfunctions.


Process validation (Guidance note 15)


The centre's proposed procedures are compliant with HFEA requirements to validate critical processes. This ensures that these processes are effective and do not render the gametes or embryos clinically ineffective or harmful to the recipient.

Adverse incidents (Guidance note 27)


The centre's proposed procedures for reporting adverse incidents are compliant with HFEA requirements. The centre will report adverse incidents (including serious adverse events and reactions) to the HFEA and will investigate all adverse incidents that occur.

Reporting and investigation of adverse incidents is important to ensure that centres share the lessons learned from incidents and continuously improve the services it offers.
What the centre could do better Nothing identified at this inspection.

<p> Staff engaged in licensed activity Person Responsible (PR) Staff</p>
<p>What the centre does well</p> <p>Person Responsible (Guidance note 1) The proposed PR has complied with HFEA requirements during the application process and in preparing the centre for licensed activity.</p> <p>The proposed PR has academic qualifications in the field of medicine and has more than two years of practical experience which is directly relevant to the activity to be authorised by the licence. The PR has successfully completed the HFEA PR Entry Programme (PREP number: T/1297/82).</p> <p>Staff (Guidance note 2) The centre is compliant with HFEA requirements. The centre has suitably qualified and competent staff, in sufficient number, to carry out the proposed licensed activities and associated services. The centre has an organisational chart which clearly defines accountability and reporting relationships. Staffing and the progression of activities as the centre becomes established was discussed on inspection. The proposed PR described that staffing and resources will be monitored to ensure they are commensurate with the activity to be provided to ensure an effective, safe service.</p> <p>The centre has access to a nominated registered medical practitioner and scientist, within the UK, to advise on and oversee medical and scientific activities respectively.</p>
<p>What the centre could do better Nothing identified at this inspection.</p>

<p> Welfare of the child and safeguarding</p>
<p>What the centre does well</p> <p>Welfare of the child (Guidance note 8) The centre's proposed procedures to ensure that the centre takes into account the welfare of any child who may be born as a result of the licensed treatment, and of any other child who may be affected by that birth before treatment is provided, are compliant with HFEA requirements.</p> <p>Safeguarding The centre's proposed procedures are compliant with safeguarding guidance. This</p>

ensures that the centre's patients and staff are protected from harm where possible.
What the centre could do better Nothing identified at this inspection.

<p> Embryo testing Preimplantation genetic screening Embryo testing and sex selection</p>
<p>What the centre does well</p> <p>Preimplantation genetic screening (Guidance note 9); Embryo testing and sex selection (Guidance note 10) The centre's proposed procedures for performing embryo testing are compliant with HFEA requirements. This ensures that:</p> <ul style="list-style-type: none"> • no embryo is transferred to a woman where that embryo or material removed from it, or the gametes that produced it, has been subject to genetic testing unless expressly authorised by the HFEA • no information derived from tests conducted has been used to select embryos of a particular sex for social reasons • no embryo is tested unless the statutory tests are met i.e. that the embryos is at a significant risk of having a series genetic condition. <p>The centre proposes that people seeking embryo testing will be given written information, given every opportunity to discuss the implications of their treatment and have access to clinical geneticists, genetic counsellors and infertility counsellors where required.</p>
<p>What the centre could do better Nothing identified at this inspection.</p>

2. The experience of patients

▶ Patient feedback

What the centre does well

The centre has systems in place to seek patient feedback and has provided assurance that this feedback will be reviewed regularly and, where necessary, actions will be taken to address problems in the service communicated via patient feedback.

On the basis of discussions with centre staff and a review of documents in the course of the inspection it was possible to assess that the centre:

- will have respect for the privacy and confidentiality of patients in the clinic;
- will give patients sufficient, accessible and up-to-date information to enable them to make informed decisions;
- will provide patients with satisfactory facilities for their care;
- will have a mechanism in place to effectively respond to patient calls and queries in a timely manner.

What the centre could do better

Nothing identified at this inspection.

▶ Treating patients fairly

Counselling

Egg [and sperm] sharing arrangements

Surrogacy

Complaints

Confidentiality and privacy

What the centre does well

Treating patients fairly (Guidance note 29)

The centre's proposed procedures are compliant with the HF&E Act 1990 (as amended) to ensure that staff members understand the requirements for a conscientious objection to providing a particular licensed activity governed by the Act.

The centre's proposed procedures are compliant with requirements to ensure that prospective patients and donors will be treated fairly and that all licensed activities will be conducted in a non-discriminatory way.

Counselling (Guidance note 3)

The centre's proposed counselling procedures are compliant with HFEA requirements. This is important to ensure that counselling support is offered to patients and donors providing relevant consents, including consent to legal parenthood.

Egg sharing arrangements (Guidance note 12; General Direction 0001)

The centre's proposed procedures for egg sharing arrangements are compliant with HFEA requirements. This is important to ensure that:

- egg providers are fully assessed and medically suitable;

- care is taken when selecting egg providers donating for benefits in kind, and
- the benefit offered is the most suitable for the egg provider and recipient(s) (where relevant).

Surrogacy (Guidance note 14)

The centre's proposed procedures for treatment involving surrogacy are compliant with HFEA requirements. This is important to protect the surrogate and any children born as a result of the treatment.

Complaints (Guidance note 28)

The centre's proposed procedures are compliant with HFEA requirements to seek patient feedback and to be responsive to patient complaints. This is important to ensure that the centre uses patient feedback and any complaints as an opportunity to learn and improve their services.

Confidentiality and privacy (Guidance note 30)

The centre's proposed procedures are compliant with HFEA requirements to ensure it has respect for the privacy, confidentiality, dignity, comfort and wellbeing of prospective and current patients and donors.

What the centre could do better

Nothing identified at this inspection.

Information

What the centre does well

Information (Guidance note 4; CH(11)02)

The centre's proposed procedures for providing information to patients and donors are compliant with HFEA requirements. This ensures that the centre will give patients and donors sufficient, accessible and up-to-date information to enable them to make informed decisions.

What the centre could do better

Nothing identified at this inspection.

Consent and Disclosure of information, held on the HFEA Register, for use in research

What the centre does well

Consent (Guidance note 5;6)

The centre's proposed procedures for obtaining consent are compliant with HFEA requirements. This ensures that patients and donors have provided all relevant consents before carrying out any licensed activity.

**Disclosure of information, held on the HFEA Register, for use in research
(Directions 0005)**

The centre's proposed procedures for taking consent to disclosure to researchers are compliant with HFEA requirements.

This is important to ensure that the HFEA holds an accurate record of patients' consent, so that it only releases the patients identifying information, to researchers, with their consent. Information can be used by researchers to improve the knowledge about the health of patients undergoing ART and those born following ART treatment.

What the centre could do better

Nothing identified at this inspection.

3. The protection of gametes and embryos

▶ **Respect for the special status of the embryo**

What the centre does well

The centre's proposed procedures are compliant with the requirements of the HF&E Act 1990 (as amended). This ensures that the centre has respect for the special status of the embryo when conducting licensed activities in that:

- licensed activities will only take place on licensed premises;
- only permitted embryos will be used in the provision of treatment services;
- embryos will not be selected for use in treatment for social reasons;
- embryos will not be created by embryo splitting;
- embryos will only be created where there is a specific reason to do so which is in connection with the provision of treatment services for a particular woman and
- embryos will only be stored if those embryos were created for a woman receiving treatment services or from whom a third party agreement applies.

What the centre could do better

Nothing identified at this inspection.

▶ **Screening of patients** **Storage of gametes and embryos**

What the centre does well

Screening of patients (Guidance note 17)

The centre's proposed procedures for screening patients are compliant with HFEA requirements. It is important that gamete providers are appropriately screened to minimise the risks of cross infection during treatment, processing and storage of gametes and/or embryos.

Storage of gametes and embryos (Guidance note 17)

The centre's proposed procedures for storing gametes and embryos are compliant with HFEA requirements. These measures ensure that the gametes and embryos are stored appropriately to maintain their quality and safety. Furthermore, the centre only store gametes and embryos in accordance with the consent of the gamete providers. The storage of gametes and embryos is an important service offered by fertility clinics, as it can enable patients to preserve their fertility prior to undergoing other medical treatment such as radiotherapy. The storage of embryos not required for immediate use also means that women can undergo further fertility treatment without further invasive procedures being performed.

What the centre could do better

Nothing identified at this inspection.



Use of embryos for training staff (Guidance note 22)

What the centre does well

Use of embryos for training staff (Guidance note 22)

The centre's proposed procedures for using embryos for training staff are compliant with HFEA requirements. Embryos will only be used for the purpose of training staff in those activities expressly authorised by the Authority.

What the centre could do better

Nothing identified at this inspection.

4. Information management

Record keeping Obligations and reporting requirements

What the centre does well

Record keeping and document control (Guidance note 31)

The centre's proposed procedures for keeping records are compliant with HFEA requirements to ensure that accurate medical records are maintained. Good medical records are essential for the continuity of the patient's care.

Obligations and reporting requirements (Guidance note 32; General Direction 0005)

The centre's proposed procedures for submitting information about licensed activities to the Authority are compliant with HFEA requirements. This is important to ensure the HFEA can supply accurate information to a donor-conceived person and their parents or donors.

What the centre could do better

Nothing identified at this inspection.

Areas of practice requiring action

The section sets out matters which the Inspection Team considers may constitute areas of non compliance. These have been classified into critical, major and others. Each area of non-compliance is referenced to the relevant sections of the Acts, Regulations, Standard Licence Conditions, Directions or the Code of Practice, and the recommended improvement actions required are given, as well as the timescales in which these improvements should be carried out.



Critical area of non compliance

A critical area of non-compliance is an area of practice which poses a significant risk of causing harm to a patient, donor, embryo or to a child who may be born as a result of treatment services, or a significant shortcoming from the statutory requirements. A critical area of non-compliance requires immediate action to be taken by the Person Responsible.

Area of practice and reference	Action required and timescale for action	PR Response	Executive Review
None identified			



Major area of non compliance

A major area of non compliance is a non critical area of non compliance:

- which poses an indirect risk to the safety of a patient, donor, embryo or to a child who may be born as a result of treatment services
- which indicates a major shortcoming from the statutory requirements;
- which indicates a failure of the Person Responsible to carry out his/her legal duties
- a combination of several “other” areas of non-compliance, none of which on their own may be major but which together may represent a major area of non-compliance.

Area of practice and reference	Action required and timescale for action	PR Response	Executive Review
None identified			



Other areas of practice that requires improvement

Areas of practice that requires improvement is any area of practice, which cannot be classified as either a critical or major area of non compliance, but which indicates a departure from statutory requirements or good practice.

Area of practice and reference	Action required and timescale for action	PR Response	Executive Review
None identified			

Reponses from the Person Responsible to this inspection report

I am delighted that the inspection team were satisfied that our application for a new treatment and storage license with the ability to perform PGS and PGD where considered appropriate to meet the regulatory requirements of the HFEA Act.